



# LATROBE CITY COUNCIL

## MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE  
NAMBUR WARIGA MEETING ROOM,  
CORPORATE HEADQUARTERS, MORWELL  
AT 7:00 PM ON 21 NOVEMBER 2011

**PRESENT:**

*Cr Darrell White, Mayor - Firmin Ward*  
*Cr Sharon Gibson, Deputy Mayor - Merton Ward*  
*Cr Dale Harriman - Dunbar Ward*  
*Cr Sandy Kam - Galbraith Ward*  
*Cr Bruce Lougheed - Tanjil Ward*  
*Cr Graeme Middlemiss - Rintoull Ward*  
*Cr Kellie O'Callaghan - Burnet Ward*  
*Cr Lisa Price - Farley Ward*  
*Cr Ed Vermeulen - Gunyah Ward*  
*Paul Buckley, Chief Executive Officer*  
*Carol Jeffs, General Manager Governance*  
*Allison Jones, General Manager Economic Sustainability*  
*Peter Quigley, General Manager Built and Natural Environment*  
*Grantley Switzer, General Manager Recreation, Culture and Community*  
*Jodie Pitkin, Acting General Manager Organisational Excellence*  
*Tom McQualter, Manager Council Operations and Legal Counsel*

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### **TEA BREAK**

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### **CLOSED**

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### **1. Opening Prayer**

The Opening Prayer was read by the Mayor.

### **Recognition of Traditional Landholders**

The Recognition of Traditional Landholders was read by the Mayor.

### **2. Apologies for Absence**

NIL

### **3. Declaration of Interests**

Cr Kam declared a direct and indirect interest under section 77B and section 78 of the *Local Government Act* 1989 in Item 11.2.1 Positioning Latrobe City for a Low Carbon Emission Future: Policy Progress and Achievement

Cr Harriman declared an indirect interest under section 78C of the *Local Government Act* 1989 in Item 11.3.2 Amendment C9 to Latrobe Planning Scheme to Introduce New Flood Provisions

Cr Vermeulen declared an indirect interest under section 78E of the *Local Government Act* 1989 in Item 11.3.2 Amendment C9 to Latrobe Planning Scheme to Introduce New Flood Provisions

### **4. Adoption of Minutes**

**Moved:** Cr Gibson

**Seconded:** Cr Lougheed

**That Council adopts the Minutes of the Ordinary Council Meeting held on 7 November 2011 (CM 361), relating to those items discussed in open Council.**

**CARRIED UNANIMOUSLY**

# **PUBLIC QUESTION TIME**

**5.1 REDEVELOPMENT OF SAFEWAY CROSSOVERS – SEYMOUR ST AND HOTHAM ST ENTRANCE/EXITS**

Mr Bruce Bremner, Hon Sec, Traralgon Community Development Association asked the following question at the Ordinary Council Meeting held 7 November 2011:

**Background**

The following is an extract from Council's written response of 6 Feb 2009 to a Question put to Council's ordinary meeting of 15 Dec 2008: "... The Council resolution contains permit conditions to reconstruct the car park in accordance with Australian Standards and Council's engineering requirements. Discussions with Woolworths have confirmed that redevelopment of the crossovers on Seymour and Hotham Streets have been included in the project plan for the store extension and car park redevelopment. The appropriateness of lighting near the Hotham Street cross-over can be evaluated at the same time that the cross-over is redeveloped. ...."

The s "required work" for the crossovers was set via an "option" adopted by Council in Feb 2006.

An email reminder of the work to be completed was forwarded to the CEO on 23 October 2011 but no response has been received to date.

**Questions**

What is the status of this "required work" for the Safeway Crossovers?

**Answer**

Please find response letter in regards to the above question on the next page.

Our Ref: 727546



1 December 2011

Mr Bruce Bremner  
Hon. Secretary Traralgon Community  
Development Association  
PO Box 719  
TRARALGON VIC 3844

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**AUSDOC** DX 217733 Morwell

Dear Mr Bremner

### **REDEVELOPMENT OF SAFEWAY CROSSOVERS – SEYMOUR STREET AND HOTHAM STREET ENTRANCE/EXITS**

Thank you for your public question at the Ordinary Council Meeting held on 7 November 2011 requesting an update on the status of Seymour Street and Hotham Street crossovers for the Traralgon Safeway supermarket.

Your public question makes reference to correspondence from then Latrobe City Council Mayor, Cr Lisa Price dated 16 February 2009. This correspondence refers to a previous planning application (reference 2007/170) for the extension of the Safeway supermarket. The correspondence confirmed that at the time of writing, the matter was subject to review by the Victorian Civil & Administrative Tribunal (VCAT).

The subsequent decision of VCAT did not include in the permit or endorsed plans any reference to an upgrade or alterations to the existing vehicle crossovers for Seymour Street or Hotham Street. As I am sure you will appreciate, Latrobe City Council has no jurisdiction in relation to this matter and must abide by the decision of VCAT.

We have discussed this matter with the permit applicant who advised there are no plans to upgrade the existing vehicle crossings servicing the site.

Despite endeavours of Latrobe City Council to influence the upgrade vehicle crossovers, the works have not been undertaken. It is important to note that Latrobe City Council has no direct jurisdiction for the crossover upgrades to be implemented.

If you require further information please contact Chris Wightman, Manager City Planning on (03) 5128 5497 or via email [chris.wightman@latrobe.vic.gov.au](mailto:chris.wightman@latrobe.vic.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Darrell White', with a long horizontal stroke extending to the right.

**DARRELL WHITE**  
**Mayor**

**5.2 TRUCK PARKING IN RESIDENTIAL AREAS**

Mr Marinko Jankovic asked the following question:

**Background**

Truck Parking in Residential Areas

**Questions**

How can large trucks be allowed to park in residential areas?

**Answer**

Please find response letter in regards to the above question on the next page.



Our Ref: 723124  
DW:JK



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**AUSDOC** DX 217733 Morwell

22 November 2011

Mr Marinko Jankovic  
37 Torres Street  
NEWBOROUGH VIC 3825

Dear Mr Jankovic

### **PUBLIC QUESTION – TRUCKS PARKING IN RESIDENTIAL AREAS**

Thank you for submitting your public question at the Ordinary Council Meeting held on Monday, 21 November 2011 in reference to trucks parking in residential areas.

Heavy vehicles, excluding B Double type trucks, are permitted to drive through and park in built up areas. Such heavy vehicles must abide by the Road Safety Road Rules Victoria 2009 No 94. It is legal for oversized vehicles to park across parking bays. However, all vehicles must obey time zones and in the case of heavy vehicles a one hour parking limit applies.

Penalty Units and their resulting monetary value are set by statute each year by the state government and can not be altered by local government. Latrobe City Council incorporates these fees once set in our adopted Fees and Charges and has already set the maximum prescribed penalty possible for vehicles exceeding parking time restrictions.

I acknowledge this matter has caused you concern recently and advise that Local Laws Officers will continue to respond to complaints from residents on this topic. Trucks parking longer than allowed can be reported to Latrobe City Council on 1300 367 700.

If you require further information please contact Peter Fraser Coordinator Local Laws on 1300 367 700 or via email [latrobe@latrobe.vic.gov.au](mailto:latrobe@latrobe.vic.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Darrell White', with a long horizontal line extending from the end of the signature.

DARRELL WHITE  
**Mayor**

**5.3 FLOOD OVERLAY C9 AND REZONING C58**

Mr & Mrs Alphonsus and Ms Clara Bos asked the following questions

**Background**

Flood Overlay C9 and Rezoning C58

**Questions**

When will C9 be finalised and also the rezoning of C58?

**Answer**

The Chief Executive Officer paraphrased the question and responded that C9 will be finalised in the First Quarter of 2012 and the rezoning of C58 is now with the Minister awaiting final approval.

**Suspension of Standing Orders**

**Moved:** Cr Gibson  
**Seconded:** Cr Harriman

**That Standing Orders be suspended to allow members of the gallery to address Council in support of their submissions.**

**CARRIED UNANIMOUSLY**

Standing Orders were suspended at 7.04 pm

Mrs Michelle Anderson addressed Council in relation to Item 11.3.3 Planning Permit Application 2011/67 – Buildings and Works Associated with the Construction of Three (3) Dwellings and a Three (3) Lot Subdivision at 80 Cross's Road, Traralgon

Mr Shane Anderson addressed Council in relation to Item 11.3.3 Planning Permit Application 2011/67 – Buildings and Works Associated with the Construction of Three (3) Dwellings and a Three (3) Lot Subdivision at 80 Cross's Road, Traralgon

Ms Margaret Guthrie addressed Council in relation to Item 15.7 Churchill Town Centre Plan – Road Closures and Land Exchanges

**Resumption of Standing Orders**

**Moved:** Cr Gibson  
**Seconded:** Cr Harriman

**That Standing Orders be resumed.**

**CARRIED UNANIMOUSLY**

Standing Orders were resumed at 7.17 pm

# **NOTICES OF MOTION**

**6.1**            **2011/29 - NOTICE OF MOTION - PORT OF HASTINGS  
DEVELOPMENT**

**CR MIDDLEMISS**

**MOTION**

In light of the announcement by the State Minister for Ports that development of the Port of Hastings would be accelerated and that the proposed rail line between the port and Gippsland would be abandoned, Council write to the State Minister for Transport seeking advice as to:

- 1). How the State government intends that export/import containers and bulk products will be moved by Rail between Gippsland and the Lysterfield Port Terminal and/or the Port itself?
- 2). The route the State government proposes will be taken by B-Double road vehicles moving export/import containers and bulk products between Gippsland and the Lysterfield Port Terminal and/or the Port itself?"

**Moved:**        Cr Harriman

**Seconded:** Cr Gibson

**That the Motion be amended.**

**CARRIED UNANIMOUSLY**

**AMENDED MOTION**

**Moved:**        Cr Middlemiss

**Seconded:** Cr Lougheed

**That the Motion be adopted.**

**In light of the announcement by the State Minister for Ports that development of the Port of Hastings would be accelerated and that the proposed rail line between the port and Gippsland would be abandoned, Council write to the State and Federal Ministers for Transport and the seeking advice as to:**

- 1) How the Federal and State government intends that export/import containers and bulk products will be moved by Rail between Gippsland and the Lyndhurst Port Terminal and/or the Port itself?
- 2) The route the Federal and State government proposes will be taken by B-Double road vehicles moving export/import containers and bulk products between Gippsland and the Lyndhurst Port Terminal and/or the Port itself?"

**CARRIED UNANIMOUSLY**

# **ITEMS REFERRED BY THE COUNCIL**

**7.1 TRARALGON PARKING PRECINCT PLAN WORKING GROUP**  
**TERMS OF REFERENCE**

**AUTHOR:** General Manager Built and Natural Environment  
**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to seek Council endorsement of the draft Terms of Reference for the Traralgon Parking Precinct Plan Working Group.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Built Environment*

*In 2026, Latrobe Valley benefits from a well planned built environment that is complementary to its surroundings and which provides for a connected and inclusive community.*

*Strategic Objectives – Economy*

*In 2026, Latrobe Valley has a strong and diverse economy built on innovation and sustainable enterprise. The vibrant business centre of Gippsland contributes to the regional and broader communities, whilst providing opportunities and prosperity for our local community.*

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction – Built Environment*

Utilise place management principles in planning, developing and promoting localities within the Latrobe City.

Promote and support high quality urban design within the built environment.



Promote the integration of roads, cycling paths and footpaths with public transport options and public open space networks to facilitate passive recreation and enhance the liveability and connection of Latrobe City.

Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.

Integrate transit cities principles in the development of Moe, Morwell and Traralgon activity centres.

Ensure proposed developments and open space areas are complimentary to their surrounds.

#### *Strategic Direction – Economy*

Promote and support the development of existing and new infrastructure to enhance the social and economic well-being of the municipality.

#### *Service Provision – Built Environment City Planning*

Provide Statutory and Strategic Planning advice and services in accordance with the Latrobe Planning Scheme and Planning and Environment Act.

#### *Major Initiatives – Built Environment*

Finalise Stage 2 of the Traralgon Activity Centre Plan to guide future land use via a structure plan, urban design framework and parking precinct plan.

#### *Strategy – Built Environment*

Traralgon Activity Centre Plan

#### *Legislation*

Local Government Act 1989  
Planning & Environment Act 1987  
Transport Integration Act 2010

#### *Key Strategic Actions*

Finalise Stage 2 of the Traralgon Activity Centre Plan to guide future land use via a structure plan, urban design framework and parking precinct plan.

*Policy*

The report is consistent with the State Planning Policy Framework and the current Municipal Strategic Statement (MSS).

**4. BACKGROUND**

At the Ordinary Council meeting of 19 September 2011, Council adopted the following resolution:

1. *To defer the endorsement of the Stage 2 Key Directions Report September 2011 until:
  - a) *Council has been presented with the Traralgon Growth Area Review*
  - b) *Council has received information on the results of the Latrobe Valley Bus Review**
2. *That Council writes to the State Government asking them what their commitment to Latrobe City in respect to providing an efficient public transport system and that the response be tabled at a Council Meeting.*
3. *That Council proceeds with the Parking Precinct Plan and investigate integrated public parking solutions.*
4. *That the Communication Strategy be amended to take into consideration that the November/December timelines are inappropriate to concerned stakeholders and that the revised Communication Strategy be presented to Council for approval.*
5. *That in recognition of community concern regarding car parking in Traralgon the Chief Executive Officer establish a Traralgon Parking Precinct Plan Working Party comprising key stakeholders and to be chaired by the Dunbar Ward Councillor. Activities of the Traralgon Parking Precinct Plan Working Party to be informed by the Communication Strategy for the Traralgon Activity Centre Plan Stage 2 Final Reports*

Pursuant to this resolution a copy of the draft Terms of Reference is provided at Attachment 1 to this report.

**5. ISSUES**

The major objective of the Traralgon Parking Precinct Plan Working Group will be to provide advice, information and feedback in relation to development of a Parking Strategy and Parking Precinct Plan for Traralgon.

A draft Terms of Reference has been developed and includes a Working Group comprised of:

- i. Dunbar Ward Councillor, Latrobe City Council;
- ii. General Manager Built and Natural Environment, Latrobe City Council;
- iii. Project Manager TACP, Latrobe City Council;
- iv. Representative, Traralgon Chamber of Commerce and Industry Inc;
- v. Representative, Traralgon Community Development Association Inc;
- vi. Representative, the Latrobe Disability Reference Group.
- vii. A maximum of three representatives from interested businesses/groups/agencies such as (but not limited to) Stockland Plaza, Breed Street Medical Precinct, Department of Transport, (maximum one per entity);
- viii. A maximum of two community members not affiliated with the businesses/groups/agencies listed at iv-vii above.
- ix. The total number of members on the Working Group not to exceed 11 members.

All Latrobe City Councillors will be notified of all meetings and invited to attend.

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

There are no significant financial implications as a result of this report. Officer time to attend meetings and provide administration support to the Working Group will be accommodated within current resource allocations.

## **7. INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Used:*

Subject to Council adoption of the Terms of Reference the following consultation measures will be undertaken;

- advertisements will be placed in the Latrobe Valley Express for a period of four weeks from Friday 28 November 2011 until Friday 23 December 2011. The advertisement will call for Expressions of Interest for membership to the Traralgon Parking Precinct Plan Working Group from interested groups and individuals.

- an invitation to submit an Expression of Interest will be emailed to stakeholders of the TACP project, (approximately 100 emails to be sent).
- information will be placed on Council's website.
- TACP Community Bulletin No 5 which will provide an update on the project and the next steps in establishing a Traralgon Parking Precinct Plan Working Group will be posted to all landowners and occupiers within and adjacent to the study area as well as stakeholder groups. Total letters distributed will be in the order of 2200.

*Details of Community Consultation / Results of Engagement:*

The above activities are consistent with the Latrobe City Community Engagement Plan 2010 – 2014 and utilise the methods of inform, consult and involve on the IAP2 Public Participation Spectrum.

## **8. OPTIONS**

Council have the followings options available:

1. Adopt the proposed Terms of Reference for the Traralgon Parking Precinct Plan Working Group;
2. Adopt the proposed Terms of Reference for the Traralgon Parking Precinct Plan Working Group, subject to specified amendments;
3. Not adopt the proposed Terms of Reference for the Traralgon Parking Precinct Plan Working Group and request further information.

## **9. CONCLUSION**

In accordance with part 5 of the Council resolution of the 19 September 2011 ordinary Council meeting a draft Terms of Reference has been developed to facilitate the establishment and operation of the Traralgon Parking Precinct Plan Working Group.

The adoption of the Terms of Reference will allow the Traralgon Parking Precinct Plan Working Group to proceed utilising the consultation activities described in this report.

**10. RECOMMENDATION**

- 1. That Council adopt the Traralgon Parking Precinct Plan Working Group Terms of Reference November 2011;**
- 2. That Council authorise the Chief Executive Officer to proceed with advertising of Expressions of Interest from 28 November 2011 until 23 December 2011 for the Traralgon Parking Precinct Plan Working Group.**
- 3. That following receipt of Expressions of Interest a further report be presented to Council to consider the appointment of the selected representatives to the Traralgon Parking Precinct Plan Working Group.**
- 4. That Latrobe City Council Instrument of Delegation document *2011-2012 Council Delegates and Committees* [11 DEL-10] be produced to note the establishment and operation of the Traralgon Parking Precinct Plan Working Group.**

**Moved:** Cr Harriman

**Seconded:** Cr Lougheed

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**ATTACHMENT**  
**Traralgon Parking Precinct Plan**  
**Working Party Terms of Reference**  
**November 2011**

.



**TRARALGON PARKING  
PRECINCT PLAN WORKING GROUP**

**DRAFT  
TERMS OF REFERENCE  
NOVEMBER 2011**

**Contents:**

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## **1. PREAMBLE**

- 1.1. The Working Group shall be known as the Traralgon Parking Precinct Plan Working Group (hereinafter referred to as “the Working Group”).
- 1.2. The membership of the Working Group and these Terms of Reference are adopted by resolution of Latrobe City Council at the Ordinary Council Meeting held on (to be confirmed via resolution).

## **2. OBJECTIVE**

- 2.1. The major objective of the Working Group will be to provide advice, information and feedback in relation to development of a Parking Precinct Plan for Traralgon.

## **3. MEMBERSHIP**

### Composition of the Working Group

- 3.1. The Traralgon Parking Precinct Plan Working Group shall comprise the following representatives:
  - 3.1.1. Dunbar Ward Councillor, Latrobe City Council
  - 3.1.2. General Manager Built and Natural Environment, Latrobe City Council
  - 3.1.4. Project Manager TACP, Latrobe City Council
  - 3.1.5. Representative, Traralgon Chamber of Commerce and Industry Inc
  - 3.1.6. Representative, Traralgon Community Development Association Inc
  - 3.1.7. Representative, the Latrobe Disability Reference Group.
  - 3.1.8. A maximum of three representatives from interested businesses/groups/agencies such as (but not limited to) Stockland Plaza, Breed Street Precinct, Department of Transport, (maximum one per entity)
  - 3.1.9. A maximum of two community members not affiliated with the businesses/groups/agencies in 3.1.5 - 3.1.8.
  - 3.1.10. The total number of members on the Working Group should not exceed 11 members
  - 3.1.11 All Latrobe City Councillors will be notified of all meetings and invited to attend and participate in the working group meetings.

NOTE: Organisations identified in 3.1.5 to 3.1.7 (inclusive) must notify Council in writing of the names of the representatives nominated.

### Length of appointment of the Working Group

- 3.2. The Working Group shall be in place until such time that a Parking Precinct Plan has been adopted by Council.
- 3.3. Council, at its discretion and by resolution only, may choose to disband the Working Group or to alternatively extend the Working Group beyond that period identified in 3.2.



#### Co-option of members

- 3.4. With the approval of the Chair, organisational representatives may co-opt a temporary member to fulfil their duties and attend meetings.
- 3.5. With the approval of the Chair, the Working Group may invite other individuals with technical expertise to participate in the proceedings of the Working Group on a regular or an occasional basis and including in the proceedings of any sub-committees formed.

#### **4. RESIGNATIONS**

- 4.1. All resignations from members of the Working Group are to be submitted in writing to the Chief Executive Officer, Latrobe City Council, PO Box 264, Morwell VIC 3840.
- 4.2. Upon resignation of a member, the organisation which they are representing will be requested to provide a new nomination for membership of the working group.

#### **5. PROCEEDINGS**

##### Chair

- 5.1. The Dunbar Ward Councillor shall Chair the meetings. In the event that the Chair is unavailable to attend a meeting, he/she may nominate another Councillor to chair the meeting.

##### Secretary

- 5.2. The TACP Project Manager (or delegate) will act as Secretary for the Working Group.
- 5.3. The Secretary is responsible for administration of the Working Group. This includes receipt of correspondence, minute taking, distribution of agendas, minutes and related documents.

##### Meeting schedule

- 5.4. The Working Group will determine its meeting schedule and times of each of the meetings. The meetings will be held at a location convenient to the membership. The duration of each working group meeting should not exceed two hours.
- 5.5. A minimum number of meetings will be held in accordance with the Traralgon Activity Centre Plan Communication Strategy (Appendix 1). Meetings of the Working Group will be held as often as may be deemed necessary by Latrobe City Council or the Working Group to fulfil the objectives of the Working Group. Special meetings may be held on an as-needs basis.

##### Meeting procedures

- 5.6. Meetings will follow standard meeting procedures.

5.7. Meetings of the Working Group will not be open to the public.

Voting

5.8. There will be no official voting process. Majority and minority opinions will be reflected in the minutes.

Minutes of the Meeting

5.9. The Secretary shall take the minutes of each Committee meeting.

5.10. The Minutes shall be in a standard format including a record of those present, apologies for absence, adoption of previous minutes and a list of adopted actions and resolutions of the Working Group.

5.11. The Minutes shall be stored in the Latrobe City Council corporate filing system (currently DataWorks electronic document and records management system).

5.12. A copy of the Minutes and an Agenda shall be distributed to all Working Group members and all Councillors at least one week prior to scheduled meetings.

Reports to Council

5.13. With the approval of the Chair, the Working Group may provide reports or letters to Latrobe City Council.

**6. AUTHORITY AND REPORTING**

6.1. The Working Group is a consultative committee only and has no delegated decision making authority.

6.2. Reports to Latrobe City Council will be co-ordinated through the General Manager Built and Natural Environment.

# **CHIEF EXECUTIVE OFFICER**

**11.1.1 INSTRUMENT OF DELEGATION - DELEGATION TO THE  
ACTING CHIEF EXECUTIVE OFFICER**

**AUTHOR:** Chief Executive Officer  
**(ATTACHMENT – YES)**

**1. PURPOSE**

This is a procedural report recommending that Council approves the appointment of Ms Allison Jones to act in the position of Chief Executive Officer for the period Tuesday, 3 January 2012 to Sunday, 29 January 2012 inclusive and the appointment of Ms Carol Jeffs to act in the position of Chief Executive Officer for the period from Monday, 30 January 2012 to Sunday, 4 March 2012 inclusive.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2010-2014.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives - Governance*

*In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community committed to enriching local decision making.*

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction – Governance*

*Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.*

*Legislation – Local Government Act 1989*

The Council is required, pursuant to the *Local Government Act* 1989, to appoint a Chief Executive Officer.

Section 94 of the *Local Government Act 1989* enables the Council to appoint an acting Chief Executive Officer for a period of less than 12 months.

#### 4. **BACKGROUND**

Due to the temporary absence of the Chief Executive Officer, Mr Paul Buckley, between the period Tuesday, 3 January 2012 to Sunday, 4 March 2012 inclusive, Council is asked to approve the appointment of an Acting Chief Executive Officer.

To allow the Council to undertake its usual powers, duties or functions it is necessary for Council to approve the appointment.

The Council, by resolution on the 16 November 2009, delegated 'to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule' of the Instrument of Delegation.

#### 5. **ISSUES**

The Instrument of Delegation, resolution and appointment is prepared pursuant to section 98 of the *Local Government Act 1989* which states:

##### 98. Delegations

- (1) A Council may by instrument of delegation, delegate to a member of its staff and power, duty or function of a Council under this Act or any other Act other than:
  - (a) this power of delegation;
  - (b) the power to declare a rate or charge;
  - (c) the power to borrow money except as provided in section 149;
  - (d) the power to approve any expenditure not contained in a budget approved by the Council;
  - (e) any power, duty or function of the Council under section 223; and
  - (f) any prescribed power.
  
- (2) The Chief Executive Officer may by instrument of delegation, delegate to the member of the Council staff any power, duty or function of his or her office other than this power of delegation unless sub-section (3) applies.

- (3) The instrument of delegation to the Chief Executive Officer may empower the Chief Executive Officer to delegate a power of the Council other than the power of delegation to a member of the Council staff.

**6. FINANCIAL AND RESOURCES IMPLICATIONS**

There is no effect to budget allocations.

**7. INTERNAL / EXTERNAL CONSULTATION**

There is no need for consultation in relation to this matter.

**8. OPTIONS**

The appointment of an Acting Chief Executive Officer is required to enable the day-to-day operation of the organisation to proceed during the absence of the Chief Executive Officer, Mr Paul Buckley.

**9. CONCLUSION**

This report ensures the delegation of functions, duties and powers to Ms Allison Jones (during the period Tuesday, 3 January 2012 to Sunday, 29 January 2012) and Ms Carol Jeffs (during the period Monday, 30 January 2012 to Sunday, 4 March 2012 inclusive) during the period of absence of the Chief Executive Officer, Mr Paul Buckley.

A copy of the Instrument of Delegation and Authorisation to be signed on 22 November 2011 from Mr Paul Buckley to Ms Allison Jones is attached (Attachment A).

A copy of the Instrument of Delegation and Authorisation to be signed on 22 November 2011 from Mr Paul Buckley to Ms Carol Jeffs is attached (Attachment B).

**10. RECOMMENDATION**

- 1. That Council approves the appointment of Ms Allison Jones as Acting Chief Executive Officer during the period Tuesday, 3 January 2012 to Sunday, 29 January 2012 inclusive, and authorises the delegation of Chief Executive Officer powers, functions and duties in accordance with the Instrument of Delegation dated 17 November 2009.**
- 2. That Council approves the appointment of Ms Carol Jeffs as Acting Chief Executive Officer during the period Monday, 30 January 2012 to Sunday, 4 March 2012 inclusive, and authorises the delegation of Chief Executive Officer powers, functions and duties in accordance with the Instrument of Delegation dated 17 November 2009.**

**Moved:** Cr Lougheed

**Seconded:** Cr Gibson

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENT A



Maddocks Delegations and Authorisations

***S5A. Instrument of Sub-Delegation by the Chief Executive Officer***

# **Latrobe City Council**

**Instrument of Sub-Delegation**

**to**

**The Acting Chief Executive Officer**

[11 DEL-8]



## LATROBE CITY COUNCIL

### APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER AND INSTRUMENT OF DELEGATION PURSUANT TO SECTION 98(2) OF THE LOCAL GOVERNMENT ACT 1989

I **PAUL BUCKLEY**, Chief Executive Officer of the Latrobe City Council **HEREBY APPOINT Allison Jones**, General Manager Economic Sustainability as Acting Chief Executive Officer and, pursuant to and in the exercise of the power conferred by section 98(2) of the *Local Government Act 1989* (the Act), I **HEREBY DELEGATE TO Allison Jones**, General Manager Economic Sustainability, all those powers duties or functions of my office as provided for by legislation and the Instrument of Delegation dated 17 November 2009.

#### AND HEREBY DECLARE THAT:

1. Such appointment and delegation shall have force and effect from 3 January 2012, and shall remain in force until 29 January 2012 inclusive, or such time as I shall determine either to vary or revoke the delegation.
2. The powers duties and functions so specified shall be exercised and performed in accordance with:
  - (a) any policies of the Council that may be adopted from time to time;
  - (b) this Instrument of Sub-Delegation and subject to any conditions and limitations specified herein.

.....  
CHIEF EXECUTIVE OFFICER – PAUL BUCKLEY

.....  
GENERAL MANAGER ECONOMIC SUSTAINABILITY – ALLISON JONES

DATE: .....

## **SCHEDULE**

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### **Conditions and Limitations**

The delegate must not determine the issue, take the action or do the act or thing

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 4.1 awarding a contract for goods and services exceeding the value of \$150,000, (GST inclusive) or awarding a contract for construction works exceeding the value of \$200,000 (GST inclusive);
  - 4.2 making a local law under Part 5 of the Act;
  - 4.3 approval of the Council Plan under s.125 of the Act;
  - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
  - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.7 noting Declarations of Impartiality by Valuers pursuant to section 13DH(2) of the Valuation of Land Act 1960;
  - 4.8 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
  - 4.9 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
  - 4.10 appointment of councillor or community delegates or representatives to external organisations; or
  - 4.11 the return of the general valuation and any supplementary valuations;

5. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
6. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
  - 6.1 policy; or
  - 6.2 strategyadopted by Council; or
7. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
8. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

**ATTACHMENT B**

.

Maddocks Delegations and Authorisations

***S5A. Instrument of Sub-Delegation by the Chief Executive Officer***

# **Latrobe City Council**

**Instrument of Sub-Delegation**

**to**

**The Acting Chief Executive Officer**

[11 DEL-9]



## LATROBE CITY COUNCIL

### APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER AND INSTRUMENT OF DELEGATION PURSUANT TO SECTION 98(2) OF THE LOCAL GOVERNMENT ACT 1989

I **PAUL BUCKLEY**, Chief Executive Officer of the Latrobe City Council **HEREBY APPOINT Carol Jeffs**, General Manager Governance as Acting Chief Executive Officer and, pursuant to and in the exercise of the power conferred by section 98(2) of the *Local Government Act 1989* (the Act), I **HEREBY DELEGATE TO Carol Jeffs**, General Manager Governance, all those powers duties or functions of my office as provided for by legislation and the Instrument of Delegation dated 17 November 2009.

#### AND HEREBY DECLARE THAT:

1. Such appointment and delegation shall have force and effect from 30 January 2012, and shall remain in force until 4 March 2012 inclusive, or such time as I shall determine either to vary or revoke the delegation.
2. The powers duties and functions so specified shall be exercised and performed in accordance with:
  - (a) any policies of the Council that may be adopted from time to time;
  - (b) this Instrument of Sub-Delegation and subject to any conditions and limitations specified herein.

.....  
CHIEF EXECUTIVE OFFICER – PAUL BUCKLEY

.....  
GENERAL MANAGER GOVERNANCE – CAROL JEFFS

DATE: .....

## **SCHEDULE**

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### **Conditions and Limitations**

The delegate must not determine the issue, take the action or do the act or thing

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 4.1 awarding a contract for goods and services exceeding the value of \$150,000, (GST inclusive) or awarding a contract for construction works exceeding the value of \$200,000 (GST inclusive);
  - 4.2 making a local law under Part 5 of the Act;
  - 4.3 approval of the Council Plan under s.125 of the Act;
  - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
  - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.7 noting Declarations of Impartiality by Valuers pursuant to section 13DH(2) of the Valuation of Land Act 1960;
  - 4.8 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
  - 4.9 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
  - 4.10 appointment of councillor or community delegates or representatives to external organisations; or
  - 4.11 the return of the general valuation and any supplementary valuations;



5. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
6. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
  - 6.1 policy; or
  - 6.2 strategyadopted by Council; or
7. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
8. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

# **ECONOMIC SUSTAINABILITY**

## **11.2.1 POSITIONING LATROBE CITY FOR A LOW CARBON EMISSION FUTURE: POLICY PROGRESS AND ACHIEVEMENTS**

**AUTHOR:** General Manager Economic Sustainability  
**(ATTACHMENT – YES)**

### **1. PURPOSE**

The purpose of this report is to request Council to note 'Positioning Latrobe City for Low Carbon Emission Future: Policy Progress and Achievements April 2010 to 1 October 2011' and to seek Council endorsement of the "Latrobe City Council Low Carbon Transitional Immediate Opportunities 2011".

### **2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

### **3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

#### *Latrobe 2026: The Community Vision for Latrobe Valley*

##### *Strategic Objectives - Economy*

In 2026, Latrobe Valley has a strong and diverse economy built on innovative and sustainable enterprise. As the vibrant business centre of Gippsland, it contributes to the regional and broader communities, whilst providing opportunities and prosperity for our local community.

#### *Latrobe City Council Plan 2011 - 2015*

*This report is consistent with the Council Plan 2011-2015 shaping our future theme "Positioned for a Low Carbon Future."*

##### *Strategic Direction – Economy*

*Strengthen the economic sustainability of the region by actively encouraging partnerships with other local governments, industry and community agencies.*

### *Major Initiatives*

Implementation of the '*Positioning Latrobe City for Low Carbon Emission Future*' policy

### *Strategy/Plans*

#### *Positioning Latrobe City for a Low Carbon Emissions Future (2010)*

This report is consistent with Council's adopted *Positioning Latrobe City for a Low Carbon Emissions Future (2010)* Policy which provides Council with an overarching framework by which to systematically overcome the challenges and maximise the opportunities that will be presented by a carbon constrained economy.

#### *Economic Sustainability Strategy 2011-2015*

This report is consistent with Council's adopted Economic Sustainability Strategy 2011 - 2015. This strategy identifies actions to consolidate Latrobe City's position as a major Victorian regional centre and aims to drive economic growth, facilitate sustainable economic development, diversify the economic base, capture opportunities arising from a low carbon economy and deliver growth in employment opportunities for the Latrobe City community.

#### *Gippsland Regional Plan (2010)*

This report is consistent with the Gippsland Regional Plan 2010 which recognises the importance of planning for a changing environment to ensure we can improve the quality of life, sustainability and productivity of our region. The plan provides a strategic framework for the justification of funding for regional and local priorities.

## **4. BACKGROUND**

In April 2010, Latrobe City Council adopted its policy, *Positioning Latrobe City for a Low Carbon Emission Future*. The intent of the policy is to provide Council with an overarching framework to overcome challenges and maximise opportunities that may be presented by a carbon constrained economy in the future.

The policy is the first of its kind in Australia and was named as a finalist in the Victorian Premier's 2011 Sustainability Awards.

The policy contains 30 policy actions, 20 of which have commenced implementation. Ten actions have been on hold pending finalisation of the Australian Government's policy position and legislation package.

## 5. **ISSUES**

*Positioning Latrobe City for Low Carbon Emission Future: Policy Progress and Achievements April 2010 to 1 October 2011*

The development of *Positioning Latrobe City Council for a Low Carbon Emission Future (2010)* has allowed Council to identify the expected implications of Government greenhouse gas emission mitigation policies on the City. Council's policy contains 30 actions, of which most are purposely generic to enable implementation to commence prior to the design of a final emissions trading scheme. The policy is underpinned by three themes:

- Pursuing and realising opportunities
- Contingency planning
- Working together

Consistent with Council Plan 2011-2015 "*Shaping our Future*" theme- Positioned for a Low Carbon Future a vast range of significant activities have been undertaken between April 2010 and 1 October 2011 and these are outlined fully in attachment 1 and a summary of the activities is provided below.

### *Pursuing and Realising Opportunities*

A key achievement in this area has been the opportunity to communicate directly with the Australian Government about the policy and the concerns of our community. Meetings with the Prime Minister and several senior Ministers have occurred, and Council has received a commitment that this communication will continue.

Latrobe City Council was also successful in securing State Government funding through Skills Victoria's Industry Link program, for a senior position to manage the implementation of the policy. This funding has resulted in the appointment of Latrobe City Council's Manager Regional Partnerships for a period of three years.

### *Contingency Planning*

The development of social impact analysis is a key action of Council's policy. Latrobe City Council will facilitate a process to appoint a consultant to undertake a scoping brief which will form the basis of a full analysis in the Latrobe Valley in 2012. Importantly, Latrobe City Council is working with key stakeholders Baw Baw and Wellington Shire Councils, the Department of Planning and Community Development, and RDA Gippsland to ensure this project is a success. RDA Gippsland has committed to funding the scoping project.

Other contingency planning activities identified in the policy are on hold until the Australian Government's supporting legislation has been passed.

### *Regional Partnerships*

Latrobe City Council is committed to working collaboratively with neighbouring councils and other stakeholders to progress implementation of our policy actions.

A key achievement has been establishing the Low Carbon Emissions Future Transition Committee which consists of a broad representative group from industry, education, business, unions, Council and other levels of government. The Committee has had two formal meetings to date, and has met with several Australian Government Ministers. The Committee will next meet in February 2012.

### *Community Conversations*

Latrobe City Council understands that our community is seeking broader engagement on this issue and as a result has demonstrated leadership in this area and facilitated a range of community conversations.

On 15 June 2011, Latrobe City Council, in partnership with Monash University and Regional Development Australia, hosted the Low Carbon Future Community Conversation. This event was designed to give the community a chance to discuss climate change and the transition to a low carbon future with the renowned Government Climate Change Adviser, Professor Ross Garnaut.

Professor Garnaut was joined by a panel of representatives from Monash University, Gippsland Trades Labour Council, Clean Coal Victoria and Regional Development Australia Gippsland Committee.

Council also resolved to hold three forums to assist the community to understand the challenges and opportunities of a low carbon transition, and to raise any concerns it may have.

To date, Council has held two forums. The first was held in Moe on 24 August 2011, and attracted around 40 community members. The panel consisted of representatives from Latrobe City Council, the Department of Climate Change and Energy Efficiency, HVP Plantations, Clean Coal Victoria and Monash University.

The second forum was held in Morwell on 28 September 2011 and attracted around 90 community members. The panel consisted of representatives from Latrobe City Council, the Australian Department of Regional Australia, Regional Development and Local Government, Loy Yang Power, the Gippsland Climate Change Network and the Regional Development Australia Gippsland Committee.

On both occasions, the panellists were asked to provide information about activities their industry or organisation was undertaking to transition to a low carbon economy. The community was then invited to engage with the panel in discussion about any related issues.

A third forum will be held in Traralgon on 30 November 2011. The focus of this forum will be providing information as to what each level of government is doing to facilitate a smooth transition in the Latrobe Valley.

In addition to the community forums, staff have been invited to present at several conferences and local community groups and have taken the opportunities to participate whenever possible and appropriate.

#### *Latrobe City Council Low Carbon Transitional Immediate Opportunities*

The release of the Clean Energy Package in July of this year signalled the commencement of increased stakeholder engagement for Latrobe City Council. A key theme of this engagement has been the encouragement of the development of local solutions to assist the local economy to transition smoothly to a low carbon future.

In recent months Councillors have identified the need to develop a list of proactive projects and initiatives to be pursued in the short term.

A key driver has been the need to ensure that the high levels of engagement and consultation on the Clean Energy Package translated into actions and on the ground proactive support.

*Latrobe City Council Low Carbon Transitional Immediate Opportunities (2011) (attachment 2)* has been prepared on behalf of the community. The document builds upon Council's ground breaking low carbon transitional policy, a first for local government in Australia.

*Latrobe City Council Low Carbon Transitional Immediate Opportunities (2011)* presents Latrobe City Council's immediate asks to Commonwealth and State governments so as to create sustainable jobs in the short term. The jobs will stem from local projects, opportunities and initiatives that if met will help ensure that our economy is most able to proactively transition to a low carbon future. The opportunities are presented under the sub headings of employment, economic development infrastructure, brown coal projects, advocacy and liveability.

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

Implementation by the Economic Sustainability Division of the *Positioning Latrobe City for a Low Carbon Emission Future* policy commenced immediately after it was adopted.

There are no financial or resource implications as a result of this report.

## **7. INTERNAL / EXTERNAL CONSULTATION**

There is no consultation required as this is a report on activities undertaken.

## **8. OPTIONS**

Council may choose to:

1. Note the *Positioning Latrobe City for Low Carbon Emission Future: Policy Progress and Achievements April 2010 to 1 October 2011* and endorse *Latrobe City Council Low Carbon Transitional Immediate Opportunities*;



2. Seek further information in respect to the *Positioning Latrobe City for Low Carbon Emission Future: Policy Progress and Achievements April 2010 to 1 October 2011* and not endorse *Latrobe City Council Low Carbon Transitional Immediate Opportunities*; or
3. Note the *Positioning Latrobe City for Low Carbon Emission Future: Policy Progress and Achievements April 2010 to 1 October 2011* and not endorse *Latrobe City Council Low Carbon Transitional Immediate Opportunities*.

## 9. **CONCLUSION**

During the period April 2010 to 1 October 2011, Latrobe City Council made significant progress in implementing its policy, *Positioning Latrobe City for a Low Carbon Emission Future*.

Council has undertaken a great deal of lobbying and advocacy work to build important stakeholder relationships that will be vital to progressing our policy actions in future. This work will continue as we strengthen those relationships, particularly with other levels of government.

The policy will also continue to underpin the work that Council does in transitioning the Latrobe Valley to a low carbon economy in the future.

It is anticipated that a review of the policy will occur in 2012-2013, at which time there will be more certainty about the Australian Government's carbon tax and supporting legislation, administration of the structural adjustment funding package and the Contract for Closure process.

*Latrobe City Council Low Carbon Transitional Immediate Opportunities* (2011) presents Latrobe City Council's immediate asks to Commonwealth and State governments so as to create real and sustainable jobs in the short term. The jobs will stem from local projects, opportunities and initiatives that if met will help ensure that our economy is most able to proactively transition to a low carbon future.

## 10. **RECOMMENDATION**

That Council notes *Positioning Latrobe City for Low Carbon Emission Future: Policy Progress and Achievements April 2010 to 1 October 2011* and endorses *Latrobe City Council Low Carbon Transitional Immediate Opportunities* (2011).

Cr Kam left the Chamber at 7.35 pm due to a direct and indirect interest under section 77B and section 78B of the *Local Government Act 1989*

**ALTERNATE MOTION**

**Moved:** Cr Gibson

**Seconded:** Cr Harriman

That Council defer consideration of this matter until the next Ordinary Council Meeting.

**For the Motion**

Councillor/s O'Callaghan, Gibson and Harriman

**Against the Motion**

Councillor/s Vermeulen, Price, Middlemiss, Lougheed and White

**The Mayor confirmed that the Motion had been LOST**

**The original Recommendation became the Motion before the chair.**

**Moved:** Cr Lougheed

**Seconded:** Cr Vermeulen

**That the Recommendation be adopted.**

***That Council notes **Positioning Latrobe City for Low Carbon Emission Future: Policy Progress and Achievements April 2010 to 1 October 2011** and endorses **Latrobe City Council Low Carbon Transitional Immediate Opportunities (2011)**.***

**For the Motion**

Councillor/s O'Callaghan, Vermeulen, Price, Middlemiss, Lougheed and White

**Against the Motion**

Councillor/s Gibson and Harriman

**The Mayor confirmed that the Recommendation had been CARRIED**

Cr Kam returned to the Chamber at 7.53 pm

ATTACHMENT 1

# Latrobe City Council

## Positioning Latrobe City for a Low Carbon Emission Future

**Policy Progress and Achievements  
April 2010 to 1 October 2011**



## Introduction

Latrobe City Council has developed Positioning Latrobe City for a Low Carbon Emissions Future to provide Council with an overarching framework to overcome challenges and maximise opportunities that may be presented by a carbon constrained economy. This policy is the first of its kind developed by any Council in Australia. It is designed to ensure that Latrobe City Council and the Gippsland region is in a position to lead the transformation at both a local community and regional level. The Policy was recently named a finalist in the Premier's Sustainability Awards.

While Latrobe City Council proactively pursued a low carbon transition policy that was adopted in 2010, the Australian Government introduced its Clean Energy Future package on Sunday, 10 July 2011. The Government is now in the process of introducing legislation into Parliament to enable the package to be delivered. This means we can now plan with more certainty.

The Government's package includes a range of funding opportunities to assist communities transition to a low carbon economy, including \$200M for the regions that are likely to be most impacted. Latrobe City Council is committed to actively pursuing all possible funding opportunities for the region.

Importantly, since "Carbon Sunday" Latrobe City Council has met with key government stakeholders to discuss the Latrobe Valley's position. We have had meetings with the Prime Minister, the Minister for Climate Change and the Minister for Resources and Energy. We have also met again with Professor Ross Garnaut, senior staff from the Department of Regional Australia, and have had discussions with other members of the Coal Council Alliance.

The Government has indicated its ongoing support for the work Latrobe City Council is doing to implement our Low Carbon Transition policy, and we will continue to engage with it and other stakeholders to ensure the best possible outcomes for the region.

Since the policy was adopted in 2010, Latrobe City Council has undertaken a range of activities as part of the transition process. Importantly, Council has commenced implementation of our policy through the progression of 20 of its actions that were able to be commenced prior to the introduction of an emissions trading scheme. These achievements and actions are outlined in this progress report.

*Policy Action Progress*

***Pursuing and Realising Opportunities***

The pursuit and realisation of opportunities at the regional and local level requires planning and action. This work involves ongoing liaison and advocacy with all levels of government, as well as growing our relationships with local and regional industry and business so that we can capture opportunities and facilitate innovation and growth.

Highlights to date have included the opportunity to talk directly to the Australian Government about our policy and the concerns of our community. We have met with a number of senior members of the Australian Government, including the Prime Minister and the Minister for Climate Change.

We also facilitated a Councillor briefing with Professor Ross Garnaut in his capacity as Australian Government Climate Change Adviser. This visit was one of only three consultations that the Professor undertook in the lead up to his final report to the Australian Government. Since then, we have maintained contact with Professor Garnaut who has taken a keen interest in the Latrobe Valley and its proactive efforts to transition to a low carbon economy.

<b>Policy Actions</b>	<b>Progress</b>
Lead the formation of a Gippsland Local Government Network (GLGN) sub committee to develop and implement activities requiring GLGN involvement	Leading the implementation of the Gippsland Regional Plan priority "Gippsland Low Carbon Economy Transition Plan" which is based on the work already undertaken by Council.
Support proposal for establishment of the Centre of Excellence for Sustainable Technologies.	We have been actively advocating for the Centre in stakeholder and government discussions. The proposal can be found on Council's website.
Liaise with Department of Primary Industries to ensure the balanced development of coal resources and with the Department of Sustainability and Environment that needs of local community are considered in allocation of water supplies.	Latrobe City Council is participating in the Victorian Brown Coal Roadmap workshop will bring together leaders in government, industry, and academia to analyse pathways for using coal in a carbon-constrained future.
Work with the GLGN and Department of Primary Industries to assist land owners and managers to implement biosequestration and biomass production activities	Latrobe City Council supports the Victorian Bioenergy Network through dissemination of information as appropriate.

Advocate for and support the expansion of State Government regional offices.	On-going action and Latrobe City Council has sought clarification on the commitment by the former Victorian Government to relocate Victorian Government jobs to Moe.
Work with Destination Gippsland and Tourism Victoria to progress regional tourism initiatives.	Latrobe City Council actively supports Destination Gippsland on a range of regional tourism initiatives.
Investigate opportunities for early National Broadband Network Rollout in Gippsland	Latrobe City Council has lobbied the Australian Government on this issue and also attended roll-out information sessions.
Work with Skills Victoria and the Gippsland Regional Skills forum to identify future regional skills needs and to tailor courses accordingly.	Skills Victoria through its Skilling the Valley Initiative is funding four positions to be located within the Latrobe Valley to progress the skills needs analysis for the region in transitioning to a low carbon future.
Become a member of the Global Carbon Capture and Storage Institute	Latrobe City Council has gained membership of the Global Carbon Capture and Storage Institute in Canberra to ensure that Council is able to keep up to date with the work being undertaken on carbon capture and storage.
Lobby Government to establish low emissions coal research projects in Latrobe City.	This is an on-going initiative for Latrobe City Council.
Review the Latrobe City Council Economic Development Strategy (2007), related priorities and resourcing. This includes developing priorities and implementation plans for policy actions.	Finalisation of a review of Council's Economic Sustainability Strategy 2011-2015 is complete. The review has assisted Council to ensure that our priorities and resources will contribute to a smooth transition to a low carbon future.
Promote "good news" stories and conduct Latrobe City "road shows" for key Government agencies.	On-going action achieved through media releases, Council publications, conference presentations and strong government relationships. A number of 'road shows' have been delivered in order to ensure government investment agencies and departments have a full understanding of our local economy and investment opportunities.
Commission market research to ascertain information on external perceptions of Latrobe City and barriers to investment in the City. This includes sharing the results with local stakeholders and implementing effective follow up actions.	This action is yet to commence and will be incorporated into the development of an Investment Prospectus.
Work to attract new residents and business through delivery of advertising campaigns	This action is on-going and delivered through new resident kits and business attraction marketing activities.
Progress planned infrastructure programs including identified upgrades to town centres, community facilities and the Gippsland Logistics Precinct (GLP) development.	This action is on-going and a number of actions have been delivered, including: a long term lease for one component of the GLP was signed with VicTrack; an Expression of Interest to secure private sector involvement closed recently and Council is currently considering it with the assistance of the appointed

	Steering Committee. The results of this process are scheduled to be released in late 2011.
Seek Australian Government Funding for "Carbon Assist" positions located in Council offices	<p>We secured \$300k in funding from the Ballieu Government for a senior officer to be employed by Latrobe City Council over three years to assist Council implement our Low Carbon Policy. This is particularly important as the policy implementation function was not previously fully resourced.</p> <p>We are actively pursuing funding from the Australian Government for two Carbon Assist Officers: one to educate and engage our community and one to work with our SME sector to assist in a smooth transition.</p>
Implement communication strategies to maintain investor confidence during the transition period	Delivery of this action will commence in line with the timeframe set by the policy of one-three years.
Lead and assist local groups to obtain funding under the Victorian Government's Climate Communities Program	This is an ongoing activity and recent actions include supporting a Gippsland Climate Change Network funding application.



## *Contingency Planning*

Managing risk is one of the most significant and potentially difficult aspects of facilitating a successful transition to a low carbon economy. Where previously there was a great deal of uncertainty around the timing, magnitude and exact nature of the Australian Government's plans, the Government has now released its Clean Energy Future package. Many of the planned contingency actions will commence once the Government's policy has been implemented, and after

While the supporting legislation has not yet been passed, we now have a better idea of what we are dealing with and the potential impact this package may have on the region. This means we can begin to plan with more certainty.

Work with Coal Councils Alliance (CCA) to undertake Social Impact Analysis	The CCA recently completed a project scoping exercise for the social impact analysis across the member Councils.
Advocate for and participate in a regional based response group to oversee the development of costed contingency plans to address potential negative economic impacts of Australian Government policies to reduce carbon emissions	This activity will commence after the introduction of the Australian Government's scheme.
Advocate for regional funding commensurate with the cost of contingency plan actions	This activity will commence after the introduction of the Australian Government's scheme. However, we continue to work in partnership with the Australian and Victorian governments to ensure smooth transition.
Advocate for and assist in the development of a regional governance structure for the delivery of Australian Government funding and programs	This activity will commence after the introduction of the Australian Government's scheme.
Develop scenarios for contingency planning processes	This activity will commence after the introduction of the Australian Government's scheme.
Advocate for and participate in multi-agency contingency planning processes	This activity will commence after the introduction of the Australian Government's scheme.

### *Regional Partnerships*

Latrobe City Council and neighbouring Councils have a solid history of working collaboratively on issues where a coordinated response is needed. The Gippsland Local Government Network (GLGN) is a forum of CEOs and Mayors from each of the six Gippsland Council. By engaging through this forum, Latrobe City Council is able to work with other Councils on issues relating to its transition to a low carbon economy.

One of the key achievements has been to form a partnership with other coal industry councils (the Coal Council Alliance) and continue to work cooperatively to advocate and share knowledge and experiences.

Form alliance with other coal industry Councils	The CCA currently has members from Victoria, NSW and Queensland. We will continue to work collaboratively with these Councils to address the issues affecting our regions. Most recently, the CCA met on 11 July 2011 in Canberra with Minister Combet's Chief of Staff, Professor Garnaut and senior staff from the Department of Regional Australia. We also facilitated the development of a position paper for the CCA utilising internal expertise and ACIL Tasman.
Support and further develop regional industry networking, partnership and knowledge sharing events	Promotion of sustainable business programs such as "Grow Me the Money" and "Carbon Down" to our SME sector. We have supported the Gippsland Trades and Labour Council in the delivery of low carbon transition forums.
Establish the Latrobe City Carbon Transition Consultative Committee	Established the committee and Professor Garnaut addressed its first meeting which was held in April. The Committee also met with Climate Change Minister Combet in July and members have been invited to meet with Minister Ferguson in August. The next committee meeting is scheduled for October and the Department of Climate Change has committed a representative for each meeting.
Establish ongoing communications processes and forums with key State and Federal Government departments and relevant Ministers	Met with and developed relationships with advisers for the following Federal Ministers- Crean, Fergusson, Combet as well as the Prime Minister. All have committed to ongoing communication and support.  In June we held a Community Conversation with Professor Garnaut and a panel of experts. We have since planned three community forums to take place before the end of 2011. Both the Climate Change Minister and Prime Minister have committed to supporting these forums.
Provide briefings on Latrobe City's transition policy and specific transition needs for the	Briefed the Office of the Prime Minister and the Deputy Secretary of the Department of Prime Minister & Cabinet on

relevant State and Federal Government Ministers as well as Shadow Ministers.	Council's policy implementation and on the need for social impact analysis to be undertaken
Advocate for local representation on the Climate Change Action Fund stakeholder committee	Complete
Develop and nurture partnerships and networks with local stakeholders and interest groups	We have engaged in numerous activities to develop and nurture these relationships, and have presented Council's policy to a variety of interested local organisations and groups including industry. We continue to work with organisations such as the Gippsland Climate Change Network, Climateworks and the Department of Primary Industries on a range of initiatives including the Gippsland Low Carbon Growth Plan.

## *Lobbying & Advocacy*

A great deal of the work in implementing our policy involves lobbying and advocating for the Latrobe Valley at all levels of government and with other key stakeholders. Through consistent communication with stakeholders, we can ensure that they remain aware of the actions being taken to transition our region to a low carbon economy, and of the views and needs of our community.

An ongoing commitment to lobbying and advocacy has helped us secure a number of high level meetings with Government, and commitments from senior Government officials for support of the actions we are taking.

Some of our key achievements in this area include:

- Briefed the Prime Minister and the Deputy Secretary of the Department of Prime Minister & Cabinet on Council's policy implementation and on the need for social impact analysis to be undertaken.
- Met with the Federal Minister for Resources and Energy to discuss the transition of Latrobe City to a low carbon future.
- Briefed the Australian Government Parliamentary Secretary on Climate Change on Council's work. This was important as he is a member of the Multi Party Committee established by the government to look at emission trading schemes.
- Briefed relevant peak bodies such as VECCL, Municipal Association of Victoria, Committee for Economic Development of Australia and the Australian Local Government Association to ensure that our work is considered within their advocacy and lobbying activities particularly in relation to the multi party committee.
- Developed a submission to the Multi Party Committee in relation to the framework for a price on carbon.
- Developed a submission to request that the Productivity Commission consider regional economic impact into its study Emission Reduction Policies and Carbon Prices in Key Economies.
- Sought clarification from the Victorian Government on its climate change policy settings and briefed the Minister for Energy and Resources on our policy and work. Since the meeting Council has written to the Minister to

seek assistance in ensuring that the three levels of government work in close partnership to ensure a smooth transition for the Latrobe Valley.

- Briefed the Department of Regional Australia in Canberra on the need to conduct a social impact analysis ahead of the implementation of a scheme
- Lobbied Australian and Victorian Governments to support the Centre for Sustainable Technologies. This centre will enable research and development in relation to coal and other Gippsland natural resources to be undertaken locally.

### *Local Education & Awareness*

Communication with local stakeholders, including the Latrobe Valley community, is necessary to ensure that people are properly informed and have the opportunity to contribute to discussion and decisions about the region.

Our commitment to local education and awareness is ongoing and we will continue to provide local stakeholders with opportunities to engage with us on the issues around transitioning to a low carbon economy.

Some key actions to date include:

- Supported the Gippsland Trades and Labour Council “Just Transitions Forum” which was held at Kernot Hall in Morwell and included an address by the Australian Government Minister for Climate Change.
- Worked in partnership with Monash University and Regional Development Australia to deliver community engagement event with Professor Garnaut for over 200 community members.
- Facilitated a Councillor briefing on the Gippsland Climate Change and Adaptation Project and the Gippsland Low Carbon Growth Plan.
- Meet regularly with regional stakeholders to ensure that our policy position is known and that synergies are identified and funding leveraged. For example, we support the efforts of the Gippsland Climate Change Committee in applying for a grant to pursue education opportunities across Gippsland.

- Sought a meeting with the Climate Commission to discuss how we can work together to facilitate community education and awareness of our local community.
- We have organised three community forums to be held by the end of 2011 to assist the community to understand the challenges and opportunities of a low carbon transition, and to raise any concerns it may have.

ATTACHMENT 2

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# Latrobe City Council Low Carbon Transitional Immediate Opportunities (2011)





## Councillor Conversations on Behalf of our Community

*“Transitional success will rely on exploring and delivering on all solutions and then some.....”*

*“Latrobe City is operating in a rapidly changing economic landscape. Population growth, technology advances, the ageing workforce, globalisation and a future low carbon economy present both challenges and opportunities for Latrobe City. Our history of industrial enterprise, successful adaptation and innovation means we are extremely well positioned to embrace change and harness new opportunities to further diversify and strengthen our economy”.*

*“Council has heard the message from Canberra- local solutions will be vital in ensuring a successful transition...”*

*“Meetings and letters and engagement are all well and good but we need real outcomes today that create jobs.”*

*“We can’t afford to wait for the impact to be felt, being proactive is vital....”*

*“Assistance and support isn’t about spending money on fences, halls or painting. We need to concentrate on a major project that would create employment for the next four to eight to ten years”.*

*“Skills and training are vital but pointless without real jobs to replace the jobs we have lost. There is no point training people to write CV’s if there are no jobs”*

## Mayor and Councillor Message

The challenge today for Council is that the full impacts of a carbon constrained future are not yet known. Council's firm view is that the responsibility for solving our future employment problem, a problem created by a change in government policy, rests with the Commonwealth and State governments and, under no circumstances, will Council allow this responsibility to be avoided. However, we understand our role as the local elected representatives to independently work to assist the transition process through the development of employment proposals for Commonwealth and State funding.

This document has been prepared on behalf of our community. The work builds upon Council's ground breaking low carbon transitional policy, a first for local government in Australia. Latrobe City Council leads the way in considering the impact of a low carbon economy from a local and regional perspective. Whilst Council appreciates the strong engagement of both the Victorian and Australian Governments, Latrobe City Council is ready to ensure that engagement and consultation now translate into actions and real "on the ground" support.

Following the privatisation of the electricity sector in the 1990s, the Latrobe Valley faced substantial adjustment issues and experienced severe economic decline. Although assistance was ultimately provided through the Latrobe Valley Ministerial Taskforce process, the provision of this assistance earlier in the transition would likely have reduced the economic and social impact and shortened the transition period. As such, Latrobe City Council believes it is essential that Victorian and Australian Government support be delivered early during the transition period.

Latrobe City Council is of the very firm view we need to pursue the enormous future energy and employment potential of our brown coal resource. Council will maintain pressure on Federal and State governments to continue to fund research into alternate uses of brown coal and, where appropriate, to ensure such research is undertaken in the Latrobe Valley with a resultant injection into the local economy.

## Context

This document presents Latrobe City Council's immediate asks to Commonwealth and State governments so as to create real and sustainable jobs now, today. The jobs will stem from local projects, opportunities and initiatives that if met will help ensure that our economy is most able to proactively transition to a low carbon future. This document should be considered a report card to our community and updated once initiatives are funded and will provide a way for other levels of government to demonstrate their support for our community in terms of employment growth.

### *Latrobe City Council- Our Low Carbon Journey*

Latrobe City is one of the four Victorian Regional Cities and one of the fastest growing non metropolitan centres in Australia. As a destination of choice, Latrobe City is known for excellence in education and training, health care and as the commercial and cultural centre of the Gippsland region. We are well positioned to support Victoria's population growth and the first choice for lifestyle within an easy commute to Melbourne.

During 2010, Council worked collaboratively and engaged world experts to develop the "*Positioning Latrobe City for a Low Carbon Emission Future*" policy. This is a first for local government in Australia and a vital step for the future of Latrobe City. The policy was developed as Latrobe City has been identified as a community likely to be exposed to significant structural adjustment pressures as a result of the introduction of greenhouse gas mitigation schemes. Council has invested over \$150,000 and significant officer and Councillor time in the proactive work undertaken to date.

The development of *Positioning Latrobe City Council for a Low Carbon Emission Future* has allowed Council to identify the expected implications of Government greenhouse gas emission mitigation policies on the City. Council's policy contains 30 actions, of which most are purposely generic to enable implementation to commence prior to the design of a final emissions trading scheme. The policy is underpinned by three themes:

- Pursuing and realising opportunities
- Contingency planning
- Working together

Council is leading the implementation of the 30 actions within our policy to ensure our community is able to transition smoothly; that innovation is supported within industry; that our economy is diversified; and that Latrobe City will respond and is prepared for the challenges and opportunities ahead.

### *What is Council doing?*

Latrobe City Council on behalf of our community has identified its vision and key themes which will shape the future of Latrobe City. Our Council Plan 2011-2015 recognises a range of local and nationally significant issues and emerging opportunities and provides our response to them. The four key themes are:

- Gippsland's Regional City- strengthening our profile
- Positioned for a Low Carbon Future- advancing industry and innovation
- An active, connected and caring community- supporting all
- Attract, retain, support- enhancing opportunity, learning and lifestyles.

### Strengthening our Economy- LATROBE CITY IS OPEN FOR BUSINESS

We are:

- Implementing the actions of *Positioning Latrobe City Council for a Low Carbon Emission Future*
- Implementing our Economic Sustainability Strategy 2011- working to attract new firms, retain and grow existing firms and to create an enabling business environment and solid investment brand.

### Engaging with our Community

We are:

- Engaging with our community and pushing the Australian and Victorian Government to engage on the expected impacts of the policy and the range of work being undertaken to assist the local economy and community.
- Supporting a vast amount of initiatives and projects underway and working closely with the Australian and Victorian Governments, the Gippsland Local Government Network, Gippsland Trades and Labour Council, Regional Development Australia Gippsland, Monash University Gippsland, GippsTAFE, Gippsland Climate Change Network, RMIT and many, many others.

## ***Jobs, Jobs, Jobs***

*“Strengthening our economy today- a strong economy will transition better....”*

### *The Opportunity*

There is some time for alternative employment schemes to be put in place, but we must start now. Latrobe City Council is uncompromising in our pursuit of iconic projects that create substantial employment opportunities for Latrobe City and the surrounding region.

Latrobe City offers new investors: a skilled labour force, strong road and rail transport links, access to abundant natural resources, established electricity transmission and generation infrastructure, locally based educational institutions and affordable land prices.

### *Employment Generation- Diversifying the Economy*

<b><i>Project</i></b>	<b><i>Description</i></b>	<b><i>Employment</i></b>	<b><i>Responsibility/Support Required</i></b>	<b><i>Achieved?</i></b>
<i>HRL Clean Coal Power Station Project</i>	<i>HRL 550 MW demonstration power station using integrated drying and gasification combined cycle technology.</i>	<i>45 On-going jobs 250-350 during construction</i>	<i>EPA Approval for 550 MW required Immediate Victorian Government Intervention to ensure that this project can proceed on the proposed site or an alternate site within Latrobe City.</i>	
<i>Gipps Aero</i>	<i>Additional infrastructure required to facilitate the manufacture of the GA18</i>	<i>100+ new jobs</i>	<i>Australian Government commitment to work with Latrobe City Council and the Victorian Government to provide support to</i>	

			<i>Gipps Aero.</i>	
<i>Public Sector Jobs for Moe</i>	Ready for Tomorrow Blueprint promise of the development of proposals to “ <i>decentralise more functions of the public service which will establish 400 public sector jobs in Ballarat, Bendigo and Moe</i> ”	200	Victorian Government Commitment to be progressed and delivered.	
<i>Decentralisation of Victorian and Australian Government Departments</i>	Increased expansions of Victorian and Australian government offices in Latrobe City.	250	Australian Government Victorian Government	
<b>Total On-going Jobs</b>		<b>600+</b>		

### *The Challenge*

A study by Compelling Economics, commissioned by Council in late 2008, showed that electricity generation accounts for around 21% of Latrobe City's Gross Regional Product and reinforced that the sector is the backbone of the local economy. Employment in Latrobe City is heavily reliant upon the income obtained from electricity generation and coal mining activities, with about 3,100 (or 11%) jobs linked directly to these sectors (ABS 2006 Census data). The study also showed that for every ten jobs in the electricity sector an additional eight jobs were sustained in the local economy. Meaning that direct and indirect jobs from the electricity sector total 5,600 (or approximately 20% of all jobs within Latrobe City).

The loss of one or more power stations in Latrobe City will have impact within five years. It will impact on jobs for young people entering the work force and in the future on mature age Power workers lacking ‘transportable’ skills.

## ***Economic Development- Infrastructure Enabling Job Creation***

*“Assistance and support isn’t about spending money on fences, halls or painting. We need to concentrate on a major project that would create employment for the next four to eight to ten years”.*

### *The Opportunity*

With an emphasis on job creation, industry diversification and the ability to offer opportunities to prospective investors, Latrobe City has three areas of significant commercial importance:

- Former Gas and Fuel Lurgi plant
- Gippsland Logistics Precinct
- Latrobe Regional Airport

The three areas mentioned are referred to as Employment Zones, and are of significant interest in terms of future prosperity and growth for the municipality.

<b><i>Project</i></b>	<b><i>Description</i></b>	<b><i>Employment</i></b>	<b><i>Responsibility/Support</i></b>	<b><i>Delivered?</i></b>
<i>Heavy Industry Site Redevelop-</i> The former Lurgi site is located on Tramway Road in Morwell. The plant was decommissioned in 1969 and has remained unused. Council has worked with the Victorian Government Property Group for regarding the release of this 26.3 hectare site to the market.	The provision of appropriate infrastructure on this site and its release would accelerate the development of this key industrial precinct.	100+ new jobs (estimated)	Progression of the project by the Victorian Government would provide infrastructure to remainder of the site, and enable marketing of serviced sites which would attract jobs to the Latrobe Valley. Government Funding Sought: \$5 million	

<b>Project</b>	<b>Description</b>	<b>Employment</b>	<b>Responsibility/Support</b>	<b>Delivered?</b>
<i>Gippsland Logistics Precinct-</i> Latrobe City is Gippsland's industrial heart and has a number of large potential rail users seeking to utilise rail to freight product to Port.	This project will facilitate the transport by rail of 29,950 x 60 foot containers in the short term and 20,000 tonnes per annum in bulk materials. Over the long term this would increase to 44,950 x 60 foot containers and 80,000 tonnes per annum in bulk materials.	150+ new jobs (estimated)	Government Funding Sought: \$10 million	
<i>Latrobe Regional Airport</i>	Funding to facilitate the growth of the Latrobe Regional Airport as an aerospace industry centre and expand regional opportunities.	100+ new jobs (estimated)	Funding and support to further develop the Latrobe Regional Airport to attract aviation related businesses including aerospace industries.	
<b>Total Jobs (estimated)</b>		<b>350+ jobs</b>		



## *The Challenge*

Latrobe City Council plays a key role in creating, or assisting others to create, a business environment that is attractive to existing and new business owners and investors. Discussions with industry stakeholders have identified the following elements of the business environment as important to sustain business investment and growth:

- Strong leadership and a clear direction
- An attractive policy setting
- Efficient and rigorous planning processes
- Access to skilled labour
- High quality infrastructure and services
- Well managed natural resources
- A liveable city

A carbon constrained world presents opportunities for Latrobe City to diversify its economy by attracting new industries as well as capitalising and further expanding on existing businesses, services and skills in the region. Low emission service based industries such as health and education provide opportunities to enhance Latrobe City's reputation as the service hub for Gippsland.

## Brown Coal- Leveraging Jobs from the Resource

*“Latrobe City is operating in a rapidly changing economic landscape. Population growth, technology advances, the ageing workforce, globalisation and a future low carbon economy present both challenges and opportunities for Latrobe City. Our history of industrial enterprise, successful adaptation and innovation means we are extremely well positioned to embrace change and harness new opportunities to further diversify and strengthen our economy”.*

### *The Opportunity*

The Latrobe Valley hosts one of the world’s largest deposits of lignite (brown coal). Latrobe City Council supports the balanced use of brown coal as an energy source and it will work with researchers and government agencies to support low emissions coal technology research efforts and to encourage the development of pilot plants and research facilities in the Latrobe Valley. Latrobe City implores both State and Federal Governments to link funding of research grants to location of research facilities in Latrobe City.

Whilst Latrobe City Council does not have a formal position on the projects outlined in the table below and understands that not all projects will come to fruition; we do seek direct Government support for brown coal related project proponents to expedite projects and subsequently employment.

<b>Proposed Project</b>	<b>Description</b>	<b>Employment Estimates</b>	<b>Responsibility/Support</b>	<b>Delivered?</b>
Australian Energy Company	\$2 bn project to manufacture urea using brown coal. The plant is projected to produce 1.2 million tonnes of urea fertiliser per year. Up to 50% of the urea produced is expected to be exported.	1180 on-going	Australian and Victorian Government support to work closely with the project proponent to ensure the project proceed.	

Environmental Clean Technologies	\$200m project to develop a coal drying plant to produce pellets with 50% less water and increased energy value.	50 jobs based in the Latrobe Valley	Australian and Victorian Government support to work closely with the project proponent to ensure the project proceeds. Firm is seeking assistance in gaining access to port for large volumes of product to be manufactured in stage two.	
MBD Energy	\$100 m project to build a commercial plant that will sequester carbon dioxide and create bio diesel, livestock feed and other products.	50 jobs based in the Latrobe Valley	Australian and Victorian Government support to work closely with the project proponent to ensure the project proceeds. Firm is seeking \$50 million in government funding for \$100m project scheduled to commence in July 2012.	
Exergen	\$1 bn project to utilise continuous Hydrothermal De-watering process. Proposal is for a 12 million tonne p/a export focussed commercial coal-processing plant.	250-350 new/on-going <i>1000 construction</i>	Australian and Victorian Government support to work closely with the project proponent to ensure the project proceeds. Currently seeking \$15 million in government funding to proceed with \$50 million demonstration facility.	

Ignite Energy Resources	\$5 m project to develop a commercial demonstration plant for coal to oil and upgraded dry coal processes from the brown coal.	10 jobs based in the Latrobe Valley	Australian and Victorian Government support to work closely with the project proponent to ensure the project proceeds	
Awyin Property Development	\$50m project to develop the Latrobe Briquette Manufacturing Facility.	200 jobs based in the Latrobe Valley	Australian and Victorian Government support to work closely with the project proponent to ensure the project proceeds.	
<i>Nippon Steel Engineering ECOPRO</i>	\$370m project involves a high temperature gasification technology to convert brown coal to other products including- synthetic natural gas, diesel, methanol, acetic acid, hydrogen.	50 ongoing <i>200 construction</i>	Australian and Victorian Government support to work closely with the project proponent to ensure the project proceeds.	
<b><i>Possible Total Jobs Estimated</i></b>		<b><i>1800+ on-going</i></b>	<b><i>1200+ construction</i></b>	

### *The Challenge*

There are many proposed projects that are dependent on Latrobe Valley brown coal and are valued at billions of dollars that are not shovel ready. There is reluctance by all levels of government to pick winners however the encouragement of Government funding for trial plants using new brown coal technologies is a key priority.

Coal was first mined for large scale electricity production in the 1920s and this has remained the major use of the resource. The brown coal electricity generators in the Latrobe Valley currently supply around 90% of Victoria's electricity. The high moisture content of brown coal makes it unsuitable, without further treatment, for bulk export and results in relatively high levels of

greenhouse gas emissions per unit of electricity output. The introduction of a carbon price will affect the profitability of generators utilising traditional technologies but will also provide opportunities for research and development throughout the energy industry. In addition, alternative uses of brown coal (e.g. for production of oil products or fertilisers) are likely to become viable in the future.

The brown coal resource located within the Latrobe Valley is enormous and represents hundreds of years of supply. The resource is the focus of potential investment and development from companies world wide.

## **Advocacy- Government to Government and Support for our Community**

*“Meetings and letters and engagement are all well and good but we need real outcomes today that create jobs.”*

### The Opportunities

Latrobe City Council recognises that the scope of the task to transition to a low carbon emissions future is far beyond the capacity of Council acting alone. While Latrobe City Council supports the efforts at a national level to address climate change through the mitigation of carbon emissions, it is also keen to see its economy and community continue to prosper. Latrobe City Council is of the view that, with the appropriate transition mechanisms in place, climate change mitigation, economic growth and regional development can be achieved.

Latrobe City Council is seeking to form strong partnerships with State and Federal Government so that collectively the three levels of Government can contribute to a smooth and successful transition to a low carbon economy in Latrobe City and the Gippsland region. To this end, Latrobe City Council is working to develop ongoing communication channels and strong relationships with State and Federal Government departments and relevant Ministers.

<b>Project</b>	<b>Description</b>	<b>Outcome</b>	<b>Responsibility/Support</b>	<b>Delivered?</b>
<i>Special Consideration for funding-</i> a specific threat for the region is that Australian Government policies may compound the existing level of social disadvantage. Low skilled workers and low income households may be disproportionately affected.	Special Consideration given to for funding applications from the municipal areas of Latrobe City by Victorian and Australian Government Funding.	Additional funding for Latrobe City to facilitate infrastructure development, employment growth and to further enhance liveability.	Australian Government commitment to weight applications emanating from within the Latrobe City Council local government boundary.	

<p><i>Carbon Assist Officers-</i> The proposed model is similar to that used to manage the GST transition process and Latrobe City could potentially support an early pilot of the concept prior to a broader roll-out of the scheme. The Carbon Assist positions could focus specifically on households, community groups, and small to medium enterprises.</p>	<p>Funding is sought for two full time “Carbon Assist” positions over three years, and located in the Latrobe City Council offices to provide support for businesses and to engage with our community.</p>	<p>Provide updates on developments in the roll-out of Government policies ; Provide training on energy and carbon management and methods to minimise their costs; and Assist in identifying and capturing opportunities from the Clean Energy Package.</p>	<p>Funding of \$450,000 is sought over three years from the Australian Government</p>	
<p><i>Contract for Closure-</i> A commitment is sought to ensure that there is a focus on Economic and Regional Development as a part of the Contract for Closure Negotiations</p>	<p>The future of the ‘works areas’ of the plants/mines proposed for closure must be included in the purchase plan. The land must be used for employment creation. Contracts must also include a local content component that would ensure local firms could benefit.</p>	<p>To ensure that the outcome of the contract for closure negotiations delivered an economic and regional benefit for Latrobe City.</p>	<p>Australian Government commitment to explore this further with regional stakeholders.</p>	

<i>Investment Attraction- special consideration</i>	Invest Australia and Invest Victoria to prioritise Latrobe City as the number one investment location in Australia for a period of 5 years for all in bound investment opportunities.	Additional number of new firms locating in Latrobe City to replace jobs.	Memorandum of Understanding signed between the Australian and Victorian Government which gives preference	
<i>Investment Attraction- Grants</i>	Provision of Australian Government funding to a specific regionally based transition fund to encourage regional investment and stimulate the regional economy.	Investment attraction grants to firms locating in Latrobe City.	Funding to attract new firms to Latrobe City.	

### *The Challenge*

A key challenge for Latrobe City is that Australian Government policies may compound the existing level of social disadvantage that is present in Latrobe City. Low skilled workers and low income households are could be disproportionately affected. The challenge centres on the development of authentic partnerships between the three levels of government. A top down approach will not provide local solutions to a global challenge.



## ***Gippsland's Regional City- a destination of choice***

*"The scope of the adjustment task means that all spheres of government will need to genuinely work together..."*

### *The Opportunity*

Latrobe City Council will continue to engage with Government, industry and other stakeholders at a local and regional level to improve the breadth and quality of education, transport, health and recreational services and infrastructure in Latrobe City. Melbourne's population is projected to grow significantly over the next 20 years, and with thoughtful and integrated planning, this population growth could provide significant opportunities for Latrobe City to enlarge its population and diversify its economic base.

<b><i>Project</i></b>	<b><i>Description</i></b>	<b><i>Outcome</i></b>	<b><i>Responsibility/ Support</i></b>	<b><i>Delivered?</i></b>
<i>Latrobe Performing Arts &amp; Convention Centre-</i> The capabilities and capacities of existing performing arts facilities in Latrobe City are no longer adequate to meet the demands or expectations of the community and the needs performing arts touring groups and companies. Latrobe City does not have a convention centre large enough to accommodate the ever increasing market demand.	A new Performing Arts and Convention Centre will attract inbound performances and events which will deliver enhanced liveability outcomes for the region. The facility will contribute to economic activity within the Gippsland region and the arts sector by creating opportunities to extend intra and inter state tours etc.	A feasibility study undertaken by Latrobe City Council has identified an opportunity to develop a new complex at Kernot Hall in Morwell which will meet expectations and the demand for performing arts and convention activities.	Total Project Cost: \$15 million Government Funding Sought: \$12 million	

<p><i>Moe Activity Centre and Railway Precinct Development</i></p>	<p>This \$25 m project will provide improved public facilities and services and a more accessible activity centre for pedestrians and cyclists.</p>	<p>This project promotes long term and short term strategies for improving services and opportunities for identified population hubs. A significant program of new public infrastructure development within the Moe Activity Centre will encourage further population and business growth.</p>	<p>Total Project Cost: \$25 million. Government Funding Sought: \$20 million</p>	
<p><i>Gippsland Regional Indoor Aquatic Facility – the development of Gippsland’s first 50 metre indoor aquatic facility and associated health and leisure infrastructure. The facility will also be developed to be a major event venue and include other facilities such as a hydrotherapy pool, program pool, gymnasium and fitness rooms.</i></p>	<p>This \$30 m project will provide Gippsland with its first indoor fifty metre aquatic facility. In addition there is no indoor aquatic facility in Traralgon and a recent feasibility study completed by Latrobe City Council has identified the need and viability for such a facility.</p>	<p>This project will allow local athletes and recreational participant’s access to a state of the art aquatic and leisure facility. The facility would become the major hub for swimming in Gippsland. It would be designed to attract and host regional, state and national events, thus making a significant contribution to the local economy.</p>	<p>Total Project Cost: \$30 million. Government Funding Sought: \$25 million</p>	

### *The Challenge*

Following the privatisation of the electricity sector in the 1990s, local government spending and planning programs were wound back. Council currently has a program of planned upgrades of recreational and community facilities and will continue to work to implement these improvements throughout the transition period. In enhancing infrastructure and services, Council intends to continue to plan strategically and to implement strategies and planning schemes that support development while maintaining a unique regional lifestyle.

# **BUILT AND NATURAL ENVIRONMENT**

**11.3.1 MORWELL EAST INDUSTRIAL PRECINCT DEVELOPMENT PLAN  
- PRINCES DRIVE, MORWELL**

**AUTHOR:** General Manager Built and Natural Environment  
**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to present the Morwell East Industrial Precinct Development Plan 2011 to Council for consideration.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**3. STRATEGIC FRAMEWORK**

The discussions and recommendations of this report are consistent with the provisions of the *Planning and Environment Act* 1987 (the Act) and the Latrobe Planning Scheme (the Scheme), which apply to this application.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Built Environment*

- In 2026, Latrobe Valley benefits from a well planned built environment that is complimentary to its surroundings and which provides for a connected and inclusive community.

*Latrobe City Council Plan 2011 - 2015*

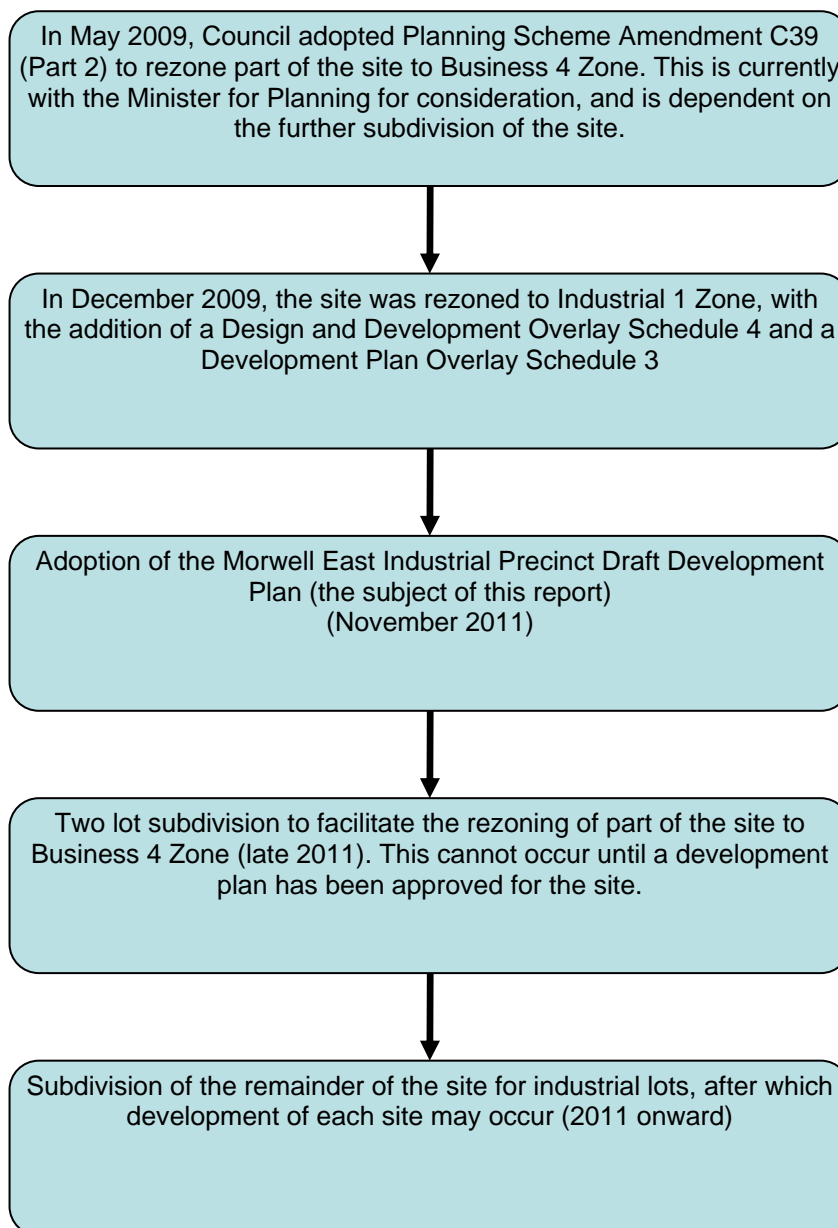
*Strategic Direction – Built Environment*

- Promote and support high quality urban design within the built environment; and
- Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.

**4. BACKGROUND**

Following the rezoning of the site and the inclusion of a development plan overlay, a plan is required to be prepared to set out the future subdivision and development pattern for the area.

No subdivision or works may occur until a development plan has been approved by Council. Included is a process identifying the steps from the rezoning of the site to the future development of the precinct:



### *Subject Site*

The precinct comprises 104 hectares and is located to the east of Morwell, bordered by Alexanders Road to the west, the Princes Highway to the South, National Foods Pty Ltd and National Road to the east and an unmade government road to the north. Between the subject land and Alexanders Road is the Australian Paper private railway line. The site is vacant and is presently grazed, with existing access from a small gate from the Princes Drive site frontage.

The site is affected by a number of natural watercourses, the most significant being Plough Creek, which traverses the site in a north-south direction.

The site has a number of identified areas of cultural heritage significance. The areas of significance are located predominantly around Plough Creek with a few scattered, isolated sites within north and north eastern portions of the subject site.

The site contains a single remnant tree, a *eucalyptus bridgesiana* (commonly known as an apple box) adjacent to Plough Creek. The development plan indicates that this tree should be retained and protected with the subdivision of the site.

A number of easements and powerlines traverse the western site boundary, predominantly in a north-south direction, for electricity purposes.

#### *Surrounding Locality*

The existing Industrial 1 Zone land to the north of Princes Drive is accessible from Princes Drive, Alexanders Road and Chickerell Street and consists of smaller sized allotments containing 'lighter' industrial uses, such as food and office supplies, printers, mechanics, paving suppliers and transport depots. There is a small spine of Industrial 3 Zone located between the Industrial 1 Zone and Residential 1 Zone which contains similar uses. This industrial area to the north of Princes Drive is considered to have 'higher amenity' surrounds with good access to existing infrastructure and high exposure to major roads. It is highly likely that these factors have contributed to a strong demand for land in this 'northern' industrial area, and is the reason why few vacant allotments remain in this area.

## **5. PROPOSED DEVELOPMENT PLAN**

The NBA Group Pty Ltd provided a draft development plan and supporting documentation to Council for consideration (*refer Attachment 1*). The supporting documentation included a proposed subdivision layout, streetscape detail plan, landscape concept plan, ecological assessment, traffic engineering assessment, an intersection treatment for the proposed Princes Drive entrance to the site, a hydrology report, an indicative design response (for when each lot is created and developed) and a cultural heritage management plan approved by Aboriginal Affairs Victoria.

Following significant discussions with the proponent, the final draft design of the development plan will facilitate a broad range of lot sizes and orientations to ensure flexibility in subsequent land use and development. The entrance to the precinct will be characterised by a wide avenue of canopy trees and a central median strip providing landscaping and incorporating water sensitive urban design features. The transmission lines located within the western portion of the site have been included in future lots to ensure that development responds to the constraints posed by the transmission lines and power easements in an appropriate context.

The layout of the proposed road network has been determined in consultation with VicRoads and Council's Infrastructure Planning team. This includes the provision of a service road along part the Princes Drive frontage and the provision of traffic lights at the intersection of the proposed road within the site and the Princes Highway to ensure safe and efficient vehicle movements to, from and surrounding the site.

The single remnant *eucalyptus bridgesiana* located within the site is proposed to be retained within the drainage and municipal reserve. This area will also be subject to a number of waterway enhancement measures, ensuring suitable landscaping which will assist in the restoration of the degraded creek.

The development plan provides design guidelines for subsequent development on the site, ensuring that development and the associated car parking and landscaping within the area are undertaken to a high standard to highlight the development as the eastern entrance to Morwell.

## 6. CONSIDERATION OF PLANNING CONTROLS

The site is contained within an Industrial 1 Zone and is within a Development Plan Overlay Schedule 3 and a Design and Development Overlay Schedule 4 (DDO4).

In accordance with the Development Plan Overlay Schedule 3, a development plan must be prepared for the whole of the land to which the overlay applies, and must be to the satisfaction of Council.



## 6.1 STATE AND LOCAL PLANNING POLICY FRAMEWORK

The State and Local Planning Policy Frameworks provide a range of relevant considerations for industrial development, subdivision and water sensitive urban design.

Clause 11 acknowledges that *'Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.'*

Clause 11.02 'Planning for Growth Areas' states the objective to *'locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.'*

Clause 21.07-2 'Industry Overview' acknowledges that:

*'The industrial sector in Latrobe City has been recognised as having three main dimensions. The first is the heavy industrial complex which is currently sustained by the coal and timber resources. The main location of this industrial complex is in the south Morwell area and within the Special Use - Brown Coal zoned areas in association with the power stations and mines. The second is the emerging industries, for example, those establishing in the Churchill urban settlement taking advantage of proximity to Monash University or east of Morwell with advantages such as the outfall sewer and other key infrastructure. The third sector is local servicing industry providing for local community needs. In all industrial areas the strategic direction is to encourage and support emerging types of industry. The strategic direction is to support the development and use of new industry in identified locations in the Morwell urban area and the Morwell South area and to encourage new large, high amenity, low density manufacturing industry to the area east of Alexander Road and north of the Princes Highway.'*

The key considerations relevant to the adoption of the Morwell East Industrial Precinct Development Plan relate to providing a high standard of urban design in both built form and subdivision layouts, providing a versatile industrial economy which is sustainable, addressing drainage and landscape values, and assessing traffic impacts and alternative modes of travel.

The design of the development plan has been informed by the policies contained within the Scheme and is considered to be appropriate having regard to the strategic direction of the Scheme.

## **6.2 INDUSTRIAL 1 ZONE**

The objective of the Industrial 1 Zone is identified as being to:

- ❖ *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.'*
- ❖ *'To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.'*

The Morwell East Industrial Precinct Development Plan has had regard to the frameworks set out within the Scheme and will facilitate the possibility of a variety of industrial land uses in an appropriate location designated for such purpose. The subsequent subdivision and development of this precinct will directly provide a high quality industrial precinct which facilitates a greater supply of industrial land, and if Planning Scheme Amendment C39 Part 2 is approved, additional bulky goods retail land supply.

## **6.3 DEVELOPMENT PLAN OVERLAY SCHEDULE 3**

The primary purpose of the Development Plan Overlay is to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop land.

Within Schedule 3 to the Development Plan Overlay, an application submitted to Council for approval must show a detailed assessment of both the natural and cultural features of the site, the characterisation of nearby land use and development and a comprehensive assessment as to the justification of how the development plan layout has been derived.

Clause 4 of Schedule 1 to the Development Plan Overlay sets out the decision guidelines for this overlay, and requires that *'before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the following:*

- ❖ *Structure Plan, policy, strategy or guidelines relating to the land that have been adopted by the Responsible Authority.*
- ❖ *The need to ensure that the standard of development, architecture and built form in the Morwell East Industrial Precinct is of a high quality given its strategic location being the entrance to Morwell from the east.'*

The proposed plan has been reviewed against the requirements of this overlay and the proposed plan is considered to be generally consistent.

The proponent has undertaken a site analysis which looks at the characteristics of the site and surrounds, which has assisted in the preparation of the layout of the proposed development plan.

The infrastructure required to service the site have been reviewed and appropriate strategies relating to roads, stormwater management and other utility services have been addressed in regard to the layout and supporting documentation.

The native vegetation and cultural heritage values of the site have been assessed and appropriate management strategies and recommendations have been implemented through the background documents and report proposed for adoption.

The waterways which affect the property, including Plough Creek, have been assessed and appropriate management strategies prepared with the advice of the West Gippsland Catchment Management Authority.

Amenity control measures, particularly in regard to the proposed residential precinct to the north west of the site across Crinigan Road, have been indicated in regard to lot size and layout and also through the spatial separation provided by the electricity easements affecting the western site boundary.

These considerations have been addressed within the proposed development plan to a satisfactory standard which will facilitate achieving the objectives of planning in Victoria. The comprehensive proposal addresses all issues identified at the site and surrounds and provides net community benefit for the economic development of Latrobe City. The configuration of the plan has adequately addressed the interface issues, particularly in regard to the future residential precinct north of Crinigan Road, the retention of the native vegetation and the waterway traversing the site. Any further measures required can be imposed by way of permit conditions on subsequent development and subdivision applications.

#### **6.4 DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 4**

The purpose of the DDO4 is to ensure high quality and visually stimulating development, design and built form and landscaping treatment contribute positively to the character and amenity of the Morwell East Industrial Precinct.

The majority of requirements of the DDO4 will be addressed with subdivision and development applications if the development plan is adopted.

### **7. FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial implications for Council in making a decision on the development plan.

### **8. INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Used:*

Notification:

The application for the development plan approval was advertised in that notice was provided to the adjoining property owners and occupiers, and a sign displayed on each road frontage of the site. Notice of the application was also provided in two editions of the Latrobe Valley Express (published in August 2010).

External:

There were no referral requirements pursuant to Section 55 of the Act.

Extensive consultations with infrastructure authorities, Vic Roads and the West Gippsland Catchment Management Authority have occurred to ensure that the plan addresses all requirements of each of these authorities. Some revisions to the plan have been required and have been incorporated into the layout of the plan as consideration has progressed.

Internal:

The application was referred internally to Council's Infrastructure Planning, Strategic Planning, Governance, Community Development and Natural Environment Sustainability teams for consideration. Each department provided comments in regard to the design, which have been incorporated into the layout of the plan and design guidelines.

*Details of Community Consultation following Notification:*

Following the notification process, there were no submissions received to the proposed development plan.

The approved plan will be available from Latrobe City Council website to ensure that it is accessible to the public to incorporate into proposals at the earliest stage.

This development plan is being considered by Council due to the significance of the project in terms of facilitating industrial land supply in the municipality.

**9. OPTIONS**

Council has the following options:

1. Adopt the development plan; or
2. Not adopt the development plan and seek further amendments.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

## **10. CONCLUSION**

The Morwell East Industrial Precinct Development Plan provides a detailed and comprehensive framework for subdivision, land use and development for both the short and long term transition of this area to industrial, as outlined in the Morwell Structure Plan.

Adoption of the Morwell East Industrial Precinct Development Plan will progress the delivery of the Latrobe City Council Plan 2011-2015 through:

- ❖ Utilising place management principles in planning, developing and promoting localities within the Latrobe City.
- ❖ Promoting and support high quality urban design within the built environment.
- ❖ Promote the integration of roads, cycling paths and footpaths with public transport options and public open space networks to facilitate passive recreation and enhance the liveability and connection of Latrobe City.
- ❖ Encouraging environmentally sustainable design principles, including water sensitive urban design in proposed public and private developments.
- ❖ Developing and implementing economic development actions to encourage business retention and growth.

## **11. RECOMMENDATION**

**That Council adopts the Morwell East Industrial Precinct Development Plan, dated April 2010.**

**Moved:** Cr Middlemiss

**Seconded:** Cr Lougheed

**That the Recommendation be adopted.**

### **For the Motion**

Councillor/s O'Callaghan, Vermeulen, Price, Gibson, Middlemiss, Lougheed, Harriman and White

### **Against the Motion**

Councillor Kam

**The Mayor confirmed that the Recommendation had been CARRIED**

**ATTACHMENTS**

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ATTACHMENT 1

Copy of Development Plan for Approval



# Morwell East Industrial Precinct Development Plan



Lot 2 on PS412581E

Applicant: Central Gippsland Development Group Pty Ltd  
April 2010

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## **1. Introduction**

The Morwell East Industrial Development Plan (MEIDP) comprises this document and the accompanying plans. It has been prepared for land located on the corner of Princes Drive and Alexanders Road and sets out the form and conditions for future industrial use and development.

The Development Plan has been prepared in accordance with the requirements of the Development Plan Overlay (DPO) provisions at Clause 43.04 of the Latrobe Planning Scheme and more particularly Schedule 3 of the Development Plan Overlay – Morwell East Industrial Precinct.

A planning permit for the subdivision, use and development of land must be generally in accordance with the Development Plan.

### **1.1 Supporting Documentation**

Accompanying this submission is the following supporting documentation:

- Development Plan – Proposed Subdivision (14896DP1) as prepared by the NBA Group Pty Ltd in consultation with Millar Merrigan Pty Ltd;
- Streetscape Detail (14896DP2) as prepared by the NBA Group Pty Ltd in consultation with Millar Merrigan Pty Ltd;
- Landscape Concept Plan (14896L01) as prepared by the NBA Group Pty Ltd in consultation with Millar Merrigan Pty Ltd;
- Ecological Assessment as prepared by Biosis Research Pty Ltd;
- Traffic Engineering Assessment as prepared by Traffix Group Pty Ltd;
- Detailed Hydrology Assessment as prepared by Water Technology Pty Ltd;
- Indicative Design Response as prepared by the NBA Group Pty Ltd.
- Cultural Heritage Management Plan 10057 as prepared by Tardis Enterprises Pty Ltd;

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## 2. Development Plan Area

The Morwell East Industrial Development Plan applies to Lot 2 on PS412581E which comprises a total area of 104 hectares.

The land is located on the fringe of Morwell and bound by Princes Drive to the south, Alexanders Road to the west, an unmade Government Road to the north and the National Foods site and a further unmade Government Road to the east. Refer to Figure 1 – Context Plan.

Between Alexanders Road and the subject land is a private spur line, which runs from the Gippsland Railway line to the Maryvale Paper Mill. This spur line is owned and operated by Paper Australia.

The land is vacant and has been used for grazing purposes for many years. The topography is slightly undulating but generally flat. Plough Creek dissects the eastern side of the land, entering at the south through a culvert under Princes Drive and flowing northwards meeting Waterhole Creek, and subsequently the La Trobe River. Two dams form part of the watercourse. Refer to Figure 2 – Site Analysis Plan.

Plough Creek is considered to be in relatively poor stream health due to unrestricted stock access and the comprehensive removal of vegetation has led to bank-stability issues along with water quality concerns. Plough Creek is considered to have limited environmental value (physical and ecological) as the waterway is severely degraded.

There is also a secondary drainage line along the western boundary of the property, which follows the railway line.

Substantial overhead electricity lines traverse the land, running in a north-south direction along the western edge of the site. This infrastructure is encompassed within numerous electrical easements.

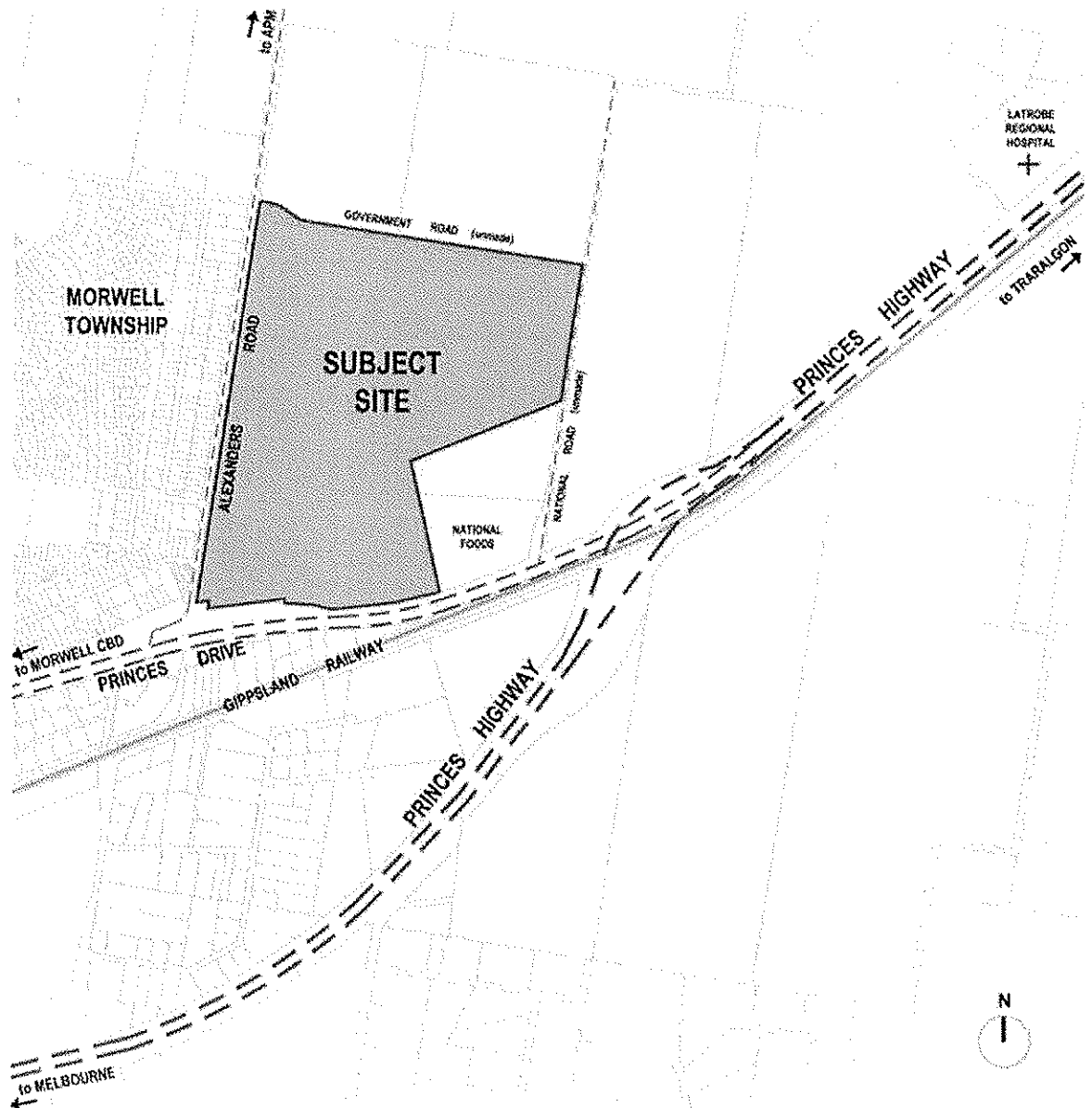
A further easement which contains a sewerage pipe runs roughly alongside Plough Creek.

Given the land use, the site comprises mostly of pasture grass. There are planted rows of Monterey Cypress trees along the southern section of Plough Creek and the western boundary. The Ecological Assessment report prepared by Biosis (Appendix 4) identified one (1) indigenous tree within the study area, a *Eucalyptus bridgesiana*. The location of this tree is identified on the Site Analysis Plan at Figure 2.

A number of Aboriginal archaeological artefacts have been discovered on the site, the majority of which are in the north-east corner of the subject site. Further artefacts are scattered across the site but are considered to be of marginal or general significance to the area. Most of the registered sites are considered to be of low scientific significance,

with only one site being considered of moderate to high scientific significance. See Appendix 8 for the Cultural Heritage Management Plan 10057.

**Figure 1 – Context Plan**



**Figure 2 – Site Analysis**



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### 3. Development Plan Overlay Requirements

Schedule 3 of the Development Plan Overlay requires the following:

*A single development plan must be prepared for the whole of the land to which this schedule applied and be to the satisfaction of the Responsible Authority.*

The plan must show the following.

#### 3.1 Site Analysis

- **The site analysis must show the topography of the land, the location of any existing vegetation, drainage lines, sites of conservation, heritage or archaeological significance and other features.**

The Site Analysis Plan at Figure 2 shows the subject land and physical conditions.

#### 3.2 Land Use, Development and Subdivision

- **A detailed description of the proposed use and activities.**

The proposal is for a high quality 'modern' industrial development to cater for larger, high amenity, low density, manufacturing industries. It includes a range of lot sizes to cater for a variety of industrial uses whilst also including substantial amounts of public open space to protect significant site features and ensure an attractive environment for employees, visitors and passersby.

- **The proposed overall subdivision layout including roads, public open space and other features of the subdivision in a manner which is responsive to the features identified in the Site Analysis.**

The subdivision layout has been specifically designed to respond to existing site conditions. The overall layout includes 44 well shaped lots ranging from 7941m<sup>2</sup> to 6.897ha all with the potential for further subdivision, subject to Council approval. The range of lot sizes are designed to provide for a variety of manufacturing and industrial uses.

The proposed road layout and vehicular entrance to the site reflects the recommendations within the Traffic Engineering Assessment at Appendix 5. A wide road reserve with central swale off Princes Drive forms the main entrance to the development. It has lots fronting it on either side and allows for a connection to the unmade Government Road to the north. Further roads feed off this main road, providing access to the remainder of the land. A second link to the unmade

Government Road is provided within the north-east corner. A service lane travels along the frontage of the site east of the main entrance road. This enables safe convenient access to lots fronting Princes Drive without requiring additional major intersections. The width of road reserves and pavements varies to reflect the intended road hierarchy. See Cross Sections at Appendix 2 for details.

The provision of public open space has responded to specific site conditions. A reserve encompasses the entirety of Plough Creek and offers generous setbacks to the waterway to allow for required re-engineering and extensive landscaping. The only indigenous tree on site will be retained within this reserve. Further open space areas are proposed in the north-east corner of the site where the more significant areas of archaeological interest have been identified. A reserve is also proposed to link the road network with the Creek reserve to enable excellent pedestrian connectivity and circulation.

Drainage issues on site have offered an excellent opportunity for water sensitive urban design (WSUD) features. Swales are utilised within the main roadway and to the rear of lots adjacent to Alexanders Road and Plough Creek is to be re-engineered to accommodate water sensitive urban design aspects. The WSUD features for the site will provide multiple benefits to the receiving waters compared to traditional pipe drainage systems. A substantial reduction in water pollutants from the site, to best practice standards, will ensure that downstream waterways will not be adversely affected.

The existing power line easements are retained within private allotments where as the sewer easement is located within areas of public open space.

The Development Plan at Appendix 1 shows the proposed layout.

#### ▪ **Details about the staging of the development**

The subdivision is proposed in four separate stages as indicated on Development Plan at Appendix 1. Stages can be described as follows:

- Stage one: creates 12 allotments and the main access from Princes Drive;
- Stage two: creates 2 allotments, a small reserve and the service lane along the frontage to Princes Drive
- Stage three: creates 20 allotments
- Stage 4 creates 11 allotments, the large public open space reserve and two smaller reserves in the north east corner of the site that encompass the significant Aboriginal sites.



- **Details of the siting of buildings, car parking, and building materials and form.**

The development and siting of buildings and associated carparking is guided by the Design and Development Overlay that covers the site. To further assist in the assurance of appropriate design responses all future development is to be guided by the Development Standards outlined in section 4 below.

- **Access to the existing road network and provision for future access to adjoining properties.**

The proposed road layout and vehicular entrance to the site reflects the recommendations within the Traffic Engineering Assessment (Appendix 5) and discussions with Vic Roads.

A wide road reserve with central swale off Princes Drive forms the main entrance to the development. It has lots fronting it on either side and allows for a connection to the unmade Government Road to the north. Further roads feed off this main road, providing access to the remainder of the land. A second link to the unmade Government Road is provided within the north-east corner.

A service lane travels along the frontage of the site east of the main entrance road. This enables safe convenient access to lots fronting Princes Drive without requiring additional intersections. The width of road reserves and pavements varies to reflect the intended road hierarchy. See Cross Sections at Appendix 2 for details.

The main intersection on Princes Drive will require a break in the existing median and provision of a signalled intersection in accordance with the recommendations of the Traffic Engineering Assessment at Appendix 5. The recommendations for the intersection at Alexanders Road and the Government Road, including a road realignment, are incorporated into the Development Plan (Appendix 1). Traffix consulted VicRoads throughout the traffic engineering and roads infrastructure design process and the proponent received the written support of the APM to cross their private rail spur if supported by VicRoads.

- **The location of vehicle crossings**

Vehicle crossings to provide access to each allotment have been shown on the Development Plan at Appendix 1. They have been located in logical positions and where possible two lots share a widened crossover to minimise interruptions to streetscape planting. The positioning of the centre median and swale within the main entrance road respond to the location of crossings to enable efficient access to each lot.

- **Street networks that support building frontages with two way surveillance.**

The proposed layout in conjunction with the design standards achieve appropriate abuttal to all road frontages and ensures two way surveillance is available.

- **An explanatory statement illustrating the demand for the range of lots provided.**

The proposal is to provide for a wide range of industrial uses. The grid pattern readily adapts to provision of a mix of lots, and all of the lots are capable for further subdivision to provide for a wide range of smaller industrial uses if desired. The proposal is designed to cater for existing known demand requirements and to provide for the emerging industries seeking to take advantage of the existing infrastructure and amenity of the local environment.

- **Integration with future development on adjoining properties**

The layout of the development offers vehicular links to the north where the Government Road abuts farming land. This allows for potential future expansion of the industrial area to the north.

The electricity easement and railway line provide a buffer to the existing smaller light industrial land to the west. Links to this road are not considered appropriate given the constraints, namely the railway line.

Princes Drive provides separation of the site from the development to the south. The proposed reservation surrounding Plough Creek buffers the existing National Foods site.

The layout and land use will not limit future expansion of surrounding undeveloped land, if required at a later stage. It offers appropriate links and buffers where necessary.

### 3.3 Infrastructure Services

- **A Stormwater Management Plan detailing the collection and treatment of stormwater including the size and location of all drainage system components.**

A Stormwater Management Plan has been prepared by Water Technology and forms part of this submission (Appendix 6). The recommendations within the report have been incorporated into the development plan to ensure best practice stormwater management. The development will result in an inherent benefit to Plough Creek which is currently in a severe state of degradation.

Downstream of the site Plough Creek flows in a northerly direction through Morwell, joining with Wades Creek and eventually entering the Latrobe River. The Latrobe River discharges into the Gippsland Lakes system which has a high environmental and economic values. Hence improving water quality inputs to these receiving waters is a high priority.

There is a draft Land Subject to Inundation Overlay (LSIO) proposed for the Plough Creek catchment area. The Water Technology report resolves that the bounds of this draft LSIO should be modified, which is further outlined in the previous submission for rezoning of the subject land. Water Technology worked closely with the Catchment Management Authority to ensure all water course and inundation issues were categorically addressed in the design.

- **The provision of an integrated drainage scheme for the area that incorporates water sensitive urban design principles for improved sustainability and flood mitigation.**

There is an excellent opportunity to greatly enhance the environmental and recreational values of Plough Creek as part of the proposed development. By incorporating the principals of WSUD, it is possible to put in place best practice management techniques to ensure minimal impact on water quality in Plough Creek whilst providing improved ecological and landscape outcomes. A combination of swales, bioretention systems and stormwater treatment ponds have been proposed to treat stormwater to best practice levels. A substantial amount of land has been set aside as public open space and can accommodate some of the required WSUD features however further treatments are required within road reserves and some private allotments as shown on the Development Plan at Appendix 1.

In order to reduce the pollutants entering Plough Creek, a series of swales are indicated within the centre median. Extensive works, including provision of a new pond will occur along the creekline. The proposed swales and pond will provide an aesthetically pleasing water quality treatment system. Appropriate planting of the swales and pond system as well as the creek channel and banks will rehabilitate the on-site Plough Creek waterway, potentially providing significant habitat benefits.

The development plan satisfies required water quality objectives whilst enhancing the environmental and amenity values of the on-site waterways.

- **A traffic management plan identifying the hierarchy of the internal road network.**

Vehicular access to the subject land is limited to Princes Drive, and the proposed relocation of a railway crossing in the north-west corner providing access to Alexanders Road and Crinigan Road. A north-south road provides a linkage between the two major access points, and access to the internal road network. Road hierarchy is primarily determined by road widths and differing street tree planting. A Traffic Engineering Assessment has been undertaken and is contained within Appendix 5.

- **The location of any major infrastructure easements that exist or are required.**

There is a major electricity easement within the western boundary, and a centrally located sewerage easement. Both of these easements are included in the plan. They will remain unchanged. No additional major easements are required

- **An indicative plan of utility services showing all services located underground and the location of utility infrastructures.**

The wide road reserves are easily capable of accommodating all reticulated services underground. Indicative locations of all utility infrastructure are shown on the Streetscape Detail Plan (Appendix 2).

### 3.4 Landscape Plan

- **A full vegetation survey and condition statement as part of the landscape concept for the site.**

A detailed ecological report was prepared by Biosis Research Pty Ltd (February 2007) as part of the rezoning process. This report stated in part:

Page 4:

*"The subject land itself has very little value for native flora or fauna, and poses few ecological constraints to development. Apart from the dams on Plough Creek, no vegetation within the study area is considered to be an extant EVC or meet the threshold for assessment (>25% cover of native species) under the habitat hectare methodology of DSE"*

Page 5:

*"The remnant But But tree should be retained if possible."*

The proposal provides for the retention of the dams and But But tree, which are located within the proposed reserve.

- **A landscape design and theme for the site, including public open space, buffer areas and road reserves taking into account existing vegetation and the desire to develop high quality industrial areas.**

A Landscape Concept Plan has been prepared for the site. The aims of the landscape plan are to restore the degraded creek, create linkages throughout the site and the surrounding neighbourhood, create high quality streetscape with an indigenous/native planting palette and to create high quality legible landscapes.

Features of the landscape include a wide entrance boulevard incorporating tall canopy trees, WSUD swales, traffic calming points and meandering pathways and the restoration of Plough Creek to reduce erosion, include indigenous grasses, shrubs and trees capable of providing habitat and removing nutrients from the creek and surround. Additionally each street will feature a single species of tree providing a distinct feel and indicating a road hierarchy.

Example of a central swale



### 3.5 Native Vegetation

- A 'Net Gain' assessment of any native vegetation to be removed having regard to Victoria's Native Vegetation Management: A Framework for Action, including how it is proposed to provide, manage and protect any necessary offsets.

To comply with the State Government Net Gain policy, as contained within Victoria's Native Vegetation Framework (NRE 2002), a development proposal must demonstrate that the 3-step process has been followed (avoid removal of native vegetation, minimise unavoidable losses and only then provide appropriate offsets). To achieve this objective, the loss of native vegetation, either within the dams or the But But tree has been avoided. There are large areas of reserve around the subject vegetation to ensure that it will not be disturbed by the development.

### 3.6 Cultural Heritage

- A cultural heritage assessment is to be prepared consistent with the requirements set by Aboriginal Affairs Victoria.

According to the *Aboriginal Heritage Regulations 2007* there is a section of the activity area that is located within a specified area of cultural heritage sensitivity. A named waterway 'Plough Creek' intersects the activity area and is identified as culturally sensitive and is therefore a trigger under the Act (r. 23 (1)). Under the Regulations, a cultural heritage management plan is required if the activity lies within a specified area of cultural sensitivity and is a high impact activity. A high impact activity is one that would result in significant topsoil disturbance and involves a use of land specified in the regulations. Industrial development is a specified high impact activity under Regulation 46 (2).

A Cultural Heritage Management Plan (No. 10057) has been prepared (see Appendix 8). Tardis and the proponents worked hand in hand with the AAV and local Aboriginal groups to secure the endorsed CHMP and it is considered that the site can now be developed in accordance with that Plan. The Development Plan addresses all relevant issues raised in the CHMP and has been prepared in accordance with those recommendations.

### 3.7 Management Plan

- **A management plan for the protection of sites of environmental, heritage or archaeological significance during construction and development of the site.**

As a result of the complex assessment five Aboriginal archaeological sites VAHR 8121-0296 and 8121-0298 to 8121-0301 were located and recorded within the activity area. All registered sites will be impacted to a certain extent by the proposed development.

The sites are located within areas of proposed subdivision; however, based on the results of the complex assessment, the design of the Industrial estate has been specifically altered in order to preserve heritage sites of highest value within the heritage conservation zone. One site (VAHR 8121-0300) within the proposed industrial subdivision has been assessed as being of moderate to high scientific significance. This site is located on the dune landform in the northeast section of the activity area. In compliance with Section 61a of the *Aboriginal Heritage Act 2006*, the industrial estate has been re-designed to incorporate a heritage conservation zone.

The mandatory requirements specified within the Cultural Heritage Management Plan will be adhered to.

### 3.8 Flooding

- **A detailed report to identify, consider and mitigate flooding issues.**

There is a draft Land Subject to Inundation Overlay (LSIO) proposed for the Plough Creek catchment area. The Water Technology report (See Appendix 6) resolves that the bounds of this draft LSIO should be modified, which is further outlined in the previous submission for rezoning of the subject land. The development itself will have a negligible impact on flooding given the marginal increase in flood level off-site and the increase in floodplain storage.

### 3.9 Plough Creek Environment

- **An assessment of the environmental issues affecting the Plough Creek and its surrounds.**

Environmental issues surrounding Plough Creek are discussed in detail within the supporting stormwater and ecological reports (see Appendix 6 and 4). To reiterate, Plough Creek is considered to be in relatively poor stream health due to unrestricted stock access and the comprehensive removal of vegetation has led to bank-stability issues along with water quality concerns. It is considered to have limited environmental value (physical and ecological) as the waterway is severely degraded.

The Development Plan encompasses the creekline and environs with a substantial linear reserve. This offers ample space for re-engineering works and subsequent landscaping to enhance the quality of the waterway. It is envisaged that the open space network surrounding Plough Creek will evolve into a significant local asset for passive and active recreation.

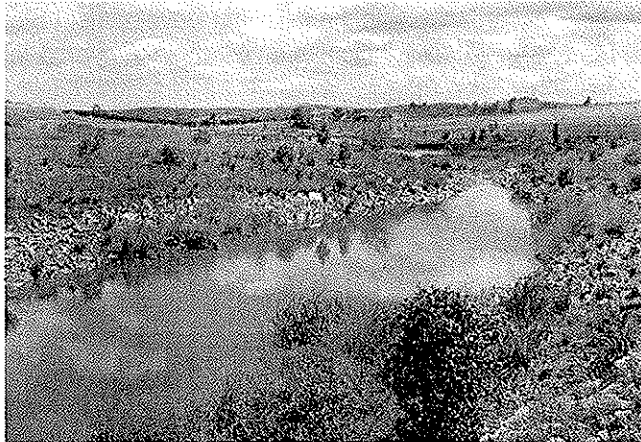
The restoration of the creekline will involve the planting of a range of species, from indigenous grasses within the ephemeral zone for the stabilisation of the banks, provision of habitat and the uptake of nutrients through to tall trees also for bank stabilisation, habitat and amenity.

An example of a degraded creek prior to restoration





The above creek after restoration



### 3.10 Amenity

- **Measures necessary to protect the amenity and surrounding properties and the safety of the public.**

Apart from the rural properties to the north and east, the subject land is located within an established industrial area. This aside it is considered important to screen boundaries with vegetation to ensure an attractive view of the site from external areas. The Development Standards specified at section 4 below require that screening landscaping be planted and maintained along Alexanders Road, Plough Creek and the adjoining agricultural land. The layout of the subdivision and Design Standards ensure high levels of surveillance over public areas to ensure safety and landscaping within public areas will also ensure safe inviting spaces.

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#### 4. Development Standards

A permit is required for the use and development of the proposed allotments. The development must be in accordance with the following Development Standards. The Design Response Plan at Appendix 7 indicates an example of appropriate development.

##### 4.1 Landscaping

- A landscaping strip of a minimum 3 metres wide must be provided along and within the frontage and at least 3 metres wide along and within a side street boundary.
- Trees or shrubs should be included as part of the landscaping treatment to the frontage of the lots.
- Sympathetic landscaping and screening must be provided for the side and rear of lots facing Alexanders Road, Plough Creek and the adjoining agricultural land to the north and east of the precinct.
- Planting should have a strong element of indigenous and native species where possible.



Landscaping within the front setback including trees

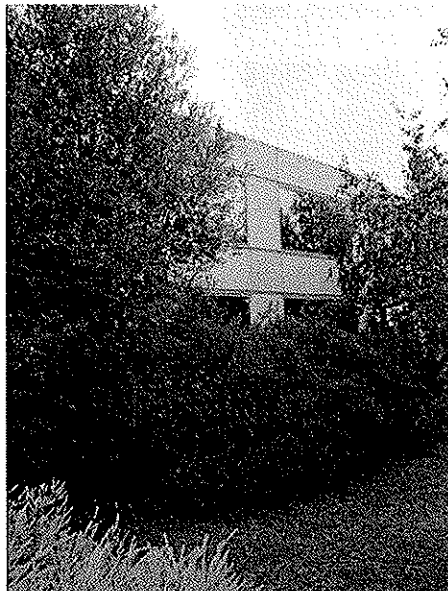




Absence of landscaping within the front setback

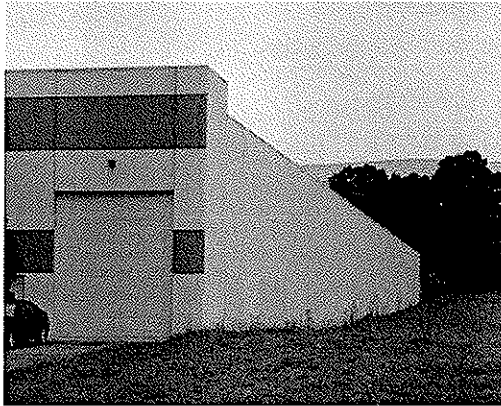


Provision of Screening to the side and rear of buildings





Insufficient or lack of landscaping along the sides and rears of buildings



Large parking areas broken up with canopy trees

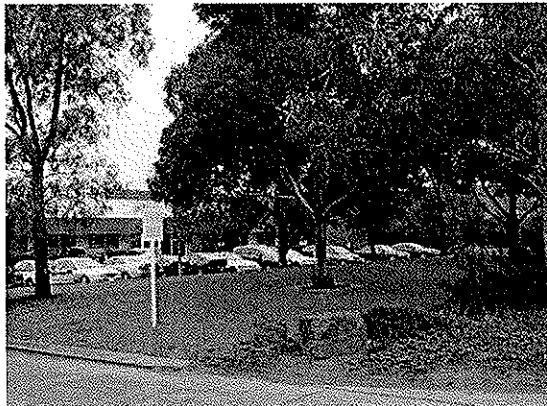


#### 4.2 Buildings & Parking

- Car parking shall not be provided in the landscape setback area.
- Visitor car parking should be located at the front of the site to encourage use of the parking area.
- All buildings must be set back at least 15 metres from the frontage and at least 3 metres from the side street boundary.
- Contemporary and creative architecture is encouraged in the design, built form, style and finishes. The façade of all buildings must be treated to the satisfaction of the responsible authority.
- Floor area coverage of buildings must not exceed 60% of the overall site area.
- Loading and service functions will be sited to the side or rear of premises and appropriately screened to address any visual amenity issues.
- External storage areas and garbage receptacles must be screened and adequately distanced from sensitive uses.
- All driveways and car parking areas at the front of the site must be constructed of an impervious all-weather seal coat such as concrete or bitumen and drained to the satisfaction of the responsible authority.
- All structures on rooftops, including air conditioning units and fans, must be appropriately screened to address any visual amenity issues.
- Development of the site must enable vehicles to move to and from the site in a forward direction.



Generous front setback with substantial landscaping





Building with insufficient front setback and lack of street address

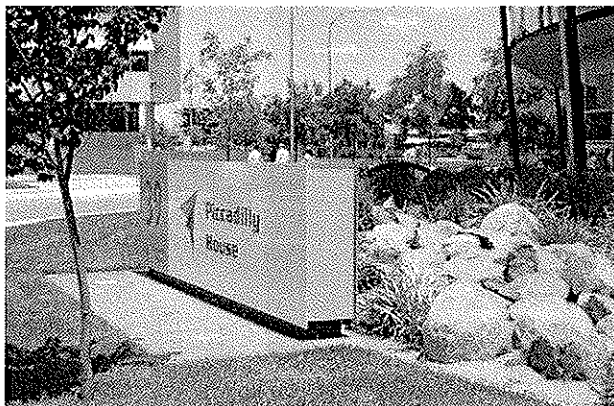


#### 4.3 Signage

- Use of a unified signage theme with modern appearance is to be used throughout the subdivision.



Attractive modern signage



## 4.4 Fencing

- Front fences should be no greater than 1.2m in height and should be visibly permeable.
- Where a lot is located on a corner and a side boundary abuts a road or open space, fencing should be visibly permeable and coloured in muted tones to blend with the landscape.
- Use of cyclone mesh fencing and barbed wire is not permitted.



No front fence



Permeable and appropriately coloured side fence





#### Use of Cyclone Mesh Fencing



#### 4.5 Water Sensitive Urban Design

- The use of water tanks to capture rainwater runoff from roofs is strongly encouraged.
- Use of water sensitive urban design aspects within car parking areas should be utilised where possible.



#### Use of water sensitive urban design within carparks







Lack of landscaping and water sensitive urban design in parking area



**5. Appendix 1 – Overall Development Plan**

**6. Appendix 2 – Streetscape Detail Plan**

**7. Appendix 3 – Landscape Concept Plan**

**8. Appendix 4 – Ecological Assessment**

**9. Appendix 5 – Traffic Engineering Assessment**

**10. Appendix 6 – Detailed Hydrology Report**

**11. Appendix 7 – Indicative Design Response**



**12. Appendix 8 – Cultural Heritage Management Plan 10057**

**Possible future road connection**

Council is required to address interface, compatibility and integration issues between the subject site and surrounding land uses at the Development Application and Detailed Design stages of the development process. It is envisaged that the existing electricity easement will provide a buffer between future development on this site and existing/future development to the west

The wide road reserve allows ample space for meandering pathways between high branching canopy trees to provide a park like feel to the development

A range of lot sizes will cater for numerous industrial pursuits

Raised feature pavements act as traffic calming devices whilst breaking up the hard surfacing and providing an attractive landscape environment

The path network ensures excellent pedestrian circulation throughout the site whilst linking it to external areas

Major infrastructure easements have been factored into the lot configuration in accordance with advice from the relevant authorities

A wide entrance road enables use of landscape/bio-retention swales in a central median to treat stormwater runoff

Staging of the development allows for efficient provision of services and allows for a logical progression of development

The entrance is dominated by a feature avenue of canopy trees

The proposed swales, water sensitive urban design and water retention features are in accordance with the hydrology and drainage study completed for the site. Such features mitigate against any site inundation issues, ensure a net-gain for Plough Creek and were designed based on consultation with the West Gippsland Catchment Management Authority

The road layout provides links to the Government Road to enable safe and convenient vehicular circulation

Moderate to high scientifically significant Aboriginal sites are encompassed within proposed reserves to ensure their protection in accordance with the endorsed CHMP prepared for the subject site

Culvert crossings of Plough Creek to the satisfaction of Latrobe City Council and the CMA

Highly degraded Plough Creek is to be re-engineered to include water sensitive urban design. It will benefit significantly from the development through revegetation and increased stormwater runoff

Culvert crossings of Plough Creek to the satisfaction of Latrobe City Council and the CMA



Extensive landscaping with an indigenous theme is proposed throughout the open space areas

The only indigenous tree on site is to be retained within the public open space reserve

A single entrance off Princes Drive provides for the main thoroughfare. A break in the existing median is required and the intersection will be signalled in accordance with the Traffic Engineering Assessment and VicRoads advice

**LEGEND**

- Proposed lot
- Proposed staging
- Proposed reserve
- Proposed road
- Proposed raised pavement
- Proposed vehicle crossing
- Proposed footpath
- Proposed water treatment pond
- Proposed swale
- Plough Creek
- Proposed tree
- Existing easement
- Site boundary

**To Be Approved**

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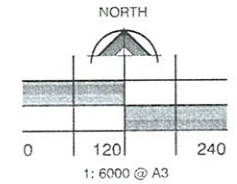
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 Latrobe City Council

**11.3.2**      **AMENDMENT C9 TO LATROBE PLANNING SCHEME TO  
INTRODUCE NEW FLOOD PROVISIONS****AUTHOR:** General Manager Built and Natural Environment  
**(ATTACHMENT – YES)****1. PURPOSE**

The purpose of this report is to present to Council for consideration all written submissions received in response to proposed Amendment C9 and to seek Council support to adopt Amendment C9 and submit to the Minister for Planning for approval in accordance with Section 35 of the *Planning and Environment Act 1987* (the Act).

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

*Latrobe 2026: The Community Vision for Latrobe Valley*

Strategic Objectives – In 2026, Latrobe Valley benefits from a well planned built environment that is complementary to its surroundings, and which provides for a connected and inclusive community.

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction – Built Environment (City Planning)*

*Protect public and private infrastructure against disaster, deterioration and pests through the application of appropriate building and planning controls.*

*Service Provision – Built Environment (City Planning)*

Provide Strategic Planning Advice and services in accordance with the Local Planning Policy Framework.

*Major Initiatives – Commence the planning scheme amendment to introduce new flooding provisions into the Latrobe Planning Scheme.*

*Legislation –*

The provisions of the Latrobe Planning Scheme and following legislation apply to this amendment:

- Local Government Act 1989
- Planning and Environment Act 1987
- Transport Integration Act 2010

**4. BACKGROUND**

In relation to land use planning for flooding, Latrobe City Council is responsible for ensuring that the Latrobe Planning Scheme is kept relevant and up-to-date in order to:

- minimise the potential for loss of life, risk to health and damage to property associated with flooding; and
- ensure that the natural function of the floodplain to convey and store flood waters is preserved.

These responsibilities are detailed within the provisions of the Act, which require Council to identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority. The primary instrument Councils use to achieve this is by way of planning provisions within the planning scheme.

*Flood Studies*

Amendment C9 proposes to introduce new flood provisions into the Latrobe Planning Scheme. The new flooding provisions are based on updated data from four flood studies carried out in Latrobe City between 2000 and 2007, together with revised mapping for three smaller towns provided by the West Gippsland Catchment Management Authority (WGCMA).

The Department of Sustainability and Environment (DSE) carried out the Flood Data Transfer Project in 2000. One of its main objectives was to produce and deliver high quality, consistent and comprehensive mapping to show a range of flood data for urban and rural flood plains in Victoria.

Latrobe City Council commissioned consultants to undertake a comprehensive floodplain management study for the Traralgon Township in 2000. The main objective of the study was to determine effective methods for minimising the economic and social impacts of future flooding on the community.

The Final Report, titled *Traralgon Creek Floodplain Management Study*, was completed in November 2000.

In 2006, consultants were engaged to undertake flood studies in the Moe and Morwell floodplains. The final reports, titled *Waterhole Creek Flood Study* and *Narracan Creek Flood Study* were completed in 2007.

The various studies referred to above, comprise a significant body of data in relation to potential flooding throughout Latrobe City. While some of the data contained within these studies is approximately ten years old, the information is still valid and applicable to potential flooding issues throughout the municipality.

Amendment C9 uses the flood data from all four flood studies. In addition, the proposed amendment has provided an opportunity to review flood mapping for waterways near Toongabbie, Glengarry and Churchill.

Council has previously been made aware of the various flood studies outlined above at Ordinary Council Meetings on:

- 3 May 2004;
- 21 November 2005; and
- 18 June 2007.

The Council resolutions resulting from these Council meetings are set out at Attachment 1.

#### Amendment C9

Amendment C9 proposes to:

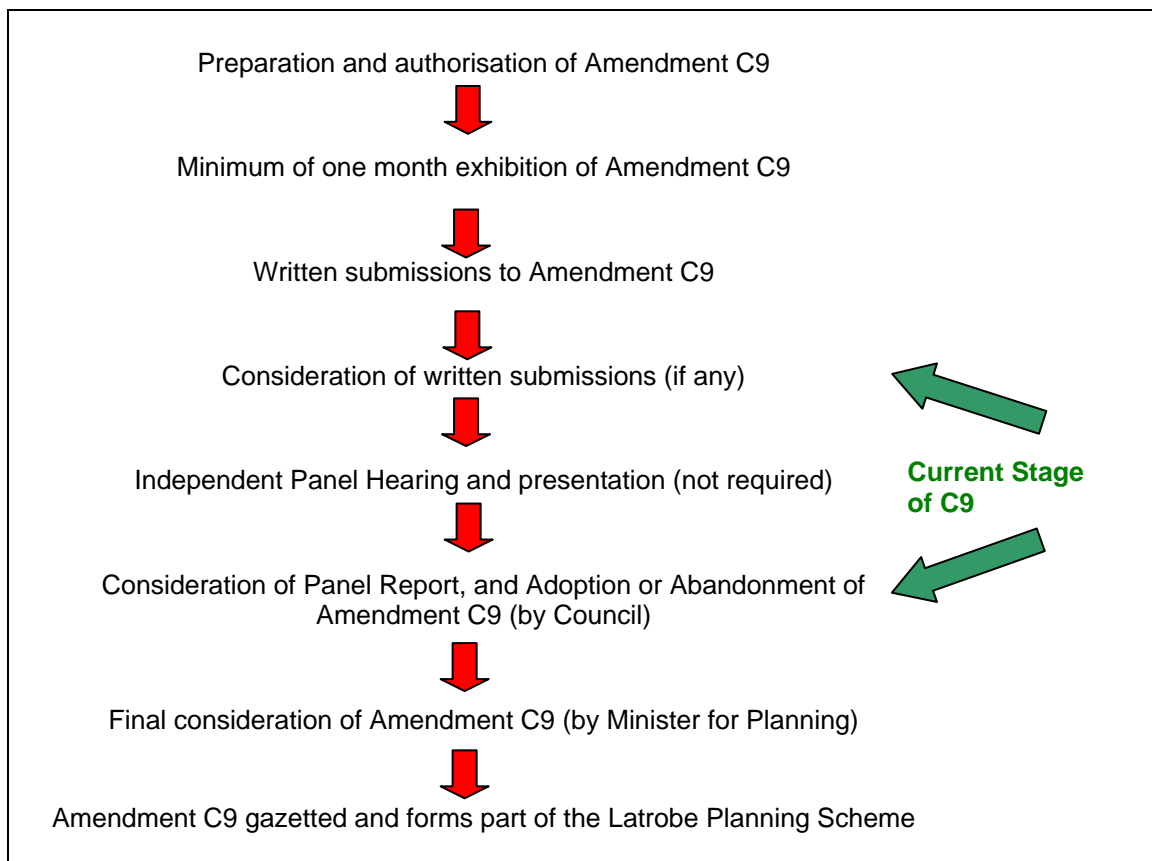
- Modify the existing Land Subject to Inundation Overlay (LSIO) maps and introduce Floodway Overlay (FO) maps into the Latrobe Planning Scheme to reflect updated flood information.
- Introduce a new Clause 44.03 FO and new schedule to the FO.
- Replace the existing Schedule to the LSIO.

Amendment C9 will provide an improved planning framework for existing and future development within flood affected areas. This information will be used to help plan and prioritise emergency management, drainage improvements and flood mitigation.

### Statutory Requirements

The C9 planning scheme amendment process is shown in the figure below and provides an indication of the current stage of the amendment.

#### C9 Planning Scheme Amendment Process



In accordance with the Act, the municipal council, as a planning authority, has a number of duties and powers. These duties and powers are listed at Section 12 of the Act. Under Section 12 a planning authority must have regard to (*inter alia*):

- The objectives of planning in Victoria;
- The Minister's directions;
- The Victoria Planning Provisions;
- The Latrobe Planning Scheme;
- Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by the amendment.

Amendment C9 has had regard to Section 12 of the Act and is consistent with the requirements of Section 12. In addition, each amendment must address the Department of Planning and Community Development (DPCD) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response to these guidelines is outlined in the attached Explanatory Report (see Attachment 2).

The proposal is consistent with the State Planning Policy Framework, at Clauses 15.02 – Floodplain Management and the Municipal Strategic Statement (MSS), at Clause 21.03-7 - Flooding Overview. This is further explained in the attached Explanatory Report, (see Attachment 2).

#### Planning Scheme Amendments

At the Ordinary Council meeting on 20 December 2010, Council resolved to seek the Minister for Planning authorisation to prepare and exhibit the proposed Amendment C9.

The Minister for Planning in accordance with Sections 8A (3) of the *Planning and Environment Act 1987*, authorised Council to prepare the proposed Amendment, C9 on 9 February 2011.

Amendment C9 was placed on public exhibition during the period 31 March 2011 to 31 May 2011.

Sections 22 and 23 of the Act require that Council must consider all submissions received to C9 and where a submission requests a change that cannot be satisfied, request the Minister for Planning to establish a planning panel to consider submissions. Further discussion on the need for a planning panel is provided in Section 5 of this report.

The recommendations of this Council Report are in accordance with Sections 22 and 23 of the Act.

## **5. ISSUES**

All of the 13 written submissions received expressed support for Amendment C9. Four of these expressed overall support for Amendment C9. Eight sought further clarification of the extent of the flood overlays and one submission initially raised concerns regarding the application of the LSIO to their land and later withdrew the submission.

A summary of submissions and planning responses are provided in Table 2 – Summary of Submissions and copies of all submissions are included in Attachment 3.

**Table 2 – Summary of Submissions**

Feedback	Response	Changes required to exhibited amendment	All Concerns addressed by C9
<p><b>1. L Maddalozzo</b></p> <p>Expresses general support for C9.</p> <p>Requests for larger scale maps to clearly indicate the extent of flood overlays.</p> <p>Requests the Narracan Creek Flood Study (2007).</p> <p>Seeks clarification whether floods experienced by the area in March 2011 had exceeded the 1 in 100 flood event levels.</p>	<p>Expression of support for C9 is noted.</p> <p>Maps scaled at 1:500 have been provided to the submitter.</p> <p>A copy of the Narracan Creek Flood Study (2007) was provided to the submitter.</p> <p>Based on the extent of flooding compared to the flood study outputs WGCMA believe that floods in March 2011 were less than a 1 in 10 year ARI.</p>	<p>No</p> <p>No</p> <p>No</p>	<p>Yes</p>
<p><b>2. W Buhagiar STABLE GROUP</b></p> <p>Expresses general support for C9.</p> <p>Seeks to discuss further options for their property, which is currently, zoned Urban Floodway Zone (UFZ) in addition to the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO).</p>	<p>Expression of support for C9 is noted.</p> <p>The FO is applied to areas likely to experience active and more hazardous flood flows and the LSIO will generally be applied to areas that are subject to shallow flooding but have lower flood risk than areas in the FO.</p> <p>C9 applies the FO and LSIO to the property because it is in close proximity to Traralgon Creek and will likely be subject to flooding.</p> <p>C9 does not alter the UFZ. While the LSIO and FO are applied to the subject land, the provisions of the UFZ are to be adhered to in the first instance.</p> <p>Submitter 2 was advised that options for development of the land can only be discussed at pre-lodgement stage when the details of a proposal are known.</p>	<p>No</p>	<p>Yes</p>
<p><b>3. A Warner &amp; K Warner</b></p> <p>Express support for C9.</p> <p>State that the exhibited maps correspond to discussions previously</p>	<p>Expression of support for C9 is noted.</p>	<p>Yes</p>	<p>Yes</p>



**Table 2 – Summary of Submissions**

Feedback	Response	Changes required to exhibited amendment	All Concerns addressed by C9
held with council officers prior to purchasing the property.			
<p><b>4. M &amp; E Shultz</b></p> <p>Expresses support for C9.</p> <p>Clarification sought on whether their property is subject to flash flooding.</p> <p>Clarification sought on whether the property was classified as high or low risk area subject to a 1 in 100 year flood.</p> <p>Further information sought regarding the impact of C9 to their property.</p>	<p>Expression of support for C9 is noted.</p> <p>The LSIO is applied to their property because is it in the floodplain. The LSIO is applied to land in less hazardous parts of the flood plain.</p> <p>Many factors determine whether an area will be subject to flash flooding such as topography and proximity to existing natural waterways.</p> <p>The area surrounding the subject land is relatively low lying and after heavy rain in the catchment of Waterhole Creek, may be subject to shallow flooding.</p> <p>C9 ensures that flood information derived from the Waterhole Creek Flood Study (2007) is reflected accurately in the Latrobe Planning Scheme. C9 provides property owners with the knowledge of the nature of the flood risks associated with a 1 in 100 flood event on the property.</p>	<p>No</p> <p>No</p> <p>No</p>	<p>Yes</p>
<p><b>5. O Van Den Eynde</b></p> <p>Expresses general support for C9.</p> <p>Believes that Council does not show any duty of care when placing flood overlays and expects property owners to bear flood risk costs.</p> <p>Further clarification sought regarding Councils future plans to mitigate flood risk.</p> <p>Requests for a copy of the Waterhole Creek Flood Study (2007).</p>	<p>Expression of support for C9 is noted.</p> <p>Council has a statutory obligation to ensure that the Latrobe Planning Scheme includes the most accurate flood information available are in place to minimise the risk that floods pose to life, property and community infrastructure.</p> <p>The Waterhole Creek Flood Study (2007) identifies non-structural flood risk mitigation options. Such measures will require further investigation and detailed design before any form of works can be carried out.</p> <p>A copy of the Waterhole Creek Flood Study (2007) has been provided to the submitter.</p> <p>Submitter 5 is aware that issues raised about the relationship between flood risk and Latrobe City's duty of care cannot be fully addressed by Amendment C9, however, he informed Council of his satisfaction with the responses provided which have clarified and confirmed his queries.</p>	<p>No</p> <p>No</p> <p>No</p>	<p>No</p> <p>Yes</p> <p>Yes</p>

**Table 2 – Summary of Submissions**

Feedback	Response	Changes required to exhibited amendment	All Concerns addressed by C9
<p><b>6. W Gardin</b></p> <p>Expresses general support for C9.</p> <p>Believes that the extent of the flood overlays applied to their property as shown on the exhibited flood maps is inaccurate and seeks clarification on whether the property is now part of the floodplain.</p> <p>Seeks clarification regarding how much area does the flood overlay apply to and will it devalue the property.</p>	<p>Expression of support for C9 is noted.</p> <p>The FO is applied to areas likely to experience active and more hazardous flood flows and the LSIO will generally be applied to areas that are subject to shallow flooding but have lower flood risk than areas in the FO.</p> <p>C9 applies the FO and LSIO to the property because it is in close proximity to a creek and will likely be subject to flooding.</p> <p>WGCMA officers have revisited the property and confirmed that the property is not part of the floodplain and that only the FO be applied to the creek and surrounds only.</p> <p>The FO will cover approximately 20, 890 square meters of the property.</p> <p>Research on the relationship between flood overlays and property values indicate that actual flooding has more effect on property values than the application of a flood overlay.</p>	<p>Yes</p> <p>No</p>	<p>Yes</p>
<p><b>7. A Pendergest &amp; N A Stow</b></p> <p>Expresses general support for C9.</p> <p>Advised that in 2008 (after the reports were finalised), significant earthworks were carried out on the property to raise the land.</p> <p>Believes that the extent of the flood overlays applied to their property as shown on the exhibited maps is inaccurate.</p>	<p>Expression of support for C9 is noted.</p> <p>WGCMA officers have revisited the property and confirmed that the topography of the land on the property has been altered.</p> <p>The extent of the LSIO on this property has been altered to reflect existing topography.</p>	<p>Yes</p> <p>Yes</p>	<p>Yes</p>
<p><b>8. S &amp; R Laidlaw</b></p> <p>Expresses full support for C9.</p> <p>Advised that the extent of the LSIO and FO on their property is inaccurate.</p> <p>Provided suggestions for the extent of the flood overlays making reference</p>	<p>Expression of support for C9 is noted.</p> <p>WGCMA officers have revisited the property to confirm the topography of the land on the property.</p> <p>The extent of the LSIO on this property has been altered to reflect existing topography.</p>	<p>Yes</p> <p>Yes</p>	<p>Yes</p>

**Table 2 – Summary of Submissions**

Feedback	Response	Changes required to exhibited amendment	All Concerns addressed by C9
to actual flows during a flood event.			
<p><b>9. R Jones</b></p> <p>Expresses general support for C9.</p> <p>Advised that in 2006 significant earthworks were carried out on the property to meet the requirements of a planning permit.</p>	<p>Expression of support for C9 is noted.</p> <p>See response for A Pendergest &amp; N A Stow at submission 7</p>	<p>Yes</p>	<p>Yes</p>
<p><b>10. Beveridge Williams on behalf of AF &amp;PA Flores and B &amp; NB Stark</b></p> <p>Express support for C9.</p> <p>Advised that the extent of land covered by the flood overlays is not consistent with detailed surveys undertaken in some portions of the property.</p>	<p>Expression of support for C9 is noted.</p> <p>WGCMA officers have revisited the property to confirm that the topography of the land. The extent of the LSIO and FO on this property has been altered to reflect existing topography.</p>	<p>Yes</p>	<p>Yes</p>
<p><b>11. Toongabbie Township Planning and Development Committee.</b></p> <p>Express full support for C9.</p> <p>Believes that the lack of maintenance of waterways is the precursor to flooding in Toongabbie.</p>	<p>Expression of full support of C9 is noted.</p> <p>The issue of maintenance of waterways is outside of the scope of Amendment C9. WGCMA agreed to liaise with the submitter on this matter.</p> <p>The submitter met with the Council and WGCMA officers and expressed satisfaction with the responses provided. The submitter has since withdrawn their submission.</p>	<p>No</p>	<p>Yes</p>
<p><b>12. Urbis Consultants on behalf of Julliard Group of Companies</b></p> <p>Express support of C9</p> <p>Objects to the extent of the LSIO on their property.</p> <p>Concerned with the application of the LSIO to part of their property,</p>	<p>Expression of general support of C9 is noted.</p> <p>C9 applies the LSIO to the property because it is in close proximity to Waterhole Creek catchment area and will likely be subject to flooding.</p> <p>Council has a statutory obligation to ensure that the Latrobe Planning Scheme includes the most accurate flood information available are in place</p>	<p>No</p>	<p>Yes</p>

<b>Table 2 – Summary of Submissions</b>			
<b>Feedback</b>	<b>Response</b>	<b>Changes required to exhibited amendment</b>	<b>All Concerns addressed by C9</b>
<p>which has no history of inundation.</p> <p>Intends to undertake their own detailed investigation and analysis to determine the extent of land, which may be affected by a 1 in 100 flood event.</p>	<p>to minimise the risk that floods pose to life, property and community infrastructure.</p> <p>WGCMA are confident with the flood data presented in the Waterhole Creek Flood Study 2007. The independent review of the flood data around the subject property undertaken by the submitter confirms the area covered by the LSIO is subject to shallow floods in a 1 in 100 flood event.</p> <p>Submitter 12 is satisfied with flood advice provided by WGCMA and have since withdrawn their submission.</p>	<p>No</p>	
<p><b>13. N Anderson on behalf of Narracan Lakes Development Syndicates</b></p> <p>Express full support for C9.</p>	<p>Expression of support for C9 is noted.</p>	<p>No</p>	<p>Yes</p>

Key issues raised in the submissions and how Amendment C9 responds to these issues are discussed below.

Support for the adoption of Amendment C9

Submitters 1, 2, 3, 4, 6, 8, 10, 11 and 13 support Amendment C9 and highlight the urgency for the need to include updated flood information into the Latrobe Planning Scheme.

Latrobe City Council identified Amendment C9 as a high priority and has a duty of care to ensure that current flood information is available to the community by way of the planning scheme. The existing LSIO is required to be updated and the FO is required to be introduced to discourage the construction of new developments and further subdivision of land in inappropriate locations.

Issue 1: Validity of Flood Data

Amendment C9 uses information from several sources to define flood overlay areas for different areas in the municipality.

Submitters 7 and 9 state that development works altering the natural ground level were carried out on respective land after the flood reports were finalised and therefore the reports were outdated. To some extent, such recent changes to the topography of the land may alter the extent of the area in which the overlays were applied.

WGCMA officers have since revisited these properties to confirm the impact of the changes carried out on the land and subsequently altered the extent of the overlays in areas where it was justified. WGCMA have notified the submitters that their concerns have been addressed.

Submitter 12 raised concerns that the flood overlay applied to their land was not warranted because there was no record of their land being inundated in recent time. Submitter 12 engaged a consultant to carry out a review of the flood data used by WGCMA, however, their results confirmed that flood data used by WGCMA was accurate and reliable. Following negotiation on this matter, Submitter 12 formally withdrew their submission to Amendment C9.

### Issue 2: Financial impacts on property values, rates and flood insurance

Submitter 6 raised concerns regarding the perceived decrease in property values, and/or increase in rates and flood insurance premium rates as a result of the application of flood overlays on properties.

Research on the relationship between new flood overlays and property values indicates that actual flooding has more effect on property values than the application of an overlay.

Submitter 6 met with WGCMA and Latrobe City Council officers to discuss the issues and a WGCMA officer revisited the subject property to confirm the extent of the flood overlays. The submitter has notified Council officers that their concerns have been addressed.

### Issue 3: Implementation of structural flood mitigation measures

Concerns were raised by Submitter 5 enquiring about Latrobe City Councils future plans to implement flood mitigation measures in flood prone areas.

The *Traralgon Creek Floodplain Management Study* (2000), the *Waterhole Creek Flood Study* (2007) and the *Narracan Creek Flood Study* (2007) provide recommendations for structural mitigation options for flood risk.

Structural flood mitigation measures will require further investigation and detailed design before any form of works can be carried out.

Submitter 5 met with officers from WGCMA and Latrobe City Council to discuss the issues in detail and understood that the implementation of structural mitigation measures was not part of Amendment C9.

Submitter 5 is aware that issues raised about the relationship between flood risk and Latrobe City's duty of care could not be fully addressed by Amendment C9 however, he notified Council via email that he found the discussions informative in clarifying and confirming his queries.

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2000*. The costs associated with a planning scheme amendment include adoption and approval of an amendment.

Funds have been allocated in the current 2011/2012 budget year to enable the planning scheme amendment to progress.

## **7. INTERNAL/EXTERNAL CONSULTATION**

After comprehensive community consultation during the exhibition period Latrobe City Council received 13 written submissions in response to Amendment C9.

The amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act. Amendment C9 affected 2500 properties, both on private and public land. Information packages and notification letters were sent out by mail to property owners and occupiers of properties affected by Amendment C9.

All statutory and servicing authorities materially affected have also been notified of the proposed amendment.

### *Engagement Method Used:*

Amendment C9 was placed on public exhibition for a period of eight weeks commencing on 31 March 2011. The following tools were used to publicise Amendment C9:

- Public Notice in the Latrobe Valley Express
- News Articles in the Latrobe Valley Express and Latrobe Valley Voice
- Two media releases

- 5000 notification letters sent out to owners and occupiers of properties directly affected by Amendment C9
- Community information sessions conducted at Moe, Morwell, Traralgon, Yinnar and Tyers
- Targeted information sessions for real estate agents, developers and agencies
- Amendment C9 available on council's website
- Copies of Amendment C9 documents available for viewing on request at Council Service Centres and post offices at Boolarra, Tyers, Toongabbie, Yinnar and Glengarry.

*Details of Community Consultations / Results of Engagement:*

The community engagement methods used were set out to inform and consult with the community and are consistent with Latrobe City Council *Community Engagement Plan 2010 – 2014*.

The community were given the opportunity to make an appointment to meet with Latrobe City Council and WGCMA officers 'one on one' to have their questions answered relating to Amendment C9.

Community consultation were conducted at the Moe Town Hall, Council Headquarters in Morwell, Traralgon Service Centre, Yinnar Recreation Reserve and the Tyers Town Hall over a period of two weeks from 2 May 2011 to 13 May 2011.

One hundred and twenty parties attended the community consultations sessions and following public exhibition Latrobe City Council received 13 written submissions in response to Amendment C9. Section 22 of the Act requires that a planning authority consider all submissions to an amendment.

Section 22 and 23 of the Act require that a planning authority consider all submissions received to Amendment C9 and where submission requests a change that cannot be satisfied, request the Minister for Planning to establish a planning panel to consider submissions.

Latrobe City Council received only one written objection in response to Amendment C9 and after further discussions with officers from WGCMA and Latrobe City Council, the submitter withdrew their objection. Consequently, the appointment of a planning panel is not required.

A summary of key issues and comments raised in the written submissions in response to Amendment C9 is provided in Table 2 – Summary of Submissions.

## 8. OPTIONS

The options available to Council are as follows:

1. That Council, having considered all written submissions received to Amendment C9 resolves to adopt Amendment C9 in accordance with the changes identified in Table 2 and in accordance with Section 29 of the *Planning and Environment Act 1987*.
2. That Council, having considered all written submissions received to Amendment C9 resolves to abandon Amendment C9 as exhibited in accordance with Section 29 of the *Planning and Environment Act 1987*.

## 9. CONCLUSION

Amendment C9 seeks to:

- Modify the LSIO and introduce the FO into the Latrobe Planning Scheme to reflect updated flood information.
- Introduce a new Clause 44.03 FO and new Schedule to the FO.
- Replace the existing Schedule to the LSIO.

It is considered that inclusion of up to date and available flood data into the Latrobe Planning Scheme is appropriate.

The community consultation methods for Amendment C9 undertaken by Latrobe City Council and WGCMA officers were thorough and comprehensive. This contributed to the small number of written submissions received during the exhibition period resulting in Latrobe City Council not requiring to appoint a planning panel.

The absence of the need to appoint a planning panel for a planning scheme amendment, which affects the entire municipality, is a significant achievement for Latrobe City Council. As a result, Amendment C9 has been cost effective and is envisaged to be completed within the project timeline. All issues raised in the submissions have now been addressed so that Amendment C9 can now progress to the next stage.



10. **RECOMMENDATION**

1. That Council adopts Amendment C9 and submits it to the Minister for Planning for approval, in accordance with Section 35 of the Planning and Environment Act 1987.
2. That Council advises those persons who made written submissions to Amendment C9 of Council's decision.

Cr Harriman left the Chamber at 7.58 pm due to an indirect interest under section 78C of the *Local Government Act 1989*

Cr Vermeulen left the Chamber at 7.58 pm due to an indirect interest under Section 78E of the *Local Government Act 1989*

**Moved:** Cr Gibson

**Seconded:** Cr Lougheed

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

Cr Harriman and Cr Vermeulen returned to the Chamber at 8.00 pm

**ATTACHMENT 1**

## Attachment 1

At the ordinary council meeting held on 21 November 2005, Council resolved as follows:

- 1. That Council resolves to seek authorisation from the Minister for Planning for the preparation of Amendment C9, for the purpose of amending the Latrobe Planning Scheme to reflect updated flood data.**

At the ordinary council meeting held on 3 May 2004, Council resolved as follows:

- 1. That Council write to the Traralgon Creek Floodplain Management Community Committee and advise that, given the Minister's advice regarding the proposed Water Management Scheme, Council does not support the Scheme.**
- 2. That Council request that the Municipal Emergency Management Planning Committee undertake a public awareness campaign in respect of flooding in Traralgon.**
- 3. That, as a priority, Council include the data resulting from the Traralgon Creek Floodplain Management Study, to amend the Latrobe planning scheme to reflect the revised flood levels identified.**

At the ordinary Council meeting held on 18 June 2007, Council resolved as follows:

- 1. That Council accept the Waterhole Creek Flood Study and the Narracan Creek Flood Study contained in Report No's J22O/R01-R04 dated June 2007 and commence the planning scheme amendment process for the Waterhole Creek and Narracan Creek Floodway and Land Subject to Inundation Overlays.**
- 2. That the Council adopt and approve the flood level data contained in the Waterhole Creek and Narracan Creek Flood Studies dated June 2007 for use in future planning applications, land information certificates and general enquiries from the public.**
- 3. That subject to the approval of the Waterhole Creek Flood Study and the Narracan Creek Flood Study, detailed designs be undertaken in the 2007- 2008 financial year for flood mitigation works in the floodplains of Waterhole Creek and Narracan Creek in accordance with the Waterhole Creek Flood Study and Narracan Creek Flood Study in consultation with the community and the West Gippsland Catchment Authority.**
- 4. That floor levels be determined for all residential, commercial or industrial buildings that are within the identified flood plain for use in**

**future planning certificates to identify possible extent of flooding in the 100 year Average Recurrence Interval event.**

- 5. That West Gippsland Catchment Authority be advised of Council's decision in relation to the Waterhole Creek and Narracan Creek Flood Studies.**

**ATTACHMENT 2**

*Planning and Environment Act 1987*

**LATROBE PLANNING SCHEME**

**AMENDMENT C9**

**DRAFT EXPLANATORY REPORT**

**Who is the planning authority?**

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

The amendment has been made at the request of the West Gippsland Catchment Management Authority (WGCMA).

**Land affected by the amendment.**

The amendment affects flood prone areas within Latrobe City, as identified by the West Gippsland Catchment Management Authority. Sources of flood mapping include the Traralgon Creek Floodplain Management Study (2000), Flood Data Transfer Project (2000), Narracan Creek Flood Study (2007) and Waterhole Creek Flood Study (2007).

Specific details of land affected by the new and modified flood controls are shown on maps that form part of the amendment.

**What the amendment does.**

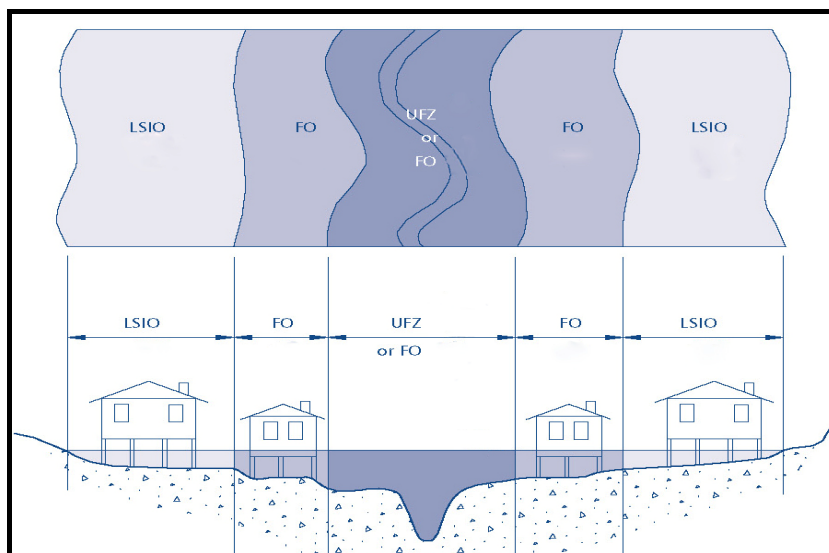
The amendment proposes to:

- Modify the Land Subject to Inundation Overlay (LSIO) and introduce a Floodway Overlay (FO) into the Latrobe Planning Scheme to reflect updated flood information leading to one of three outcomes for the affected areas within the municipality:
  1. An increase in the level of control through variation of the LSIO and the application of the FO and LSIO to newly identified areas;
  2. A decrease in the level of control through variation of the LSIO (in some cases)
  3. No change in level of control (in some cases)
- Introduce a new Clause 44.03 FO and new Schedule to the FO.
- Replace the Schedule to the LSIO.

The schedules exempt buildings and works that are not expected to adversely affect flows / levels from having to obtain a planning permit.

Amendment C9 proposes to apply the updated and new flood overlays to areas known to be affected by mainstream flooding during a 100-year Average Recurrence Interval (ARI) flood.

**Figure 1. Application of flood zone and overlays.**



Source: DSE, VPP Practise Note.” Applying the Flood Provisions in Planning Schemes; “A Guide for Councils” August 2000

Figure 1 shows an example of where various flood overlays may be located in a typical situation. The FO will be applied to areas that are likely to experience active flood flows and/or store floodwaters to hazardous depths, while the LSIO will generally apply to areas that are subject to mainstream flooding but have a lower flood risk than areas in the FO. The LSIO may also be applied to areas that are known to flood but where there is no information about flood depth, velocity and level of hazard. Amendment C9 does not propose to modify the existing Urban Floodway Zone (UFZ) at Traralgon.

The application of these updated overlays will assist Local Government and the Catchment Management Authority in carrying out more effective planning and management of land affected by flooding.

The FO and LSIO will require that a planning permit be obtained from Latrobe City Council for most developments prior to commencement. Each planning permit application will be assessed on its merits, with the WGCMA acting as a Referral Authority to assist Council in the consideration of applications. A planning permit may be issued with or without conditions (detailing matters such as building floor levels) or may be refused. If a planning permit application is refused, or the applicant objects to any of the applied conditions, it is possible to have the decision reviewed by the Victorian Civil and Administrative Tribunal (VCAT).

*Table 1. – What is the flood mapping based on?*

***Current Mapping***

LSIO mapping in Latrobe City’s current planning scheme originally came from flood information that existed when Latrobe City was formed. Currently, there is no FO in the Latrobe Planning Scheme. The current mapping is known to be inaccurate and /or inadequate in a number of places.

***New Mapping***

The new mapping is primarily based on four projects and studies conducted since the formation of the Municipality. These are listed below.

**Flood Data Transfer Project, DSE 2000**

The Flood Data Transfer Project 2000 was managed across regional Victoria by the DSE. It collected and reviewed available data at the time to produce accurate, consistent and comprehensive flooding information. The data was collected from DSE, local government, water authorities and other organisations. Part of the project is applicable within the municipality’s boundaries.

**Traralgon Creek Floodplain Management Study. SKM 2000**

The Traralgon Creek Floodplain Management Study was commissioned by Latrobe City (Latrobe Shire at the time) in response to significant flood events in Traralgon which occurred in September 1993 and November 1995. The study’s main objective was to determine effective methods to minimise economic and social impacts of future flooding using data collected from field surveys, community consultations and hydraulic analysis.

**Waterhole Creek Flood Study (2007) and Narracan Creek Flood Study (2007)**

Hydrology consultants Water Technology were engaged to provide reliable flood levels and flood extent mapping throughout the study area of the Narracan Creek, Moe floodplain and the Waterhole Creek, Morwell floodplain.

Flood mapping at Toongabbie, Glengarry and Churchill was reviewed using limited flood photography, local knowledge and ground-truthing. Flood mapping north of Traralgon has been refined using new topographic data obtained from ground survey and LiDAR(Light Detection and Ranging) techniques.

**Strategic assessment of the amendment**

• **Why is the amendment required?**

Amendment C9 is required to modify existing and introduce new flood overlays in the Latrobe Planning Scheme to reflect updated information established by the West Gippsland Catchment Management Authority and Latrobe City Council. This up to date and more accurate data is based on the findings of a number of flood studies including the Traralgon Creek Floodplain Management Study (2000), the Flood Data Transfer Project (2000), the Waterhole Creek Flood Study (2007) and Narracan Creek Flood Study (2007), together with some local flood assessments based on photography, survey, LiDAR data and site inspection.



The flood extents reflected in the Latrobe Planning Scheme's current overlays are inaccurate. Amendment C9 aims to correct this by applying more appropriate controls in identified locations. Specifically:

- The FO identifies waterways, major flood paths and drainage depressions and will be applied to areas recognised as having the greatest risk and frequency of being affected by mainstream flooding, especially areas that convey active flood flows or store floodwater to hazardous depths; and
  - The LSIO identifies land in flood storage or flood fringe areas affected by the 1 in 100 year flood event and will generally be applied to areas affected by mainstream flooding that have a lower risk of flooding and are outside of the FO boundaries. In addition, the LSIO will be applied to areas that are known to flood but where there is no available information on flood depths, velocities or level of hazard.
- **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the following objectives of planning in Victoria as outlined in Section 4(1) of the Planning & Environment Act 1987:

- (a) To provide for the fair and orderly, economic and sustainable use, and development of land;
- (c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (d) To balance the present and future interests of all Victorians.

Furthermore, Section 6 of the Planning & Environment Act 1987 identifies what planning schemes can provide for, including (among other things) the ability to:

- Regulate or prohibit any use or development in hazardous areas or in areas which are likely to become hazardous areas.

The amendment will apply overlays which will help ensure that new development is designed with flood risk in mind.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

The amendment will have a positive effect on the environment by ensuring the accurate identification of land that is prone to flooding. The amendment also provides awareness and information to residents and property owners which will assist them to make better land use development decisions. In the long term, such measures will have positive financial and social effect by reducing the impact on financial resources, the destruction of property and the loss of lives and livestock.

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

Amendment C9 is consistent with the Ministers Direction under Section 7(5) of the Planning and Environment Act 1987 in relation to *The Form and Content of Planning Schemes*

Amendment C9 is consistent with the Minister's Directions No.11 under Section 12(2) (a) of the Planning and Environment Act in relation to *Strategic Assessment of Amendments*.

Ministers Direction No. 13 -Managing Coastal Hazards and the Coastal Impacts of Climate Change has been considered, but is not relevant to Amendment C9. The Direction applies to amendments that would have the effect of rezoning non-urban land for urban use. Amendment C9 does not rezone non-urban for urban use, but simply recognises the extent of flooding by means of overlays. In addition, Amendment C9 involves no coastal land.

No other Ministers Directions apply to the amendment.

- **How does the amendment support or implement the State Planning Policy Framework?**

The amendment supports and implements the State Planning Policy Framework (SPPF) by supporting Clause 15.02 which relates to Floodplain Management. The objective of Clause 15.02 -Floodplain management is to assist the protection of:

- Life, property and community infrastructure from flood hazards.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage functions of floodplains and waterways.
- Floodplain areas of environmental significance or the importance of river health.

The policy states that flood risk must be considered in the preparation of planning schemes and land use planning decisions to avoid intensifying the impacts of flooding through inappropriately located uses and developments.

Amendment C9 implements the policy by proposing that land affected by flooding as verified by the West Gippsland Catchment Management Authority be updated on planning scheme maps.

It is critical that areas with no current flood controls or outdated flood controls be properly recognised in the planning scheme based on current known information.

- **How does the amendment support or implement the Local Planning Policy Framework?**

Amendment C9 supports strategic policy within the Local Planning Policy Framework, particularly the Latrobe Municipal Strategic Statement (MSS). Clause 21.03-7 Flooding Overview which states that flooding controls in the current planning scheme do not reflect actual flooding and need updating as a high priority.

The objectives of Clause 21.03-7 Flooding Overview are to;

- Minimise the potential for loss of life, risk to health and damage to property

- Ensure that the natural function of the floodplain to convey and store flood waters is preserved.

Amendment C9 aligns with the strategies specified in the clause by controlling development on floodplains and land liable to inundation and supports implementation of the clause by applying improved flood information and appropriate overlays.

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

The amendment has been prepared with reference to the:

- General Practice Note Strategic Assessment Guidelines.
- “*Applying the Flood Provisions in Planning Schemes*” – VPP Practice Notes.

The amendment proposes to modify the LSIO and introduce the FO maps into the Latrobe Planning Scheme to reflect updated flood information leading to one of three outcomes for affected areas within the municipality:

1. An increase in the level of control through variation of the FO and LSIO and the application of the FO and LSIO in newly identified areas;
2. A decrease in the level of control through various of the FO and LSIO (in some cases)
3. No change in level of control (in some cases).

The amendment also introduces a new Clause 44.03 FO and new Schedule to the FO and replaces the schedule to the LSIO. The schedules exempt buildings and works that are not expected to adversely affect flood flows/ levels from having to obtain a planning permit.

The modification and introduction of overlays is an appropriate use of the VPP tools, as it will ensure that land prone to flooding is correctly identified by the respective overlay.

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

The flood mapping for the amendment has been prepared in conjunction with WGCMA and is therefore representative of their views. Council will continue to work closely with WGCMA during the exhibition phase and if a planning panel hearing is required.

- **Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the Transport Integration Act 2010?**

The amendment is not likely to have a significant impact on the transport system as defined by section 3 of the *Transport Integration Act 2010*.

- **Are there any applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010?**

There are no statements of policy principals under section 22 of the *Transport Integration Act 2010* that are applicable to this statement.

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

An increased impact on officer resources is likely to be experienced due to more planning permits being triggered in newly identified FO and LSIO areas across the municipality. This increase in administrative costs, however, will be alleviated through planning permit exemptions where appropriate.

### **Where you may inspect this Amendment.**

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

Latrobe City Council  
Corporate Headquarters  
141 Commercial Road  
Morwell VIC 3840

Latrobe City Council  
Traralgon Service Centre  
34-38 Kay Street  
Traralgon VIC 3844

Latrobe City Council  
Moe Service Centre  
44 Albert Street  
Moe VIC 3824

Latrobe City Council  
Churchill Service Centre  
9-11 Philip Parade  
Churchill VIC 3842

West Gippsland Catchment Management Authority  
16 Hotham Street  
Traralgon VIC 3844

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

ATTACHMENT 3

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Submitter 1

Attachment 3

**From:** Lucio Maddalozzo (Darwin) [REDACTED]  
**Sent:** Wednesday, 30 March 2011 10:28 AM  
**To:** Joanne Glendenning; Mere Naulumatua  
**Subject:** (DWS Doc No 638694) Amendment C9 (Flood)

**Follow Up Flag:** Follow up  
**Flag Status:** Red

**Attachments:** Moe Property Crown Allotments 11, 21, 22 & 23 Parcel.pdf; Moe Property Crown Allotment 1, 1B & 5B Parcel.pdf  
 Hi Joanne and Mere

I thank you for the provision of the explanatory report and the associated A3 map showing the modification of flood provisions in the Latrobe Valley in regards to changes to the planning scheme. Unfortunately as I do not currently reside in the valley nor am I able to attend any of the information sessions held at various locations during the month of May, I request that the planning authority provide the following information and documentation to allow me to assess these changes and make comment.

- Drawing of a smaller scale (1:2500) that would clearly indicated any changes to the proposed scheme in relation to our property and;
- Copy of the Narracan Creek Flood Study (2007).

The property consists of the following parcels of land

Land west of Narracan Creek

- Allotment 11 Sec 13 Township of Moe
- Allotment 21 Sec 13 Township of Moe
- Allotment 22 Sec 13 Township of Moe
- Allotment 23 Sec 13 Township of Moe

Land east of Narracan Creek

Allotment 1 Bowmans Road Newborough

I have attached pdf copies indicating the location of the said property for your information.

Could you also confirm whether the flood that occurred on the 23 March 2011 (last week) exceeded the 1 in 100 year occurrence.

Thanking you in anticipation of your cooperation in regards to my request.

Regards

**Lucio Maddalozzo**

Phone: [REDACTED]

Fax: [REDACTED]

Mobile: [REDACTED]

Email: [REDACTED]

Submitter 2

**Joanne Glendenning**

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**From:** [REDACTED]  
**Sent:** Wednesday, 30 March 2011 12:08 PM  
**To:** Joanne Glendenning  
**Subject:** (DWS Doc No 638740) Information session  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** image001.jpg; Flood advice.pdf

Hi Joanne

Writing in regards to Amendment C9 (Flood), Latrobe scheme notice of preparation of amendment.

Thank you for sending an information memo regarding the above. [REDACTED] owner of property and developers within the Gippsland region and beyond have a property that will be adversely affected by any changes made to Amendment C9, it's within our invested interest to arrange an information session to discuss the (possible) development of this property.

I have attached a letter that talks about the property in question for your reference. I look forward to discussing future options for this site. Thank you

Regards,

[REDACTED]

[REDACTED]

CMA Application No: WG-F-2009-0145-DE  
Document No: 2  
Council No: 3420519S  
WGCMA ID: 42890  
Date: 12 June 2009

Michael Jones,  
SMEC Urban Consulting Group  
18 Breed Street  
Traralgon, VIC 3844

Dear Michael,

**Application Number (CMA Ref):** WG-F-2009-0145-DE

**Location**

**Street:** Mapleson Drive, Traralgon, VIC 3844

**Cadastral:** CA 83, Parish of Traralgon

**Regarding:** Flood Advice - Further information supplied for Car park Extension

Thank you for your enquiry, and the further information required based on previous discussions, received at the West Gippsland Catchment Management Authority on 11 June 2009

Flood levels for the 1% Annual Exceedance Probability flood event have not been declared for this area under the *Water Act 1989*. The estimated 1% flood level for the location described above is 40.1 metres AHD which was obtained from the Traralgon Creek Floodplain Management Study 2000. The 1% AEP flood event means that a flood of that magnitude (or greater) has a 1% chance of occurring in any given year. It is also known as the 1 in 100 year flood; however a flood of this size or greater may occur more frequently than this, and can happen more than once in any year. Please note that the 1% probability flood is the minimum standard for planning in Victoria, and is not the largest flood that could occur. There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

The Authority notes that your client has decided to cut the fill area within the flood affected area, in order to achieve a 30% gain in flood storage based on the proposed fill for the car park only. The proposed fill to be placed in the flood affected area (based on a 1% AEP level of 40.1m AHD) is 700m<sup>3</sup> and the proposed cut to be recovered via regrading the lower area on the above property is 910m<sup>3</sup>. Please note that the regrading will need to ensure adequate conveyance of smaller flood events and should be designed to prevent ponding of overland flows.

In light of the above information, the Authority supports the proposal for the extension to the car park, and is unlikely to object to the granting of a permit.

The Victorian Planning Provision Practice Note 'Applying for a Planning Permit under the Flood Provisions – a guide for councils, referral authorities and applicants' requires consideration of the following:

- Residential, commercial and industrial buildings are not generally an appropriate development on floodway land in view of their potential for obstruction of flood flows
- A development should be refused if it is likely to cause an unacceptable increase in flood risk in the following situations:



- it is likely to result in danger to the life, health and safety of the occupants due to flooding of the site
- it relies on low-level access to and from the site
- it is likely to increase the burden on emergency services and the risk to emergency personnel
- it is likely to increase the amount of flood damage to public or private assets
- it is likely to raise flood levels or flow velocities to the detriment of other properties. Potentially adverse effects on upstream and downstream areas must be identified and addressed. Development should not transfer flooding problems from one location to another
- it is likely to obstruct flood flows or reduce natural flood storage. The capacity of land subject to inundation to convey and store floodwater must be maintained
- it is likely to be detrimental to natural habitats, waterway stability, water quality or sites of significance
- if any subdivision, development or redevelopment is likely to increase the number of buildings located in a floodway area.

A copy of the Practice Note can be downloaded from the Department of Planning and Community Development website ([www.dpcd.vic.gov.au](http://www.dpcd.vic.gov.au)) by following the links to Planning > Publications > Practice and Advisory Notes.

Additionally, the Authority's assessment of the location information described above has determined that the location is covered by the following Zones and Overlays in the Latrobe Planning Scheme;

Zone(s): **UFZ - Urban Floodway Zone**

Overlay(s): -

Please note:

- This document contains flood level **advice only** and does not constitute approval or otherwise of any development at this location.
- The Authority's best estimate of the 1% AEP is based on the Authority's understanding of current flood conditions. Current flood levels do not make any allowance for potential increases in flood levels associated with climate change. Accordingly, the Authority does not guarantee the long term viability of the site.

Should you have any further queries, please do not hesitate to contact me on 1300 094 262. To assist the CMA in handling any enquiries please quote **WG-F-2009-0145-DE** in your correspondence with us.

Yours sincerely,



**Dr. Geoff Taylor**  
Team Leader Statutory Functions

**Cc: Latrobe City Council**

The information contained in this correspondence is subject to the disclaimers and definitions attached.

### Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or Latrobe Shire Council.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
5. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

Submitter 3

**Joanne Glendenning**

---

**From:** [REDACTED]  
**Sent:** Tuesday, 5 April 2011 2:03 PM  
**To:** Joanne Glendenning  
**Subject:** (DWS Doc No 639640) Amendment C9 (Flood) Latrobe Planning Scheme  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** Traralgon\_3WC\_Authorities\_LCC\_110405.pdf

Joanne

Please find attached submission in relation to the above mentioned amendment.

If it is not acceptable to submit via email like this would you please advise?





5 April 2011

Joanne Glendenning  
Strategic Planning Technical Officer  
LaTrobe City Council  
PO Box 264  
Morwell VIC 3840

Dear Joanne

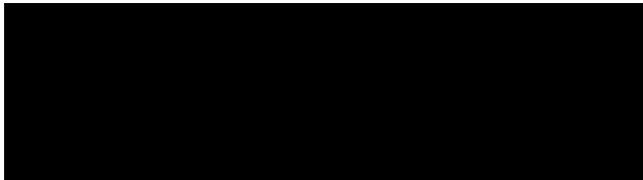
**AMENDMENT C9 (FLOOD)  
LATROBE PLANNING SCHEME  
PREPARATION OF AN AMENDMENT**

We write to confirm receipt of Latrobe City notice of preparation of amendment C9 for two properties we own (Traralgon) effected by the amendment.

We write to express our support of the amendment.

Specifically proposed map #49 LSIO-FO illustrates the removal of the current LSIO from both the above mentioned blocks. This detail corresponds with previous verbal advice we have received from council, prior to purchasing the first of the two properties, that the overlay in this particular area was incorrect in that it extended too far beyond the boundaries of the Traralgon Creek.

Regards



Submitter 4

**From:** [REDACTED]  
**Sent:** Saturday, 9 April 2011 9:14:33 PM  
**To:** Latrobe Central Email  
**CC:** [REDACTED]  
**Subject:** AUSDOC DX 217733 Morwell

Dear Sir/Madam,

**Re: Amendment C9 (Flood) Latrobe Planning Scheme-Notice of preparation of an amendment**

My husband and I own a property, [REDACTED] This is a strata titled 3 bedroom brick veneer property. We reside in the ACT and seek some clarification from you on the recent documents you sent us.

It is unclear to us from the documents that were recently sent to us by Latrobe City if our property is affected by these amendments and if the property is classified as being located within the Traralgon Creek Floodplain.

The information in the documents is not of sufficient detail for us as owners to be able to ascertain with a great degree of certainty the impact on our property and its location in Morwell. To this effect, I seek your kind assistance in clarifying the following:

1. Is the location of our property in [REDACTED] subject to flash flooding?
2. Is the property classified as a high or low risk area subject to 1 in 100 year flooding?
3. What is the direct impact of this amendment to us?

I would be grateful if you could provide some clarity in these issues as we need to ensure the property is sufficiently insured with an appropriate insurer to address these contingencies.

I look forward to hearing from you.

Thank you.

[REDACTED]

Our Ref: Amendment C9  
Your Ref:  
MN:JG

25 March 2011



**Latrobe City**

*a new energy*

Latrobe City ABN 92 472 314 133

Telephone 1300 367 700

Facsimile (03) 5128 5672

TTY 133 677

Post to PO Box 264 Morwell 3840

Email Address [latrobe@latrobe.vic.gov.au](mailto:latrobe@latrobe.vic.gov.au)

Internet [www.latrobe.vic.gov.au](http://www.latrobe.vic.gov.au)

AUSDOC DX217733 Morwell

Dear Sir/Madam

**AMENDMENT C9 (FLOOD), LATROBE PLANNING SCHEME  
NOTICE OF PREPARATION OF AN AMENDMENT**

Latrobe City Council has prepared Amendment C9 to the Latrobe Planning Scheme. The amendment affects land in flood prone areas within Latrobe City as identified by the West Gippsland Catchment Management Authority (WGCMA). Sources of flood mapping include; the Traralgon Creek Floodplain Management Study (2000), Flood Data Transfer Project (2000), Narracan Creek Flood Study (2007) and Waterhole Creek Flood Study (2007).

The amendment proposes to;

- Modify the Land Subject to Inundation Overlay (LSIO) and introduce a Floodway Overlay (FO) into the Latrobe Planning Scheme to reflect updated flood information leading to one of three outcomes for the affected areas within the municipality;
  1. An increase in the level of control through variation of the LSIO and the application of the FO and LSIO to newly identified areas.
  2. A decrease in level of control through variation of the LSIO (in some cases).
  3. No change in the level of control (in some areas).
- Introduce a new Clause 44.03 Floodway Overlay.
- Introduce a new Schedule to the Floodway Overlay and replace the existing Schedule to the Land Subject to Inundation Overlay to exempt buildings and works that are not expected to adversely affect flood flows/ levels from the need to obtain a planning permit.

We are writing to you because you may be affected by the proposed amendment. According to Latrobe City Council records you own and/or occupy land that has been identified as being potentially affected by the proposed flood amendment.

Enclosed with this letter is the formal notice of the amendment which is being sent in accordance with Section 19 of the *Planning & Environment Act 1987*.

A copy of the explanatory report, Frequently Asked Question (FAQ) sheet, Flood Insurance in Australia – Consumer Tips brochure and a general map is also provided for your convenience.

Exhibition documents and detailed maps can be viewed free of charge during office hours at Churchill Hub, Moe Service Centre, Morwell Council Headquarters and Traralgon Service Centre. The detailed maps are also available for viewing at post offices at Toongabbie, Glengarry, Tyers, Boolarra and Yinnar.

Information sessions will be held in Moe, Morwell, Traralgon, Tyers and Yinnar. The information session details are provided in the table below.

Session	Location	Date	Time
1.	Moe Town Hall	2 May 2011	10.00 – 7.00pm
2.	Morwell Headquarters	4 May 2011	10.00 – 7.00pm
3.	Morwell Headquarters	5 May 2011	10.00 – 7.00pm
4.	Traralgon Service Centre	9 May 2011	10.00 – 7.00pm
5.	Traralgon Service Centre	10 May 2011	10.00 – 7.00pm
6.	Yinnar Recreation Reserve – Meeting Room	12 May 2011	10.00 – 7.00pm
7.	Tyers Town Hall	13 May 2011	10.00 – 7.00pm

Please note that the information sessions are by appointment and are made available to all interested parties. It provides an opportunity for you to meet with an officer from Latrobe City Council and WGCMA one on one to have your questions answered.

Please note that the closing date for a written submission is 31 May 2011. A written submission must be sent to Joanne Glendenning, Strategic Planning Technical Officer, Latrobe City Council, PO Box 264 Morwell VIC 3840.

To make an appointment for the information sessions please contact Joanne Glendenning, Strategic Planning Technical Officer on (03) 5128 5719 or via e-mail joannegl@latrobe.vic.gov.au or contact Mere Naulumatua, Strategic Planner, Latrobe City Council (03) 5128 5499 or via email merena@latrobe.vic.gov.au.

If you have any queries regarding Amendment C9 (Flood) please contact Mere Naulumatua at Latrobe City Council or Wayne Gilmour, Floodplain Projects Officer, West Gippsland Catchment Management Authority on (03) 5175 7800 or via email wayneg@wgcm.vic.gov.au.

Yours sincerely



MERE NAULUMATUA  
**Strategic Planner**

Encl

Submitter 5

**Mere Naulumatua**

---

**From:** [REDACTED]  
**Sent:** Tuesday, 3 May 2011 10:39 PM  
**To:** Mere Naulumatua  
**Subject:** C9 amendment

Hello Mere

I have identified I am in the proposed flood overlay [REDACTED] (after 30 mins of downloading and scanning through your huge unfriendly map).

I think I need to accept the technology and reports on which the amendments are based but beyond that, as an existing property owner, I am not sure what you are asking of me or telling me. The amendment's only genuine purpose seems to be to protect new building proposals and there is no retrospective duty of care evident.

What I know is that I originally had approval from council to build on this site in 1983 and trusted in good faith the various building approvals required to safeguard me from the various risks. So if there are risks that have now emerged then my view is that council must share some responsibility. The fact is that if council is set up as a regulating body then it must have some retrospective responsibility and duty of care. Simply providing me with information does not constitute duty of care as point 4 of your brochure seems to imply.

Instead the brochure does not offer any genuine duty of care or useful information for existing property owners. If anything it runs the other way and reads like a disclaimer "bad luck you as property owner wear it all".

- Is council developing plans to mitigate the flood risk, either for my particular house or the area in general? Raise my house / build levee banks? That would be real Duty of Care
- Point 11: Yes there are other factors impacting on house prices and they are difficult to quantify but that does not diminish the fact that the re-classification is a further factor which will only impact negatively. No duty of care
- Point 12: fobs me off to my insurance company as if to say "you go figure and don't bother council" No attempt at duty of care.
- Point 13: I understand that amendment C9 doesn't change reality but clearly there is information now available which was not available in 1983. This is no one's fault – not council's, not mine, nor my insurance company yet I wear 100% of the potential loss.

I really hope I have missed something so please advise me if there is. I understand this is a tricky situation but I'm not sure why all the potential loss has to land with me and other property owners in the re-classified areas.




---

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4/05/2011



Submitter 5(a)

Hi

I enjoyed the informative chat which clarified and confirmed my thinking. However I wouldn't want you to think that anything is resolved, and I stand by the comments in my original email which indicated that council is taking no responsibility or care, and should be pressed to fund flood mitigation in the area as I believe was proposed in the Waterhole Creek Flood Study 2007

Cheers

**From:** Mere Naulumatua [mailto:Mere.Naulumatua@latrobe.vic.gov.au]

**Sent:** Wednesday, 1 June 2011 2:36 PM

**To:** [REDACTED]

**Subject:** RE: C9 amendment

Good afternoon Vanda

Thank you for taking the time to meet with Wayne Gilmour and me on Tuesday 24 May 2011 at the West Gippsland Catchment Management Authority offices.

I hope we have provided adequate answers to the points you had raised in your email correspondence dated 3 May 2011. I would be grateful if you could confirm this in writing.

Further to our discussion, please find attached a copy of the Waterhole Creek Flood Study 2007.

Kind regards  
Mere

**Mere Naulumatua**  
Strategic Planner  
Latrobe City Council

---

<mailto:merena@latrobe.vic.gov.au>

Direct: (03) 5128 5499

Fax: (03) 5128 5672

Phone: 1300 367 700

PO Box 264, Morwell 3840

141 Commercial Rd, Morwell 3840

Submitter 6

To : Mere Naulumatua  
Strategic Planner  
LaTrobe City ,  
Morwell 3840



Date : 11-05-2011

Re: C9

Dear Mere,

Many thanks for coming to visit our property .  
Please find with this letter 10 photos of our property at the time of some 99ml of rain fall in 24hrs. Despite many parts North of Churchill , including the road between the town and Morwell on Monash Way , had 1 foot of water or more over it ( see 2 photo's) not a single bit of water was laying on our land . The reasons being are described in my letter of 30-03-2011 to you.

It would be greatly appreciated if you could mail me the answer to the following :

1. Is our property now part of a floodplain ?
2. If so , why ?
3. which part of the property and how many sq. meters ?
4. Is this going to de-value our property ?

Looking forward receiving your answers , to all of the 4 questions , our thanks in advance

Yours sincerely



Please note , we will be away from 21th of May until 27th of June 2011 .

Submitter 6(a)

**From:** [REDACTED]

**Sent:** Friday, 28 October 2011 9:52 AM

**To:** Mere.Naulumatua@latrobe.vic.gov.au.

**Subject:** regarding floodplains

Dear Mere,

I met you in Yinnar earlier this year . I must say I was impressed with your technical knowledge related to your job on floodplains and your politeness .

We were absent from 20th May to 29th of June and we can not recall to have received a letter and map on our return .

It would be appreciated if we could receive a copy of the letter and map with confirmation of what we agreed to during our meeting .

Regards .

[REDACTED]

Submitter 7

TRARALGON VIC 3844

18 May 2011

Chief Executive Officer  
Latrobe City Council  
PO Box 264  
MORWELL VIC 3840

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED 23 MAY 2011	
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Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

**Attention: Ms Joanne Glendenning**

Dear Joanne

**RE: SUBMISSION TO AMENDMENT C9 - LATROBE PLANNING SCHEME**

We refer to the above matter.

We wish to advise that we are the owners and occupiers of land at [REDACTED] Traralgon, known as [REDACTED]

The maps exhibited with Amendment C9 (specifically, Map no. 48LSIO-FO) indicate that the northern third of our property is proposed to be affected by the Land Subject to Inundation Overlay.

When we constructed our dwelling in 2008, a significant amount of fill was imported onto the site and a retaining wall constructed along the northern boundary of the property. This resulted in the entire of our property having a higher elevation than the adjacent land to the north which forms part of the Latrobe River floodplain.

Following receipt of the Amendment C9 exhibition document, we sought flood level information relating to our property from the West Gippsland Catchment Management Authority. This enquiry prompted a phone call to us from Wayne Gilmour at the CMA, during which he explained that new topographic information had been obtained and there had also been a revision of 1% AEP flood level in proximity to our site. Mr Gilmour confirmed that as a result of this updated information, the LSIO is no longer proposed to be applied to our property and the exhibited overlay map will be amended. This was confirmed in correspondence from the CMA dated 13 May 2011, a copy of which is attached for your reference.

Based on the above, we wish to advise that we have **no objection** to Amendment C9, **provided** that exhibited Map no. 48LSIO-FO is amended to reflect the abovementioned revised data provided by the CMA (ie. the LSIO is not applied to our land).

Should you need to contact us to discuss any of the above, please do so via the above address or email: nicolejason1@bigpond.com

Yours faithfully

[REDACTED]



## West Gippsland

Catchment Management Authority

CMA Application No: **WG-F-2011-0200-DE**  
Document No: **1**  
Date: **13 May 2011**

[REDACTED]

Dear Jason & Nicole,

Application Number (CMA Ref): **WG-F-2011-0200-DE**

Property Street: [REDACTED]

Cadastral: [REDACTED]

Regarding: **Flood Advice - Flood Information for C9 submission**

---

Thank you for your enquiry, received at the West Gippsland Catchment Management Authority on 21 April 2011.

The Authority's assessment indicates that the property is covered by the following Zones and Overlays in the Latrobe Planning Scheme:

Zone(s): **R1Z - Residential 1 Zone**

Overlay(s): **-**

There are currently no flood overlays over the property; however, a Land Subject to Inundation Overlay (LSIO) was proposed to be introduced over the northern quarter of the property as part of the recently-exhibited Latrobe Planning Scheme Amendment C9. The proposed overlay was based on mapping from DSE's Victoria Flood Database.

New topographic information in the form of Light Detection And Ranging (LiDAR) data, combined with a recent re-estimate of the 1% AEP<sup>3</sup> flood level, has led us to revise the proposed LSIO and, as a result, the overlay will no longer be applied to your property.

Our revised estimate of the 1% AEP flood level at this location is 29.5m AHD<sup>4</sup>. The April 2011 flood is estimated to have reached approximately 29.0m AHD near the northern boundary of your property.

The LiDAR data indicates that the height of your property varies between 29.6m AHD at its north-western corner to about 32.0m AHD at its southern boundary, meaning that all of the property is above the estimated 1% AEP flood level. The new boundary of the proposed LSIO in the vicinity of your property is shown on the map below:

ABN 88 062 514 481

Correspondence PO Box 1374, Traralgon VIC 3844

Telephone 1300 094 262 • Facsimile (03) 5175 7899 • Email [westgippy@wgcm.vic.gov.au](mailto:westgippy@wgcm.vic.gov.au) • Website [www.wgcm.vic.gov.au](http://www.wgcm.vic.gov.au)  
Traralgon Office 16 Hotham Street, Traralgon VIC 3844 • Leongatha Office Corner Young & Bair Streets, Leongatha VIC 3953

Figure 1. Revised LSIO map



Please note that land levels provided by the Authority are an *estimate only* and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.

Please also note that this document contains flood level **advice only** and does not constitute approval or otherwise of any development at this location.

Should you have any further queries, please do not hesitate to contact myself or Wayne Gilmour on 1300 094 262. To assist the CMA in handling any enquiries please quote **WG-F-2011-0200-DE** in your correspondence with us.

Yours sincerely,

**Dr. Geoff Taylor**  
**Team Leader Statutory Functions**

**Cc: Latrobe City Council**

The information contained in this correspondence is subject to the disclaimers and definitions attached.

### **Definitions and Disclaimers**

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or Latrobe Shire Council.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
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8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

**From:** Joanne Glendenning [Joanne.Glendenning@latrobe.vic.gov.au]

**Sent:** Wednesday, 25 May 2011 10:31:30 AM

**To:** Tracey Miller

**CC:** Mere Naulumatua

**Subject:** FW: Amendment C9 (Flood) Submission - [REDACTED]

Dear Tracey,

Please handle. Also, I asked Mere to make an appointment with me and include you in on that appointment as I do have some paperwork in relation to AmC9. I have not put this submission in the submission recorder. All submission's received will need to be registered in DW's and have acknowledgement letter's sent out.

Please make a time with me today if possible as I'm on duty planner roster tomorrow and Friday. A 30 minute catch up should suffice, we could use that large table behind Mere's desk.

Ta Jo.

**Joanne Glendenning**

**Planning Officer**

**Latrobe City Council**

---

<mailto:joannegl@latrobe.vic.gov.au>

Direct: 0467 738 278

Fax: (03) 5128 5672

Phone: 1300 367 700

PO Box 264, Morwell 3840

141 Commercial Rd, Morwell 3840

<http://www.latrobe.vic.gov.au/>

---

**From:** [REDACTED]

**Sent:** Wednesday, 25 May 2011 8:06 AM

**To:** Joanne Glendenning

**Subject:** Amendment C9 (Flood) Submission - [REDACTED]

Hi Joanne,

Please find attached a copy of our submission for the proposed Amendment C9 (Flood). Also attached is a copy of a letter from the WGCMA and a plan with further detail on our property.

Please do not hesitate to contact me if you have any queries in relation to this matter. Thank you.

Kind regards, Scott

NB: I have also placed a hard copy in the post which you should receive in the next couple of days.

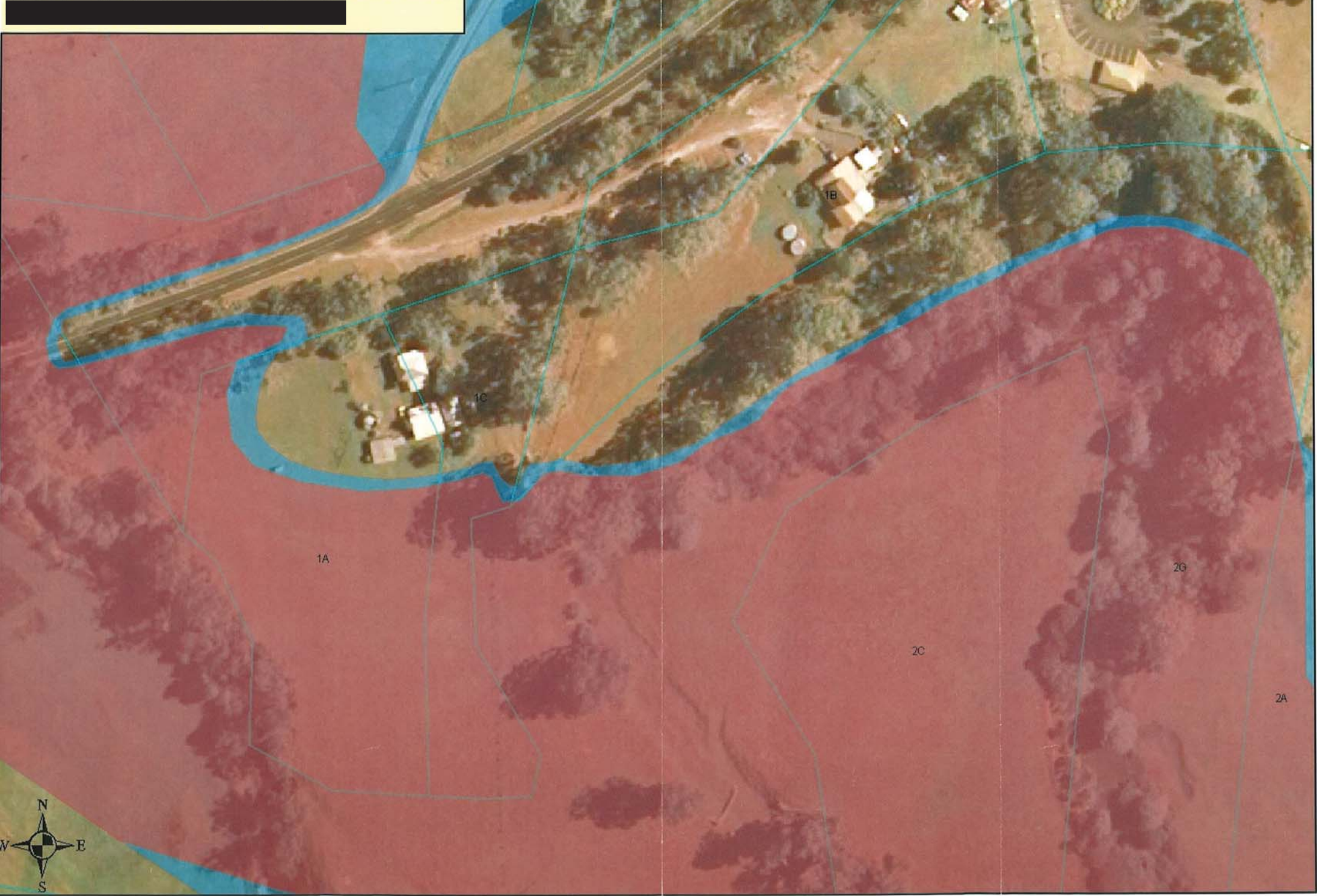
[REDACTED]

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Amended Flood Overlays (FO-red, LSIO-blue)



Submitter 8

24 May 2011

Joanne Glendenning  
Strategic Planning Technical Officer  
Latrobe City Council  
PO Box 264  
Morwell, VIC 3840

Dear Joanne,

**RE: Amendment C9 (Flood), Latrobe Planning Scheme**

On May 2, 2011, we had a meeting with Mere Naulumatua (Latrobe City Council) and Wayne Gilmour (West Gippsland Catchment Management Authority) to discuss the potential impacts of the proposed C9 flood amendment on our property located at [REDACTED]. The outcome of the meeting was that the proposed flood overlays were markedly inaccurate for our property based upon our local knowledge of the property, in respect to ground levels and previous flood patterns, and also on the LIDAR data provided by WGCMA.

Subsequent to this meeting, Wayne visited our property on May 19, 2011 to conduct some "ground truthing" to determine more accurate flood zoning. Wayne has since provided further details on the amended flood overlays covering our property. The amended overlays are based upon the site inspection, which was confirmed with detailed topographical information in the form of LIDAR data.

We would strongly urge Latrobe City Council to adopt the amendments to the revised Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) as detailed in the letter and plan from the WGCMA, dated May 23, 2011. Please see attached a copy of the letter and plan.

Please do not hesitate to contact us if you have any further queries about the proposed amendment as detailed by the WGCMA, [REDACTED] [REDACTED]. Thank you.

Yours sincerely,

[REDACTED]

23 May 2011



Dear 

**Latrobe Planning Scheme Amendment C9**

In line with previous discussions and commitments, I am writing to confirm that we have now amended the proposed flood overlay mapping for your property. The attached plan shows the revised Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO).

The amended overlays were obtained by site inspection, confirmed with detailed topographical information in the form of **Light Detection And Ranging (LiDAR)** data.

If you have any further queries about the amendment or the flood mapping, please contact me on telephone 1300 094 262.

Yours sincerely



Wayne Gilmour  
**Strategic Floodplains Officer**

Att: Map showing amended proposed flood overlays

Attachment 9

Att: Tracey Miller

I would like to take this opportunity to make comment on the C9 amendment currently up for discussion which has an effect on my property, being [REDACTED]

I believe that the information that has been used to identify the updated LSIO areas is incorrect. In 2006, significant earthworks were carried out to meet the requirements of the planning permit which was

[REDACTED]

submit that, at a minimum, the areas highlighted in orange on the attached maps should not be included in the new C9 amendment as they are clearly well elevated in relation to the lower areas of the Hyland Highway and the land east of the highway up to the Traralgon Creek.

Furthermore, I would argue that the area highlighted pink on the attached map is higher than the areas that are highlighted green east of the Hyland Highway on said map. Since these areas are not even subject to the LSIO and they are closer to the Traralgon Creek and lower than the pink highlighted portion of my block, why should even this be subject to the amended LSIO.

I hope that this updated information and explanation will result in [REDACTED] and the surrounding blocks being exempted from the C9 amendment.

Yours sincerely,

[REDACTED]



REF: 0900992  
OFFICE: MELBOURNE

LATROBE CITY COUNCIL  
INFORMATION MANAGEMENT

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30 May 2011

Latrobe City Council  
Att: Mere Naulumatua  
PO Box 264  
MORWELL VIC 3840

**Beveridge Williams & Co Pty Ltd**

ACN 006 197 235  
ABN 38 006 197 235

surveying  
urban design  
town planning  
water resources  
civil engineering  
project management  
landscape architecture  
contamination assessment

Dear Mere,

**RE: SUBMISSION TO LATROBE CITY COUNCIL AMENDMENT C9 – FLOOD AMENDMENT**

BW acts on behalf of [REDACTED] Glengarry. The site comprises 18.09 hectares and has been identified for residential purposes under the Glengarry Structure Plan which forms part of the Latrobe Planning Scheme.

On behalf of our client, we present this submission to Proposed Planning Scheme Amendment C9.

The purpose of this amendment is to:

- Update the Latrobe Planning Scheme maps as they relate to Flooding and Land Subject to inundation.

Having reviewed this amendment and the associated flood mapping prepared by West Gippsland Catchment Management Authority, our client holds the following position:

- Our client generally supports the intent of the amendment to improve the coverage of the LSI Overlay across the municipality.
- The extent of our clients land affected by the 1:100 flood level is questioned and does not appear to be consistent with detailed surveys that have been undertaken for the land.
- It is understood that the flood mapping undertaken represents "pre-development" (ie natural state) levels. Accordingly, any application to subdivide the land following rezoning will require further consideration of flood constraints and engineering options to appropriately manage stormwater and drainage. In particular, it is noted that the site is affected by Eaglehawk Creek from the east and overland flow from the township from the west. Upon undertaking a detailed hydraulic assessment, the extent to which both of these water sources converge and may influence future development of the land will become clearer.
- The rationale for the exclusion of the south-eastern portion of the land for Residential is unclear. In accordance with the approved Glengarry Structure Plan this area has clearly been set aside for "Floodplain" purposes. Whilst we understand that detailed flood mapping had not be completed at the time of finalising and approving the Structure Plan,

**Melbourne**

Suite 6/115 Hawthorn Rd  
Caulfield North Vic 3161  
PO Box 2205  
Caulfield Junction Vic 3161  
ph: 03 9528 4444

**Bairnsdale**

Shop 7 Riviera Plaza  
80-88 Main St  
Bairnsdale Vic 3875  
Po Box 1799  
Bairnsdale Vic 3875  
ph: 03 5152 4708

**Ballarat**

96 Main Road  
Ballarat Vic 3350  
PO Box 1465  
Bakery Hill Vic 3354  
ph: 03 5327 2000

**Geelong**

52 Brougham St  
Geelong Vic 3220  
ph: 03 5222 6563

**Leongatha**

52A Bair St  
PO Box 161  
Leongatha Vic 3953  
ph: 03 5662 2630

**Sale**

45 Macalister St  
Sale Vic 3850  
ph: 03 5144 3877

**Traralgon**

18 Hotham St  
PO Box 684  
Traralgon Vic 3844  
ph: 03 5176 0374

**Wonthaggi**

134 Graham St  
PO Box 129  
Wonthaggi Vic 3995  
ph: 03 5672 1505



it would appear that some form of development interface (ie fill, bund, earthworks, wetlands etc) has been considered for this area by authorities. On this basis, we would envisage that a detailed hydraulic assessment would further investigate this interface.

Please find attached a copy of the survey previously undertaken by Peter Dell from Beveridge Williams.

We trust that this submission is favourably received and we look forward to further discussing the Proposed Amendment and implication for our clients land.

Should you wish to discuss any aspect, do not hesitate to call Fiona Simonds on 9528-4444.

Yours faithfully,  
**BEVERIDGE WILLIAMS & CO PTY LTD**

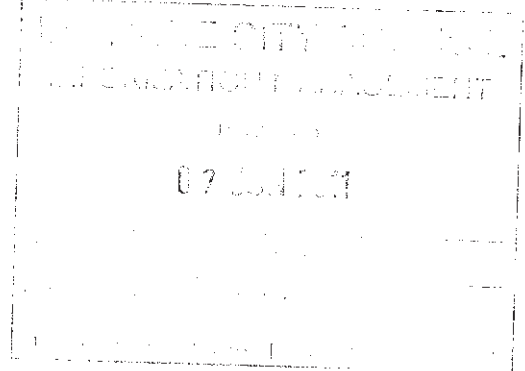
A handwritten signature in black ink, appearing to be 'Fiona Simonds'.

Fiona Simonds  
Planner

Geoff Hill  
 Manager Economic Development  
 Latrobe City Council  
 PO Box 264  
 Morwell VIC. 3840

May 30<sup>th</sup> 2011

Dear Geoff,



**Re: AMENDMENT C9 (FLOOD) EXPLANATORY REPORT**

This submission response by the Toongabbie Community seeks to clarify LSIO in the area of:

- **Toongabbie Creek:**
  - in consideration of a township submission in place since 2009
  - #see supplied documents: Toongabbie Creek submission and DSE reply
- **Rosedale Creek:**
  - in consideration of potential subdivision availability

**The township acknowledges:**

- that there has been no change to the LSIO mapping of Rosedale Creek and minimal change for Toongabbie Creek
- that Latrobe City Council (LCC) and West Gippsland Catchment Management Authority (WGCMA) in releasing discussion on amendment C9 seek to facilitate future planning development based on updated information of our waterways and potential for flood impact of the Toongabbie and Rosedale Creeks on our township during a 1 in 100 year flood event
- Application of these updated overlays will assist local Government, CMA and the community in carrying out more effective planning and management of land affected by flooding.
- Acknowledge that *'Amendment C9 does not rezone.....'*

# Our Township has a current submission in place (2009) with DSE, WGCMA and LCC concerning Toongabbie Creek with most issues yet to be actioned. DSE have agreed in email correspondence that the present creek condition is contributing to flooding. By Latrobe City accepting WGCMA's recent flood mapping as accurate, and then adopting *Amendment C9* recommendations for LSIO on Toongabbie Creek, Latrobe City will actually be creating a potential avenue for recompense in any event of future flooding. The township seeks Latrobe City intervention with both DSE & WGCMA to support increased resources to improve the normal water flow before any LSIO recommendations can be correctly updated.

**For Rosedale creek:**

Toongabbie has a LCC community building initiative action plan citing priorities and objectives to Future Township Planning and Development. As well, the community are about to launch their community website with a future plan that is dependent on new subdivision options to attract families to our town.

Our community are presently waiting to have a township structure plan developed in consultation with LCC that will identify new areas of potential development for subdivision and, expectantly, allow the rezoning of currently available land bordering residential zones.

As the LSIO has not changed for Rosedale Creek, the current opportunities open for this area to progress the town forward will be severely impacted upon.

Under the LSIO schedule, subdivision will impact on the lands capacity to cope with increased drainage concerns, consequently, restricting township progression and any potential new investments.

As a result, it is now imperative that the LCC Planning Dept works closer with the Toongabbie community and progress the Township Structure Plan forward to enable consultation for other suitable land developments adjoining residential land that, presently, are unknown as to their future availability.

The community are also seeking the farming zone around the Rosedale Creek area to be rezoned for rural living so a single dwelling can be built on a 40 acre block.

#### For Toongabbie Creek:

Our 2009 township submission alerts WGCMA, DSE and LCC that current flood inundation of Toongabbie Creek is primarily caused by waterway mismanagement and lack of resources and is the single most contributing factor as to why the Toongabbie Creek floods and impacts on surrounding land.

The LCC explanatory report states that flood mapping and assessment at Toongabbie was based on photography, survey and site inspection.

Does this information identify why some areas bordering Toongabbie Creek are prone to flooding? If so, does it acknowledge lack of waterway maintenance as a contributing factor leading to increased flood inundation?

As WGCMA is the relevant agency, was this known data included as appropriate information in surveying of Toongabbie Creek as flood inundation would be greatly reduced if the waterway was better managed.

# see correspondence from DSE re submission response

WGCMA acknowledged lack of resources as to why maintenance of Toongabbie Creek has been neglected, therefore, it can be concluded that FO and LSIO is present due to build-up of debris and vegetation and any failure of future maintenance to waterway will result in the surrounding land being subjected to increased flood related concerns.

Additionally, as this submission has been in place for 18 months (site meeting attended by LCC community development officer, WGCMA and DSE representatives), does the updated flood mapping open up a grey area potentially creating conflict with insurance providers of existing landholders.

Moreover, the objectives of planning in Victoria noted in **Section 4(1) of the *Planning & Environment Act 1987*** is compromised because waterway neglect conflicts with:

- (a) To provide for the fair and orderly, economic and sustainable use, and development of land;
- (c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (d) To balance the present and future interests of all Victoria.

**Again the objective of Clause 13.02 is also compromised**

- Floodplain management is to assist the protection of:



- Life, property and community infrastructure from flood hazards
- Flood storage functions of floodplains and waterways
- floodplain areas of environmental significance

"It is critical that areas with no current flood controls or outdated flood controls be properly recognised in the planning scheme based on current known information."

If this waterway continues to lack future investment in maintenance, LCC and WGCMA will again have to revise their LSIO to be FO because the cause of the flooding would not have been addressed.

As this amendment C9 has been requested by WGCMA, they have a responsibility to also acknowledge that certain contributing factors will impact more on FO and LSIO rather than the 1 in 100 yr flood.

The notion that an updated FO and LSIO amendment is acceptable by providing a safer environment for our future township planning disregards the primary concern that maintenance of the waterway is the precursor to flooding, thus more of a danger to our environment and therefore impacting on the safety of our community let alone the social and economic consequences.

**In summary:**

- LCC to conduct Township Structure Plan asap
- Toongabbie Creek submission be addressed by all parties involved particularly in relation to *issue 7* of the creek submission

**Consideration when attending any new planning works to address waterway management**

*Who or what has the greater overriding priority of worth?*

- newly formed natural habitats causing stream instability
- or
- the potential flood inundation and consequent impact to private infrastructure and community inconvenience

# If this plan is to be adopted, it is essential that our Township Structure Plan be considered for budget allocation asap to identify a new range of options.

**This response was completed by:**



## TOONGABBIE TOWNSHIP PLANNING & DEVELOPMENT GROUP

Contact: Tracey Anton (Chairperson)

Phone: 0407 924 003

**Introduction:** A site meeting was held on Friday September 11<sup>th</sup> 2009 represented by West Gippsland Catchment Management Authority (WGCMA), Department of Sustainability and Environment (DSE), Latrobe City Council (LCC), and the Toongabbie community in response to concerns raised by the local community in relation to flooding and fire risks along Toongabbie Creek.

**Present at meeting:** Tracey Anton (community), Wendy Hayne (LCC), Roger Ries (community), Geoff Taylor (WGCMA), John Crosby (WGCMA), Jo Wolfe (community), Tarnia Leeming (DSE), Tameka ? (DSE)

### **Issues discussed:**

- Management of catchment area to prevent the potential for serious flood damage impacting on township and areas of historical significance.
- Fire control management of area adjacent to Toongabbie Creek Bridge & Wetlands and catchment area, north of Humphreys Rd Bridge.

### **Site Description:** The area comprises the following titles/areas:

- Traralgon Maffra Road Reserve, west of Toongabbie Creek bridge (VicRoads & council managed???)
- Lot no. P262070 14B (DSE Private Lease arrangement)
- Lot no. 5A 3A P262071 (DSE managed land)
- Lot no. 5 3A 47665 (Council managed land)

Please see attached map for further clarification.

### **Outcome of meeting:**

All agreed that there were significant issues of concern in the site areas identified above for flood & fire impact on the township of Toongabbie. The combined total distance of the catchment area of concern is approx. 1.5 km- 2km in length.

It was agreed that the community of Toongabbie will provide a submission to DSE to enable them to conference with WGCMA and LCC to coordinate a response and establish an agreed management plan for ongoing fire & flood prevention along Toongabbie Creek. The plan will:

- Clearly identify the land in question to allow for greater ease of determining responsibility;
- List each issue and provide a possible solution;
- Clearly indicate the priority of each issue;
- Provide alternative options on management for the Government Departments to confer on.

	Location	Description of Issue	Solution	Action	Future Needs	Priority
<u>Issue 1</u>	Traralgon/Maffra Rd Reserve, west of Toongabbie Creek bridge, 10-30 meters from roadside	Build up of dry material (blackberries & grasses) > FIRE & FLOOD RISK	Burn the dead blackberries and grass to reduce risks.	<ul style="list-style-type: none"> <li>➤ Seek clarification of land management responsibility (LCC/VicRoads) and seek a permit for allowable burn of nominated</li> <li>➤ Talk to local CFA about permission process to undertake burn and willingness to undertake the burn on behalf of the community.</li> <li>➤ Talk with Phillip O'Malley, President of the Wetlands Committee, to get them on side with the proposal to burn.</li> </ul>	<ul style="list-style-type: none"> <li>➤ (LCC/Vic Roads???) to regularly attend fuel reduction maintenance (poisoning or burning) of roadside vegetation to west area of Toongabbie Creek Bridge bordering wetlands.</li> </ul>	MEDIUM
<u>Issue 2</u>	The boundary fence between the Traralgon Maffra Road reserve and adjacent land (Leased Crown land P262070 - Lot 14B)	Choking of creek with old flood debris and illegal fencing across creek > FLOOD RISK	<ol style="list-style-type: none"> <li>1. Remove and burn flood debris.</li> <li>2. Remove existing mesh fence</li> </ol>	<ul style="list-style-type: none"> <li>➤ Community to remove illegal fencing across creek (No replacement fence needed as we have confirmed with the existing leaseholder that the creek area will be no longer used for stock grazing).</li> <li>➤ May get reimbursed for the steel??? Explore possibility of a free tip Voucher from Latrobe City.</li> <li>➤ Approach CFA to assist with the removal and burning of existing flood debris in conjunction with other burning.</li> </ul>		HIGH
<u>Issue 3</u>	Land privately leased from DSE (P262070 14B), west of wetlands through to Humphreys Rd bridge	Overgrown grasses > FIRE RISK	Commence regular poisoning of grasses along creek.	<ul style="list-style-type: none"> <li>➤ Grass poisoning would maintain area.</li> </ul>	<ul style="list-style-type: none"> <li>➤ WGCMA to provide regular maintenance of grass by poisoning along Toongabbie Creek within P262070 14B</li> </ul>	LOW
<u>Issue 4</u>	Toongabbie Creek Reserve (5A, 3A, P262071 [DSE] and 53A [LCC])	Humphreys bridge -potential for debris to build-up around concrete supports > FLOOD RISK	Regular removal of debris, shale and silt to provide un-impeded water flow	<ul style="list-style-type: none"> <li>➤ Agree on which organisation is responsible for this action if and when needed.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Remove debris, shale and silt, as needed to provide un-impeded water flow</li> </ul>	MEDIUM
<u>Issue 5</u>	Toongabbie Creek Reserve (5A, 3A, P262071 [DSE] and 53A [LCC])	Growth of young saplings in middle of creek bed immediately north of Humphreys bridge > FLOOD RISK	Remove saplings	<ul style="list-style-type: none"> <li>➤ Local community to identify number of saplings to be removed. Species type to be identified if possible.</li> <li>➤ DSE/LCC permit to allow community removal of saplings in creek area and trim lower branches of trees bordering water flow area if potential for catching debris</li> <li>➤ Seek advice from DSE and LCC as to best method for removal.</li> </ul>	<ul style="list-style-type: none"> <li>➤ WGCMA and DSE to carry out regular program (every two years) of spraying of weeds (Blackberries, boxthorn)</li> <li>OR</li> <li>➤ DSE/WGCMA to provide ongoing grant of \$x to allow Toongabbie Community to engage a contractor to undertake spraying</li> </ul>	HIGH
<u>Issue 6</u>	Toongabbie Creek Reserve (5A, 3A, P262071 [DSE] and 53A [LCC])	Willows & dead logs contributing to a potential flooding risk. > FLOOD RISK	Remove willows, dead logs and obstacles and burn	<ul style="list-style-type: none"> <li>➤ Seek action from DSE and LCC to pile up dead logs ready for burning.</li> <li>➤ Seek action from WGCMA to remove willows and burn wood piles.</li> <li>➤ Seek funding from DSE/LCC/WGCMA (or elsewhere) to enable community to engage a contractor to undertake the work.</li> </ul>		HIGH

<b>Issue 7</b>	Toongabbie Creek Reserve (5A, 3A, P262071 [DSE] and 53A [LCC])	Shale and silt build-up creating undefined creek bed and impeding natural water flow > FLOOD RISK	Reforming of natural water course to improve the flowing ability of the creek	<ul style="list-style-type: none"> <li>➤ Seek action from DSE, WGCMA &amp; Council to reform creek bed to allow unimpeded flow and reduce diversion of floodwaters into township.</li> </ul>		VERY HIGH
<b>Issue 8</b>	Toongabbie Creek Reserve (5A, 3A, P262071 [DSE] and 53A [LCC])	Overgrowth of grass/vegetation (suitable for stock grazing) > FLOOD & FIRE RISK	Provide restricted agistment rights to control long grasses	<ul style="list-style-type: none"> <li>➤ Agistment Lease for the two lots to allow for crash grazing by cattle to reduce grass mass on an annual basis.</li> <li>➤ Local community to assist above landholder to apply to Council and DSE for an Agistment Lease of the two lots to allow for crash grazing by cattle to reduce grass mass on an annual basis.</li> <li>➤ Note - Land owners of Lot No.1, who border this area, would be interested in restricted agistment access. They are willing to put in a gate and have their own water supply access for stock. A copy of the DSE's land tenure licence conditions have been given to them to read.</li> </ul>	<ul style="list-style-type: none"> <li>➤ LCC and DSE to assess suitability of a restricted grazing lease annually.</li> </ul>	VERY HIGH

PHOTOS TO BE SUPPLIED



## Department of Sustainability and Environment

71 Hotham Street  
Traralgon Victoria 3844  
Telephone: (03) 5172 2111  
Facsimile: (03) 5172 2100  
ABN 90 719 052 204

29 September 2010

Our Ref: 150262071

### Re: Toongabbie Community Concerns, Crown Allotment 5A Section 3A in the Township of Toongabbie

I refer to an onsite meeting you had with the department, Latrobe City Council, West Gippsland Catchment Management Authority (WGCMA) and other concerned community members in September 2009. The department is the responsible body for Crown Allotment 5A Section 3A in the Township of Toongabbie (shown coloured pink on the attached map).

The purpose of this letter is to inform the Toongabbie Township Planning & Development Group of the progress DSE has had since the meeting and to update you on planned works:

- DSE has arranged for ongoing weed control of the above mentioned site through the Good Neighbour program. This involves spraying of blackberry and boxthorn once a year for the next three years, when the situation will be reviewed. The site was also sprayed for weeds once a year in the last previous two years.
- The WGCMA has informed that they have not scheduled works for this financial year for willow removal or the removal of the debris to improve the waterway
- The department does not approve of the removal of any further native vegetation, fallen logs or branches from the site and does not approve of the reforming the watercourse, as this is likely to lead to additional issues associated with erosion and water quality.
- Grazing of the site is not an option due to the lack of fencing and impacts it would have on native vegetation and water quality
- The department will slash the boundary of the crown land during summer to reduce the build up of long grass and therefore reduce the fire hazard.
- The site will added to the department's fire operation plan for the 2011-12 program and if the willows have not been removed, DSE will organise for the debris to be burnt/removed

Should you have any questions or concerns in regards to this matter please do not hesitate to contact me on 5172 2526.

Yours sincerely

**Nicole Collins**  
Property Officer

#### Privacy Statement

*Any personal information about you or a third party in your correspondence will be protected under the provisions of the Information Privacy Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Manager Privacy, Department of Sustainability & Environment, PO Box 500, East Melbourne, 3002.*



Submitter 11(a)

Toongabbie Township Planning & Development Group  
Victoria 3856

---

Mere Naulumatua  
Strategic Planner  
Latrobe City Council

June 19<sup>th</sup>, 2011

Dear Mere,

**Re - Toongabbie objection response to C9 amendments dated May 30<sup>th</sup>, 2011**

The community of Toongabbie formally withdraw their objection to the proposed C9 amendments for the areas of Toongabbie Creek and Rosedale Creek after recent community consultation with WGCMA and LCC on June 16<sup>th</sup>, 2011.

WGCMA and LCC to further assist the Toongabbie community to resolve ongoing maintenance issues that impact on and contribute to obstruction of the Toongabbie Creek watercourse to better manage our township planning.

Yours sincerely,



Toongabbie Township Planning & Development Group



Submitter 12

urbis

31 May 2011

Ms Joanne Glendenning  
 Strategic Planning Technical Officer  
 LaTrobe City Council  
 PO Box 264  
 MORWELL VIC 3840

Dear Joanne,

**Proposed Amendment C9 – LaTrobe Planning Scheme  
 Submission from the [REDACTED]**

Further to Council's letter of 25 March 2011, we write on behalf of the [REDACTED] with respect to the proposed Amendment C9 to the LaTrobe Planning Scheme.

[REDACTED]

Pursuant to the LaTrobe Planning Scheme, the subject site is contained within a Business 1 Zone and is not affected by any Overlays.

Amendment C9 to the LaTrobe Planning Scheme proposes to apply a Land Subject to Inundation Overlay (LSIO) over a portion of the western boundary of the [REDACTED] (land adjacent to Mid Valley Road). [REDACTED] and vacant land with landscaped vegetation.

We understand the intent of the LSIO to be:

*The LSIO identifies land in flood storage or flood fringe areas affected by the 1 in 100 year flood event and will generally be applied to areas affected by mainstream flooding that have a lower risk of flooding and are outside of the Flood Overlay boundaries. In addition, the LSIO will be applied to areas that are known to flood but where there is no available information of flood depths, velocities or level of hazard.*

Having reviewed the documentation exhibited by Council in detail, our client has significant concerns regarding the application of an LSIO to its land as throughout its long term ownership of the site, it is not aware of a time where the land proposed to be incorporated into the LSIO has been subject to inundation. In light of this our client reserves the right to undertake its own detailed investigations and analysis to determine the extent of land within its ownership which may be affected by flooding during a 1 in 100 year flood event.

In the event it is determined that a portion of the [REDACTED] site is subject to inundation, recommendations will be sought from an appropriately qualified professional to determine suitable measures for ameliorating any potential impact. In addition, our client will seek to implement these measures in order to abate the application of the LSIO to the site.

Our client wishes to be involved throughout the amendment process and requests to be heard at any future panel hearing scheduled. Our client reserves the right to expand on this submission including any additional matters at any panel hearing.

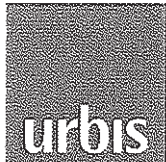
Should you have any queries in relation to this submission, please do not hesitate to contact the undersigned on 8663 4855.

Yours sincerely,

[REDACTED]

CC: [REDACTED]





11 October 2011

Ms Mere Naulumatua  
Strategic Planning  
LaTrobe City Council  
PO Box 264  
MORWELL VIC 3840

Dear Mere,

**Proposed Amendment C9 – LaTrobe Planning Scheme  
Withdrawal of Submission**

As you are aware, [redacted] acts on behalf of the [redacted] owners of the [redacted] Morwell, in relation to the above stated matter.

Further to Council's letter of 21 September 2011 and the West Gippsland Catchment Management Authority's (WGCMA) letter of 29 September 2011, we have been instructed to confirm that our client wishes to withdraw their objection to Amendment C9 to the LaTrobe Planning Scheme.

In light of the below confirmation provided by the WGCMA's in its letter of 29 September 2011, our client has elected to reconsider its original submission to Council:

*'Based on the flood modelling, the Authority would not object to further development (producing a similar outcome to that modelled by Cardno) of the property. We would, however, apply a planning permit condition relating to the minimum floor level of any proposed buildings.*

*Our best estimate of the 1% AEP1 flood level for this location, based on the outputs of the Waterhole Creek Flood Study 2007, is 64.4m AHD2. The Authority would therefore seek to include a condition on any future planning permit issued for the property to require the finished floor level of any building/s to be a minimum of 64.7m AHD2 (1% flood level + 300mm freeboard, as required by Victorian Building Regulations). We would not seek to apply any other conditions'.*

Given the above confirmation from the WGCMA, the [redacted] withdraws its objection to Amendment C9.

Should you have any queries in relation to the above, please do not hesitate to contact the undersigned on [redacted]

Yours sincerely,

[redacted signature block]

cc: [redacted]

[redacted]

30 May 2011

Tracey Miller  
 Strategic Planning Technical Officer  
 Latrobe City Council  
 P.O. Box 264  
 Morwell, VIC 3840

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
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Commitment/Invoice Circulated to	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

Dear Tracy,

**Reference: Proposed Amendment C9  
 Latrobe Planning Scheme**

We are pleased to put forward this submission on behalf of the [redacted] Development syndicates. As you are aware we have been preparing an Outline Development Plan and Rezoning Application for [redacted] over the past couple of years and are only a couple of months away from formalising the Application for lodgement with Council.

To this extent we have an interest in the outcomes of the C9 Amendment and have discussed the potential impacts on the [redacted] Development. We are please to advise that we have factored these potential impacts in to our layout and are confident, based on feedback provided by the West Gippsland Catchment Management Authority that the C9 Amendment will have no negative impact upon our proposed development.

On this basis, we hereby support the C9 Amendment and look forward to the revised Overlays being introduced in due course. We are also committed to ensuring the [redacted] Development proceeds in the near future in order for it to provide an alternative form of lifestyle living for the Latrobe region.

We look forward to progressing this exciting development with Council in the not to distant future.

Yours Faithfully,

[redacted signature]

**11.3.3 PLANNING PERMIT APPLICATION 2011/067 - BUILDINGS AND WORKS ASSOCIATED WITH THE CONSTRUCTION OF THREE (3) DWELLINGS AND A THREE (3) LOT SUBDIVISION AT 80 CROSS'S ROAD, TRARALGON**

**AUTHOR:** General Manager Built and Natural Environment  
**(ATTACHMENT - YES)**

**1. PURPOSE**

The purpose of this report is to determine Planning Permit Application 2011/067 for buildings and works associated with the construction of three (3) dwellings and a three (3) lot subdivision at 80 Cross's Road, Traralgon.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Built Environment*

In 2026, Latrobe Valley benefits from a well planned built environment that is complimentary to its surroundings and which provides for a connected and inclusive community.

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction – Built Environment*

Promote and support high quality urban design within the built environment.

Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.

*Legal –*

The discussions and recommendations of this report are consistent with the provisions of the *Planning and Environment Act* 1987 (the Act) and the Latrobe Planning Scheme (the Scheme), which apply to this application.

#### 4. BACKGROUND

##### 4.1 SUMMARY

Land: 80 Cross's Road, Traralgon, known as Lot 11 on Plan of Subdivision 531365V  
Proponent: SMEC Urban  
Zoning: Residential 1 Zone  
Overlay: No overlays affect the subject land

A Planning Permit is required to:

- subdivide land in the Residential 1 Zone pursuant to Clause 21.01-2 of the Scheme; and
- construct two or more dwellings on a lot in the Residential 1 Zone pursuant to Clause 32.01-4 of the Scheme.

##### 4.2 PROPOSAL

The application is for buildings and works associated with the construction of three (3) dwellings and a three (3) lot subdivision.

###### Construction of Three Dwellings

The proposal seeks approval for the construction of three double storey dwellings on the lot.

The proposed development layout involves two attached dwellings (i.e. Units 1 & 2) at the rear, and one dwelling (i.e. Unit 3) in the south eastern corner of the site.

The overall development is setback at least 2m from the northern, eastern and western title boundaries, except the western garage wall of Unit 1 which is to be constructed on title boundary.

The overall development has a minimum frontage setback of 6m from Cross's Road.

Each dwelling is to contain four bedrooms, an open plan kitchen/living/dining area, amenities area and a double garage.

A secluded private open space area in excess of 40 square metres is proposed for each of the dwellings.

The exterior of the dwellings are to be of rendered wall finish, with custom orb cladding and colourbond roofing.

Refer to Attachment 4 for a copy of the proposed plans.

Three Lot Subdivision

The subdivision layout has been designed to create an individual title for each of the three proposed dwellings. Proposed Lots 1, 2 and 3 are each irregular in shape and have areas of 210 square metres, 260 square metres and 420 square metres respectively.

An area of common property is proposed that is designed to contain the shared accessway within the site. The common property area is irregular in shape and has an area of 346 square metres. A new crossover on Cross's road is proposed to provide vehicular access to all dwellings.

Subject Land:

The subject site is irregular in shape with a northern (rear) boundary measuring 21.86 metres and a 37.19 metre long southern (front) boundary. The eastern and western (side) boundaries extend 44.08 metres and 48.20 metres respectively. The site has an area of 1236 square metres.

The land is relatively flat with a slight fall to the west. The land is covered with pasture grass and does not contain any native or significant vegetation.

An easement for 'Pipeline or Ancillary Purposes' is located to the north west of the site adjacent to the northern boundary for a distance of approximately 10 metres. At its widest point, this easement is 3.5 metres wide.

A covenant (with dealing number AD652795U) is registered on certificate of title. This covenant stipulates the following:

5. *'Not to permit or allow to be built any temporary, relocatable building or structure on the lot.'*
6. *Not use or permit or allow to be built any building to be used for anything other than residential purposes.*
7. *Not without obtaining the consent of the vendor to permit or allow to be erected upon the lot:*
  - a) *any building or structure constructed of cement sheeting or fibro cement sheeting other than sheeting as maybe necessarily used in eave cladding;*

- b) *any building or structure the outer walls of which are weatherboard or a weatherboard like material.*
- c) *any outbuildings not constructed of brick, brick veneer, timber or colourbond;*
- d) *any building or structure consisting wholly or partly of second hand materials other than second hand bricks or stone'.*

It is submitted by the applicant that the external walls are to be of rendered finish but the exact materials have not been specified. Should a planning permit be issued, a condition must be included on the permit, to ensure that the proposal does not contravene the above restrictive covenant.

#### Surrounding Land Use:

- North/East: Council reserve on an allotment of approximately 10,575 square metres in the Residential 1 Zone.
- South: Road, sealed with kerb and channel (Cross's Road) and single dwellings on allotments of approximately 680 square metres in the Residential 1 Zone. Frontage setbacks of the dwellings across the subject site on Cross's Road range from six to eight metres.
- West: Single dwelling on an allotment of approximately 1,335 square metres in the Residential 1 Zone. The frontage setback of this dwelling is 9m.

A copy of the Locality Plan is located at Attachment 1.

### **4.3 PLANNING CONTEXT**

No previous Planning Permit applications apply to the subject land.

The history of assessment of the Planning Permit application is set out in Attachment 2.

The provisions of the Scheme that are relevant to the subject application have been included at Attachment 3.

## 5. ISSUES

### 5.1 ASSESSMENT AGAINST THE RELEVANT PLANNING POLICIES

The proposal has been assessed in accordance with the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS).

It is considered that the proposal complies with both the SPPF and LPPF which state that planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas. This includes increasing housing diversity and affordability. The proposal will add to the range of available housing types to meet increasingly diverse needs, and assist in directing urban growth into Traralgon, which is an important regional centre as identified in the Scheme.

The subject site is located within a Residential 1 Zone (R1Z), and the proposal has been assessed against the purpose and decision guidelines of the R1Z. It is reasonable to consider that the subject site is appropriately zoned for residential development.

### 5.2 DESIGN RESPONSE OF THE PROPOSAL

As part of the planning permit application, detailed site analysis plans and written design response have been submitted by the applicant to explain how the proposal has been designed to derive from and respond to the neighbourhood and site description.

The applicant has worked with Council Officers extensively to address concerns regarding the detailed design of the proposal. Further to the receipt of amended plans from the applicant, Council Officers are of the view that the design response is appropriate to the neighbourhood and the site, and that the proposal generally respects the existing neighbourhood character of the area as follows:

- The double storey built form is not foreign to the subject area, as it is evident that there are dwellings of similar scale in close proximity to the subject site.

- Whilst the attached built form of Units 1 and 2 are not typical in the subject area, these two dwellings are setback significantly from the Cross's Road frontage and do not detract the character of the area.
- Whilst a reduced frontage setback of 6m is sought by the proposal (rather than a setback of 9m as per the existing dwelling on adjoining lot and as required by the Scheme), the front elevation of Unit 3 is provided with appropriate articulation to minimise its overall visual impact on the Cross's Road streetscape. The first floor of Unit 3 is also further setback from the street to 7.5m in order to reduce dominance of the overall built form of the development when viewed from Cross's Road. In addition, it should also be noted that the existing dwellings across the road from the subject site, on the opposite side of Cross's Road are generally setback 6 – 8m from Cross's Road. The proposed frontage setback of 6m is therefore not considered out of character of the subject area.

It should be noted that a proposal can vary from the 'Standards' of clause 55 but must meet the 'Objectives'. In this case, as there is a range of setbacks in the surrounding area, it is considered unreasonable to rely solely the 9m setback of the adjoining property to mandate the required setback for the proposal. It is considered that a reduced frontage setback of 6m (as opposed to 9m which is specified under the Standard B6 of the Scheme) can reasonably be justified, as it will make efficient use of the site, without compromising the character of the neighbourhood.

- The rendered wall finish and colourbond roofing of the proposal are generally consistent with the materials and finishes of existing dwellings in the locality.
- The second storey of both Units 1 and 2 is appropriately setback from both the eastern and western title boundaries, to minimise its associated visual bulk when viewed from either the adjoining property to the west or the public open space to the east. With the combination of appropriate setback and articulation of the upper floor of both Units 1 and 2, it is reasonable to consider that the proposal is unlikely to result in an uncharacteristic reduction of the spatial feel of back yard for the occupiers of the dwelling to the west of the subject site.



In addition, the upper floor presentation to the public open space to the east of the site is considered appropriate, and is unlikely to result in an unacceptable amenity loss to the general public utilizing the adjoining public open space.

### **5.3 ASSESSMENT AGAINST CLAUSE 55**

The proposal has been assessed against Clause 55 of the Scheme and is deemed to satisfy the relevant objectives and standards of the Clause in relation to neighbourhood character, site layout, building massing, amenity impacts, on site amenity, facilities and detailed design of the proposal.

### **5.4 SUBDIVISION AND CREATION OF COMMON PROPERTY**

The subdivision is considered to be appropriate given that it aims to provide an individual allotment for each of the proposed dwellings. The area of common property is designed to provide an area of shared vehicular and pedestrian access to the three proposed allotments.

The subdivision and creation of common property is consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone, Clause 56 (Rescode) and the 'Decision Guidelines' of Clause 65.02 of the Scheme.

### **5.5 OBJECTOR CONCERNS**

The application received one submission in the form of an objection. The issues raised in the objection were:

1. The proposed development does not respect the existing neighbourhood character of the area.

#### Officer comment:

As detailed in Section 5.2 above, it is reasonable to consider that the design of the proposal is an appropriate response to the subject site and surrounds and generally respects the existing neighbourhood character of the area.

2. The proposed development does not align with the setback of existing dwellings.

Officer comment:

The minimum setback to Cross's Road of the proposed dwellings is 6 metres.

The neighbouring property to the west has a front setback of 9 metres and there is no dwelling on the allotment to the east. In accordance with Standard B6 'Street Setback Objective' of Clause 55, the front setback at the subject site should be the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street, or 9 metres, whichever is the lesser. It should be noted, however that the Standards of Clause 55 should be met but the Objective must be met. This allows for circumstances such as the present case whereby the only adjoining dwelling exhibits a greater setback than what is more predominant in the general surrounding area.

As detailed in Section 5.2 above, it is considered that the reduced frontage setback of 6m can reasonably be justified, is unlikely to compromise character of the neighbourhood and is generally supported by the Planning Scheme.

3. The development will significantly overshadow 81 Cross's Road, Traralgon.

Officer comment:

The applicant has submitted shadow diagrams with the application that are consistent with the requirements of Standard B19 'Daylight to Existing Windows Objective' and Standard B21 'Overshadowing Open Space Objective'. A copy of these plans may be viewed at *Attachment 5* of this report.

It is considered that the proposal would have minimal overshadowing impact upon the private open space of adjoining properties.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

7. **INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Used:*

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the *Planning and Environment Act* 1987 (the Act). Notices were sent to all adjoining and adjacent landowners and occupiers and an A3 notice was displayed on site for a minimum of 14 days.

External:

The application was referred to Gippsland Water, Telstra, SP AusNet and APT O&M Services under Section 55 of the Act. APT O&M Services gave consent to the granting of a Planning Permit. Gippsland Water, Telstra and SP AusNet gave consent, subject to appropriate conditions.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team in relation to drainage and traffic management and the Rates team in relation to street numbering.

Each team gave consent to the granting of a Planning Permit in relation to their area of expertise, with Infrastructure Planning's consent subject to appropriate conditions.

It is noted that their comments only relate to part of the assessment process and do not necessarily direct the final recommendation of Council.

*Details of Community Consultation following Notification:*

Following the referral and advertising of the application, one submission in the form of an objection to the application was received.

A Planning Mediation Meeting was convened to allow the applicant and objectors to meet and discuss the application and relevant issues.

Consensus was not reached between the parties, which would have allowed the matter to be determined by officer delegation, therefore requiring a decision by Council.

**8. OPTIONS**

Council has the following options in regard to this application:

1. Issue a Refusal to Grant a Planning Permit; or
2. Issue a Notice of Decision to Grant a Planning Permit

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

**9. CONCLUSION**

Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application generally meets the relevant provisions of the Scheme. It is therefore recommended that a Notice of Decision to Grant a Planning Permit be issued for the reasons set out in this report.

**10. RECOMMENDATION**

- A. That Council issues a Notice of Decision to Grant a Planning Permit, for buildings and works associated with the construction of three (3) dwellings and a three (3) lot subdivision at Lot 11 on Plan of Subdivision 531365V, more commonly known as 80 Cross's Road, Traralgon, based on the following grounds:
  1. Prior to the commencement of buildings and works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and four copies must be provided. The plans must show:
    - a) the relocation of the proposed six cubic metre external storage for Unit 1 such that no part of the storage shed is located within the existing drainage easement; and
    - b) the removal of the existing laybacks provided in the kerb and channel for future vehicle crossings shall be noted on the plans.

- c) A schedule of construction materials, external finishes and colours to the satisfaction of the Responsible Authority. The materials and finishes must be in accordance with the requirements as specified in Restrictive Covenant AD652795U which is registered on Certificate of Title Volume 10872 Folio 652
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
4. Prior to the issue of a Statement of Compliance, the buildings and works approved by this permit must be completed to the satisfaction of the Responsible Authority. Alternatively, the operator of this permit must enter into an agreement with the Responsible Authority, made pursuant to Section 173 of the [http://www.austlii.edu.au/au/legis/vic/consol\\_act/paea1987254/Planning and Environment Act 1987](http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/Planning%20and%20Environment%20Act%201987), to provide for the following:
  - Any development on the subject site must be in accordance with planning permit 2011/067 issued by Council.

Before the issue of a Statement of Compliance, application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act. The operator of this permit must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Prior to the issue of a Statement of Compliance, the operator of this permit must provide Council with a copy of the dealing number issued by the Titles Office. Once titles are issued, Council requires the operator of this permit or its legal representative to provide either:

- a) A current title search; or
- b) A photocopy of the duplicate certificate of title as evidence of registration of the Section 173 Agreement on title.

#### Landscape Plans

5. Prior to the commencement of buildings and works, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
- c) details of surface finishes of pathways and driveways;
- d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- e) landscaping and planting within all open areas of the site; and
- f) at least two canopy trees (minimum two metres tall when planted) in the front setback of Unit 3.

All species selected must be to the satisfaction of the Responsible Authority.

6. Prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
8. The walls on the boundary of the adjoining properties must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
9. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

#### Engineering Conditions

10. Prior to Certification of the plan of subdivision, a site drainage plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council Design Guidelines and must provide for the following:
  - a) how the land including all buildings, open space and paved areas will be drained for a 1 in 5 year ARI storm event;
  - b) an underground pipe drainage system conveying stormwater discharge to the legal point of discharge;

- c) the provision of storm water detention within the site and prior to the point of discharge into the Council drainage system if the total rate of stormwater discharge from the property exceeds the rate of discharge that would result if a coefficient of run-off of 0.45 was applied to the whole of the property area; and
  - d) the existing stormwater drainage pit at the front of the property shall be relocated to provide appropriate clearance to the proposed vehicle crossing and shall include the construction of a new property stormwater drainage connection.
11. The plan of subdivision submitted for certification shall show appropriate easements set aside for drainage to the satisfaction of the Responsible Authority.
12. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.
13. Prior to the issue of Statement of Compliance, the permit operator must complete the development works on this land in accordance with the plans endorsed and forming part of this planning permit, to the satisfaction of the Responsible Authority, including:
- a) all drainage works must be constructed in accordance with the approved site drainage plan;
  - b) the proposed vehicle crossing shall be constructed in accordance with the endorsed plans, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307;
  - c) the redundant laybacks in the kerb and channel provided for future vehicle crossings must be removed and the kerb and channel reinstated to the satisfaction of the Responsible Authority; and
  - d) the areas shown on the endorsed plans for vehicle access and car parking within the property must be constructed in accordance with the endorsed plans and be surfaced with concrete, reinforced concrete, brick paving or hot mix asphalt and drained in accordance with the approved site drainage plan.

14. Prior to the issue of Statement of Compliance, the permit operator must meet the following requirements:
  - a) That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.
  - b) Telstra will not consent to the issue of statement of compliance until such time as the applicant provides satisfactory evidence of compliance with the above condition.
15. Prior to the issue of Statement of Compliance, the permit operator must meet the following requirements:
  - a) Enter in an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to the dwellings. A payment to cover the cost of such work will be required.
  - b) Provide electricity easements internal and external to the site in favour of SPI Electricity Pty Ltd to service the dwellings and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.
16. Prior to the issue of Statement of Compliance, the permit operator must meet the following requirements:
  - a) Pay to Gippsland Water contributions for Headwork charges and Outfall/Disposal charges for the change in development of the land. These charges are based on Gippsland Water's current rates and reflect the additional loading placed on the water and sewerage reticulation systems by this development.
  - b) The existing water service located in proposed Lot 3 is to be capped at the main to the satisfaction of Gippsland Water.
  - c) Install a master water service meter within the common property to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
  - d) Install separate slave water service meters for each Lot within the common property to the satisfaction of the Gippsland Water.



- e) As constructed details showing the location of the installed combined internal sewer service is required to be submitted to Casey Services via facsimile on 9835 5515 and a copy to Gippsland Water on facsimile 5174 5174.
  - f) Provide Gippsland Water with a copy of the Owners Corporation Schedule.
  - g) Provide water and wastewater services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.
  - h) Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.
17. This permit will expire if:
- a) The development is not started within two years of the date of this permit;
  - b) The development is not completed within four years of the date of this permit;
  - c) the plan of subdivision is not certified within 2 years of the date of this permit; or
  - d) the registration of the subdivision is not completed within 5 years of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within three months afterwards.

Note: The commencement of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of the plan, and completion is regarded as the registration of the plan.

#### Permit Notes

Note 1: This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Note 2: Unless exempted by the Responsible Authority, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works (as defined by Latrobe City Council's Local Law No. 3). Latrobe City Council's Local Law No. 3 requires an owner, builder or appointed agent to notify the Responsible Authority in writing at least 7 days prior to any building works commencing or materials/ equipment are delivered to the site.

- Note 3: A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of any works that include the construction, installation, alteration or removal of a vehicle crossing. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply even if the vehicle crossing works have been approved as part of a Planning Permit.
- Note 4: Vehicle crossings must be provided with minimum clearances to other infrastructure in accordance with Latrobe City Council's Vehicle Crossing Policy, including clearances to any adjacent side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the permit operator's expense.
- Note 5: A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of any new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by the Responsible Authority before any backfilling of the connection is undertaken.
- Note 6: The location of the Legal Point of Discharge into Latrobe City Council's stormwater drainage system can be obtained for any property by completing a Legal Point of Discharge form, found at [www.latrobe.vic.gov.au/Services/Roads/WorksPermits/](http://www.latrobe.vic.gov.au/Services/Roads/WorksPermits/).
- Note 7: Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100.
- Note 8: For co-ordinated Telstra plant reticulation in this development, please refer to [www.telstrasmartcommunity.com](http://www.telstrasmartcommunity.com) to Register your Development and Apply for Reticulation.
- Note 9: Because you can only have one supply point into your property you will need to install Group Metering with Mains control to supply the unit from the existing/new SP AusNet supply Pit. This work must be carried out by a REC (Registered Electrical Contractor) and a Certificate of Electrical Safety sent to this office before a Statement of Compliance for your subdivision can be released. Your REC may need to consult with the local Electrical Installation Inspector and comply with the Service and Installation Rules 2005 in relation to the supply of multi unit sites with common property.

**ALTERNATE MOTION**

**Moved:** Cr Kam

**Seconded:** Cr Gibson

**That the Motion be adopted.**

**That Council issues a Notice of Refusal to Grant a Permit, for buildings and works associated with the construction of three (3) Dwellings and a three (3) Lot subdivision at Lot 11 on Plan of Subdivision 531365V, more commonly known as 80 Cross's Road, Traralgon, on the following grounds:**

- **The proposal does not satisfactorily meet the objectives of Clause 55 of the Latrobe Planning Scheme, and is inconsistent with Standards B1 (Neighbourhood Character), B6 (Street Setback) and B31 (Design Detail) of ResCode.**
- **The proposal does not meet the purpose and decision guidelines of the Residential 1 Zone, in terms of facilitating a development that does not respect the neighbourhood character of the area, with regard to building mass, visual bulk and setback.**
- **The proposed development is not appropriate for the locality in regards to its detrimental impact on the streetscape and general neighbourhood character.**
- **The proposal is inconsistent with Clause 65 of the Scheme and does not provide for the orderly planning of the area.**

**CARRIED UNANIMOUSLY**

**ATTACHMENTS**

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**ATTACHMENT 1  
LOCALITY PLAN**



**ATTACHMENT 2  
HISTORY OF THE APPLICATION**

## History of Application

9 March 2011	Planning Permit application received by Council.
29 March 2011	A request for further information pursuant to 54(1)(c) of the Planning and Environment Act 1987 was sent to the applicant.
5 May 2011	Further information (including amended plans) submitted to Council.
13 May 2011	Application referred internally to Council's Rates and Infrastructure Planning teams.
13 May 2011	Application referred under Section 55 of the Act to Gippsland Water, Telstra, SP AusNet and APT O&M Services
13 May 2011	Letter sent to applicant requesting that they advertise their application by sending letters to adjoining landowners and occupiers and by placing a sign on the subject site for 14 days under Section 52(1)(a) and Section 52(1)(d) of the Act.
17 May 2011	Council's Rates team provided consent to the granting of a Planning Permit.
20 - 30 May 2011	Telstra, APT O&M Services and SP AusNet all provided consent to the granting of a Planning Permit
25 May 2011	Council's Infrastructure Planning team provided consent to the granting of a Planning permit, subject to appropriate conditions.
3 June 2011	Submission in the form of an objection to the application received.
8 June 2011	Applicant submitted statutory declaration confirming that appropriate advertising had been undertaken and completed.
11 July 2011	Planning Mediation held. Consensus was not reached between the parties at this meeting.
18 July 2011	Gippsland Water provided consent to the granting of a Planning Permit, subject to appropriate conditions.
26 July to October 2011	Discussions held between the applicant and Council Officers. Concerns raised by Council's Officers regarding detailed design of the proposal. The applicant was given the opportunity to amend plans.
14 October 2011	A formal amendment to the planning permit application lodged with Council. Changes were made to the proposal to address concerns raised by Council's Officers.



**ATTACHMENT 3  
RELEVANT CLAUSES OF THE LATROBE  
PLANNING SCHEME**

## **Latrobe Planning Scheme**

### **State Planning Policy Framework:**

- Clause 11.02 – Urban Growth.
- Clause 11.05 – Regional Development.
- Clause 15.01 – Urban Environment.
- Clause 16.01 – Residential Development.
- Clause 19.03 – Development Infrastructure.

### **Municipal Strategic Statement:**

- Clause 21.01 – Municipal Profile.
- Clause 21.04 – Built Environment Sustainability.
- Clause 21.05 – Main Towns.

### **Zoning:**

The subject site is located in the Residential 1 Zone.

### **Overlays:**

No overlays affect the subject site.

### **Particular Provisions:**

- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings.

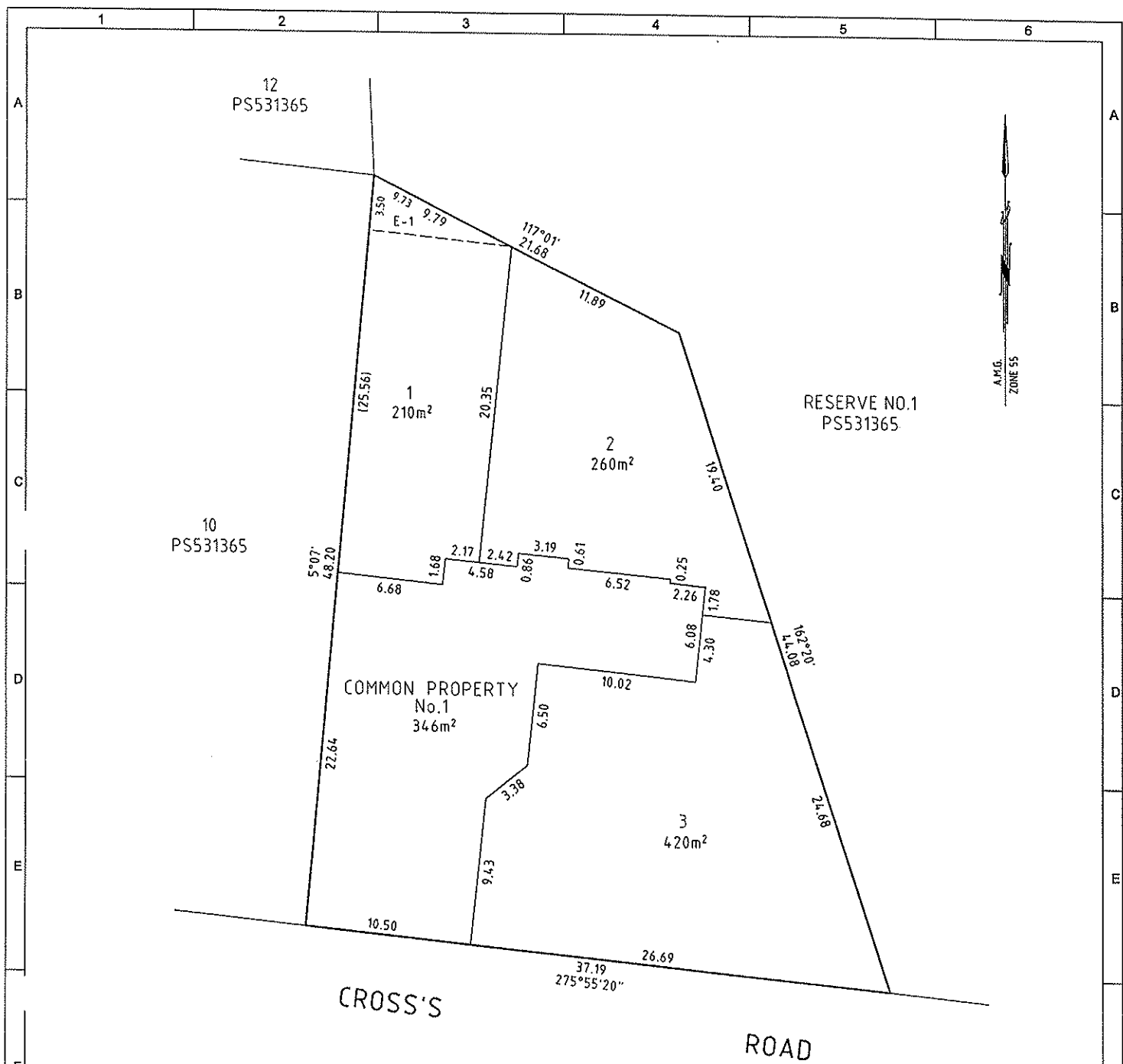
### **General Provisions:**

Before deciding on an application, the Responsible Authority must also consider the 'Decision Guidelines' of Clause 65 as appropriate.

### **Incorporated Documents:**

No Incorporated Documents are considered to be relevant to this application.

**ATTACHMENT 4  
PROPOSED PLANS**



CROSS'S ROAD

Existing Easement

Subject Land	Purpose	Width (Metres)	Origin	Land Benefited / In Favour of
E-1	PIPELINE AND ANCILLARY PURPOSES	3.5	PSS531365V	CENTRAL GIPPSLAND REGION WATER AUTHORITY

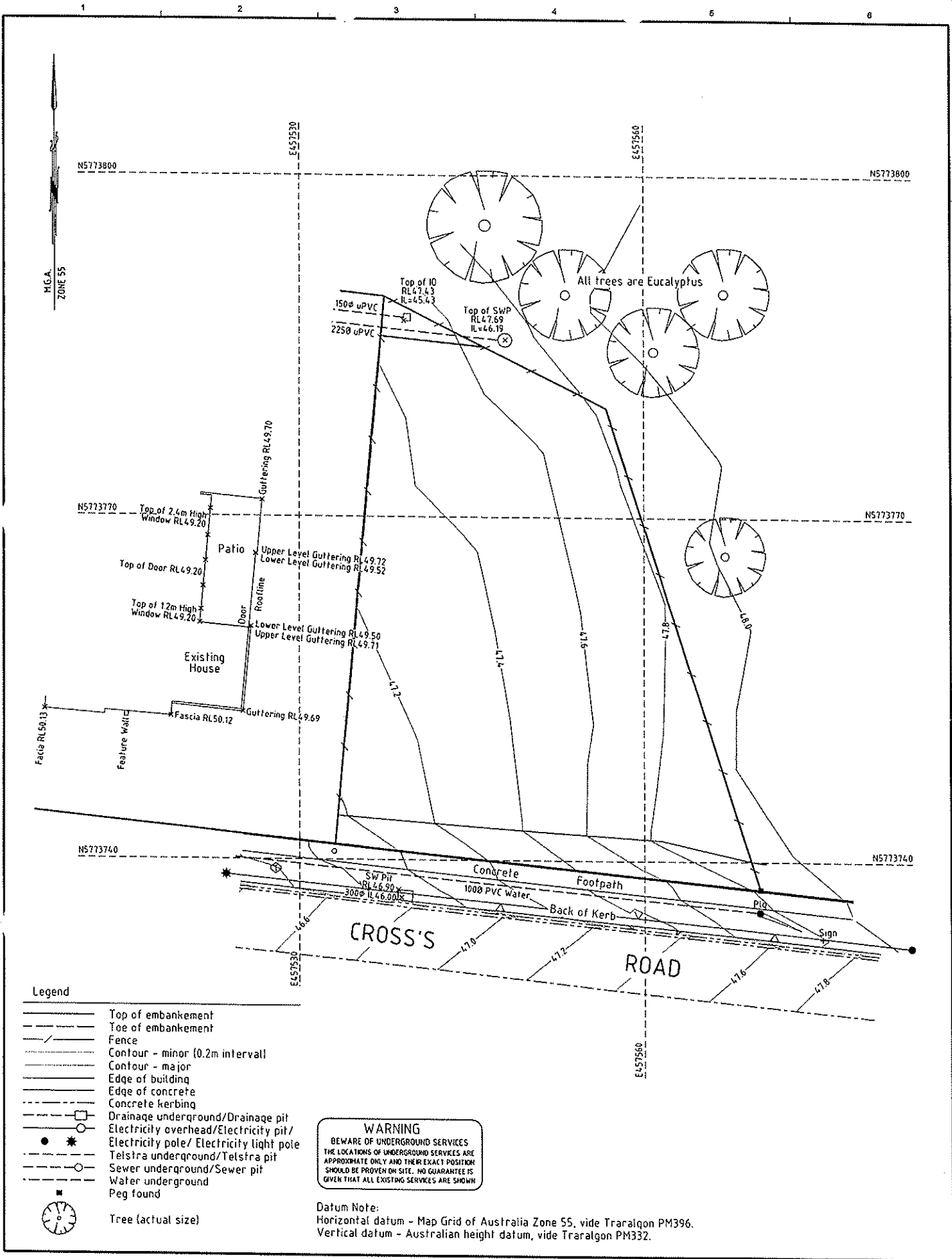
- NOTES:
1. THIS PLAN IS FOR PLANNING PURPOSES ONLY.
  2. ALL AREAS AND DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.



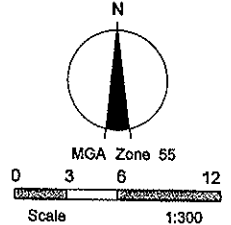
Drg No. 3420926-00-002

PROPOSED SUBDIVISION OF  
LOT 11 PS531365 AT 80 CROSS'S  
ROAD, TRARALGON

ORIGINAL SHEET SIZE	A3	SCALE	1:250
SCALE			
LENGTHS ARE IN METRES			



05/11/10

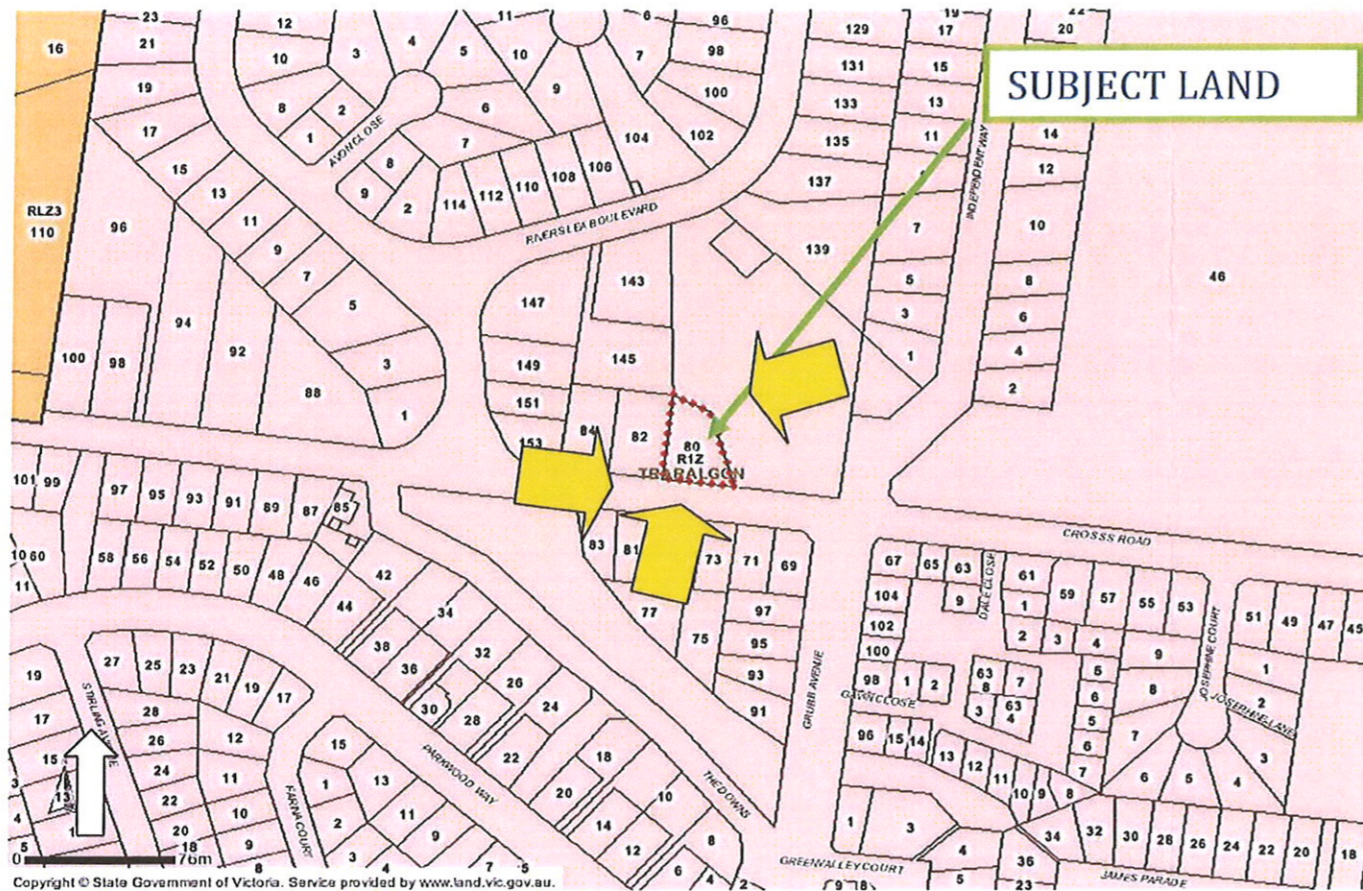


**smec urban**  
consulting group  
Traralgon - T 03 6173 0100

Surveyed	T. Bittner	Nov '10
Drawn	S. Treslender	Nov '10
Checked	D. Orr	Nov '10
Approved	D. Orr	Nov '10

**Les & Cathy Hardy**  
80 Cross's Road, Traralgon  
Unit development  
Site detail survey  
Feature plan

**Drawing No. 3420926-00-001** Rev  
Sheet No. 1 of 1  
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**neighbourhood description**

**site information**

- lot size 1235m<sup>2</sup>
- dimensions 35.5m X 46m
- very slight slope to east
- No vegetation on site to be protected

**surrounding use**

- residential
- Public open space to east and north
- standard size lot in area
- low or no front fencing

**Modern form in surrounding area**

- newly constructed housing
- new brick development
- roofing also varies from tiles to colorbond

**access to facilities**

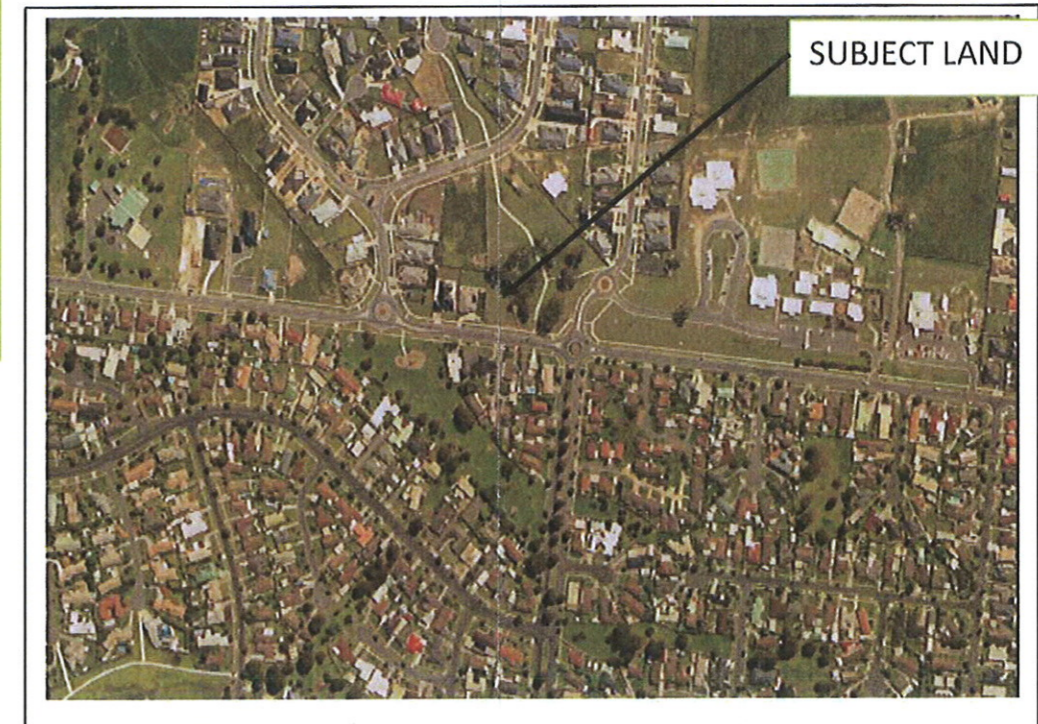
- shopping centre 2.5 km
- railway station 3.5 km
- open space 0 metres east
- St Pauls Anglican primary/secondary school – 150m east

**Design Response**

Attached photos show surrounding development

- Three proposed double storey dwellings to front Cross Road
- Materials Colorbond roofing, render and customorb cladding
- 6 metre set back from Crosss Road for TH3 and TH1 and TH2 are setback 21m
- Large private open space areas
- Setbacks designed to protect privacy on adjoining lot to west
- Porch and front door clearly visible to street
- Double car spaces for each lot
- Large area of landscaping and attractive driveways fronting Crosss Road

# NEIGHBOURHOOD SITE CONTEXT AND DESIGN RESPONSE



RECEIVED  
18 OCT 2011  
BY:

P 0 7 3 8 6 9 4 5 0 0 f 0 7 3 8 6 9 4 5 1 1 w w w . e l e v a t i o n a r c h i t e c t u r e . c o m . a u i n f o @ e l e v a t i o n a r c h i t e c t u r e . c o m . a u

**Rescode Compliance Requirements**

Street Setback: compliant - 6.0m  
 Building Height: compliant [8.2m] - [9.0m max]  
 Site Coverage: compliant - 410.15m<sup>2</sup> - 38.6% (60% max)  
 Allotment Area: 1235 m<sup>2</sup>  
 Building Area: 677.08m<sup>2</sup>  
 Permeable Area: 465.07m<sup>2</sup>  
 Car Parking: 6 Garaged  
 Side and Rear Setbacks: Compliant  
 Walls Along Boundaries: 6.7m  
 Solar Access to existing north facing windows: no north facing windows affected  
 North facing windows: complies unaffected  
 overlooking: controls in place on western sides for overlooking  
 daylight into new windows: compliant  
 private open space: 216.81m<sup>2</sup>  
 front fences: none proposed

**Building Areas**

	TH1	TH2	TH3
Garage	41.77 m <sup>2</sup>	41.34 m <sup>2</sup>	42.25 m <sup>2</sup>
Ground Floor	87.25 m <sup>2</sup>	90.79 m <sup>2</sup>	99.16 m <sup>2</sup>
Level One	83.21 m <sup>2</sup>	82.02 m <sup>2</sup>	81.94 m <sup>2</sup>
<b>TOTAL AREA</b>	<b>212.23 m<sup>2</sup></b>	<b>214.15 m<sup>2</sup></b>	<b>223.35 m<sup>2</sup></b>
Decks	13.59 m <sup>2</sup>	13.26 m <sup>2</sup>	9.41 m <sup>2</sup>

**Landscaping Areas**

	TH1	TH2	TH3
Alfresco	28.02 m <sup>2</sup>	22.54 m <sup>2</sup>	25.21 m <sup>2</sup>
Soft Landscaping	54.83 m <sup>2</sup>	92.08 m <sup>2</sup>	69.90 m <sup>2</sup>
Porch	2.77 m <sup>2</sup>	2.77 m <sup>2</sup>	5.07 m <sup>2</sup>
<b>TOTAL AREA</b>	<b>85.62 m<sup>2</sup></b>	<b>117.39 m<sup>2</sup></b>	<b>100.18 m<sup>2</sup></b>



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*Townhouse Development*  
 80 Cross's Road, Traralgon  
 Les & Cathy Hardy

site plan - ground level  
 1:200 @ A3

development application  
 7/10/2011

RECEIVED  
 18 OCT 2011  
 BY:

SD-03.01  
 6961 rev A



CROSS'S ROAD



*Townhouse Development*  
80 Cross's Road, Traralgon  
Les & Cathy Hardy

site plan - upper level  
1:200 @ A3

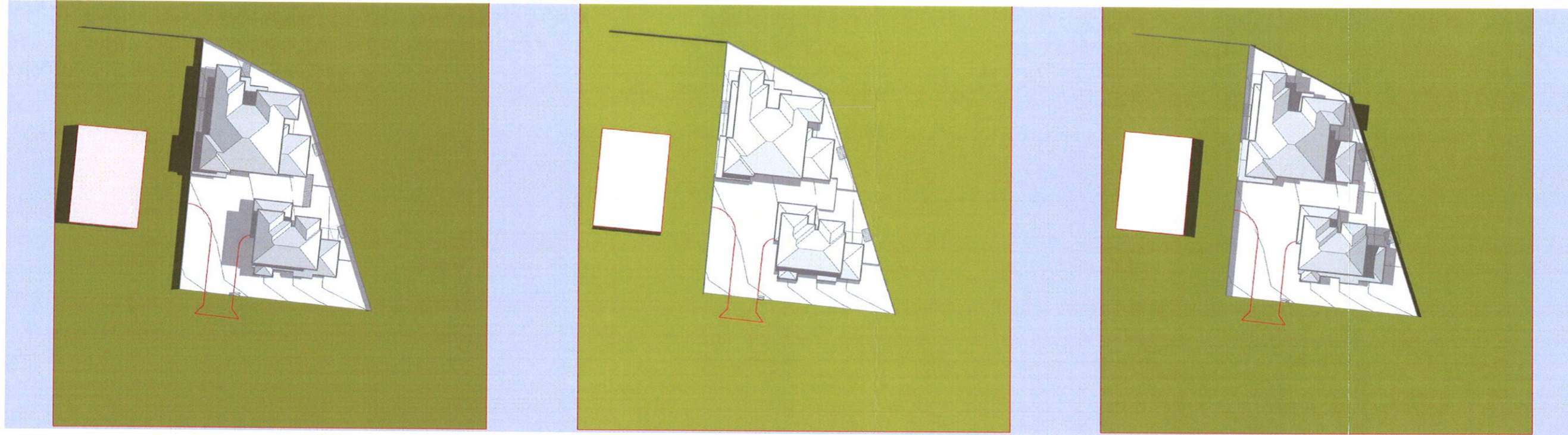
development application  
7/10/2011

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6961 rev A



SUMMER SOLSTICE  
December 21

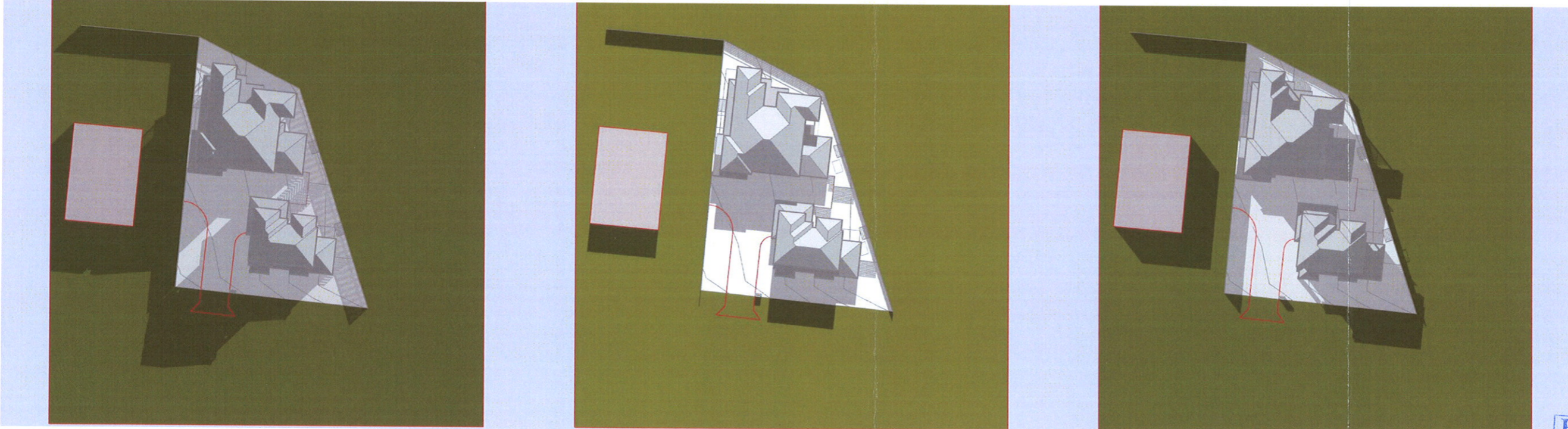


☉ Summer 9am

☉ Summer 12pm

☉ Summer 3pm

WINTER SOLSTICE  
June 21



☉ Winter 9am

☉ Winter 12pm

☉ Winter 3pm  
*Sun study*

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18 OCT 2011  
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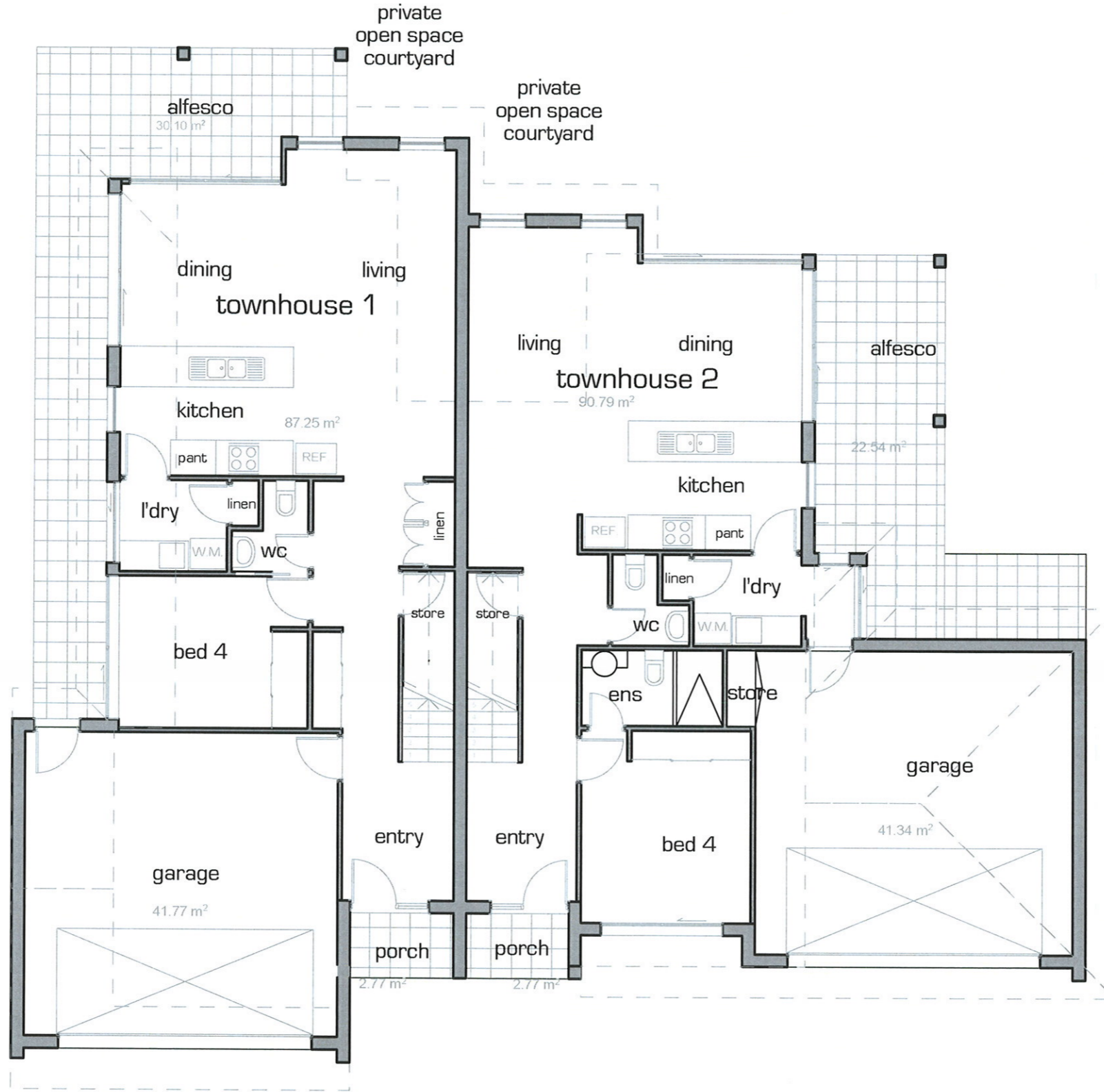


*Townhouse Development*  
80 Cross's Road, Traralgon  
Les & Cathy Hardy

development application  
7/10/2011

SD-03.03  
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1 Ground Floor Plan  
1:100

RECEIVED  
18 OCT 2011  
BY:

ground floor plan - townhouses 1 & 2



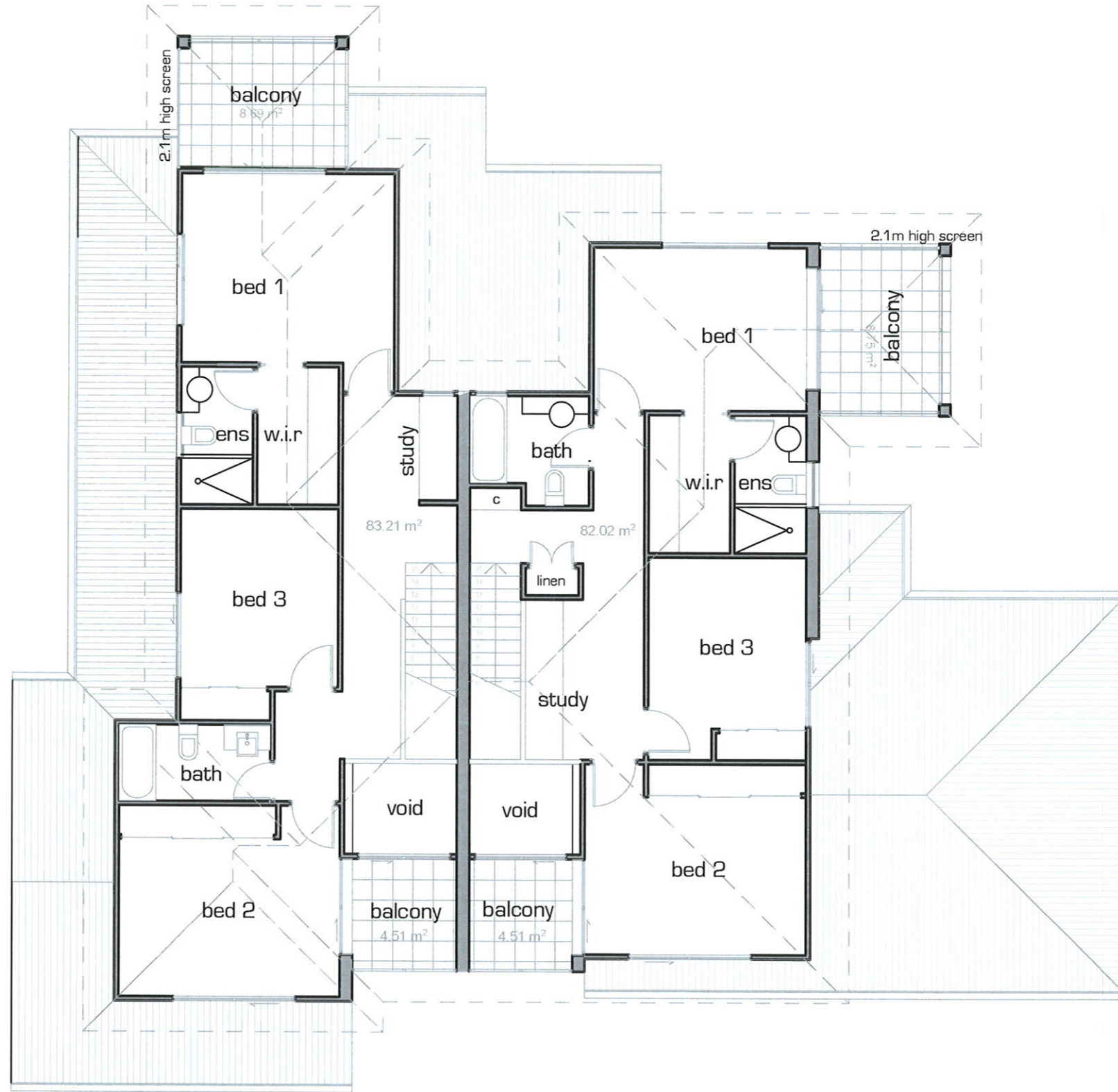
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Townhouse Development  
80 Cross's Road, Traralgon  
Les & Cathy Hardy

development application  
7/10/2011

SD-05.01  
6961 rev.A



1 First Floor Plan 1:100

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18 OCT 2011  
BY:

first floor plan - townhouses 1 & 2



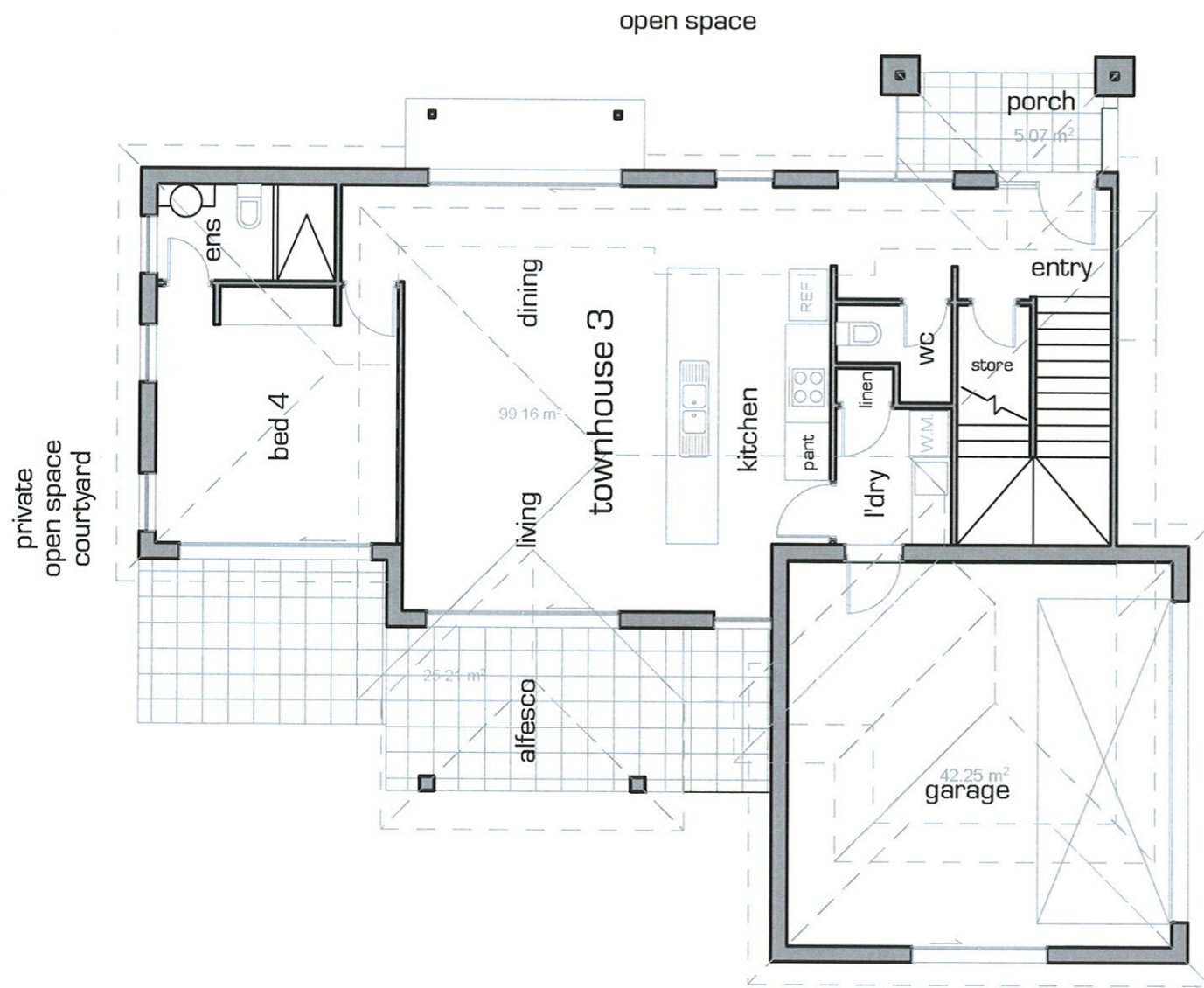
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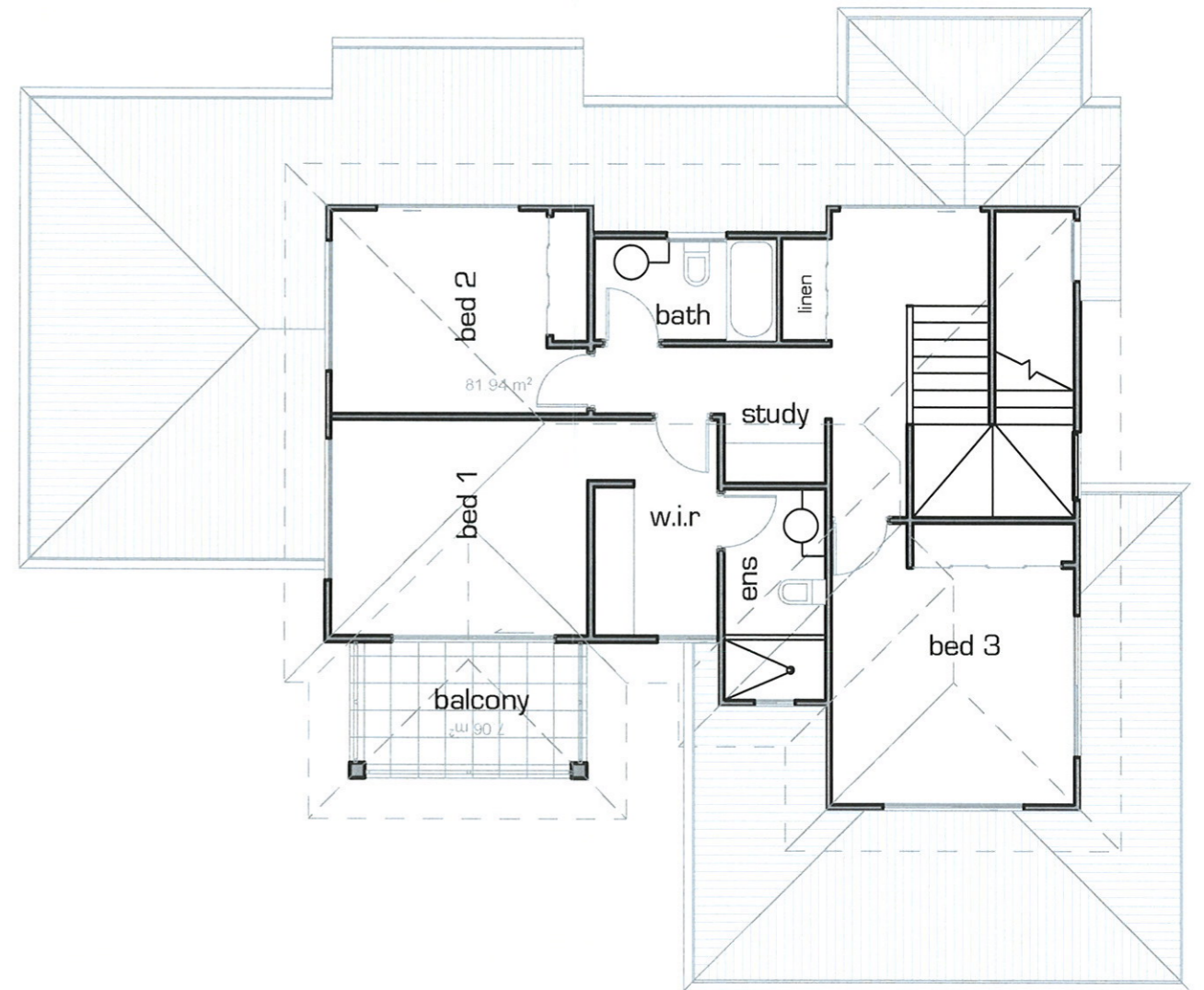
Townhouse Development  
80 Cross's Road, Traralgon  
Les & Cathy Hardy

development application  
7/10/2011

SD-05.02  
6961 rev A



1 Ground Floor Plan 1:100

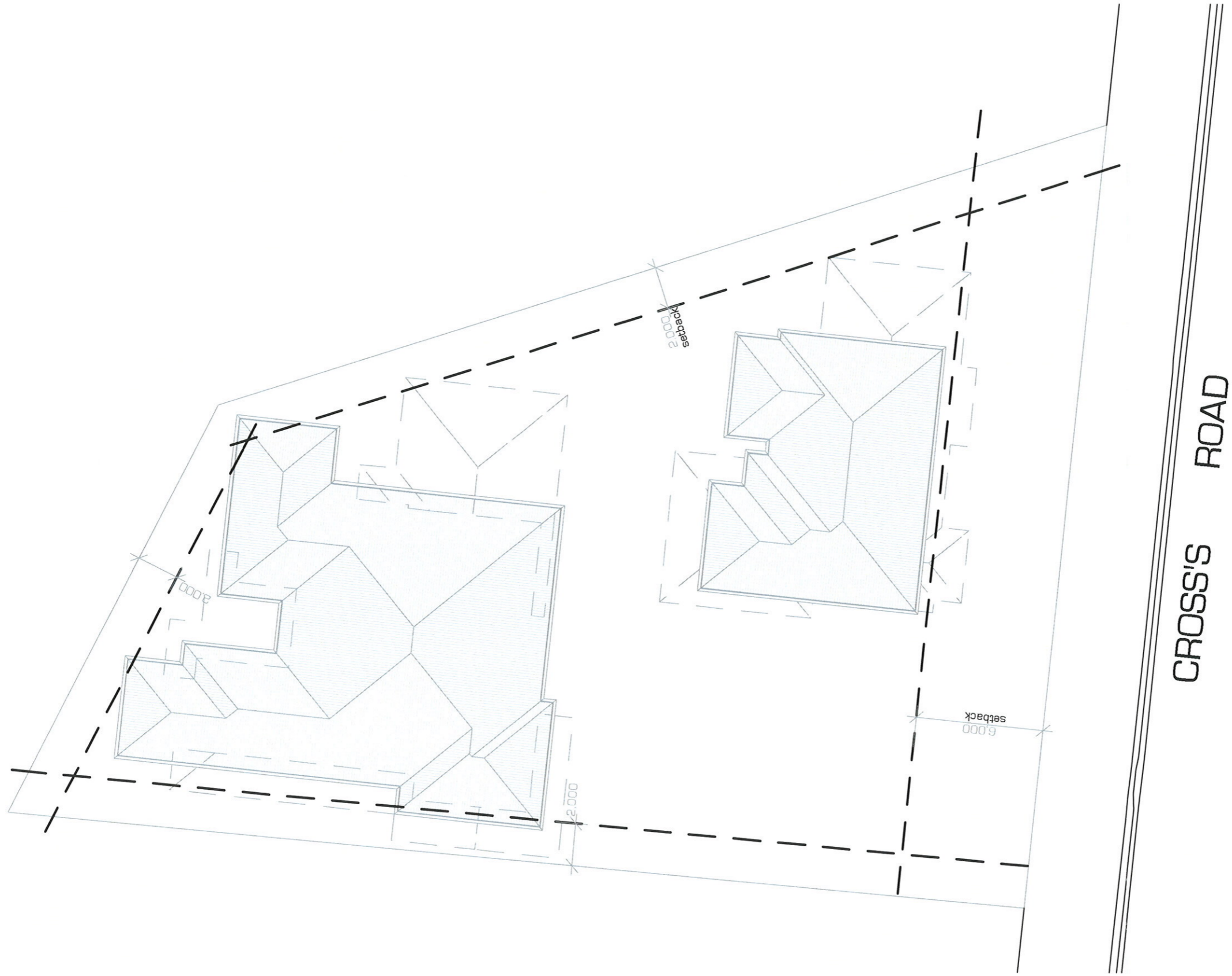


1 First Floor Plan 1:100

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18 OCT 2011  
BY:

floor plans - townhouse 3





roof plan  
1:200 @ A3

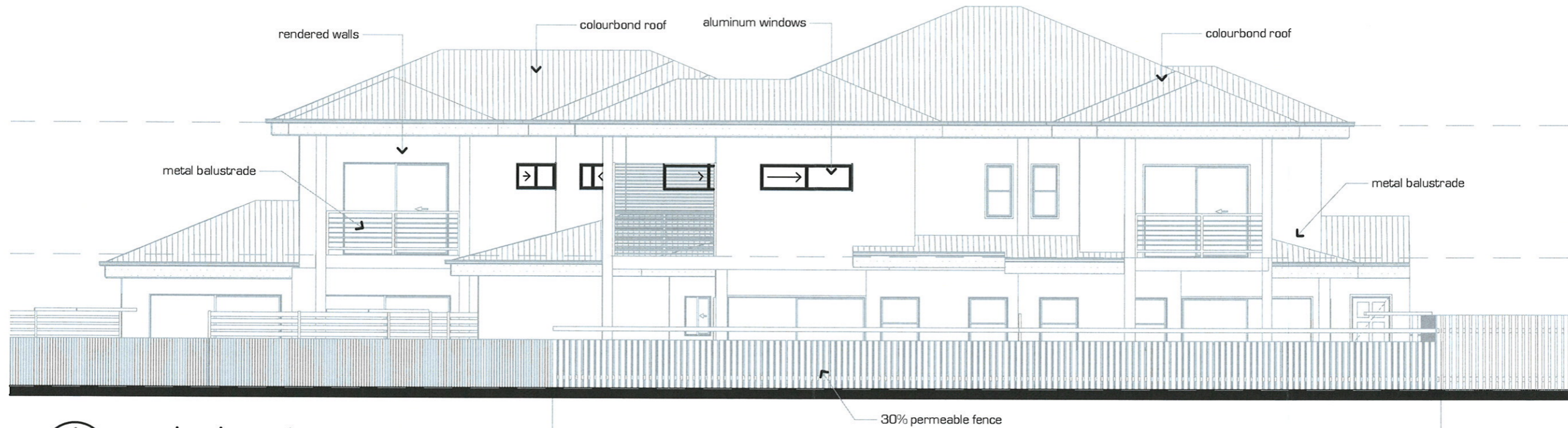
*Townhouse Development*  
80 Cross's Road, Traralgon  
Les & Cathy Hardy

development application  
7/10/2011

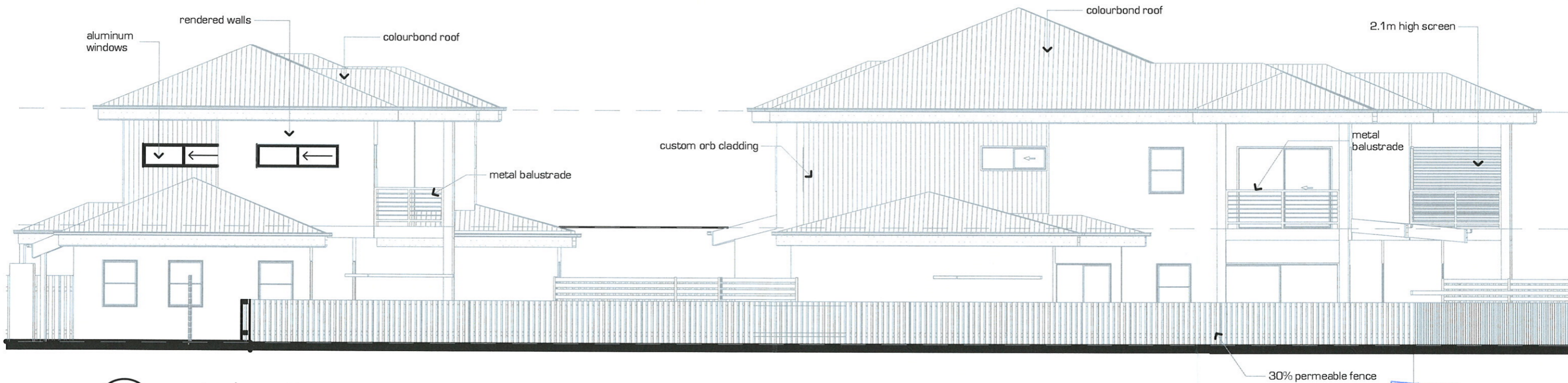
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SD-10.01  
6961 rev A

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1 north elevation  
SCALE 1:100 @ A3



1 east elevation  
SCALE 1:100 @ A3

elevations

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BY:



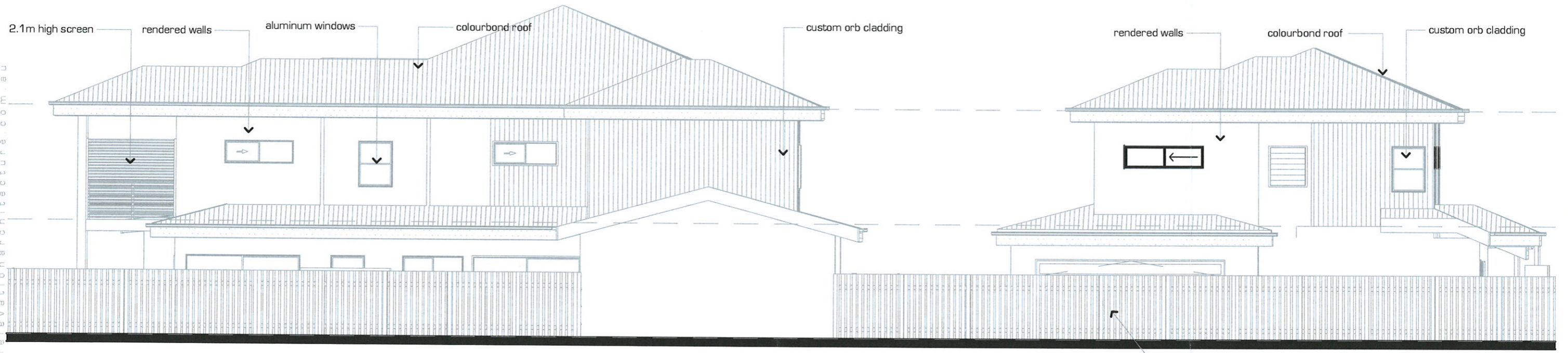
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1 west elevation  
SCALE 1:100 @ A3



1 south elevation  
SCALE 1:100 @ A3

elevations

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development application  
7/10/2011

SD-11.02  
6961 rev A

**ATTACHMENT 5  
SUBMISSIONS IN THE FORM OF  
OBJECTIONS**



Michelle Anderson  
81 Cross's road  
TRARALGON VIC 3844

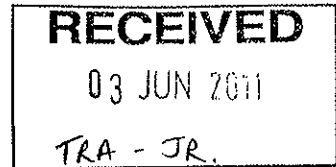
Phone: 03 5174 0659

1 June 2011

Planning Department  
Latrobe City Council  
PO Box 264  
MORWELL VIC 3840

Dear Sir/Madam

**RE: APPLICATION FOR PLANNING PERMIT – 2011/67  
80 CROSS'S ROAD TRARALGON**



LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED 07 JUN 2011	
R/C	Doc No: 656795
Comments/Copies Circulated to	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

I refer to the above application and wish to lodge an objection based on three areas which are the development does not respond to the existing neighbouring character and the proposed development does not align with the current setback of existing dwellings and the proposed development will overshadow the neighbouring property encroaching on their privacy.

Reference is made to the Latrobe City Planning Scheme and the State Planning Policy Framework.

**55 TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS**

**Purpose**

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*

*To encourage residential development that provides reasonable standards of amenity for existing and new residents.*

*To encourage residential development that is responsive to the site and the neighbourhood.*

I do not believe that this development respects the existing neighbourhood character. The street is made up of single storey residential dwellings and does not contain multi-storey dual occupancy dwellings.

It is also not responsive to the site and the neighbourhood as the development will overlook existing properties and remove the privacy of their own backyard.

A residential development must meet the objectives of the residential development provisions. The first objective that must be met is the neighbourhood character objective. The standard for this objective requires the design response to:

- Respect the existing neighbourhood character;
- Respond to the features of the site and surrounding area.

Respecting character does not mean preventing change. The neighbourhood character standard is not intended to result in the replication of existing building stock or stop change. However there is

still a need to respect a neighbourhood character which means the development should try to “fit in” with the neighbourhood and respect the scale and form of surrounding development and the architectural style of surrounding development. Given there are no multi-storey developments in the vicinity of the proposed development the question could be asked as to whether it “fits in” with the current single storey residential developments in the street.

Other matters to be considered – where more than one dwelling on a lot is proposed the pattern of development of the neighbourhood must be considered, this includes street alignment, type and proportions, extent of rear gardens and private open spaces, landscaping and vegetation in the neighbourhood, patterns of use and occupation, diversity of housing. It is clear from the existing houses that surround the proposed development that it is not in keeping with the neighbourhood. The build form, scale and character of surrounding development including front fencing – building mass and height, setbacks, space around properties and site coverage, car parking and access, fences style and height. The proposed development encroaches on current setbacks of the neighbouring properties and does not provide for any space around the site. The current houses in the street all have similar setbacks from the nature strip whereas the proposed development goes beyond these setbacks.

**15.01-2 Urban design principles**

STATE PLANNING POLICY FRAMEWORK - CLAUSE 15 PAGE 2 OF 6

**Objective**

*To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

**Light and shade**

*Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade.*

*This balance should not be compromised by undesirable overshadowing or exposure to the sun.*

This development will impact significantly on the overshadowing of the neighbouring residential property. It also overlooks the neighbouring property and has balcony's that look directly into the open space outdoor area of the neighbouring property.

If you require any further information please do not hesitate to contact me.

Regards



Shane & Michelle Anderson  
81 Cross's Road  
TRARALGON VIC 3844

# **RECREATION, CULTURE & COMMUNITY INFRASTRUCTURE**

**11.4.1** **CONSULTANTS BRIEF - BUSINESS CASE FOR PROPOSED  
LATROBE PERFORMING ARTS AND CONVENTION CENTRE**

**AUTHOR:** General Manager Recreation, Culture & Community  
Infrastructure

**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to present the consultants brief for the business case of the proposed Performing Arts and Convention Centre for consideration of Council.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

*Latrobe 2026: The Community Vision for Latrobe Valley*

Strategic Objectives:

In 2026, Latrobe Valley celebrates the diversity of heritage and cultures that shape our community, with activities and facilities that support the cultural vitality of the region.

*Latrobe City Council Plan 2011 - 2015*

Strategic Directions:

Plan, facilitate, develop and maintain public infrastructure and assets that strengthens the cultural vitality of the municipality.

Present diverse, exciting exhibitions and performances that have local, national and global relevance.

Facilitate and support events, community festivals and arts programs that reflect and celebrate cultural diversity and heritage.

Facilitate the growth and success of cultural programs, sporting and community events through active engagement, promotion and marketing.

Foster community connections by building partnerships in the community for the delivery of programs, events and facilities.

Increase the accessibility of Latrobe City Council's cultural facilities, programs and events.

Strengthen community pride and wellbeing through the provision of high quality and well presented programs, events and facilities.

#### *Service Provision – Performing Arts*

Deliver the Annual Performing Arts Performances program

Deliver Education and Public Participation programs across all arts facilities

#### *Major Initiatives – Culture*

Progress Council's decision in respect to the provision of a performing arts and convention centre for Latrobe City to enhance Latrobe City's cultural infrastructure programs.

## **4. BACKGROUND**

In March 2008, Latrobe City Council considered a petition requesting that 'Council build a state of the art Performing Arts and Convention Centre'. This petition contained over 1,200 signatures and at this time Council resolved to undertake a feasibility study to assess this request.

The feasibility study was completed in late 2009 and clearly articulated that for a regional centre, Latrobe City is severely lacking in respect to the provision and quality of performing arts infrastructure. Following the release of the feasibility study and an extensive community consultation process, on 7 June 2010 Council resolved;

- 1. That the proposal to construct a Performing Arts and Convention Centre on the Kernot Hall site be adopted.*
- 2. That work not commence until funding availability has been clarified and the project included in Council's budget process, including the impact on rates.*

3. *That existing facilities (including hall/theatre) on the Traralgon Civic Complex be retained and maintained appropriately.*
4. *That the Mayor writes to all who made a submission to thank them for their contribution and advise of Council's decision to adopt the Latrobe Performing Arts and Convention Centre Feasibility Study October 2009, Development Scenario 2 – Morwell.*

The work undertaken to date has identified that a capital outlay of \$15 million would be required for the project to proceed. The feasibility study identified a funding model that would result in Council, State Government and Federal Government each contributing \$5 million.

Following this resolution, the following activities have been undertaken;

- All those individuals and organisations who made a submission in response to the feasibility study received a letter from the Mayor thanking them for their submission and advising of Council's decision to adopt the Latrobe Performing Arts and Convention Centre Feasibility Study October 2009, Development Scenario 2 – Morwell.
- Formal letters were sent to the then State Minister for the Arts (Hon. Peter Batchelor MP), the then State Minister for Regional and Rural Development (Hon. Jacinta Allen MP) and the Federal Minister for Infrastructure, Transport, Regional Development and Local Government (Hon. Anthony Albanese MP).

## 5. **ISSUES**

The State Government has advised, via a letter from the Office of the Minister for Arts that..... *"The funding sought from State Government is substantial and without the business case, it is not possible for me to make any comment on the likelihood or otherwise of a State Government commitment to it."*

At its Ordinary Meeting on 8 November 2010 Council considered this correspondence from the Office of the Minister for the Arts and resolved the following;

1. *That Council note the correspondence received from the Office of the Minister for the Arts.*

2. *That the Mayor write to the Office of the Minister for the Arts acknowledging receipt of the attached correspondence, requesting that a working party be established as soon as practicable.*

In response to the resolution of Council a response letter was sent to the Chief of Staff for the Office of the Minister for the Arts on 26 November 2010 requesting the formation of a formal working party.

The State election was held on 27 November 2010 and a change in government occurred.

On 12 January 2011 a letter was sent to Arts Victoria seeking the new Governments position on the formation of a working party. On 13 February 2011 a letter was received from the Department of Premier and Cabinet advising..... *“As indicated earlier, Arts Victoria is happy to assist with work and advice on this project. The contact person from Arts Victoria will be Ian Rogers, Manager of the Local Partnerships Program....I have asked that he liaise with your staff to develop suitable terms of reference that will be acceptable to each party and appropriate to the task.”*

Following receipt of this letter a draft terms of reference were developed and a number of phone calls and meetings held with Arts Victoria representatives regarding the terms of reference.

A further letter was sent to Arts Victoria on 6 June 2011 formally requesting an update on this matter.

On 23 August 2011 correspondence was received from Ms Penny Hutchinson, Director of Arts Victoria.

This correspondence (and all previous correspondence) was presented in a Correspondence Report at the Councillor Information and Discussion meeting held on 12 September 2011. The correspondence report advised that Arts Victoria can no longer commit to a joint working party.

As a consequence, officers now recommended that the development of the detailed business case commence and that Arts Victoria advice be sought at key stages of the project.

The consultants brief for the business case is attached for consideration by Council. The final report will provide clear outcomes to progress this project to fruition.

## 6. FINANCIAL AND RESOURCES IMPLICATIONS

A \$25,000 allowance has been made in the 2011/12 Cultural Liveability Management budget toward this project.

## 7. INTERNAL / EXTERNAL CONSULTATION

### *Engagement Method Used:*

Arts Victoria was consulted to assist in developing the key directions of this project.

It is not expected that the consultant will be required to undertake an extensive stakeholder engagement process toward this project. Extensive consultation was undertaken in preparation of the *Latrobe Performing Arts and Convention Centre Feasibility Study: Options Analysis; Financial and Economic Impact Assessment – October 2009*, and this document will be an important resource when undertaking this project.

There is a requirement for the consultant to present the project outcomes to Councillors.

## 8. OPTIONS

Council has the following options in respect to the Consultants Brief:

1. Approve the draft Consultants Brief.
2. Not approve the draft Consultants Brief.
3. Make amendments to the draft Consultants Brief.
4. Resolve not to undertake this piece of work.

## 9. CONCLUSION

The Council Plan 2011-2015 states the following Key Strategic Action for completion in 2011/12: *Progress Council's decision in respect to the provision of a performing arts and convention centre for Latrobe City to enhance Latrobe City's cultural infrastructure programs.*



The development and release of the consultants brief is a key stage toward completion of this project and it is recommended that Council approve the brief so that invitations to tender (quote) can be sought.

**10. RECOMMENDATION**

- 1. That Council approve the consultants brief for the development of a business case for the proposed Performing Arts and Convention Centre Consultants Brief.**
- 2. That quotations be invited for the provision of consultancy services to develop a business case for the proposed Performing Arts and Convention Centre.**

**Moved:** Cr Lougheed  
**Seconded:** Cr Middlemiss

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENT



## Project Brief

Provision of Consultancy Services to undertake project:

1. Develop a business case outlining the operational costs of the proposed Latrobe Performing Arts & Convention Centre at Kernot Lake, Morwell including costs to operate the existing Latrobe Performing Arts Centre in Traralgon.
2. Confirm the capital cost to build the proposed Latrobe Performing Arts & Convention Centre and continue to operate the existing Performing Arts Centre to inform funding partners, Councils long term financial plan and to determine the projects impact on rates.

Purpose:

---

1. The business case will inform Latrobe City Council and potential funding partners from Federal and State Government of the capital and operational costs for the new facility.
2. The business case will allow us to accurately forecast the projects impact on rates and recurrent cost to Council.

Key Deliverables:

---

The end product of the consultancy shall consist of the following:

1. A detailed report outlining the capital and operational costs for the proposed project.
2. A report detailing the proposed staffing structure and business model for both the new facility at Kernot Hall, Morwell and the existing Performing Arts Centre in Traralgon.
3. A report outlining the proposed program for the theatres and events for both the new facility at Kernot Hall, Morwell and the existing Performing Arts Centre in Traralgon and an estimate of revenue generated.

Project Management:

---

Latrobe City Councils Manager Cultural Liveability will be the Project Manager and shall be the key point of contact and manage the internal aspects of the project. Arts Victoria will be consulted at key stages of the project.

**Project Timeframe:**

---

Unless revised by the Project Manager, the following timeline shall be followed during the consultancy.

Task	Date	Responsibility
Interviews/presentations by short listed applicants	December 2011	Project Manager
Appointment of Consultant	December 2011	Project Manager
Initial Project Inception Meeting	December 2011	Project Manager, Consultant
Completion of background information and stakeholder consultation including Councillor Workshop.	February 2012	Consultant
Completion of preliminary Draft Report	March 2012	Consultant
Internal Review Period	March 2012	Project Manager Consultant
(Feedback to Consultant for update of preliminary draft)	April 2012	Project Manager
Completion of final Draft Report	April 2012	Consultant
Briefing to CEO & Executive Team	April 2012	Council officers/Consultant
Briefing to Councillors	May 2012	Consultant/Councillors
Completion of Final Report	June 2012	Consultant
(Report presented to Council meeting for consideration)	June 2012	Project Manager

**Financials:**

---

The consultant is to provide an indicative cost for the project. The consultant will predominately work from their own premises with meeting rooms and desk space available within Latrobe City Council offices on an as needs basis. All travel and additional expenses will be included in cost submitted. Only submissions under \$25,000.00 total for the project will be considered.

**Fees and Payments:**

---

Payments to the Consultant will be made in lump sums upon the completion of pre-determined milestones, agreed upon at the inception of this project and detailed within the consultant's submission, which shall form part of the contract.

**Deliverable Resources:**

---

- a) An electronic version in both PDF and MS Word, inclusive of any relevant associated data and research material;
- b) Twelve printed copies of the above;
- c) An electronic presentation in MS PowerPoint presenting salient components; and
- d) An electronic version of a summary promotional document for future printing and broad dissemination.

**Selection Criteria:**

---

*1. Relevant proven experience and strength of track record;*

- Provision of client testimonials from previously completed assignments of a similar nature will be required. Demonstrated understanding of the events / performing arts industry essential.
- Nominate specific consultants who will be assigned to this project and include copies of their CVs and profiles, including any subcontractors.

*2. Methodology;*

- Proposed stakeholder engagements.
- Proposed methodology/timetable to complete the project.
- Demonstrated understanding of the client's needs and objectives reflected in methodology and timetable.
- Demonstrate to the satisfaction of Latrobe City that there is no conflict of interest in undertaking this assignment.

*3. Price; and*

- The hourly or daily rates that form the basis of the lump sum fee and which may be used for calculating variations to scope(if these were to be considered).

*4. OH&S.*

- Ability to deliver in accordance with OH&S requirements.

Selection Criteria	Weighting
SC 1 – Experience and Track Record	35%
SC 2 – Methodology	45%
SC 3 - Price	15%
SC 4 – OH&S	5%

Consultants may be required to attend an interview & presentation of their proposal to a selection panel.

**Consultant Proposal:**

---

Proposals should include a methodology that achieves compliance with the requirements of this project brief.

Consultants are also encouraged to highlight advantages or innovation that may be offered in achieving the outputs.

Consultant to supply proposal with detailed quote and referees to David Elder, Manager Cultural Liveability Latrobe City Council, [David.elder@latrobe.vic.gov.au](mailto:David.elder@latrobe.vic.gov.au) by TBC. Hard copy or submission to electronic tender box accepted. PO Box 264 Morwell 3840

All costs associated with the preparation of proposals will be borne by the consultant. This may include a presentation of the project submission.

**Stakeholder Engagement Strategy:**

---

It is not expected that the consultant will be required to undertake an extensive stakeholder engagement process toward this project. Extensive consultation was undertaken in preparation of the *Latrobe Performing Arts and Convention Centre Feasibility Study: Options Analysis; Financial and Economic Impact Assessment – October 2009*, and this document will be an important resource when undertaking this project.

Councillors are acknowledged as the major stakeholder for this piece of work and the draft findings of this project will be presented by the consultant to Councillors at a future Councillor Information & Discussion session.

**Contract of Engagement:**

---

The Contract shall be in accordance with this project brief and the consultant submission, and is to be made as a stage payment contract.

The selected consultant will be required to enter into a contract with the Latrobe City Council for the provision of services. Both parties will be bound by the Australian Standards AS4122-2000 "General Conditions of contract for engagements of consultants OR conditions acceptable to both the Latrobe City Council and the consultant.

**Work Program:**

---

The approved work program/methodology may be modified with the agreement of the Latrobe City Council. The consultant is required to notify Council immediately of any circumstances that may cause a delay in the completion of the project.

**Intellectual Property:**

---

*Warranty and Indemnity by Contractor*

The Contractor warrants that it is entitled to use any Intellectual Property which may be used by it in connection with the provision of services under this agreement. The Contractor indemnifies and shall at all times keep Latrobe City Council indemnified against any action, claim, suit or demand, including a claim, suit or demand for or liability to pay compensation or damages and costs or expenses arising out of, or in respect of any breach of any third party's Intellectual Property rights relating to the provision of services under this agreement.

*Ownership of Material*

The ownership of all Intellectual Property in all information created as a result of the provision of services shall vest in Latrobe City Council. The Contractor hereby assigns ownership of all Intellectual Property rights in such information to Latrobe City Council and will ensure that its employees, sub-contractors and agents execute all documents necessary to assign to Latrobe City Council all such rights.

## Latrobe City Contact and Assistance

---

Council will provide:

- All background documents;
- Contact details for relevant stakeholders;
- Venues for workshops and meetings; and
- Administrative support for organising workshops and notifying participants including advertising and media releases.

The consultant will report directly to the Project Manager.

- Manager Cultural Liveability – David Elder, telephone 51285646, or via email [david.elder@latrobe.vic.gov.au](mailto:david.elder@latrobe.vic.gov.au)

## PROJECT – Business Case for proposed Performing Arts and Convention Centre

### Purpose:

---

1. The business case will inform Latrobe City Council and potential funding partners from Federal and State Government of the capital and operational costs for the new facility.
2. The business case will allow us to accurately forecast the projects impact on rates and recurrent cost to Council.

### Strategic Context:

---

The community vision for Latrobe Valley, LATROBE 2026 promotes the Latrobe Valley as a liveable and sustainable region with collaborative and inclusive community leadership.

LATROBE 2026 identifies culture as one of nine pillars underpinning the community's future.

*"In 2026, Latrobe Valley celebrates the diversity of heritage and cultures that shape our community, with activities and facilities that support the cultural vitality of the region."*

The Latrobe City Council Plan 2011-2015 presents a range of strategic directions to realise the Culture Community Vision:

Significant influences for consideration:

- The growing profile of Gippsland;

### Project:

---

In March 2008, Latrobe City Council considered a petition requesting that 'Council build a state of the art Performing Arts and Convention Centre'. This petition contained over 1,200 signatures and at this time Council resolved to undertake a feasibility study to assess this request.

The feasibility study was completed in late 2009 and clearly articulated that for a regional centre, Latrobe City is severely lacking in respect to the provision and quality of performing arts infrastructure. Following the release of the feasibility study and an extensive community consultation process, on 7 June 2010 Council adopted the Kernot Hall site in Morwell as the preferred site for the development of a new Performing Arts and Convention Centre. Council resolved;

1. *That the proposal to construct a Performing Arts and Convention Centre on the Kernot Hall site be adopted.*
2. *That work not commence until funding availability has been clarified and the project included in Council's budget process, including the impact on rates.*
3. *That existing facilities (including hall/theatre) on the Traralgon Civic Complex be retained and maintained appropriately.*
4. *That the Mayor writes to all who made a submission to thank them for their contribution and advise of Council's decision to adopt the Latrobe Performing Arts and Convention Centre Feasibility Study October 2009, Development Scenario 2 – Morwell.*

The work undertaken to date has identified that a capital outlay of \$15 million would be required for the project to proceed. The feasibility study has identified a funding model that would result in Council, State Government and Federal Government each contributing \$5 million.

The State Government has advised, via a letter from the Office of the Minister for Arts that....."The funding sought from State Government is substantial and without the business case, it is not possible for me to make any comment on the likelihood or otherwise of a State Government commitment to it."

This project is not limited to a desk top exercise. The consultant will undertake group workshops and field trips to understand the size, scope and operations of the proposed development.

The final report will provide clear outcomes to progress this project to fruition.

### **Background Material:**

---

The consultant shall be provided with documentation providing background to the project. This information will include, but not necessarily be limited to:

- Latrobe Performing Arts and Convention Centre Feasibility Study: Options Analysis; Financial and Economic Impact Assessment – October 2009.
- Latrobe Performing Arts Centre (existing) – Condition & Compliance Assessment – March 2011.
- Latrobe 2026 Community Vision
- Latrobe Council Plan 2011-2015
- Latrobe City Community Engagement Plan 2010-2014
- Destination Gippsland Strategic Plan
- Gippsland Regional Plan
- Ready for Tomorrow, Blueprint for Regional and Rural Victoria
- Positioning Latrobe City For A Low Carbon Emissions Future - Adopted 6 April 2010

Additional information will be sourced by the consultant.

Eg: ABS figures, benchmarking and relevant publications

**Key Stakeholders for Consultation:**

---

Victorian Government

- Regional Development Victoria
- Arts Victoria

Latrobe City Council

- Councillors
- Cultural Liveability
- Finance
- Economic Sustainability
- Executive Team
- Project Assurance Group

Organisations

- Local theatre groups, Eisteddfod committees
- Victorian Association of Performing Arts Centres (VAPAC)

Relevant websites

- [www.latrobe.vic.gov.au](http://www.latrobe.vic.gov.au)
- [www.artsvictoria.vic.gov.au](http://www.artsvictoria.vic.gov.au)
- [www.vapac.org.au](http://www.vapac.org.au)

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# GOVERNANCE

**11.6.1**      **PROPOSED ROAD DISCONTINUANCE - UNCONSTRUCTED  
ROAD RESERVE ADJOINING 254-290 PRINCES DRIVE,  
MORWELL**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to consider a request for the discontinuance of an unconstructed road reserve adjoining 254-290 Princes Drive, Morwell, and seek Council's approval to commence the statutory process by giving public notice of the proposal.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives - Governance*

*In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community committed to enriching local decision making.*

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction*

- *Support effective community engagement to increase community participation in Council decision making.*
- *Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.*
- *Provide timely, effective and accessible information about Latrobe City Council's activities.*

*Service Provision – Property and Statutory*

*Administer property management, advice and services of Latrobe City Council.*

*Legislation*

Local Government Act 1989

Section 206 and Schedule 10 Clause 3 of the *Local Government Act* 1989 gives Council the power to discontinue roads:

“A Council may, in addition to any power given to it by Sections 43 and 44 of the *Planning and Environment Act* 1987-

- (i) discontinue a road, or part of a road, by a notice published in the Government Gazette; and
- (ii) sell the land from that road (if it is not Crown Land), transfer the land to the Crown or itself or retain the land.”

This power is subject to Section 223 of the Local Government Act 1989 which requires Council “publish a public notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section.”

Council must then consider any written submissions that have been received and any person who has made a submission and requested they be heard are entitled to appear before a meeting of Council.

Policy – Council has not adopted a policy relating to the discontinuance of roads.

#### **4. BACKGROUND**

Council has received an application from Beveridge Williams, on behalf of the owners of 254-290 Princes Drive, Morwell, seeking to have the unconstructed road reserve adjoining the property discontinued as shown on the attached plan.

This road reserve was created in 1968 on LP 82394 with an area of 4,215 square meters and is contained in Certificate of Title Volume 8181 Folio 768 with the registered proprietors shown as L K & D J Kennedy.

As shown on the attached aerial photograph the road reserve directly abuts Princes Drive and is currently fenced into the above property.

## 5. ISSUES

Following consideration of a planning permit (90/2054) for the construction of an office at 254-270 Princes Drive in 1990 the former Shire of Morwell suggested that the owners would need to apply to Council to have the road reserve discontinued and consolidated.

It is noted that a condition was placed on this planning permit stating that *“this Permit shall have no force or effect until the roadway of width 12.19m located to the north of the land is closed, acquired by the applicant, and consolidated with the land which is the subject of this application”*.

The registered proprietors of the road reserve are now seeking to have it discontinued to remove the road status and allow it to be consolidated with the adjoining property. Once the road reserve has been discontinued it will vest in Council and will then need to be transferred back into their ownership.

Given that the road reserve is currently in private ownership and the registered proprietors wish to utilise the land as part of a future redevelopment of the site it may be appropriate for the land to be transferred for a nominal consideration. This would be subject to the applicant meeting all survey and legal costs associated with the transaction.

VicRoads have previously indicated that they had no objection to the possible discontinuance and consolidation of the road reserve however, as part of the statutory process, this would need to be confirmed.

Furthermore, there appears to be a sewer main running through parts of the road reserve which would need to be protected by an easement and it will therefore be necessary to refer the proposed discontinuance to Gippsland Water for comment.

## 6. FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with this statutory process are minimal, being the cost of public notices in the Latrobe Valley Express inviting submissions and an order published in the Victoria Government Gazette.

Should Council resolve to discontinue the road reserve all survey and legal costs associated with the transfer of the land would be borne by the applicants.

## 7. INTERNAL / EXTERNAL CONSULTATION

*Engagement Method Used:*

- Public notices in the Latrobe Valley Express;
- Letters sent to the owner of 244-252 Princes Drive, VicRoads and Gippsland Water seeking comment on the proposal.

*Details of Community Consultation / Results of Engagement:*

In accordance with Section 223 of the *Local Government Act 1989* any submissions that are received regarding this matter will be referred for consideration at a future meeting of Council.

The proposed discontinuance has already been referred internally and no objections were received in response.

## 8. OPTIONS

Council may now resolve to either:

1. Commence the statutory process to discontinue the unconstructed road reserve adjoining 254-290 Princes Drive, Morwell, by giving public notice of its intention to consider the discontinuance and seek public comment.
2. Not continue with the statutory process which will require no further action.

## 9. CONCLUSION

The unconstructed road reserve adjoining 254-290 Princes Drive, Morwell, remains in private ownership and is not required as part of the road network.

It is therefore appropriate for Council to give public notice of its intention to consider the proposed discontinuance of the road reserve and seek public comment.

**10. RECOMMENDATION**

- 1. That Council gives public notice of its intention to consider the proposed discontinuance and sale by private treaty of the unconstructed road reserve adjoining 254-290 Princes Drive, Morwell, pursuant to Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989.**
- 2. That Council considers any submissions received in relation to the proposed discontinuance of the unconstructed road reserve adjoining 254-290 Princes Drive, Morwell, at the Ordinary Council Meeting to be held on Monday 6 February 2012.**

**Moved:** Cr Middlemiss

**Seconded:** Cr Lougheed

**That the Recommendation be adopted.**

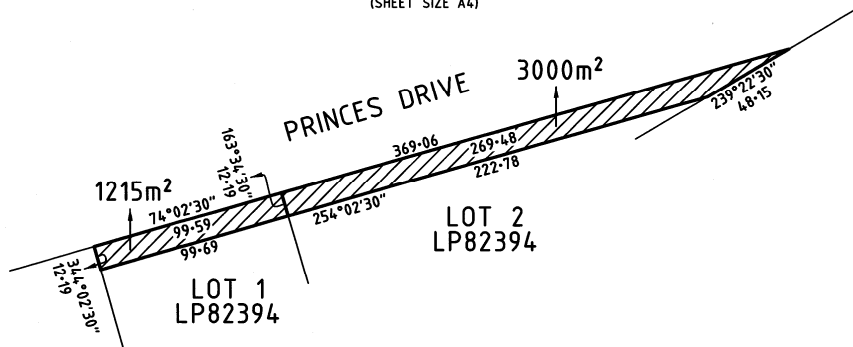
**CARRIED UNANIMOUSLY**

**ATTACHMENTS**



**ROAD CLOSURE DIAGRAM**  
PARISH OF MARYVALE  
CROWN ALLOTMENT 64 (PART)  
& PART OF A FORMER GOVERNMENT ROAD

SCALE 1:2000  
20 0 20 40 60 80  
LENGTHS ARE IN METRES  
(SHEET SIZE A4)



NOTE:  
THE ROAD SHOWN HATCHED IS TO BE CLOSED



**Beveridge Williams**  
development & environment consultants  
Traralgon ph : 03 5176 0374

REF: 1100765



## **11.6.2 SEPTEMBER 2011 QUARTERLY FINANCE AND PERFORMANCE REPORT**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT – YES)**

### **1. PURPOSE**

The purpose of this report is to present the September 2011 quarterly Financial and Performance Report to Council.

### **2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

### **3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2010-2014.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Governance*

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.

*Latrobe City Council Plan 2010 - 2014*

*Strategic Direction – Governance*

Provide timely, effective and accessible information about Latrobe City Council's activities.

Ensure that Latrobe City Council continues to meet the highest standards of financial probity.

*Legislation -*

*Local Government Act 1989*

#### 4. **BACKGROUND**

Under the provisions of the *Local Government Act 1989* Section 138 (1), at least every three months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure to date is presented to Council. This report ensures compliance with this legislative requirement.

The attached report as at 30 September 2011 is provided for the information of Council and the community. The financial report compares budgeted income and expenditure with actual results for the first three months of the financial year. A status report on the Key Strategic Activities, adopted in the 2011/2012 budget is also attached.

#### 5. **ISSUES**

The attached report, "Income Statement", shows the actual result for the three months ended 30 September 2011 compared with the budgeted year to date result. The report also provides a forecast for the full year financial result compared to the budgeted full year financial result.

Overall the report is showing an unfavourable year to date variance of \$2.995M. This mainly consists of an unfavourable year to date revenue variance of \$2.565M resulting from the following factors;

- 'Operating Grants and Contributions' (\$2.674M) principally relating to 2011/2012 Victoria Grants Commission funding which was received in June 2011 and therefore included in the 2010/2011 surplus; and
- 'User Fees & Charges' (\$0.587M) due mainly to a decrease in Landfill gate fees as a result of a temporary inability to accept commercial waste to the landfill for safety and stability reasons.

These unfavourable revenue variances have been partially offset by favourable variances in the following items;

- municipal rates resulting from supplementary rates growth.
- additional garbage charges revenue raised for new services.
- interest associated with greater than anticipated cash holdings and rates of return, and

- External contributions received for the Jeeralang North Hall that was budgeted 2010/2011 but not received until the current financial year.

The report also shows an unfavourable variance of \$0.477M in expenditure resulting mainly from additional Materials and Services (\$0.946M) primarily relating to expenditure incurred for projects carried forward from 2010/2011. This has been partially offset by a favourable variance in Employee Costs due to temporary vacant positions and a lower than anticipated Workcover Premium.

The "Income Statement" report forecasts a deficit result for the full financial year of \$2.608M which is an unfavourable variance of \$6.614M to the original budget. The main contributing factors are reduced grant revenue and additional recurrent program expenditure relating to surplus funds generated in previous years. The 2010/2011 financial year surplus was \$6.619M greater than the Adopted Budget mainly due to a combination of government grants received in advance and other unspent project and program funding required to be carried forward for completion in 2011/2012. There is expected to be no significant variance in the 2011/2012 cash flow statement. More detailed explanations of all variances are included in the attached report.

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

The attached report provides details of budget variances for the three months to 30 September 2011 and the forecasted full financial year.

## **7. INTERNAL / EXTERNAL CONSULTATION**

There has been no additional consultation in the preparation of this report.

## **8. OPTIONS**

The requirement to report on financial and key strategic actions quarterly is a statutory requirement, therefore the options that exist are:

1. Council receives and notes the financial and performance report for the quarter ending 30 September 2011, in accordance with the *Local Government Act 1989*; or

2. Council does not accept the report; or
3. Council seeks additional information.

## 9. **CONCLUSION**

The attached report provides financial details, as required by the *Local Government Act 1989*. The report indicates that Council is operating within the parameters of its 2011/2012 adopted budget. Variances arising from the timing of the receipt of grant revenues and the carry over of incomplete 2010/2011 recurrent and capital works programs to be completed in 2011/2012 have resulted in a forecasted operating deficit for the full financial year. This deficit is fully offset and largely a result of the additional surplus achieved in the 2010/2011 financial year.

## 10. **RECOMMENDATION**

**That Council receives and notes the financial and performance reports for the three months ended 30 September 2011, in accordance with the *Local Government Act 1989*.**

**Moved:** Cr Lougheed  
**Seconded:** Cr Middlemiss

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENT 1

**STANDARD INCOME STATEMENT**  
**FOR THE QUARTER ENDED 30 SEPTEMBER 2011**

	NOTE	YTD Actuals \$'000	YTD Budgets \$'000	Variance YTD Act/Bud \$'000	Full Year Forecast \$'000	Annual Budget \$'000	Variance Annual Budget/F'cast \$'000
<b>REVENUE FROM ORDINARY ACTIVITIES</b>							
Rates	1	58,537	58,019	518	58,612	58,319	293
Operating grants and contributions	2	5,030	7,704	(2,674)	20,022	22,270	(2,247)
Interest	3	316	227	88	1,143	1,100	43
User fees and charges	4	2,864	3,451	(587)	14,052	15,197	(1,144)
Other Income	5	473	331	142	1,744	1,420	324
Developer Contributions	6	14	83	(69)	470	497	(27)
Developer Contributed assets	7	0	0	0	2,000	2,000	0
<b>Total Revenues Before Capital</b>		<b>67,234</b>	<b>69,815</b>	<b>(2,581)</b>	<b>98,044</b>	<b>100,802</b>	<b>(2,759)</b>
Capital Grants and Contributions	8	16	0	16	4,951	3,958	993
<b>TOTAL REVENUES</b>		<b>67,250</b>	<b>69,815</b>	<b>(2,565)</b>	<b>102,994</b>	<b>104,760</b>	<b>(1,766)</b>
<b>EXPENDITURE FROM ORDINARY ACTIVITIES</b>							
Employee costs	9	9,284	9,751	467	42,926	42,807	(119)
Materials and services	10	8,492	7,546	(946)	42,640	38,077	(4,562)
Bad and Doubtful Debts	11	3	6	3	30	32	1
Finance costs	12	323	354	31	1,339	1,339	0
Depreciation	13	4,656	4,625	(32)	18,700	18,500	(200)
<b>TOTAL EXPENSES</b>		<b>22,759</b>	<b>22,282</b>	<b>(477)</b>	<b>105,634</b>	<b>100,754</b>	<b>(4,880)</b>
Net gain (loss) on disposal of property, infrastructure and equipment	14	30	(17)	47	32	0	32
<b>NET SURPLUS (DEFICIT)</b>		<b>44,520</b>	<b>47,515</b>	<b>(2,995)</b>	<b>(2,608)</b>	<b>4,006</b>	<b>(6,614)</b>

## NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances

### 1. Rates

#### Year to Date - \$518K Favourable

The year to date favourable variance is primarily a result of supplementary rates growth and increased garbage charge services due to the growth being recognised earlier than expected and it being greater than anticipated in the budget.

#### Full Year - \$293K Favourable

The full year favourable variance of \$293K is forecasted mainly due to the additional general rates and garbage charges growth being in excess of what was anticipated in the adopted budget and after taking into consideration potential abandonments relating to valuation objections.

### 2. Operating grants and contributions

#### Year to Date - \$2.674M Unfavourable

The year to date variance of \$2.674M is mainly due to the Grants Commission first payment being received in advance in the 2010/2011 financial year together with other minor variances.

#### Full Year - \$2.247M Unfavourable

The full year variance is mainly due to the first payment (\$2.870M) for 2011/2012 Grants Commission allocations being received in late June 2011 and recognised in the 2010/2011 Surplus result.

### 3. Interest

#### Year to Date - \$88K Favourable

The year to date favourable variance of \$88K is a result of greater than expected funds available for investing together with favourable interest rates.

#### Full Year - \$43K Favourable

The full year favourable variance of \$43K is a result of greater than expected funds available for investing together with favourable interest rates.

#### **4. User fees and charges**

##### **Year to Date - \$587K Unfavourable**

The unfavourable variance is due to a decrease in Landfill gate fees of (\$583K) due to a temporary inability to accept commercial waste to the landfill for safety and stability reasons.

##### **Full Year - \$1.144M Unfavourable**

The unfavourable variance is largely due to a decrease in Landfill gate fees of (\$1.201M) due to a temporary inability to accept commercial waste to the landfill for safety and stability reasons. This is partially offset by other minor variances across other areas.

#### **5. Other Income**

##### **Year to Date - \$142K Favourable**

The year to date variance is a result of external contributions for the Jeeralang North Hall Rebuilding Project (\$45K), Insurance Claims Refunds (\$24K), Local Contributions (\$55K) together with the Site Rental fees for the Caravan Parks being raised earlier than anticipated.

##### **Full Year - \$324K Favourable**

The full year variance is a result of external contributions for the Jeeralang North Hall Rebuilding Project (\$188K), Insurance Claims Refunds (\$74K) and Local Contributions for various projects (\$59K).

#### **6. Developer Contributions**

##### **Year to Date - \$69K Unfavourable**

The year to date unfavourable variance is related to less than anticipated receipt of Drainage Headworks contributions of (\$49K) together with minor variances in other contribution types.

##### **Full Year - \$27K Unfavourable**

The full year unfavourable variance is related to less than anticipated receipt of Drainage Headworks contributions of (\$19K) together with minor variances in other contribution types.

#### **7. Developer Contributed assets**

##### **Year to Date - \$Nil**

No year to date variance.

##### **Full Year - \$Nil**

No full year variance.



## **8. Capital Grants and Contributions**

### **Year to Date - \$16K Favourable**

Minor Variance

### **Full Year - \$993K Favourable**

The full year variance is mainly due to project funding that was budgeted in 2010/2011 but is now expected to be received in 2011/2012 due to the projects being delayed e.g. Road Rehabilitation Program works for Middle Creek Road, Yinnar (\$735K) and Quigley Street, Morwell (\$440K), the Moe Early Learning Centre Construction (\$216K) and the Traralgon South Hall Refurbishment (\$200K). These favourable variances have been partially offset by grants that were budgeted for 2011/2012 but received in 2010/2011 e.g. Moe Rail Precinct Master plan - Design (\$455K) and the Traralgon South Skate and BMX Plan (\$45K), together with an successful grant application for Grand Ridge Road Upgrade (\$125K).

## **9. Employee costs**

### **Year to Date - \$467K Favourable**

The favourable variance is largely due to a number of vacant staffing positions during the first quarter of the financial year, together with Council's Workcover Premium Levy being less than budgeted.

### **Full Year - \$119K Unfavourable**

The unfavourable variance is mainly due to greater than expected demand for Child Care and Full Cost Recovery Home Care services. It is anticipated that these additional costs will be offset by increased user fees revenue.

## **10. Materials and services**

### **Year to Date - \$946K Unfavourable**

The unfavourable variance is largely due to projects/programs that were not fully completed in last financial year, these programs are funded from accumulated surplus, along with newly funded programs which are offset by additional external revenue sources.

### **Full Year - \$4.562M Unfavourable**

The unfavourable full year variance reflects expenditure on a number of projects/programs that were funded from the 2010/2011 accumulated surplus due to them not being completed in the last financial year. Other contributing factors are expenditure on new externally funded programs.

### **11. Bad and Doubtful Debts**

**Year to Date - \$3K Favourable**

Minor Variance

**Full Year - \$1K Favourable**

Minor Variance

### **12. Finance costs**

**Year to Date - \$31K Favourable**

The favourable variance is due to a loan which was expected to be drawn down in July not yet approved.

**Full Year - \$Nil**

No Full Year Variance

### **13. Depreciation**

**Year to Date - \$32K Unfavourable**

The unfavourable variance is mainly due to greater than anticipated depreciation for Council Buildings & Improvements caused by previous year revaluation effects.

**Full Year - \$200K Unfavourable**

The unfavourable variance is mainly due to greater than anticipated depreciation for Council Buildings & Improvements caused by the effects of asset revaluations and the capitalisation of new assets in prior periods.

**14. Net gain (loss) on disposal of property, infrastructure and equipment**

**Year to Date - \$47K Favourable**

The favourable year to date variance is mainly due to greater than anticipated proceeds of sale of vehicle & plant in the first three months of the financial year.

**Full Year - \$32K Favourable**

The favourable year to date variance is due to the greater than anticipated proceeds of sale of vehicle & plant realised in the first three months of the financial year.

**RECONCILIATION OF STANDARD INCOME STATEMENT TO CASH BUDGET  
FOR THE QUARTER ENDED 30 SEPTEMBER 2011**

	YTD Actuals	YTD Budgets	Variance YTD Act/Bud	Full Year Forecast	Annual Budget	Variance Annual Budget/F'cast
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Operating Surplus (Deficit)</b>	44,520	49,059	(4,539)	(2,608)	4,006	(6,614)
<b>Reconciliation to Cash Budget</b>						
Plus Depreciation	(4,656)	(3,083)	(1,573)	(18,700)	(18,500)	(200)
Plus WDV of Assets Disposed	(22)	(112)	90	(648)	(672)	25
Less Developer Contributed Assets	0	0	0	2,000	2,000	0
Less Capital Expenditure	3,075	2,259	815	29,558	25,418	4,141
Less Loan Principal Repayments	691	700	(10)	2,881	2,881	0
Less Landfill Rehabilitation Expenditure	161	400	(239)	1,167	1,650	(483)
Plus Internal Transfers	(17,428)	(8,257)	(9,171)	(17,912)	(7,415)	(10,498)
Plus Net Internal Charges	0	(19)	19	0	0	0
Plus Loan Proceeds	0	(1,356)	1,356	(1,356)	(1,356)	0
Less Net Workcover Debtors	(4)	0	(4)	(4)	0	(4)
<b>Net Total Non-Operating Items</b>	<b>(18,183)</b>	<b>(9,467)</b>	<b>(8,716)</b>	<b>(3,013)</b>	<b>4,006</b>	<b>(7,019)</b>
<b>Cash Budget Surplus (Deficit)</b>	<b>62,703</b>	<b>58,527</b>	<b>4,177</b>	<b>405</b>	<b>0</b>	<b>405</b>

**STANDARD INCOME STATEMENT**  
**FOR THE QUARTER ENDED 30 SEPTEMBER 2011 COMPARED TO PREVIOUS FINANCIAL YEAR**

	AS AT 30 SEP 2011			AS AT 30 SEP 2010				
	YTD Actuals	YTD Budgets	Variance YTD Act/Bud	YTD Actuals	YTD Budgets	Variance YTD Act/Bud		
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000		
<b>REVENUE FROM ORDINARY ACTIVITIES</b>								
Rates	58,537	58,019	518	54,228	53,821	406		
Operating grants and contributions	5,030	7,704	(2,674)	2,755	5,406	(2,651)		
Interest	316	227	88	374	210	164		
User fees and charges	2,864	3,451	(587)	3,211	2,999	212		
Other Income	473	331	142	472	562	(90)		
Developer Contributions	14	83	(69)	79	98	(19)		
Developer Contributed assets	0	0	0	0	0	0	0.31610660	0.34561732
<b>Total Revenues Before Capital</b>	<b>67,234</b>	<b>69,815</b>	<b>(2,581)</b>	<b>61,119</b>	<b>63,097</b>	<b>(1,977)</b>	<b>61,874</b>	<b>57,911</b>
Capital Grants and Contributions	16	0	16	1,833	1,200	633	0.510887	0.596806
<b>TOTAL REVENUES</b>	<b>67,250</b>	<b>69,815</b>	<b>(2,565)</b>	<b>62,952</b>	<b>64,297</b>	<b>(1,344)</b>		
<b>EXPENDITURE FROM ORDINARY ACTIVITIES</b>								
Employee costs	9,284	9,751	467	9,030	9,159	129		
Materials and services	8,492	7,546	(946)	7,298	6,735	(563)		
Bad and Doubtful Debts	3	6	3	1	9	8		
Finance costs	323	354	31	363	368	5		
Depreciation	4,656	4,625	(32)	4,533	4,125	(408)		
<b>TOTAL EXPENSES</b>	<b>22,759</b>	<b>22,282</b>	<b>(477)</b>	<b>21,226</b>	<b>20,396</b>	<b>(830)</b>		
Net gain (loss) on disposal of property, infrastructure and equipment	30	(17)	47	99	0	99		
<b>NET SURPLUS (DEFICIT)</b>	<b>44,520</b>	<b>47,515</b>	<b>(2,995)</b>	<b>41,825</b>	<b>43,901</b>	<b>(2,075)</b>		

**STANDARD CASH FLOW STATEMENT  
FOR THE QUARTER ENDED 30 SEPTEMBER 2011**

	NOTE	Cash Flow 01/07/11 to 30/09/11 \$'000	Budget 11/12 Cash Flow 01/07/11 - 30/06/12 \$'000	Cash Flow 01/07/10 - 30/09/10 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Receipts from customers		14,448	75,153	11,338
Payments to Suppliers		(26,020)	(82,036)	(22,785)
		(11,572)	(6,883)	(11,447)
Interest Received		468	1,100	483
Government Receipts		8,692	26,227	3,858
<b>Net Cash Flows from Operating Activities</b>		<b>(2,413)</b>	<b>20,445</b>	<b>(7,106)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Proceeds from sale of property, plant and equipment		52	672	248
Payments for property, plant and equipment		(3,075)	(25,418)	(4,865)
<b>Net Cash Flows from Investing Activities</b>		<b>(3,023)</b>	<b>(24,746)</b>	<b>(4,617)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Finance Costs		(323)	(1,339)	(363)
Proceeds from Borrowings		0	1,356	0
Repayments of Borrowings		(691)	(2,881)	(724)
<b>Net Cash Flows from Financing Activities</b>		<b>(1,014)</b>	<b>(2,864)</b>	<b>(1,087)</b>
<b>Net Increase (Decrease) in Cash Held</b>		<b>(6,450)</b>	<b>(7,165)</b>	<b>(12,811)</b>
Cash at the Beginning of the Year	1	31,609	19,365	34,349
<b>Cash at the End of the Period</b>		<b>25,160</b>	<b>12,200</b>	<b>21,538</b>

1. The budgeted cash at the beginning of the year was based on \$5.448M of the 2010/2011 capital works program being incomplete at 30 June 2010. The actual amount of incomplete capital works and capital grants received in advance was \$8.795M. This additional \$3.347M together with additional advance funding and incomplete operational projects from 2010/2011 of \$7.435M make up the significant variance in the opening cash balance.

**STANDARD BALANCE SHEET  
AS AT 30 SEPTEMBER 2011**

	Current Balance \$'000	Balance as at 30/06/11 \$'000	Movement for Year \$'000	Balance as at 30/09/10 \$'000
<b>CURRENT ASSETS</b>				
Cash and Cash Equivalents	25,160	31,609	(6,450)	21,538
Trade and Other Receivables	54,150	10,268	43,881	56,442
Prepayments	441	974	(532)	343
Non-current Assets Held for Sale	723	723	0	0
<b>Total Current Assets</b>	<b>80,474</b>	<b>43,575</b>	<b>36,900</b>	<b>78,323</b>
<b>NON CURRENT ASSETS</b>				
Receivables	65	65	0	84
Property, Plant and Equipment	921,218	922,822	(1,604)	905,963
Other Financial Assets	2	2	0	2
<b>Total Non Current Assets</b>	<b>921,285</b>	<b>922,889</b>	<b>(1,604)</b>	<b>906,049</b>
<b>TOTAL ASSETS</b>	<b>1,001,759</b>	<b>966,464</b>	<b>35,295</b>	<b>984,373</b>
<b>CURRENT LIABILITIES</b>				
Trade and Other Payables	288	8,647	(8,359)	522
Interest Bearing Liabilities	2,145	2,836	(691)	1,955
Employee Benefits	7,672	7,755	(83)	7,311
Provisions	1,516	1,677	(161)	920
Other Current Liabilities	1,610	1,540	70	1,499
<b>Total Current Liabilities</b>	<b>13,230</b>	<b>22,455</b>	<b>(9,225)</b>	<b>12,206</b>
<b>NON CURRENT LIABILITIES</b>				
Interest Bearing Liabilities	15,343	15,343	0	17,678
Employee Benefits	1,373	1,373	0	1,163
Provisions	14,895	14,895	0	15,721
<b>Total Non Current Liabilities</b>	<b>31,611</b>	<b>31,611</b>	<b>0</b>	<b>34,562</b>
<b>TOTAL LIABILITIES</b>	<b>44,841</b>	<b>54,066</b>	<b>(9,225)</b>	<b>46,768</b>
<b>NET ASSETS</b>	<b>956,918</b>	<b>912,398</b>	<b>44,520</b>	<b>937,605</b>
<b>EQUITY</b>				
Net Operating Surplus / (Deficit) for Year	44,520	0	44,520	41,825
Accumulated Surplus	605,615	605,630	(14)	589,336
Reserves	306,783	306,768	14	306,443
<b>TOTAL EQUITY</b>	<b>956,918</b>	<b>912,398</b>	<b>44,520</b>	<b>937,605</b>

**FINANCIAL RATIOS**  
**AS AT 30 SEPTEMBER 2011**

	Year to Date Ratios			Forecast at 30/06/12	Budget at 30/06/12	Prudential Guidelines
	\$'000s	Ratio at 30/09/11	Ratio at 30/09/10			
<p><b>Debt Servicing Ratio</b> (to identify the capacity of Latrobe City Council to service its outstanding debt)</p> <p style="text-align: center;"><u>Debt Servicing Costs</u> Total Revenue</p> <p style="text-align: center;">323 67,250</p> <p>Debt servicing costs refer to the payment of interest on loan borrowings, finance lease, and bank overdraft.</p> <p>The ratio expresses the amount of interest paid as a percentage of Latrobe City Council's total revenue.</p>		0.48%	0.58%	1.30%	1.28%	Less than 5%
<p><b>Debt Commitment Ratio</b> (to identify Latrobe City Council's debt redemption strategy)</p> <p style="text-align: center;"><u>Debt Servicing &amp; Redemption Costs</u> Rate Revenue</p> <p style="text-align: center;">1,014 58,537</p> <p>The strategy involves the payment of loan principal and interest, finance lease principal and interest.</p> <p>The ratio expresses the percentage of rate revenue utilised to pay interest and redeem debt principal.</p>		1.73%	2.01%	7.20%	7.24%	NA
<p><b>Indebtedness Ratio</b> (to ensure Council has the ability to pay its long term debts &amp; provisions)</p> <p style="text-align: center;"><u>Non Current Liabilities</u> Own Source Revenue</p> <p style="text-align: center;">31,611 61,874</p> <p>Compares Council's long term debt (loans &amp; other non-current liabilities) to its own source revenue (ie. Rates, user charges, other income) which is used to gain a general idea as to Council's ability to meet its debts.</p> <p>The ratio expresses the percentage of own source revenue required to meet long term debts.</p>		51.09%	59.68%	43.49%	43.19%	NA



	Year to Date Ratios			Forecast at 30/06/12	Budget at 30/06/12	Prudential Guidelines
	\$'000s	Ratio at 30/09/11	Ratio at 30/09/10			
<p><b>Debt Exposure Ratio</b> (to identify Latrobe City Council's exposure to debt)</p> <p style="text-align: center;"><u>Total Indebtedness</u> Total Realisable Assets</p> <p>44,841 427,574</p> <p>10.49%      11.33%</p> <p>13.65%      13.65%</p> <p>Less than 150%</p> <p>For the purpose of the calculation of financial ratios, realisable assets are those assets which can be sold and which are not subject to any restriction on realisation or use.</p> <p>Any liability represented by a restricted asset is excluded from total indebtedness.</p> <p>The following assets are excluded from total assets when calculating Council's realisable assets: Land and buildings on Crown land; restricted assets; heritage assets and total infrastructure assets.</p> <p>The ratio enables assessment of Council's solvency and exposure to debt. Total indebtedness refers to the total liabilities of Council. Total liabilities are compared to total realisable assets which are all Council assets not subject to any restriction and are able to be realised. The ratio expresses the percentage to total liabilities for each dollar of realisable assets.</p>						
<p><b>Operating Revenue Ratio</b> (to identify Latrobe City Council's dependence on non-rate income)</p> <p style="text-align: center;"><u>Rate Revenue</u> Total Revenue</p> <p>58,537 67,250</p> <p>87.04%      86.14%</p> <p>56.91%      55.67%</p> <p>NA</p> <p>The level of Latrobe City Council's reliance on rate revenue is determined by assessing rate revenue as a proportion of the total revenue.</p>						
<p><b>Liquidity Ratio (Working Capital)</b> (to assess Latrobe City Council's ability to meet current commitments)</p> <p style="text-align: center;"><u>Current Assets</u> Current Liabilities</p> <p>80,474 13,230</p> <p>6.08:1      6.42:1</p> <p>1.16:1      1.16:1</p> <p>Greater than 1:1</p> <p>The ratio expresses the level of current assets the Council has available to meet its current liabilities.</p>						
<p><b>Adjusted Liquidity Ratio</b> (to assess Latrobe City Council's ability to meet current commitments)</p> <p style="text-align: center;"><u>Current Assets</u> Current Liabilities</p> <p>80,474 8,876</p> <p>9.07:1      9.09:1</p> <p>1.45:1      1.45:1</p> <p>N/A</p> <p>The ratio expresses the level of current assets the Council has available to meet its adjusted current liabilities.</p> <p>Current liabilities have been reduced to reflect the long service leave that is shown as a current liability because Council does not have an unconditional right to defer settlement of the liability for at least twelve months after the reporting date, but is not likely to fall due within 12 months after the end of the period.</p>						

	Year to Date Ratios			Forecast at 30/06/12	Budget at 30/06/12	Prudential Guidelines
	\$'000s	Ratio at 30/09/11	Ratio at 30/09/10			
<p><b>Infrastructure Renewal Gap Ratio</b> (to ensure the community's infrastructure assets don't become run down)</p> <p style="text-align: center;"><u>Renewal Expenditure</u> Infrastructure Depreciation</p> <p>1,345 3,650</p> <p>36.85%      59.52%</p> <p>112.09%      103.45%</p> <p>Greater than 100%</p> <p>Compares the renewal expenditure on existing infrastructure assets (e.g. roads, drains, footpaths, buildings, etc.) to the dollar value of the asset that has been used up in that year (depreciation).</p> <p>Target of 100% indicates that spending on existing assets is equal to their consumption.</p>						
<p><b>Underlying Result Ratio</b> (To ensure enough revenue is raised to maintain the existing assets base and fund recurrent services. We don't rely on capital grants to run the basic business of Council.)</p> <p style="text-align: center;"><u>Adjusted net Surplus/(Deficit)</u> Adjusted underlying revenue</p> <p>44,174 66,904</p> <p>66.03%      63.18%</p> <p>(10.62%)      (2.52%)</p> <p>Greater than 0%</p> <p>Determines if each year Council is raising enough revenue to cover operating costs &amp; asset renewal costs of the existing asset base.</p> <p>The ratio takes out the effect of once off capital grants &amp; developer contributions.</p> <p><b>Note:</b> The forecasted negative ratio of 10.62% reflects the operating deficit that is now projected in the 'Standard Income Statement' and is mainly a result of the early receipt of 2011/2012 grant revenue and unspent 2010/2011 recurrent project and program expenditure which led to a greater than expected surplus result in the 2010/2011 financial year.</p>						

**STANDARD CAPITAL WORKS STATEMENT  
FOR THE QUARTER ENDED 30 SEPTEMBER 2011**

		YTD Actuals	Full Year Forecast	Annual Budget	Variance Ann Budget / Forecast
	NOTE	\$'000	\$'000	\$'000	\$'000
<b>CAPITAL WORKS AREAS</b>					
Roads / Paths / Bridges and Carparks	1	1,310	18,289	16,931	(1,358)
Drainage	2	5	125	120	(5)
Land, Buildings and Improvements	3	1,316	7,616	5,182	(2,434)
Plant and Equipment	4	227	2,219	2,065	(154)
Furniture and Equipment	5	181	637	440	(197)
Playgrounds, Skate Parks & BMX Tracks	6	36	663	670	7
Artworks	7	0	10	10	0
<b>Total Capital Works</b>		<b>3,075</b>	<b>29,558</b>	<b>25,418</b>	<b>(4,141)</b>
<b>REPRESENTED BY</b>					
Renewal	8	1,731	19,290	17,299	(1,992)
New Assets	9	1,319	7,911	5,655	(2,256)
Asset expansion/upgrade	10	24	2,357	2,464	107
<b>Total Capital Works</b>		<b>3,075</b>	<b>29,558</b>	<b>25,418</b>	<b>(4,141)</b>

**Notes:**

**1. Roads / Paths / Bridges and Carparks**

The forecast increase in expenditure of \$1.358M relates mainly to road rehabilitation projects that have been carried over from the previous year for completion in the 2011/2012 financial year principally due to weather related delays.

**2. Drainage**

Minor variance.

**3. Land, Buildings and Improvements**

The forecast additional expenditure of \$2.434M relates mainly to additional carried forward funding from 2010/2011 for projects still in progress as at 30 June 2011 including, Moe Railway Precinct Revitalisation Plan Stage One and detailed design, the Gippsland Aeronautics Hangar construction and the final settlement of the Morwell Transfer Station purchase.

**4. Plant and Equipment**

The forecast additional expenditure of \$154K relates to funds carried forward from 2010/2011 for plant purchases that were ordered in the previous year but delivery did not occur until the 2011/2012 financial year.

**5. Furniture and Equipment**

The forecast additional expenditure of \$176K relates mainly to IT equipment to be funded from reserves together with CCTV equipment at the Traralgon Taxi rank funded by government grants .

**6. Playgrounds, Skate Parks & BMX Tracks**

Minor variance.

**7. Artworks**

It is expected that the end of year result will be in line with the adopted budget.

**8. Renewal**

The forecast additional expenditure of \$1.992M relates mainly to funding carried forward from 2010/2011 for projects still in progress as at 30 June 2011. Most of these projects are road rehabilitation projects delayed due to weather and planning factors.

**9. New Assets**

The forecast additional expenditure of \$2.256M relates mainly to additional carried forward funding from 2010/2011 for projects still in progress as at 30 June 2011 including, Moe Railway Precinct Revitalisation Plan Stage One and detailed design, the Gippsland Aeronautics Hangar construction and the final settlement of the Morwell Transfer Station purchase.

**10. Asset expansion/upgrade**

The forecast reduction in expenditure of \$107K relates mainly to an unsuccessful Government funding application for the Grand Ridge Road Upgrade project.

ATTACHMENT 2



## Key Strategic Actions Report

PERIOD: 11/12

**LATROBE2026**



*In 2026 the Latrobe Valley is a liveable and sustainable region with collaborative and inclusive community leadership.*

# Key Strategic Actions Report

## Strategic Document: 1 Council Plan

### Strategic Objective: 1.1 Economy

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.1.1 Facilitate investment attraction of new firms to contribute to economic diversification, employment creation and to meeting the challenges of a carbon constrained economy.</b>					
1.1.1.1 Deliver 'Positioning Latrobe City for a Low Carbon Emission Future' to maximise the opportunities for alternative technologies and non traditional uses for coal, through support of the Low Carbon Committee.	In Progress	22%	<p>STATUS: Program progressing as forecast.</p> <p>ISSUES: Engagement with Low Carbon Committee and Australian Government has occurred following the Low Carbon Future package announcement on 10 July 2011.</p> <p>ACTIVITIES COMPLETED: During September, the Low Carbon Transition Committee was invited to meet with the Climate Commission but the meeting did not proceed as not enough members were available. Two members sat on the panel at the second Low Carbon Transition Forum in Morwell on 28 September. Preparation occurred for the second meeting of the Committee on 11 October 2011.</p> <p>ACTIVITIES SCHEDULED: Planning underway for community forum on 30 November 2011 at Traralgon. Meeting/workshop with Minister Ferguson and his department is being planned for 17 November 2011.</p> <p>SCHEDULED MEETINGS: Community forums scheduled for November. Committee meeting on 11 October 2011.</p>	Economic Sustainability	30/06/2015



## Key Strategic Actions Report

### Strategic Document: 1 Council Plan

#### Strategic Objective: 1.1 Economy

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.1.7 Develop and implement economic development actions to encourage business retention and growth.</b>					
1.1.7.4 Deliver the 2012 Gippsland Major Projects Summit highlighting commercial investments across Latrobe City and the Gippsland Region.	In Progress	33%	STATUS: Project progressing as forecast. ISSUES: Nil. ACTIVITIES COMPLETED: During September, officers continued planning for the event including progressing funding applications with AusIndustry and Regional Development Australia. ACTIVITIES SCHEDULED: Contacting Premier's Office to assess availability to officially open the event. SCHEDULED MEETINGS: Steering Committee meeting - 26 October.	Economic Sustainability	30/03/2012
ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.2.1 Collaborate with stakeholders to progress environmental sustainability initiatives aimed at reducing environmental impacts.</b>					
1.2.1.1 Implement actions from the Natural Environment Sustainability Strategy 2008-2013 to achieve identified biodiversity and sustainability outcomes.	In Progress	25%	STATUS: Program progressing as forecast. ISSUES: N/A ACTIVITIES COMPLETED: Native vegetation planning permits assessed; Bushland Reserve meetings attended and terms of reference under review; asbestos education sessions held; Morwell River Falls Management Plan drafted; and mercury vapour flood lights in Morwell HQ replaced with LED flood lights. ACTIVITIES SCHEDULED: Asbestos education; Climate Change Consultative Committee action plan workshop; and bushland reserve terms of reference review. SCHEDULED MEETINGS: Climate Change Consultative Committee action plan workshop; and bushland reserve meetings.	Built and Natural Environment	30/06/2013

## Key Strategic Actions Report

### Strategic Document: 1 Council Plan

#### Strategic Objective: 1.3 Built Environment

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.3.4 Promote and support private and public sector investment in the development of key infrastructure within the municipality.</b>					
1.3.4.1 Finalise the Traralgon Growth Areas Review including the Traralgon West Corridor Precinct Plan to identify long term growth and development opportunities.	In Progress	20%	<p>STATUS: Finalisation of draft Background Report and draft Traralgon West Structure Plan has been delayed to allow further opportunity for consultation with Councillors.</p> <p>ISSUES: Further consultation with Councillors regarding preparation of the draft Background Report and draft Traralgon West Structure Plan is required before presentation to Council for consideration and community consultation.</p> <p>ACTIVITIES COMPLETED: A Councillor workshop was held on 28 September 2011. Councillors in attendance requested the matter be re-presented to a future Councillor I&amp;D session.</p> <p>ACTIVITIES SCHEDULED: Report to be prepared for the I&amp;D Meeting on 24 October 2011.</p> <p>SCHEDULED MEETINGS: Councillor I&amp;D Session scheduled for 24 October 2011.</p>	Built and Natural Environment	31/12/2012



# Key Strategic Actions Report

## Strategic Document: 1 Council Plan

### Strategic Objective: 1.3 Built Environment

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.3.6 Promote and support high quality urban design within the built environment.</b>					
1.3.6.1 Finalise Stage 2 and progress Stage 3 of the Traralgon Activity Centre Plan to improve access, guide future land use and establish an urban design framework.	In Progress	20%	<p>STATUS: All aspects of the project except the Parking Precinct Plan have been put on hold following the Council Resolution of 19 September 2011.</p> <p>ISSUES: The Council resolution to defer the endorsement of the Stage 2 Key Directions Report September 2011 until:</p> <p>(a) Council has been presented with the Traralgon Growth Area Review</p> <p>(b) Council has received information on the results of the Latrobe Valley Bus Review</p> <p>All aspects of the project except the Car Parking Precinct Plan are unable to proceed within the previous timeframes proposed. The end date of 30 June 2012 will not be met.</p> <p>ACTIVITIES COMPLETED: Preparation of a Council Report for 19 September 2011 to consider submissions to the Key Directions Report. Councillor Workshop on 28 September 2011. Continued development of the Draft Parking Strategy and Parking Precinct Plan.</p> <p>ACTIVITIES SCHEDULED: Preparation of Council I&amp;D Report for 24 October 2011.</p> <p>SCHEDULED MEETINGS: Councillor I&amp;D Session on 24 October 2011.</p>	Built and Natural Environment	30/06/2012



## Key Strategic Actions Report

### Strategic Document: 1 Council Plan

#### Strategic Objective: 1.4 Community

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.4.6 Provide access to information, knowledge, technology and activities that strengthens and increases participation in community life.</b>					
1.4.6.1 Deliver the annual Children's Services Expo during Children's Week in October 2011 to promote early years services provided across Latrobe City.	In Progress	85%	STATUS: Program progressing as forecast. ISSUES: N/A ACTIVITIES COMPLETED: Distribution of promotional material, confirming stall holder registration's, determined event layout ACTIVITIES SCHEDULED: Finalise event management plan, conduct event and evaluation SCHEDULED MEETINGS: N/A	Community Liveability	31/10/2011
ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.4.7 Support initiatives that promote diversity and social inclusion.</b>					
1.4.7.15 In consultation with the aboriginal community, review the Statement of Commitment to ensure continued recognition of our indigenous community.	In Progress	50%	STATUS: Project progressing as forecast. ISSUES: N/A ACTIVITIES COMPLETED: Revised Statement of Commitment drafted in consultation with the Braiakaulung Advisory Group. ACTIVITIES SCHEDULED: Report to be presented at the 17 October 2011 Ordinary Council Meeting for consideration. SCHEDULED MEETINGS: Braiakaulung Advisory Group meeting, 12 October 2011.	Community Liveability	30/06/2012

# Key Strategic Actions Report

## Strategic Document: 1 Council Plan

### Strategic Objective: 1.5 Culture

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.5.3 Attract, promote and facilitate significant regional, national and international events to improve the liveability and sustainability of the municipality.</b>					
1.5.3.3 As identified by the Latrobe City Tourism Product Audit, develop an Events Strategy to facilitate continued growth of events and the wider tourism sector in Latrobe City.	In Progress	25%	STATUS: Project progressing as forecast. ISSUES: N/A ACTIVITIES COMPLETED: Project on one page and project brief completed with feedback received from key internal and external stakeholders. ACTIVITIES SCHEDULED: During October, an expression of interest is to be undertaken for an external contractor to support the development of an Event's Plan. SCHEDULED MEETINGS: N/A	Recreation, Culture and Community Infrastructure	30/06/2012
ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.6.3 Align open space requirements of the community with useable public open space.</b>					
1.6.3.1 Review the Latrobe City Public Open Space Plan to ensure accessible, connected and varied open space experiences continue to be provided for our community.	In Progress	15%	STATUS: Project progressing as forecast. ISSUES: N/A ACTIVITIES COMPLETED: The project brief is being drafted ACTIVITIES SCHEDULED: Complete project brief and commence procurement process to engage a consultant. SCHEDULED MEETINGS: N/A	Built and Natural Environment	30/06/2012



## Key Strategic Actions Report

### Strategic Document: 1 Council Plan

#### Strategic Objective: 1.7 Governance

ACTIONS	STATUS	% COMP	PROGRESS COMMENTS	DIVISION	COMP DATE
<b>Strategic Direction: 1.7.7 Ensure that Latrobe City Council continues to meet the highest standards of financial probity and is financially sustainable.</b>					
1.7.7.2 Prepare a ten year financial plan including a review of Council rates, fees and charges of all Council services.	In Progress	25%	STATUS: Project progressing as forecast. ISSUES: N/A ACTIVITIES COMPLETED: Consultants brief was advertised. The status quo base model was presented at the joint strategy meeting for review and feedback. ACTIVITIES SCHEDULED: Book in Councillor workshops and prepare presentations. SCHEDULED MEETINGS: N/A	Governance	30/06/2012
<b>Strategic Direction: 1.9.4 Plan and respond to emergency management needs of our community in accordance with legislative requirements.</b>					
1.9.4.7 Monitor the outcomes of the Victorian Bushfires Royal Commission Final Report and incorporate necessary actions into Latrobe City's fire prevention and emergency management planning frameworks.	In Progress	25%	STATUS: Project progressing as forecast. ISSUES: Vulnerable fire affected people, maintaining lists (Recommendation 3). Neighbourhood Safer Places and Fire Refuges (Recommendations 3 and 4). Hazardous trees (Recommendation 30 and 31). ACTIVITIES COMPLETED: Neighbourhood Safer Places and Fire Refuges, hazardous trees included in Municipal Fire Prevention Plan and Municipal Emergency Management Plan. ACTIVITIES SCHEDULED: Review plans at next Municipal Emergency Management Planning Committee. SCHEDULED MEETINGS: Municipal Emergency Management Planning Committee 29 November 2011.	Community Liveability	30/06/2013

**11.6.3 DOCUMENTS PRESENTED FOR SIGNING AND SEALING**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT - NO)**

**1. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**2. DOCUMENT/S**

2010/230/A	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Kenneth George Rae and Alice Mackay Rae as the Owners of land described in Certificate of Title Volume 10977 Folio 219 being Lot 1 on PS 546214 situated at 257 Jeeralang North Road, Hazelwood North pursuant to Condition 5 of Planning Permit No.2010/230/A as amended and issued on 7/10/11 (originally granted 7/12/10) for a 2-lot Plan of Subdivision providing that the land will not be further subdivided so as to create additional lots.
2011/190	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and McWhit Developments Pty Ltd as the Owner of land described in Certificate of Title Volume 8472 Folio 822 being Lot 259 on LP 53594 situated at 6 Graham Crescent, Traralgon pursuant to Condition 2 of Planning Permit No.2011/190 for a 2-lot Subdivision issued on 8/8/11 providing that the development as approved by Planning Permit 2010/273 must be completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.

**3. RECOMMENDATION**

- 1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Kenneth George Rae and Alice Mackay Rae as the Owners of land described in Certificate of Title Volume 10977 Folio 219 being Lot 1 on PS 546214 situated at 257 Jeeralang North Road, Hazelwood North pursuant to Condition 5 of Planning Permit No.2010/230/A as amended and issued on 7/10/11.**

2. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and McWhit Developments Pty Ltd as the Owner of land described in Certificate of Title Volume 8472 Folio 822 being Lot 259 on LP 53594 situated at 6 Graham Crescent, Traralgon pursuant to Condition 2 of Planning Permit No.2011/190 for a 2-lot Subdivision issued on 8/8/11.

**Moved:** Cr Lougheed

**Seconded:** Cr Gibson

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

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**11.6.4 PROPOSED ROAD DISCONTINUANCE - BLUNDELL LANE, TRARALGON**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to consider a request for the discontinuance and sale by private treaty of Blundell Lane, Traralgon, and seek Council's approval to commence the statutory process by giving public notice of the proposal.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives - Governance*

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.

*Latrobe City Council Plan 2011 - 2015*

The following key "Shaping our Future" theme is applicable:  
An active, connected and caring community – Supporting all.

*Strategic Direction – Governance*

- Support effective community engagement to increase community participation in Council decision making.
- Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.
- Provide timely, effective and accessible information about Latrobe City Council's activities.

### *Legislation*

Local Government Act 1989

Section 206 and Schedule 10 Clause 3 of the *Local Government Act* 1989 gives Council the power to discontinue roads:

“A Council may, in addition to any power given to it by Sections 43 and 44 of the *Planning and Environment Act* 1987-

- (i) discontinue a road, or part of a road, by a notice published in the Government Gazette; and
- (ii) sell the land from that road (if it is not Crown Land), transfer the land to the Crown or itself or retain the land.”

This power is subject to Section 223 of the *Local Government Act* 1989 which requires Council “publish a public notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section.”

Council must then consider any written submissions that have been received and any person who has made a submission and requested they be heard are entitled to appear before a meeting of Council.

*Policy – Council has not adopted a policy relating to the discontinuance of roads.*

#### **4. BACKGROUND**

Council has received a joint application from the owners of 7 Blundell Court and 147 Grey Street, Traralgon, to acquire Blundell Lane as shown on the attached plan.

Blundell Lane was originally created in 1967 on LP 78498 and is contained in Certificate of Title Volume 4875 Folio 921 which remains in the name of the Church of England Trusts Corporation for the Diocese of Gippsland.

Blundell Lane is fully constructed and is fenced along both sides. The fences are approximately 2 metres high being a mixture of wooden and colour bond fencing. The lane is narrow, only two meters wide, and is 75 meters in length. Midway down the lane is a bend that creates a blind spot and there is no lighting provided.

The laneway has been used as a dumping area for rubbish and household items such as televisions.



The laneway provides a pedestrian link from Grey Street to Kay Street via Blundell Court and there is also a link to Coronation Court via Queens Park.

## 5. ISSUES

As detailed in their application, property owners adjoining Blundell Lane have experienced ongoing incidents of antisocial behaviour and property damage which has prompted them to make application to Council to have the laneway closed.

Whilst the owners of 7 Blundell Court and 147 Grey Street have made a joint application to have the laneway closed the residents at 10 Blundell Court and the operators of the ABC Child Minding Centre at 149 Grey Street have both indicated their support for the proposal.

Given the proximity of Lavalla Catholic College and Traralgon Secondary College it is possible that students would use Blundell Lane as a link between Kay Street and Grey Street. If the laneway was to be closed there are a number of alternate routes available via Cumberland Street, Finlayson Crescent, Steele Court and Doherty Court that could be used instead.

A drainage pit is located in the middle of the laneway so it will be necessary to ensure that future access to this asset remains available should the laneway be closed and the land transferred to the adjoining owners.

When Council is considering the discontinuance of a laneway it is imperative that there is agreement from the adjoining owners to acquire the land to ensure that it is able to be transferred in its entirety.

In the case of Blundell Lane it is proposed that, should the laneway be discontinued, the northern section of the laneway would be transferred to the owner of 147 Grey Street and the southern section to the owners of 7 Blundell Court by private treaty.

The owners of 8 Blundell Court have not yet expressed an interest in acquiring part of the laneway however they will be provided with an opportunity to do so as part of the consultation process.

## 6. FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with this statutory process are minimal, being the cost of public notices in the Latrobe Valley Express inviting submissions and an order published in the Victoria Government Gazette.

Should Council resolve to discontinue Blundell Lane all survey and legal costs associated with the transfer of the land would be borne by the applicants.

## 7. INTERNAL / EXTERNAL CONSULTATION

*Engagement Method Used:*

- Public notices in the Latrobe Valley Express
- Letters to residents in the immediate area together with Victoria Police, Gippsland Water, Lavalla Catholic College and Traralgon Secondary College.

*Details of Community Consultation / Results of Engagement:*

In accordance with Section 223 of the *Local Government Act 1989* any submissions that are received regarding this matter will be referred for consideration at a future meeting of Council.

The proposed discontinuance has already been referred internally and no objections were received in response.

## 8. OPTIONS

Council may now resolve to either:

1. Commence the statutory process to discontinue Blundell Lane, Traralgon, by giving public notice of its intention to consider the discontinuance and seek public comment.
2. Not continue with the statutory process which will require no further action.

## 9. CONCLUSION

Blundell Lane is narrow, has high fences on both sides and an inherent blind spot which may pose a risk to pedestrians and also enables ongoing antisocial behaviour.

It is considered that the proposed discontinuance of Blundell Lane, Traralgon, would not have a major impact on pedestrian traffic as there are a number of alternative access routes in the immediate area. It would also eliminate the instances of antisocial behaviour and property damage that have occurred in the past.

It is considered that, on balance, Council's aim of an active, connected and caring community would best be achieved by closing the lane. Accordingly it is considered appropriate for Council to give public notice of its intention to consider the proposed discontinuance of Blundell Lane and seek public comment.

#### **10. RECOMMENDATION**

- 1. That Council gives public notice of its intention to consider the proposed discontinuance and sale by private treaty of Blundell Lane, Traralgon, pursuant to Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989.**
- 2. That Council considers any submissions received in relation to the proposed discontinuance of Blundell Lane, Traralgon, at the Ordinary Council Meeting to be held on Monday 6 February 2012.**

**Moved:** Cr Lougheed

**Seconded:** Cr Harriman

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENT



**11.6.5 ASSEMBLY OF COUNCILLORS**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT - YES)**

**1. INTRODUCTION**

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 7 November 2011.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**3. OFFICER COMMENTS**

The following Assemblies of Councillors took place between 6 October 2011 and 14 November:

<b>Date:</b>	<b>Assembly Details / Matters Discussed:</b>	<b>In Attendance:</b>	<b>Conflicts of Interest Declared:</b>
6 October 2011	Disability Reference Committee Meeting  Information from Peter Quigley – Footpath replace, pedestrian crossing Lloyd Street Moe, Waste education program. Information about Hard Rubbish collection, parking at Stockland Traralgon, Bollards/Signs in Seymour Street, Traralgon, Line Marking in Kentucky Fried Chicken Car Park, Churchill Township presentation, Morwell train station accessible parking bay (ongoing), Disability Service Officer report – DAP, Community Forums, Survey, Accessible parking Bay, Hasthorpe Place, Round the table catch up and Other Business.	Cr Lougheed Zemeel Saba, Bill Lawler, Peter Collins, Steve Wright, Karleen Plunkett	NIL
2 November 2011	Tourism Advisory Board  The role of the TAB, and TAB objectives	Cr White & Cr Harriman  Geoff Hill, Linda Brock, Shannyn Kiss	NIL
14 November 2011	Issues & Discussion Session  8.7.1 Community Engagement Plan 2010 – 2014 Implementation Update 8.7.2 Constitutional Recognition for Local Government	Cr White, Cr Harriman, Cr Kam, Cr Lougheed, Cr Vermeulen Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Tom McQualter, Peter Quigley, Jodie Pitkin	NIL

**4. RECOMMENDATION**

**That Council note this report.**

**Moved:** Cr Lougheed

**Seconded:** Cr Gibson

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**ATTACHMENTS**

.

## Assembly of Councillors Record

**Assembly details:** Disability Reference Committee Meeting

**Date:** 6 October 2011

**Time:** 1..30 pm

**Assembly Location:** Nambur Wariga

**In Attendance:**

**Councillors:** Cr Lougheed

**Officer/s:** Zemeel Saba, Bill Lawler, Peter Collins, Steve Wright, Karleen Plunkett

**Matter/s Discussed:** Information from Peter Quigley – Footpath replace, pedestrian crossing Lloyd Street Moe, Waste education program. Information about Hard Rubbish collection, parking at Stockland Traralgon, Bollards/Signs in Seymour Street, Traralgon., Line Marking in Kentucky Fried Chicken Car Park, Churchill Township presentation, Morwell train station accessible parking bay (ongoing),. Disability Service Officer report – DAP, Community Forums, Survey,. Accessible parking Bay, Hasthorpe Place, Round the table catch up and Other Business..

**Are the matters considered confidential under the Local Government Act: NO**

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:** N/A

**Officer/s:** N/A

**Times that Officers / Councillors left/returned to the room: N/A**

**Completed by:** Karleen Plunkett

**Assembly of Councillors Record Explanation / Guide Notes**  
Required pursuant to the Local Government Act 1989 as amended.

**1. Section 80A requirements (re: Written Record to be made by Council staff member):**

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

“At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.”

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

**2. Section 76AA definition:**

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

**Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that **any** meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

**Please note:** an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

**3. Section 80A and 80B requirements (re: Conflict of Interest):**

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

**Section 80A(3)**

“If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly.”

**Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



## **Assembly of Councillors Record**

**Assembly details:** Tourism Advisory Board

**Date:** 2 November 2011

**Time:** 5.30pm

**Assembly Location:** Latrobe City Council headquarters, Nambur Wariga room.

**In Attendance:**

**Councillors:** Cr Darrell White, Cr Dale Harriman

**Officer/s:** Geoff Hill, Linda Brock, Shannyn Kiss

**Matter/s Discussed:** The role of the TAB, and TAB objectives

**Are the matters considered confidential under the Local Government Act:** NO

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:** Nil

**Officer/s:** Nil

**Times that Officers / Councillors left/returned to the room:** Nil

**Completed by:** Linda Brock

**Assembly of Councillors Record Explanation / Guide Notes**  
Required pursuant to the Local Government Act 1989 as amended.

**1. Section 80A requirements (re: Written Record to be made by Council staff member):**

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

“At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.”

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

**2. Section 76AA definition:**

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

**Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that **any** meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

**Please note:** an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

**3. Section 80A and 80B requirements (re: Conflict of Interest):**

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

**Section 80A(3)**

“If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly.”

**Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

## Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing. {see over for *Explanation/Guide Notes*}.

**Assembly details:** Issues and Discussions Session

**Date:** Monday 14 November 2011

**Time:** 6:00 PM

**Assembly Location:** Nambur Wariga Meeting Room, Latrobe City Council Offices, Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr White, Cr Harriman, Cr Kam, Cr Lougheed, Cr Vermeulen

**Officer/s:** Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Tom McQualter, Peter Quigley, Jodie Pitkin

**Matter/s Discussed:**

8.7.1 Community Engagement Plan 2010 – 2014 Implementation Update  
8.7.2 Constitutional Recognition for Local Government

**Are the matters considered confidential under the Local Government Act: NO**

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:** NIL

**Officer/s:** NIL

**Times that Officers / Councillors left/returned to the room:** N/A

**Completed by:** Meagan Bennetts

### **Assembly of Councillors Record Explanation / Guide Notes**

Required pursuant to the Local Government Act 1989 as amended.

#### **1. Section 80A requirements (re: Written Record to be made by Council staff member):**

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

“At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.”

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

#### **2. Section 76AA definition:**

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

#### **Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that **any** meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

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- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

#### **3. Section 80A and 80B requirements (re: Conflict of Interest):**

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

##### **Section 80A(3)**

“If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly.”

##### **Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

**MEETING CLOSED  
TO THE PUBLIC**

**13.1 MEETING CLOSED TO THE PUBLIC**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT – NO)**

**1. PURPOSE**

The purpose of this report is for Council to consider closing this meeting to the public to allow Council to deal with items which are of a confidential nature.

Section 89(2) of the *Local Government Act* 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**3. RECOMMENDATION**

**That Council closes this meeting to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the *Local Government Act* (LGA) 1989 for the following reasons:**

ITEMS		NATURE OF ITEM
15.1	ADOPTION OF MINUTES	(h) other
15.2	CONFIDENTIAL ITEMS	(h) other
15.3	ASSEMBLY OF COUNCILLORS	(h) other
15.4	ITT 13033 - REPLACEMENT OF A SECTION OF ROOF AT LATROBE LEISURE CHURCHILL	(d) contractual matters
15.5	FOOD SAMPLING ANALYSIS REPORT JULY TO SEPTEMBER 2011	(h) other
15.6	GIPPSLAND LOGISTICS PRECINCT PROJECT UPDATE	(e) proposed developments
15.7	CHURCHILL TOWN CENTRE PLAN - ROAD CLOSURES AND LAND EXCHANGES	(d) contractual matters
15.8	COMMUNITY GRANTS REQUEST FOR CHANGE TO PROJECT 1395	(h) other

**Moved:** Cr Gibson

**Seconded:** Cr Lougheed

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**Meeting Closed to the Public**

**The Meeting closed to the public at 8.10 PM**

**14. TEA BREAK****Adjournment of Meeting**

The Mayor adjourned the Meeting at 8.10 PM for a tea break.

**Resumption of Meeting**

The Mayor resumed the Meeting at 8.22 PM



**THERE BEING NO FURTHER BUSINESS THE MEETING WAS DECLARED  
CLOSED AT 8.35 PM.**

**I CERTIFY THAT THESE MINUTES COMPRISE OF 412 PAGES IN TOTAL  
AND THAT THEY HAVE BEEN CONFIRMED.**

**MAYOR:** \_\_\_\_\_

**DATE:** \_\_\_\_\_



**CLOSED ITEMS**

**Latrobe***City*  
*a new energy*

# **L A T R O B E C I T Y C O U N C I L**

## **MINUTES OF THE ORDINARY COUNCIL MEETING**

**HELD IN THE  
NAMBUR WARIGA MEETING ROOM,  
CORPORATE HEADQUARTERS, MORWELL  
AT 7:00 PM ON 21 NOVEMBER 2011**

**PRESENT:**

*Cr Darrell White, Mayor - Firmin Ward*  
*Cr Sharon Gibson, Deputy Mayor - Merton Ward*  
*Cr Dale Harriman - Dunbar Ward*  
*Cr Sandy Kam - Galbraith Ward*  
*Cr Bruce Lougheed - Tanjil Ward*  
*Cr Graeme Middlemiss - Rintoull Ward*  
*Cr Kellie O'Callaghan - Burnet Ward*  
*Cr Lisa Price - Farley Ward*  
*Cr Ed Vermeulen - Gunyah Ward*  
*Paul Buckley, Chief Executive Officer*  
*Carol Jeffs, General Manager Governance*  
*Allison Jones, General Manager Economic Sustainability*  
*Peter Quigley, General Manager Built and Natural Environment*  
*Grantley Switzer, General Manager Recreation, Culture and Community*  
*Jodie Pitkin, Acting General Manager Organisational Excellence*  
*Tom McQualter, Manager Council Operations and Legal Counsel*

# **ITEMS CLOSED TO THE PUBLIC**

**15.1** ADOPTION OF MINUTES

**CONFIDENTIAL – OTHER – s.89(2)(h) LOCAL GOVERNMENT ACT 1989**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT – NO)**

**1. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**2. RECOMMENDATION**

**That Council adopts the Minutes of the Ordinary Council Meeting held on 7 November 2011 (CM 361), relating to those items closed to the public.**

**Moved:** Cr Gibson

**Seconded:** Cr Harriman

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**15.2 CONFIDENTIAL ITEMS****CONFIDENTIAL – OTHER – s.89(2)(h) LOCAL GOVERNMENT ACT 1989**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT – NO)**

**1. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**2. RECOMMENDATION**

1. That all presentations, discussions, presentation excerpts and reports listed on the Issues and Discussion Session Agenda held 14 November 2011 be considered confidential until so determined otherwise by resolution of Council for the reason that the items were discussed at a meeting closed to the public, the Council has not passed a resolution that the information is not confidential and the items are confidential for the following reason/s pursuant to section 89(2) of the *Local Government Act* 1989:

Items	Reasons under s.89(2) of the LGA:
4.1 Tonight's Presentations: Council Plan 2012 – 2016 Workshop 2	(h) other
4.3 Future Presentations	(h) other
5. Draft Ordinary Council Meeting Agenda – 21 November 2011 (CM 362)	(h) other
8.2.1 CEO Monthly Update Report October	(a) personnel matters
8.7.3 Review of Council Policies	(h) other
9.1 Quarterly Performance Report – September 2011	(h) other

2. That all presentations, discussions, presentation excerpts and reports listed on the Issues and Discussion Session Agenda held on 14 November 2011 and marked 'Not Confidential' be considered items that are not confidential to the public until so determined otherwise by resolution of Council.
3. That all information, documents, reports, memorandums, correspondence and like provided to Councillors between the dates of 8 November 2011 to 21 November 2011 (inclusive) and designated by the Chief Executive Officer as confidential, remain confidential pursuant to section 89(2) of the *Local Government Act* 1989.

**Moved:** Cr Lougheed

**Seconded:** Cr Gibson

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

.

**15.3 ASSEMBLY OF COUNCILLORS****CONFIDENTIAL – OTHER – s.89(2)(h) LOCAL GOVERNMENT ACT 1989**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT - YES)**

**1. INTRODUCTION**

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 7 November 2011.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**3. OFFICER COMMENTS**

The following Assembly of Councillors took place between the 3 November 2011 and 14 November 2011:

<b>Date:</b>	<b>Assembly Details / Matters Discussed:</b>	<b>In Attendance:</b>	<b>Conflict of Interest Declared:</b>
3 November 2011	Long Term Financial Plan Workshop 2/3  10 Year Long Term Financial Model, including assumptions and ration analysis.	Cr White, Cr Lougheed, Cr Price, Cr Kam, Cr O'Callaghan, Cr Middlemiss Carol Jeffs, Matthew Rogers, Warrick Primrose	NIL
14 November 2011	Issues and Discussion Session  4.1 Tonight's Presentations 4.2 Presentations from the Previous Issues and Discussion Session 4.3 Future Presentations 5. Draft Ordinary Council Meeting Agenda – 21 November 2011 (CM 362) 8.2.1 CEO Monthly Update Report October 8.7.3 Review of Council Policies 9.1 Quarterly Performance Report – September 2011	Cr White, Cr Harriman, Cr Kam, Cr Lougheed, Cr Vermeulen Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Tom McQualter, Peter Quigley, Jodie Pitkin	Cr Harriman declared a indirect interest under Section 78C of the <i>Local Government Act</i> 1989 in respect of item 11.3.4 Amendment C9 to Latrobe Planning Scheme to introduce New Flood Provisions of the Draft Ordinary Council Meeting Agenda – 21 November 2011 (CM 362)

**4. RECOMMENDATION**

**That Council note this report.**

**Moved:** Cr Gibson

**Seconded:** Cr Lougheed

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**ATTACHMENTS**

.



## Assembly of Councillors Record

**Assembly details:** Long Term Financial Plan Workshop 2/3

**Date:** 3 November 2011

**Time:** 5:30pm

**Assembly Location:** Latrobe City Council Offices Morewell

**In Attendance:**

**Councillors:** Darrell White, Bruce Lougheed, Lisa Price, Sandy Kam, Kellie O'Callaghan, & Graeme Middlemiss

**Officer/s:** Carol Jeffs, Matthew Rogers, Warrick Primrose

**Matter/s Discussed:** 10 Year Long Term Financial Model, including assumptions and ratio analysis.

**Are the matters considered confidential under the Local Government Act:** YES

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:** Nil

**Officer/s:** Nil

**Times that Officers / Councillors left/returned to the room:** N/A

**Completed by:** Matthew Rogers

**Assembly of Councillors Record Explanation / Guide Notes**  
Required pursuant to the Local Government Act 1989 as amended.

**1. Section 80A requirements (re: Written Record to be made by Council staff member):**

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

“At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
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- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.”

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

**2. Section 76AA definition:**

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

**Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that **any** meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

**Please note:** an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

**3. Section 80A and 80B requirements (re: Conflict of Interest):**

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

**Section 80A(3)**

“If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly.”

**Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

## Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing. {see over for *Explanation/Guide Notes*}.

**Assembly details:** Issues & Discussion Session

**Date:** Monday 14 November 2011

**Time:** 6.00 PM

**Assembly Location:** Nambur Wariga Meeting Room, Latrobe City Council Offices, Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr White, Cr Harriman, Cr Kam, Cr Lougheed, Cr Vermeulen

**Officer/s:** Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Tom McQualter, Peter Quigley, Jodie Pitkin

**Matter/s Discussed:**

- 4.1 Tonight's Presentations
- 4.2 Presentations from the Previous Issues and Discussion Session
- 4.3 Future Presentations
- 5. Draft Ordinary Council Meeting Agenda – 21 November 2011 (CM 362)
- 8.2.1 CEO Monthly Update Report October
- 8.7.3 Review of Council Policies
- 9.1 Quarterly Performance Report – September 2011

**Are the matters considered confidential under the Local Government Act: YES**

**Conflict of Interest Disclosures: (refer 3. over page)**

**Councillors:** Cr Harriman declared a indirect interest under Section 78C of the *Local Government Act* 1989 in respect of item 11.3.4 Amendment C9 to Latrobe Planning Scheme to introduce New Flood Provisions of the Draft Ordinary Council Meeting Agenda – 21 November 2011 (CM 362)

**Officer/s:** NIL

**Times that Officers / Councillors left/returned to the room:**

Cr Harriman left the Chamber at 6.53 pm and returned at 6.54 pm

**Completed by:** Meagan Bennetts

### **Assembly of Councillors Record Explanation / Guide Notes**

Required pursuant to the Local Government Act 1989 as amended.

#### **1. Section 80A requirements (re: Written Record to be made by Council staff member):**

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

“At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.”

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

#### **2. Section 76AA definition:**

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

#### **Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that **any** meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

**Please note:** an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

#### **3. Section 80A and 80B requirements (re: Conflict of Interest):**

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

##### **Section 80A(3)**

“If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly.”

##### **Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

**15.4** ITT 13033 - REPLACEMENT OF A SECTION OF ROOF AT LATROBE LEISURE CHURCHILL

**CONFIDENTIAL – CONTRACTUAL MATTERS – s.89(2)(d)  
LOCAL GOVERNMENT ACT 1989**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to seek Council's acceptance of a tender response for the replacement of a section of roof at Latrobe Leisure Churchill.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Governance*

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.

*Latrobe City Council Plan 2011-2015*

*Strategic Direction – Governance*

Ensure that Latrobe City Council continues to meet the highest standards of financial probity.

*Service Provision – Financial Management*

Administer procurement processes for goods and services within Latrobe City Council.

*Legislation*

Section 186 of the *Local Government Act* 1989.

*Policy – Procurement Policy 11 POL-3*

The principle aim of this policy is to ensure best practice contracting and procurement for all goods, services and works by Council.

**4. BACKGROUND**

The replacement of a section of roof at Latrobe Leisure Churchill is required as it is in extremely poor condition and has been identified in the Latrobe City Leisure Facilities Condition Assessment as being in need of replacement.

As indicated in attachment 1, the section of roof to be replaced is the area over the swimming pool, squash courts and changing rooms.

Invitation to tender no: 13033 – Replacement of a section of roof at Latrobe Leisure Churchill was advertised in the Latrobe Valley Express on Thursday, 22 September 2011 and The Age on Saturday, 24 September 2011.

Council received tenders from the following contractors:

1. Miller's Plumbing Pty Ltd
2. G.J & F.L Cameron Pty Ltd

**5. ISSUES**

The tenders were assessed against the evaluation criteria of price, relevant experience, time performance, occupational health and safety and benefit to the regional economy. The attached evaluation report details the scores given to the tenders. The following comments should be read in conjunction with this report.

*Price*

Price will be discussed in detail in Section 6. Financial and Resources Implications.

*Relevant experience*

G.J & F.L Cameron scored highest in this criteria as they have substantial roofing experience and have a current service contract with Council.

Miller's Plumbing scored high in this criteria as they have considerable roofing experience and have a current service contract with Council.

*Time performance*

Miller's Plumbing and G.J & F.L Cameron scored equal highest in this criteria as they are both able to complete the works within the required timeframe.

*Occupational health and safety*

Miller's Plumbing and G.J & F.L Cameron scored equal in this criteria as they both gave an OH&S management system although it is not certified.

*Benefit to the regional economy*

The tenderers were scored on the basis of the location of the business head office, the percentage of the business that is locally owned, the percentage of goods and services that will be sourced from within the Latrobe City region and other information such as local sponsorship of community or sporting groups.

G.J & F.L Cameron scored highest in this criteria as they are located within the Latrobe City region, are locally owned, would source all goods and services from within the Latrobe City region and sponsor the Traralgon Football Netball Club and the Traralgon Tennis Association.

Miller's Plumbing scored high in this criteria as they are located within the Latrobe City region, are locally owned and would source a medium percentage of goods and services from within the Latrobe City region.

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

The following tenders were received:

<b>Tenderer</b>	<b>Lump Sum Price (excl. GST)</b>
Miller's Plumbing Pty Ltd	\$ 188,600.00
G.J & F.L Cameron Pty Ltd	\$ 248,490.00

The tenders have been evaluated on the 'Lump Sum Price'.

This project is being funded from the 2011/2012 Capital Works Budget which has an allocation of \$220,000.00 for these works, with the balance of funds to be utilised on other projects in the Latrobe Leisure Maintenance and Upgrade Program.

## 7. **INTERNAL/EXTERNAL CONSULTATION**

### *Engagement Method Used:*

Print media by way of advertising locally and nationally was utilised during the Invitation to Tender process, thus meeting the requirements of section 186 of the *Local Government Act 1989*.

### *Details of Community Consultation / Results of Engagement:*

Not Applicable.

### *Evaluation Panel*

The evaluation panel consisted of the Project Officer, Coordinator Building Maintenance and the Coordinator Parks and Gardens.

## 8. **OPTIONS**

Council has the following options:

1. Accept the Miller's Plumbing Pty Ltd tender for the replacement of a section of roof at Latrobe Leisure Churchill.
2. Not award a contract at this time and re-tender for the replacement of a section of roof at Latrobe Leisure Churchill. It is unclear though that Council would receive any benefit in doing this and it would delay the start of the works for at least 6 - 8 weeks.
3. Award the contract to an alternative tenderer. However, as Miller's Plumbing Pty Ltd scored the highest in the evaluation process such a decision may not be consistent with the advertised evaluation criteria.

## 9. **CONCLUSION**

Miller's Plumbing Pty Ltd scored the highest in the evaluation process and the evaluation panel is satisfied that they have both the expertise and capacity to undertake the works.



**10. RECOMMENDATION**

- 1. That Council accepts the tender submitted by Miller's Plumbing Pty Ltd for invitation to tender no: 13033 – Replacement of a section of roof at Latrobe Leisure Churchill, and awards a contract for the sum of \$188,600.00, excluding GST, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria.**
- 2. That Council delegates the authority to the Chief Executive Officer to sign and seal contracts with Miller's Plumbing Pty Ltd resulting from invitation to tender no: 13033 – Replacement of a section of roof at Latrobe Leisure Churchill.**

**Moved:** Cr Gibson

**Seconded:** Cr Vermeulen

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**ATTACHMENTS**

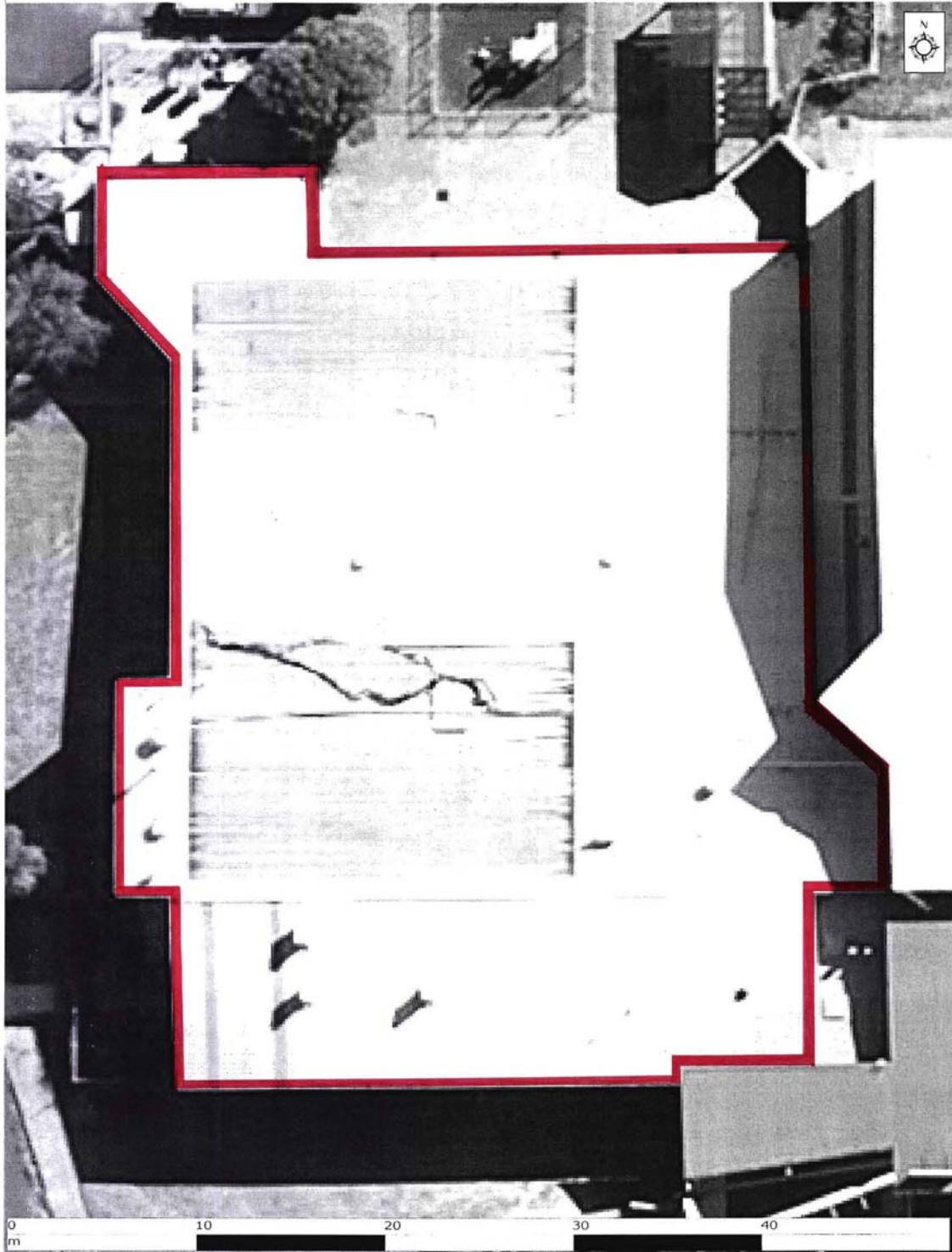
13033 - Replacement of a section of roof at Latrobe Leisure Churchill												
Evaluated by: Project Officer, Coordinator Building Maintenance, Coordinator Parks and Gardens 25 Oct 2011	TOTALS		Price		Relevant Experience		Time Performance		Occupational Health and Safety		Benefit to Regional Economy	
	WEIGHTING (%)	<b>100</b>	40	20	20	15	5	POINT SCORE (PS) / WEIGHTED SCORE (WS)				
TENDERERS	WS	PS	WS	PS	WS	PS	WS	PS	WS	PS	WS	
Miller's Plumbing Pty Ltd	<b>711</b>	6.4	256	7	140	10	200	5	75	8	40	
G.J & F.L Cameron Pty Ltd	<b>629</b>	3.6	144	8	160	10	200	5	75	10	50	

TENDERERS	PRICE	SCORE
Miller's Plumbing Pty Ltd	\$ 188,600.00	6.4
G.J & F.L Cameron Pty Ltd	\$ 248,490.00	3.6

EVALUATION CRITERIA	WEIGHTING %
Price	40.0
Relevant Experience	20.0
Time Performance	20.0
Occupational Health and Safety	15.0
Benefit to Regional Economy	5.0
<b>TOTAL</b>	<b>100.0</b>

Maximum price:	\$ 248,490
Minimum price:	\$ 188,600
Median price:	\$ 218,545
Number of tenders:	2

1:250



7/9/2011

**15.5** **FOOD SAMPLING ANALYSIS REPORT JULY TO SEPTEMBER 2011**

**CONFIDENTIAL – OTHER – s.89(2)(h) LOCAL GOVERNMENT ACT 1989**

**AUTHOR:** General Manager Community Liveability  
**(ATTACHMENT - YES)**

**1. PURPOSE**

The purpose of this report is to present to Council the food analysis report for the period 1 July 2011 to 30 September 2011, as required by Section 32(3) of the Food Act 1984.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Our Community*

*In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe, connected and proud.*

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction – Our Community*

*Provide support, assistance and quality services in partnership with relevant stakeholders to improve the health, well-being and safety of all within Latrobe City.*

*Service Provision – Public Health Food Services*

*Minimise the incidence of food borne illness pursuant to the Food Act.*

*Legislation - Food Act 1984*

Clause 32(3) within the *Food Act 1984*:-

*32 Councils to submit samples for analysis*

*(1) Subject to this section, every council shall submit for analysis during each year not less than three samples of food for each thousand persons of the population of the municipal district so that one quarter of those samples shall be submitted for analysis in every quarter of each year.*

*(2) Every analyst making an analysis for a council under this section shall report to the council forthwith after the end of each quarter the number of analyses so made by him during that quarter and specify the results of each analysis.*

*(3) Every report received by a council from an analyst under this section shall be presented at the next ordinary meeting of council held after the receipt of that report.*

**4. BACKGROUND**

Latrobe City Council's Health Service Team regularly undertake food sampling from Latrobe Valley food retail premises, as required by the Food Act 1984.

An amendment to the Act now requires food sampling reports to be presented to Council.

**5. ISSUES**

Should any sample fail analysis for microbiological reasons, a complete inspection is undertaken to identify the causal factor and to ensure improvement work and additional training is undertaken by the proprietors and their staff.

Additionally, a second sample is taken from any premise which returned an initial failed food sample for analysis within the following month.

Health Service staff make every effort to ensure non identifying names are used on sampling labels, this is not always possible, for example the producer of a Big Mac is easily identifiable.

The information contained within this report has the potential to damage a company's reputation should the sample fail and this information become publicly available. The report has therefore been included in items closed to the public.

No further investigation or action is required for this quarter as all food samples returned a positive result.

**6. FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial or resource implications in delivering this report.

**7. INTERNAL / EXTERNAL CONSULTATION**

No consultation was required in the preparation of this report.

**8. OPTIONS**

That Council notes the July to September 2011 Quarterly Food Sampling Analysis Report.

**9. CONCLUSION**

Food sampling has now been completed for the period 1 July 2011 to 30 September 2011.

No further investigation or action is required for this quarter as all food samples returned a positive result.

**10. RECOMMENDATION**

**That Council notes the attached food analysis report for the period 1 July 2011 to 30 September 2011.**

**Moved:** Cr Gibson  
**Seconded:** Cr Middlemiss

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENT

.

**QUARTERLY FOOD SAMPLING REPORT**

**FOR: LATROBE CITY COUNCIL**

**Project Received Between:**

**Report Date: 3/10/2011**

P O Box 264  
Morwell VIC

3840

DTS Job ID	Date Received	Council Sample ID	Council Sample Desc	Sample Type	Product Description	Chem	Micro	Labelling
CL1103614	26/07/2011	114717/2011	COLES SMART BUY UHT SKIM MILK 1 LITRE-L140 12:49	COMPLAINT	Liquid Milk & Milk Products			
CL1103615	26/07/2011	114718/2011	CHICKEN GARLIC BALLS	COMPLAINT	Chicken - Roast/Fried			
CL1103919	15/08/2011	114719	YOGO CONFECTIONARY DESSERT	COMPLAINT	Dessert			
CL1104130	31/08/2011	114816	PLAIN HAMBURGER, PATTIE COOKED	COMPLAINT	Hamburger			
CL1104131	31/08/2011	114817	BATTERED FISH COOKED	COMPLAINT	Fish - Battered/Cooked			
CL1104132	31/08/2011	114818	FLATHEAD TAIL COOKED	COMPLAINT	Fish - Cooked			
CL1104133	31/08/2011	114819	RAW FLATHEAD FISH TAIL	COMPLAINT	Raw Fish			
CL1104134	31/08/2011	114820	RAW FLAKE	COMPLAINT	Raw Fish			
CL1104135	31/08/2011	114821	RAW MEAT PATTIE	COMPLAINT	Manufactured meats			
CL1104136	31/08/2011	114822	BETROOT	COMPLAINT	Fresh Vegetable			
CL1104137	31/08/2011	114823	TOMATO	COMPLAINT	Vegetable			
CL1104138	31/08/2011	114824	LETTUCE	COMPLAINT	Vegetable			
CL1104139	31/08/2011	114825	ONION	COMPLAINT	Onion			

NUMBER OF FOOD SAMPLES: 13  
NUMBER OF OTHER SAMPLES: 0

<b>LATROBE CITY COUNCIL</b> INFORMATION MANAGEMENT  RECEIVED  <b>14 OCT 2011</b>	
R/O	Doc No
Comments/Copies Circulated to	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

	#Samples
TOTAL FOOD FAILED: 0.00 %	0
MICRO: 0.00 %	0
LABELLING: 0.00 %	0
CHEM: 0.00 %	0
<b>NOTE: X = FAILED</b>	



**QUARTERLY FOOD SAMPLING REPORT**

**LATROBE CITY COUNCIL**

**DTS Job ID   Date Received   Council Sample ID   Council Sample Desc   Sample Type   Product Description   Chem   Micro   Labelling**

  
Leonard Vivian Davies

**15.6** **GIPPSLAND LOGISTICS PRECINCT PROJECT UPDATE**  
**CONFIDENTIAL – s.89(2)(e) LOCAL GOVERNMENT ACT 1989**  
**AUTHOR: General Manager Economic Sustainability**  
**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to update Council on the progress of the Gippsland Logistics Precinct (GLP) project, provide outcomes of the Expression of Interest process to identify potential developer / operators for the site and present a revised project plan for Council's consideration.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Economy*

*In 2026, Latrobe Valley has a strong and diverse economy built on innovative and sustainable enterprise. As a vibrant business centre for Gippsland, it contributes to the regional and broader economies, whilst providing opportunities and prosperity for our local community.*

*Latrobe City Council Plan 2011 - 2015*

This Report is consistent with the Council Plan 2011 – 2015 *Shaping Our Future* themes “Gippsland’s Regional City”, “Positioned for a Low Carbon Future”, and “Attract, Retain, Support”.

*Strategic Direction – Promote and support the development of existing and new infrastructure to enhance the social and economic wellbeing of the municipality.*

*Major Initiatives – Support the extension of ‘Gippsland’s Gateways’ project through improvements to rail, road and ports in particular the establishment of the North East freeway link, construction of West link as an alternative to the Monash Freeway and enhance connectivity of Gippsland industries and bulk exports to Melbourne and other regions.*

*Service Provision – Provide Business Development advice, services and programs in accordance with the Latrobe City Council Economic Development Strategy.*

*Strategy – This report is consistent with Council’s adopted Economic Sustainability Strategy (2011-2015). This strategy outlines the key economic development actions that will be undertaken to underpin economic development, build business and community relationships, increase public and private sector investment, increase employment levels and transition to a low carbon economy.*

This report is consistent with the Gippsland Regional Plan which recognises the importance of planning for a changing environment to ensure we can improve the quality of life, sustainability and productivity of our region. The plan provides a strategic framework for the justification of funding for regional and local priorities.

This report is also consistent with Council’s adopted Morwell Logistics Precinct Masterplan (2005). The overall goal of the Masterplan is “to create a leading and best practice Intermodal terminal and logistics precinct that actively promotes increased rail use whilst serving as a model for economic viability and sustainability”.

#### 4. **BACKGROUND**

Latrobe City Council has had a long term interest and involvement in facilitating an “open access” intermodal freight terminal to meet the logistic needs of the Gippsland region.

The GLP is comprised of two components:

- a site immediately adjacent to the main Gippsland Rail Line between the Princes Freeway and Tramway Road, Morwell known as the Gippsland Intermodal Freight Terminal (GIFT); and
- a 64 hectare area of land immediately adjacent to the GIFT. This site also abuts the Princes Freeway and Tramway Road.

In recent years, the project has made significant progress:

- a project plan for the site was adopted by Council in April 2009;
- a governance model for the operation of the precinct was approved;
- a business case, finalised in 2009 indicated sufficient demand for the re-activation of the site;
- a revised Project Implementation Plan for the GLP was completed in December 2010;
- a 45 year lease between VicTrack and Latrobe City Council for the GIFT component was signed in May 2011; and
- an expression of interest document was approved for release by Council, and subsequently released to the public.

On 19 May 2011, the official launch of the expression of interest process was held at the GLP. The launch was attended by 40 industry and government representatives and was followed by a national print and internet campaign.

### Project Plan Progress

The table below provides an update of the current status of key elements of the project:

	Activity	Status
<b>Stage 1.</b>	<b>Situation Analysis</b>	
A	Train Paths / Port Access	Complete
B	Morwell Shire Siding Status	Not complete
C	Review Situation Analysis	Complete
<b>Stage 2.</b>	<b>Project Scope and Objectives</b>	
D	Development of an Indicative Business Case	Complete
E	Determine Lease and Governance Arrangements	Complete
F	Latrobe City Council consideration of a Governance Model (if no model adopted then plan is terminated at this point), the finalised lease and interim arrangements should a firm need immediate access.	Complete
G	Finalise GIFT Lease with V/Line	Complete
H	Review Scope and Objectives	Complete

	Activity	Status
<b>Stage 3</b>	<b>Implementation Strategy and Processes</b>	
I	Identify and progress funding sources to support the development of the Precinct	Complete
J	Establishment of Steering Committee to oversee Expression of Interest process	Complete
K	Preparation of Marketing Prospectus and Information Document and report to Council	Complete
L	Preparation of Expression of Interest Documentation and report to Council	Complete
M	Undertake Expression of Interest Process and Evaluate Responses (if no interest is identified at this point then the project plan is terminated).	Complete
N	Tendering for Developer / Operator (if no desirable proposal is identified at this point then the project plan is terminated).	Not complete
O	Contract Resolution	Not complete

## 5. ISSUES

### *Expression of Interest Process*

An Expression of Interest (EOI) was released to the public on 19 May 2011, and closed on 1 July 2011. Whilst six businesses had expressed an interest in the development and operation of the site, only one submission was received from P&O Trans Australia (POTA).

The submission did not address the criteria as outlined in the EOI documents. A response was sent to POTA on 26 July 2011, requesting further information to address the EOI criteria. Further to this request POTA supplied additional information and met with the GLP Steering Committee on 25 October 2011 to discuss opportunities, barriers, and requirements for the operation of the GLP. A copy of the presentation from this meeting by POTA is provided as Attachment 1.

In addition to the one written submission received, other firms had verbally expressed interest in the operation of the GLP prior to the EOI process. Council officers also contacted these firms to ascertain why they did not put forth submissions during the EOI process.

The following is a summary of the current identified interest in the Gippsland Logistics Precinct.

### *POTA*

POTA reported a strong growth profile for the company and indicated strong interest in the project. The company believes there is a sufficient freight task from and to the region for the Gippsland Logistics Precinct to be successful. Government support in early stages of the project to ensure infrastructure meets current requirements and 'future-proofs' any future expansion/further development is seen by the company as important.

POTA indicated an initial interest in the operation of the GIFT only rather than development of the whole site.

### *Westgate Ports*

Westgate Ports advised officers that they were aware of the release of the EOI, and are interested in the project. The firm indicated they required more detail in relation to the government support that would be provided, and would be keen to discuss opportunities to progress on the site into the future.

Westgate Ports currently operates terminal facilities at Australian Paper's Maryvale siding. For some months, Westgate Ports has been advertising freight services locally, although no new business has been secured to date. Westgate Ports stated that if an anchor client could be secured, the firm would approach both local and state government for support in order to move freight via rail.

### *Ettamogah Rail Hub*

A representative from Ettamogah Rail Hub explained that the project would be something they would normally pursue. However, their current resources and workload have prevented the firm from becoming further involved with the GLP. Ettamogah did indicate that they would otherwise be interested in becoming involved in the GLP, as it is considered a viable and worthwhile project.

### *Independent Rail*

Independent Rail (IR) advised officers that they currently have sufficient work in NSW, and no time at present to pursue another project. IR mentioned that the GLP project would be a project they would normally be interested in.

### *El Zorro Transport*

Following the release of the EOI, officers were contacted by El Zorro who indicated whilst they were not in a position to operate the site, they would be interested in providing transport services to the eventual developer / operator.

### *Mr Trevor Andrews*

Mr Andrews met with officers and advised that he was more interested in engaging with the GLP once an operator has been established.

### *Proposed Tender*

A number of these firms have indicated an interest in the operation and development of the GLP. However, detailed proposals submitted through a tender process would have to be assessed prior to the selection of a suitable operator.

Should Council decide to progress to tender the development and operation of the GLP, this could be completed by either an open or closed tender process. A closed process would mean that only those firms who participated in the EOI process formally could submit a tender. An open process would allow firms that have previously not demonstrated interest in the project to tender.

### *Project Plan Progress*

As a consequence of the feedback received from potential developer/ operators and the retained ability for flexibility embedded in an Expression of Interest process, it is proposed that two further actions be incorporated into the project plan.

The first is to commence work to secure an “in-principle” funding commitment from government for infrastructure works on the site. This would provide developer/operators with a higher level of certainty around government support and assist in calculating the capital contribution required.

The second proposed additional step is to schedule individual workshops with each firm who expressed an interest in the site, whether written or verbal, through the EOI process. The intent of these workshops is two-fold:

- To inform the development of the tender documentation to ensure that it is both comprehensive and attractive to potential developer/operators; and

- To ensure that interested developer/operators have a clear understanding of Council's vision for the site, and the role of both Council and the developer/operator as the project moves forward.

It is anticipated that these workshops would be attended by both Council and Victorian Government officers.

The project schedule below has been updated to include these additional project steps.

	Activity	Status
<b>Stage 1.</b>	<b>Situation Analysis</b>	
A	Train Paths / Port Access	Complete
B	Morwell Shire Siding Status	Not complete
C	Review Situation Analysis	Complete
<b>Stage 2.</b>	<b>Project Scope and Objectives</b>	
D	Development of an Indicative Business Case	Complete
E	Determine Lease and Governance Arrangements	Complete
F	Latrobe City Council consideration of a Governance Model (if no model adopted then plan is terminated at this point), the finalised lease and interim arrangements should a firm need immediate access.	Complete
G	Finalise GIFT Lease with V/Line	Complete
H	Review Scope and Objectives	Complete
<b>Stage 3</b>	<b>Implementation Strategy and Processes</b>	
I	Identify and progress funding sources to support the development of the Precinct	Complete
J	Establishment of Steering Committee to oversee Expression of Interest process	Complete
K	Preparation of Marketing Prospectus and Information Document and report to Council	Complete
L	Preparation of Expression of Interest Documentation and report to Council	Complete
M	Undertake Expression of Interest Process and Evaluate Responses (if no interest is identified at this point then the project plan is terminated).	Complete
N	Commence work to secure a funding commitment for site infrastructure works.	Commence November 2011
O	Conduct workshops with potential clients of the GLP to identify opportunities and barriers.	Commence February 2012
P	Proceed to an open tender process.	Commence July 2012
Q	Contract Negotiation (if negotiations are unable to be resolved the project plan is terminated at this point).	Commence September 2012
R	Contract Resolution	Commence November 2012



## 6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no implications for the adopted 2011/12 Economic Sustainability Division budget as a result of these proposed actions.

## 7. INTERNAL / EXTERNAL CONSULTATION

*Engagement Method Used:*

Discussions have been held with each interested party throughout the EOI process. Two meetings of Council's Gippsland Logistics Precinct Expression of Interest Steering Committee have also been held to gauge the views of the group on the results of the EOI process, and the formal submission received. The Gippsland Logistics Precinct Expression of Interest Steering Committee consists of the following representatives:

<b>Name</b>	<b>Organisation</b>
Councillor Bruce Lougheed	Latrobe City Council
Councillor Graeme Middlemiss	Latrobe City Council
Allison Jones	Latrobe City Council
Geoff Hill	Latrobe City Council
Tom McQualter	Latrobe City Council
Donna Starkey	Latrobe City Council
John Bettson	Latrobe City Council
Craig Barrass	Regional Development Victoria
David Hill	Department of Transport
Anthony Shaw	Department of Transport
Brendan Geary	V/Line
Rachael Trindade	Consultant
John Hearsch	Consultant

## 8. OPTIONS

Council has the following options:

1. Note the outcomes of the Expression of Interest Process and proceed to tender in accordance with the previously adopted Project Plan.
2. Note the outcomes of the Expression of Interest process, commence the process of securing a funding commitment for the project and schedule further workshops with interested developer/operators prior to commencing the tender process, in accordance with the updated Project Plan.

3. Re-issue an Expression of Interest and report back to Council.
4. Place the adopted Project Plan on hold and take no further action.

9. **CONCLUSION**

Latrobe City Council has had long term interest and involvement in facilitation of an open access intermodal freight terminal to meet the needs of the Gippsland region. The finalisation of the Expression of Interest process has confirmed private sector interest in the project.

The selection of a suitable rail freight operator that meets the requirements of Council is essential for the development and success of the Gippsland Logistics Precinct.

10. **RECOMMENDATION**

1. That Council note the outcomes of the Expression of Interest process for the development and operation of the Gippsland Logistics Precinct.
2. That Council adopt the amended Gippsland Logistics Precinct Project Plan October 2011.
3. That Council officers work with relevant State government agencies to secure an “in principle” funding commitment for infrastructure works for the Gippsland Logistics Precinct.
4. That a further report be presented to Council detailing outcomes of workshops and discussions with State government.
5. That a media release be issued in relation to the progress of the Gippsland Logistics Precinct Project Plan.

**Moved:** Cr Lougheed  
**Seconded:** Cr Middlemiss

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENT 1

Presentation to

# GLP STEERING COMMITTEE

P&O Trans Australia  
October 2011

## **POTA: Business**

- **Australian Operating Company**
- **Servicing Logistics & International Freight Services**
- **With a Port Logistics Focus (both Container & Bulk modes)**

## History - Ownership

- 1989:** Established P&O Trans Australia (POTA)
- 2006:** DP World (Dubai Ports) acquired the 86 P&O ports in 19 countries including the POTA business
- 2007:** KFM acquires controlling stake in POTA & POAGS and installs new management
- 2011:** KFM lists as QUBE on the ASX
- 2011:** QUBE acquires remaining shares in POTA from DP World



## QUBE

ASX: QUB

Enterprise value: \$1.1 Billion

Employ over 3,000 people

**Business Core:** Logistics, Ports, Resources, Property

**Business Focus:** Import/Export Supply Chain



# Current QUBE Footprint



- Feb 2007:** POTA Acquisition (National)
- Feb 2007:** Established POTA Global and International network
- Feb 2007:** Commenced Moorebank Project (Syd)
- March 2007:** Sea Cargo Acquisition (Bris) merged into POTA FI
- May 2007** POTA commences redevelopment of North Dynon (Vic)

- Nov 2008:** Baguleys Acquisition (Frem)
- June 2009:** POTA launches POTA Rail (NSW/VIC/SA)
- May 2010:** South Spur Rail Services Acquisition (National)
- Jan 2011:** Troncs Transport Solutions Acquisition (QLD)
- May 2011:** Mackenzie Intermodal Group Acquisition (SA/VIC)

## POTA: Core Services

- Road Transport
- Rail Transport
- Global Freight Forwarder
- Warehousing
- Container Park Operator
- Rail Terminal Operator
- Container Freight Stations (Port X Dock)  
(incl. Bonded Customs & Quarantine Services)

# POTA's Status In Australian Logistics

**Number 1 Port Logistics Company in Australia**

-Top 5 Logistics Company

**29 Percent of Port / Rail Container Traffic**

-1.75M TEU handled each year

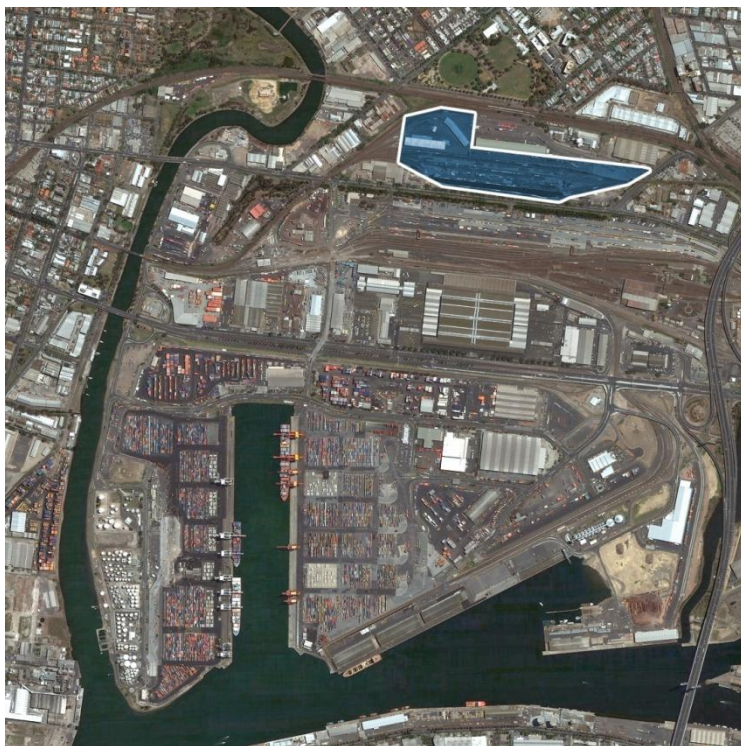


## Core Resources

Resource	Total
POTA Employees	1281
Prime Movers	624
Trailers	1084
Locomotive	50*
Rail Wagons	381*
Lifting Equipment – Large	98
Lifting Equipment – Small	160
Properties Under Operations	145Ha

*\* Currently on order - rail to increase to 60 locomotives & 600 wagons*

## Melbourne Sites



**Melbourne Port**

**POTA Dynon Rail Terminal**



**Melbourne Inland Hub (with Rail)**

**POTA Somerton Terminal**

## Sydney Sites



Sydney Port

POTA Port Botany Operations



Sydney Inland hub (with Rail)

POTA Yennora Terminal



## Brisbane Sites



**Brisbane Port**

**POTA Fisherman Islands**



**Brisbane Inland Hub**

**Acacia Ridge Terminal (with Rail)**

## Mackenzie Sites

Port Adelaide Precinct

Mackenzie Outer Harbour



# POTA: RETAIL CUSTOMER BASE

*Woolworths*

*GM Holden*

*SCA Hygiene*

*Super A-Mart*

*Big W*

*Balco*

*Glencore*

*Bridgestone*

*VISY Pulp & Paper*

*Laminex*

*Swift Australia*

*Orica*

*Talison Minerals*

*Stora Enzo*

*Narrogen Hay*

*Viterra*

*Kraft Foods*

*VISY Recycling*

*Australian Bulk Alliance*

*Leading Synthetics*

*Ricegrowers/Sunrice*

*Michelin*

*Simcoa*

*Wammco International*

*Oakey Abattoir*

*Shell*

*Harvey Beef*

*Kirin Australia*

*G&K O'Connor*

*JBS Australia*

*Iluka Resources*

*Masterfoods*

*Label Makers*

*Cheap As Chips*

*Graincorp*

*Smiths Chips*

*SPC Ardmona*

*APN Print*

*Doral Mineral Sands*

# POTA Rail – New South Wales Container Train Services

Customer	Line	Services	Capacity
Various	Yennora/Botany	2 per day / 7 days per week	90 TEU Train
Various	Yennora II/Botany	6 days per week 2 services Tues / Thurs 1 service other days	60 TEU Train
Toll	Newcastle/Botany	6 days per week	60 TEU Train
IPS	Narabri/Botany	3 days per week	110 TEU Train
Agrigrain	Narromine/Botany	3 days per week	80 TEU Train
Auscott	Warren/Botany	3 days per week	80 TEU Train
Mountain Industries	Newcastle/Botany	3 days per week	60 TEU Train

*Note: Other operators/services call POTA Botany for empty containers*

# POTA Rail – Victoria Container Train Services

Customer	Line	Services	Capacity
Various	Adelaide/Melbourne/Adelaide	1-3 services per week	74 TEU
Wimmera Container Line	Melbourne/Horsham/Melbourne	5 services per week	65 TEU
Ricegrowers	Melbourne/Deniliquin/Melbourne	5 services per week	52 TEU



Description	UOM/Quantity
TEU Capacity – Per Annum	8,000
Services per annum	150
Average TEU per Service	53
Trailing tonnes capacity	2,000
Locomotives (variable horse power)	3
Wagons – Container flats	54
Roll over Rake	26
Strip and Reload	+/- 4

Task /Activity	Description
GLP Terminal Operations	Handling and regional PUD
Paths - Origin Morwell GLP	VicTrack/Metro – indicative paths available
Destination – POTA Rail Dynon	Rail terminal operations – WCL/RiceGrowers/ QR National
POTA Container Parks (PCP)	Empty Container Park Activities – Existing relationships with Container Lines
POTA Metro PUD	Dynon to Port of Melbourne container transport – additional container parks
POTA Solutions	Fully integrated operations support – all inclusive services

- The Victorian State Manager of POTA will be responsible for the overall management of the GLP Project
- A project management committee will oversee all project opportunities.  
The committee will include;
  - State General Manager
  - POTA Rail Management
  - Key operations management - Road and Rail
  - POTA Global Freight Forwarding
  - Senior Business Development managers
- 2 x Senior Business Managers will be allocated to the project
- POTA Global Management will develop an all inclusive 'door to door' service which will be marketed to a potential customer base



- POTA Global Management is Australia's leading Independent provider of International Freight Forwarding & NVOCC services.
- With extensive coverage throughout Australia & New Zealand
- Offer importers & exporters a wide range of sea & air freight services worldwide, door to door.
- Together with a Global Network of exclusive partners in over 500 ports worldwide and the support of the **P&O Trans Australia** Port Logistics infrastructure, to provide the most comprehensive range of Integrated Global Logistic services.
- POTA Global specialise in the consolidation & shipping of LCL cargo around the world, with weekly consolidation services to & from all major ports & cities worldwide.
- POTA Global is dedicated to providing the highest level of service, offering expert advice on all forms of International Transportation.

## Opportunities

- POTA is speaking to a couple of interested agribusinesses in the region already
- POTA has gauged interest from existing customers
- POTA is establishing a stronger presence in the agribusiness sector

Success of this project is dependent on...

- 12,000 TEU start up vol .....guaranteed minimum
- Bipartisan support from all levels of Government
- Strategic intent from Industry and Government
- Appropriate rail paths that support an efficient rail operation
- Competitiveness against the existing road supply chain
- To be under pinned by long term contracts
- To entice critical mass to the project from a turn-key client

P&O



Question & Answers

ATTACHMENT 2

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Connect.Invest.Create.

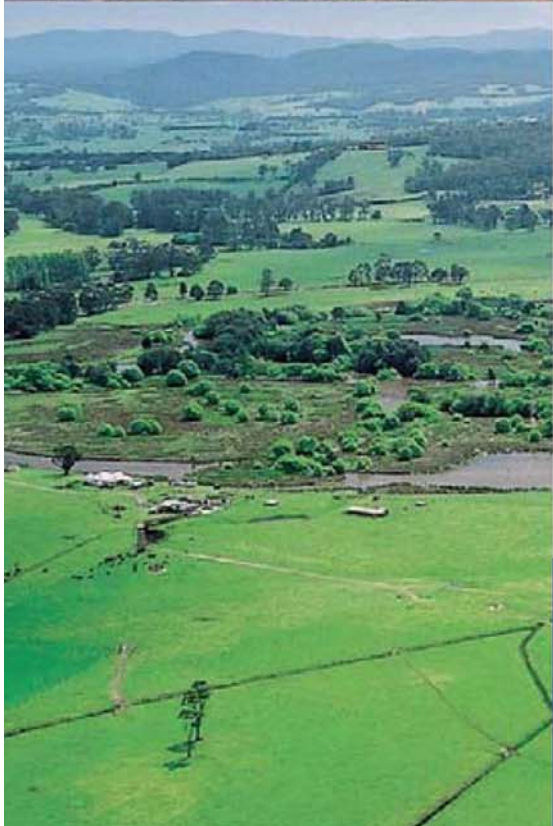
# GIPPSLAND

LOGISTICS PRECINCT



## Project Implementation Plan

Revised October 2011



**LatrobeCity**  
a new energy

## **Gippsland Logistics Precinct Project Context**

Latrobe City Council has had a significant long term interest and involvement in facilitating an open access intermodal freight terminal to meet the needs of our region. The development of the Gippsland Logistics Precinct (GLP) will establish a centre for the efficient and cost effective movement of freight to and from the Gippsland region.

A key strategic action of Council's is to "Promote and support the development of existing and new industry, and infrastructure to enhance the social and economic well-being of the Valley". The development of the GLP is a key priority under this action.

In 2004, Latrobe City Council acquired a 64 hectare site three kilometres east of the Morwell CBD, adjacent to the existing, under utilised, Gippsland Intermodal Freight Terminal (GIFT). The site was purchased for the strategic purpose of developing a logistics precinct to service the Latrobe Valley and the Gippsland region.

In November 2006, the Victorian Government announced a \$133.8 million buy back from the private sector of the regional rail network lease to facilitate maintenance on regional lines and to progress major rail projects.

On 14 April 2008, Latrobe City Council received correspondence from Lynne Kosky MP, Minister for Public Transport, indicating in-principle support for Council to lead an Expression of Interest process for the reactivation of the GIFT. The Minister also sought clarification of arrangements including proposed leasing of the site to Council. Following detailed discussions between Latrobe City and the State government, V/Line wrote to Latrobe City Council on 17 September 2008 to offer an agreement to lease the Gippsland Intermodal Freight Terminal. The lease arrangements for the GIFT are currently being finalised.

The facilitation of open access rail freight by Latrobe City Council has been on-going for over eight years. The offer by V/Line of an agreement to lease signifies a milestone in this project. Now that Council has the lease to the GIFT land the development of the precinct can occur. In order to progress the development, this Project Implementation Plan has been developed.

## Project Objective

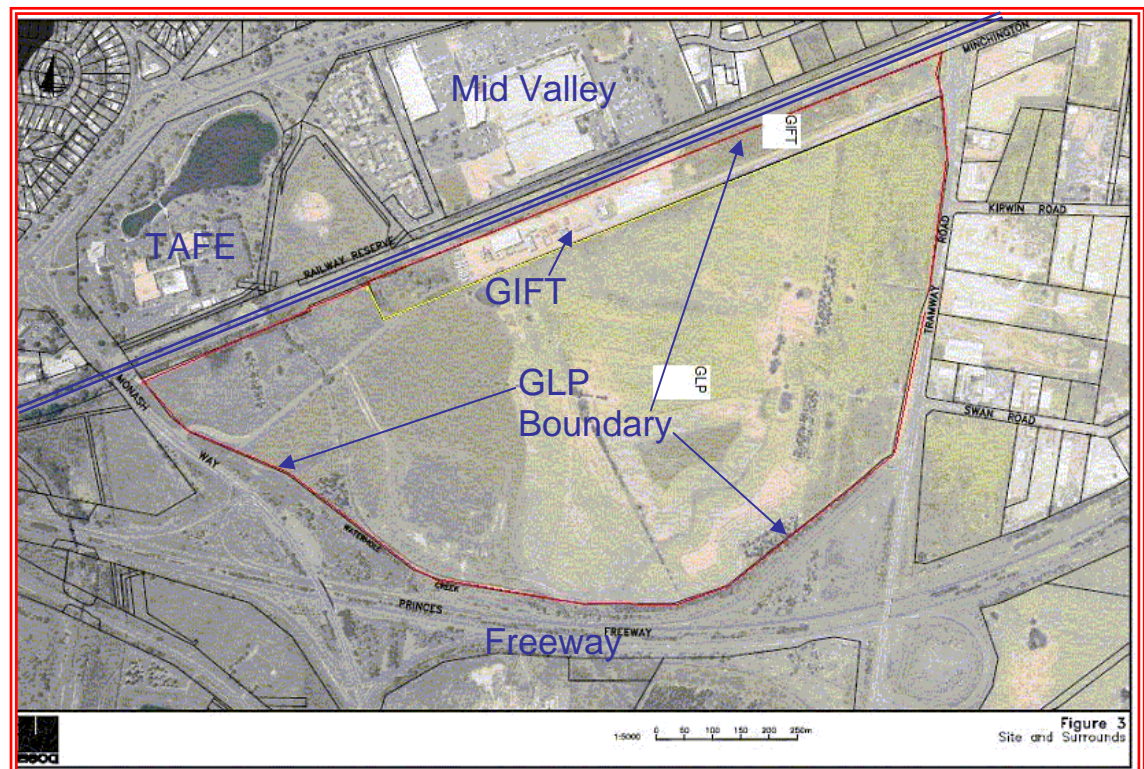
The objective of the project is to develop the Gippsland Logistics Precinct as a centre for the efficient and cost effective movement of freight from and to the Gippsland region.

This document outlines the Latrobe City project plan to meet the objective outlined above.

## The Site

The site is made up of two distinct but integrated components:

- A site immediately adjacent to the main Gippsland Line between Princes Freeway and Tramway Road, Morwell known as the Gippsland Intermodal Freight Terminal (GIFT)
- A 64 hectare area of land immediately adjacent to the GIFT and also located between the Princes Freeway and Tramway Road behind the Mid Valley commercial centre





## **Council Involvement & Decision Making**

Latrobe City Council has had a significant long term interest and involvement in the issue of facilitating an open access intermodal freight terminal. Appendix One provides an overview of Council's decision making since 2001 in relation to the Gippsland Logistics Precinct. Appendix two provides an overview of the range of submissions that Council has made in recent years to lobby the Victorian Government to adjust its policy setting to facilitate open access for rail freight.

## **Project Principles**

The following principles guide the development of the Gippsland Logistics Precinct.

The Gippsland Logistics Precinct shall:

1. offer fair and equitable access to the terminal for all enterprises regardless of commercial arrangement;
2. provide open access between the GIFT and the adjacent 64 Ha site including preserving the potential for construction of rail spurs into the GLP;
3. be fundamentally a rail focused terminal with other modes, being road and potentially air, providing a supplementary but subordinate role, and,
4. be controlled via a long term lease held by Latrobe City Council.

## **Project Methodology and Delivery Structure**

Given a dynamic environment the way forward needs to be through the execution of a structured and comprehensive investigation, evaluation and decision making process rather than the pursuit of any predetermined ideals.

The project is being undertaken in three sequential stages.

### **1. Situation Analysis**

The situation analysis provides a clear and current statement of the projected freight task, the infrastructure needs and expectations of the freight handling industry and the government policy context in which any developments will occur. This analysis also provides the basis for a high level assessment of the commercial viability of developing the GLP.

## **2. Project Scope and Objectives**

The objective of this stage of the project is to clarify and document council's objectives for and requirements of the GLP. The key issue being the resolution of a preferred governance model.

## **3. Implementation strategy and process**

The objective of stage three is to facilitate the development of the GLP in a manner consistent with Council's objectives as confirmed in stage two. The key activities will be:

- Promotion of the commercial opportunity
- An expression of interest process
- A proposal evaluation and proponent selection process
- A contract resolution process

The final configuration and content of stages two and three are evolving and will depend on the outcomes of their preceding stages. It is important to maintain the flexibility to vary the plan as the project progresses while retaining the strategic intent of the process.

The objective of the project methodology is to ensure that any development of the GLP will reflect the process outcomes and the commercial reality of the freight industry.

Consequently the Expression of Interest process in stage three has been developed to present the opportunity, outline the project principles and seek responses from the private sector without seeking to impose predetermined and potentially non-viable solutions on proponents.

Stages one and two have largely been completed but are outlined in this document to allow interested parties to understand the process undertaken to date. The final configuration and content of stage three will depend on the outcomes of the actions contained within stage two.

A number of distinct tasks have been delivered and others have been identified in order successfully deliver the project these are outlined below.

## Stage One- Situation Analysis (Completed)

### A. Determination of Train Paths and Access to Port Facilities

This stage consisted of the analysis of opportunities for consistent train paths on a daily basis and adequate access to dock facilities. This information has been provided by V/Line and indicates that there are sufficient train paths to commence operations and meet the existing needs of local firms seeking to utilise rail.

<b>Responsibility</b>	V/Line
<b>Status</b>	Complete

### B. Determination of the viability of including operation of the Morwell Shire Siding as part of the overall Gippsland Logistics Precinct operations.

The option of including the former Morwell Shire Siding as a part of the operations of the Gippsland Logistics Precinct is unresolved. It is proposed that this option be more fully explored once a terminal operator has been appointed. The operation of the Gippsland Logistics Precinct has been identified as viable without the inclusion of the Morwell Shire Siding. Efforts have been made and continues to be an objective of Council.

<b>Responsibility</b>	V/Line
<b>Status</b>	Not complete.

### C. Review Situation Analysis

Review the preceding tasks and confirm or revise the content of stage two, the scope and objectives of the project.

<b>Responsibility</b>	V/Line
<b>Status</b>	Complete

## **Stage Two- Project Scope and Objectives**

### **D. Development of an Indicative Business Case**

The development of an indicative business case has provided Council with an update on the consideration of the freight task as identified in the 2005 Masterplan.

This high level evaluation of economic/business case for the development of the GLP rail terminal and related logistics precinct will be available to potential operators of the terminal as a basis on which to determine the commercial viability of the Gippsland Logistics Precinct. Whilst this review is not intended to replace the commercial assessments of the project expected to be undertaken in subsequent stages by prospective project proponents, it provides an updated and clear indication of the freight task opportunity to government and private stakeholders.

The purpose of the development of an indicative business case was to establish a demand base for a freight terminal which could then be utilised in a future business case for the attraction of potential operators for the site. Indicative information was also sought from potential freight terminal operators and users for future demand for part or all of the adjoining 64 hectares of Council owned land to the GIFT, to be operated as the Gippsland Logistics Precinct (GLP).

The business case prepared by Sinclair Knight Mertz indicates that there is a level of demand for a competitively priced terminal service for a range of local firms.

### Indicative Demand for Rail

<u>Firm</u>	<u>Size- Hectares</u>	<u>GIFT</u>	<u>GLP</u>	<u>Rail?</u>	<u>Likely volumes- TEU or tonnes per annum</u>	<u>Interest Level</u>	<u>Comments</u>
<b>Short term opportunity (1-2 years) subject to competitive rail service</b>							
A	2-4	Yes	Yes	Possibly	1,350 TEU	1 High	Commercial in- confidence
B	4	Prefer		Possibly	9,100 TEU 3,000 TEU	1-2 High to moderate	Commercial in- confidence
C	5-10	Yes	Yes	Most likely	-	2 High to moderate	Commercial in- confidence
D	1	Yes	-	Yes	20,000 tpa	2 High to moderate	Commercial in- confidence
E	1.5	?	Yes	Yes	-	2 High to moderate	Commercial in- confidence
F	2-4	Prefer		Possibly	6,500 TEU	3 Moderate	Commercial in- confidence
G	4	Prefer		Possibly	1,000 TEU	3 Moderate	Commercial in- confidence
H	1	Near rail	Yes	Yes	(same volumes as G)	3-4 Moderate to low	Commercial in- confidence
<b>Total Short term</b>	<b>20-29.5</b>	-	-	-	<b>29,950 TEU 20,000 tpa bulk</b>	-	-
<b>Medium term opportunities 2-5 years</b>							
I	4	Prefer	Yes	If viable	24-000 TEU 250,000 tpa bulk	3 Moderate	Commercial in- confidence
<b>Longer term opportunities 5+ years</b>							
J	5-10	Near rail	Yes	Yes	40,000 TEU in both directions	2-3 Moderate to High	Commercial in- confidence
<b>Total</b>	<b>29.5-44.5</b>				<b>44,950 TEU + 270,000 tpa bulk (+80,000 TEU)</b>		

Source: SKM Gippsland Logistics Precinct- Indicative Business Case

<b>Responsibility</b>	Latrobe City Council
<b>Status</b>	Complete

### E. Determine Lease and Governance Arrangements

On receipt of a draft lease from V/Line, officers prepared a report to Council, in October 2008, seeking in-principle acceptance of the lease subject to a full report to Council on an optimal governance model for the precinct and a finalised business case to highlight the viability of the site.

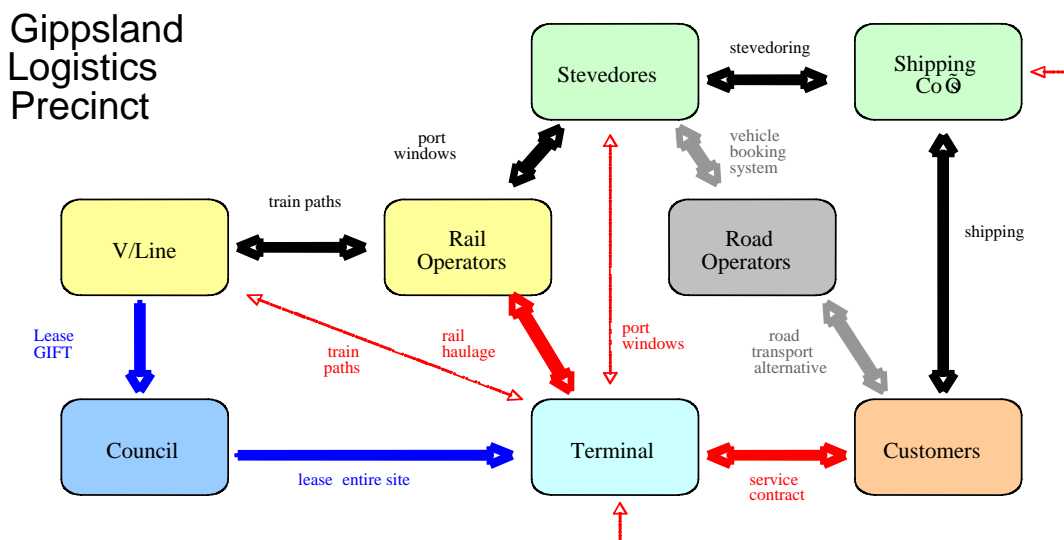
The report sought approval to utilise commercial specialists to assist officers in providing advice to Council on appropriate governance arrangements and preparation for the business case for the EOI.

<b>Responsibility</b>	Latrobe City Council
<b>Status</b>	Complete

### F. Latrobe City Council adoption of a Governance Model

A report on an optimal governance model was prepared for Council's consideration in conjunction with the results of the indicative business case.

This model is predicated on a long term lease to a terminal operator of the Council owned 64 hectare site combined with a sub lease of the GIFT. This report also sought endorsement from Council on the project plan. A comprehensive overview of the Governance model is available on request.



The model, outlined above depicts the Council’s relationship via site lease with the terminal via a thick line (indicating that the relationship is a primary one). The dotted lines in the diagram depict secondary relationships.

The principles for Council’s involvement are outlined below and prefaced on the governance model that will have regard to the following specific considerations:

1. The logistics precinct should have a fundamental rail focus;
2. There should be an appropriate incentive to develop the entire site as a logistics precinct;
3. The terminal operations should be commercially viable on a stand-alone basis;
4. The terminal should have a market incentive to invest in expanding capacity and services (i.e. it should be focused on revenue from volume throughput);
5. There should be fair and equitable access to the terminal for all businesses wanting to use rail;
6. The terminal should promote competition - customers should not be locked into one rail operator or stevedore in order to use rail;
7. There should be minimal exposure to market risk for Council; and,
8. The model needs to have credibility with customers to win their confidence and support in light of their previous experiences.

Resolution of Council’s preferred governance model.

<b>Responsibility</b>	<b>Latrobe City Council</b>
<b>Status</b>	<b>Complete</b>

### **G. Finalise GIFT Lease Arrangements with VicTrack**

Negotiations with VicTrack are proceeding and as per the Council resolution of 6 October 2008 a report on the final lease will be presented to Council for authorisation.

<b>Responsibility</b>	<b>Latrobe City Council</b>
<b>Status</b>	<b>Complete</b>

## H. Review Scope and Objectives

Review the preceding tasks and confirm or revise the content of stage three, the project's implementation strategy and processes.

<b>Responsibility</b>	Latrobe City Council
<b>Status</b>	Complete



## Stage Three- Implementation Strategy and Process

### I. Identify and progress funding sources to support the development of the Precinct

- Prepare a submission to Regional Development Victoria for funding for the pre- development of the site.
- Reinstate pre-existing state government commitment to fund siding extension work.

<b>Responsibility</b>	Latrobe City Council
<b>Status</b>	Complete

### J. Establishment of Steering Committee to oversee Expression of Interest process

A Steering Committee will be established to develop, oversee and evaluate the Expressions of Interest Process. Participation will be invited from:

- V/Line;
- Department of Infrastructure;
- VicTrack;
- Latrobe City Council (Rail Freight Working Group); and
- Council's rail specialist consultants.

The Steering Committee would determine EOI deadlines, documentation requirements and evaluation and notification processes.

<b>Responsibility</b>	Latrobe City Council
<b>Status</b>	Complete

## **K. Preparation of Marketing Prospectus and Information Document**

Develop an information document and complementary audio visual presentation to be taken to the market addressing:

- The background of the project including the current and projected freight task and the precinct master plan;
- The policies and support programs from the State and Commonwealth Government;
- Council’s vision and objectives for the GLP;
- The opportunity and proposed development process; and
- The expression of interest submission and evaluation process.

Identify the target market for the promotional program, incorporating a “road show” of presentations, including:

- Potential terminal operators;
- Potential site developers;
- Potential precinct tenants;
- Potential precinct service users;
- Regional development organisations; and
- Community representatives.

The expression of interest documentation and proposed marketing prospectus will be provided to Council for endorsement prior to progressing to the next step in the project.

Deliver the promotion program to the target market.

<b>Responsibility</b>	Steering Committee
<b>Status</b>	Complete

## **L. Preparation of Expression of Interest Documentation**

Expressions of Interest (EOI) documentation will be prepared for the development of GLP including:

1. Rail freight terminal operation and/or
2. GLP site development including:
  - a. Site lease;
  - b. Any elements of a staged development.
3. Any combination of both of the above.

The criteria for evaluating EOI's will include:

- Achievement of agreed Project Principles. That is the GLP shall:
  - offer fair and equitable access to the terminal for all enterprise regardless of commercial arrangement;
  - provide open access between the GIFT and the adjacent 64 Ha site including preserving the potential for construction of rail spurs into the GLP;
  - be fundamentally a rail focused terminal with other modes, being road and potentially air, providing a supplementary but subordinate role; and
  - be controlled via a long term lease held by Latrobe City Council.
- Proponent's capability and credibility;
- Site development standards etc;
- Capability to deliver all safety and operational accreditation requirements; and
- Any other best practice requirements identified in stages 1&2.

<b>Responsibility</b>	Latrobe City Council
<b>Status</b>	<b>Complete</b>

## **M. Undertake Expression of Interest Process and Evaluate Responses**

1. Expressions of Interest will be invited from the private sector for the development of the GLP in accordance with the requirements expressed in the EOI documentation.
2. Assessment of responses will be against published criteria and in accordance with published processes and will evaluate whether there is a sustainable commercial basis for progressing the project.
3. A shortlist of one or more preferred project participants and/or site developers will be selected by the steering committee.

4. Short-listed proponents will be invited to present their proposals to the project steering committee.
5. Submit the recommended project proposal/s and participant/s to a closed meeting of Council and seek approval to commence a tendering process with short-listed proponents.

<b>Responsibility</b>	<b>Steering Committee</b>
<b>Status</b>	<b>Complete</b>

**N. Commence work to secure a funding commitment for infrastructure works**

Discussions will be held with the relevant State government departments to secure a funding commitment for infrastructure works at the GLP. This will provide prospective operators / developers of the site with more certainty in terms of start up costs, and give a snapshot of the site's current status as a viable intermodal hub.

<b>Responsibility</b>	Latrobe City Council
<b>Status</b>	Commence November 2011

**O. Conduct workshops with potential developers and operators of the GLP to identify opportunities and barriers.**

Workshops will be held with potential clients of the GLP to ascertain perceptions of moving freight on rail. These workshops will identify any opportunities and barriers associated with the project and give greater insight to Council regarding the key elements of the tender process.

<b>Responsibility</b>	Latrobe City Council
<b>Status</b>	Commence February 2012

## **P. Tendering for Developer / Operator**

Subject to Council approval, an open tender process will be conducted to provide potential operator / developers an opportunity to submit a detailed proposal.

<b>Responsibility</b>	Latrobe City Council
<b>Status</b>	Commence July 2012

## **Q. Contract Negotiation**

Subject to receipt of a suitable detailed proposal, a negotiation process will commence with the preferred proponent regarding the lease arrangements of the site and a due diligence process will be undertaken.

<b>Responsibility</b>	Latrobe City Council
<b>Status</b>	Commence September 2012

## **R. Contract Resolution**

Finalisation of contract and finalisation of the GLP Project Plan.

<b>Responsibility</b>	Latrobe City Council
<b>Status</b>	Commence November 2012

## Schedule

A		<b>Train Paths / Port Access</b>	Complete
B		<b>Morwell Shire Siding Status</b>	Not complete
C		<b>Review Situation Analysis</b>	Complete
<b>Stage 2.</b>		<b>Project Scope and Objectives</b>	
D		<b>Development of an Indicative Business Case</b>	Complete
E		<b>Determine Lease and Governance Arrangements</b>	Complete
F		<b>Latrobe City Council consideration of a Governance Model (if no model adopted then plan is terminated at this point), the finalised lease and interim arrangements should a firm need immediate access.</b>	Complete
G		<b>Finalise GIFT Lease with V/Line</b>	Complete
H		<b>Review Scope and Objectives</b>	Complete
<b>Stage 3</b>		<b>Implementation Strategy and Processes</b>	
I		<b>Identify and progress funding sources to support the development of the Precinct</b>	Complete
J		<b>Establishment of Steering Committee to oversee Expression of Interest process</b>	Complete
K		<b>Preparation of Marketing Prospectus and Information Document and report to Council</b>	Complete
L		<b>Preparation of Expression of Interest Documentation and report to Council</b>	Complete
M		<b>Undertake Expression of Interest Process and Evaluate Responses (if no interest is identified at this point then the project plan is terminated).</b>	Complete
N		<b>Commence work to secure a funding commitment for site infrastructure works.</b>	Commence November 2011
O		<b>Conduct workshops with potential clients of the GLP to identify opportunities and barriers.</b>	Commence February 2012
P		<b>Proceed to an open tender process.</b>	Commence July 2012
Q		<b>Contract Negotiation (if negotiations are unable to be resolved the project plan is terminated at this point).</b>	Commence September 2012
R		<b>Contract Resolution</b>	Commence November 2012

## Appendix One – Council Resolutions regarding the Gippsland Logistics Precinct

Year	Resolution
2001	<p>At its 2 April 2001 ordinary meeting Latrobe City Council resolved that:</p> <p><i>Council advise the State Government that, to facilitate economic development of the region, Council is prepared to enter into negotiations to lease the Maryvale/Mid Valley Rail Freight Centre and to purchased, for a nominal amount, the decontaminated former “Gas and Fuel” Lurgi Plant site at Morwell.</i></p>
2002	<p>At its 6 May 2002 ordinary meeting Latrobe City Council resolved:</p> <p><i>That Council allocate the sum of \$400,000 from the Economic Development fund in the 2002/03 financial year to purchase Allotment 8E, Parish of Maryvale.</i></p> <p>At its 1 July 2002 ordinary meeting Latrobe City Council resolved that:</p> <p><i>The Chief Executive Officer be authorized to further investigate an alternative operators; or</i></p> <ol style="list-style-type: none"> <li data-bbox="432 1182 1369 1447">1. <i>The purchase of leasehold improvements owned or controlled by National Logistics Coordinators on (Part)CA 8E, Parish of Maryvale subject to budget contribution on condition that NLC agree to the transfer to Council or termination of the site lease with Freight Australia, devote the proceeds of sale of improvements to retiring all debts and liabilities and transfer or release to Council the name “Gippsland Intermodal Freight Terminal”</i></li> <li data-bbox="432 1451 1337 1514">2. <i>A long term site lease direct with Freight Australia for the GIFT site</i></li> <li data-bbox="432 1518 1289 1581">3. <i>A management arrangement for the GIFT involving Freight Australia as a key stakeholder.</i></li> </ol> <p>At its 15 July 2002 ordinary meeting Latrobe City Council resolved:</p> <p><i>That Council continue with its attempts to secure a long-term lease for the site.</i></p>

2003	<p>At its 1 December 2003 ordinary meeting Latrobe City Council resolved:</p> <ol style="list-style-type: none"> <li>1. <i>That in accordance with Section 189 and 190 of the Local Government Act 1989, Council give notice of its intention to consider the potential sale of all or part of all and/or the lease of all or part of the following Council owned property:</i> <ul style="list-style-type: none"> <li>• <i>Crown Allotment 8E, Parish of Maryvale, Tramway Road Morwell</i></li> </ul> </li> <li>2. <i>That any submissions received in relation to the potential sale or lease of land be considered by Council in accordance with Section 223 of the Act at the Ordinary Council Meeting scheduled for 2 February 2004 to be held at Moe Town Hall commencing at 7pm.</i></li> </ol>
2004	<p>At its 2 February 2004 ordinary meeting Latrobe City Council resolved:</p> <ol style="list-style-type: none"> <li>1. <i>That having given notice in accordance with Section 189 and 190 of the Local Government Act 1989, Council resolve to sell or lease by private treaty all or part of the following Council owned property:</i> <ul style="list-style-type: none"> <li>• <i>Crown Allotment 8E, Parish of Maryvale, Tramway Road Morwell</i></li> </ul> </li> <li>2. <i>That Council authorise the Chief Executive to enter into contracts for the sale/lease of the subject land if the price is not less than 90% of a sworn valuation obtained in accordance with the Local Government Act 1989.</i></li> <li>3. <i>That a further report be presented to Council on the progress of potential development on this site.</i></li> </ol>
2005	<p>At its 2 May 2005 ordinary meeting Latrobe City Council resolved:</p> <ol style="list-style-type: none"> <li>1. <i>That Council adopt the recommendations of the draft Master Plan report.</i></li> <li>2. <i>That Council prepare a Planning Scheme amendment to reflect recommendations of the Master Plan.</i></li> <li>3. <i>That the Chief Executive Officer investigate and report back to Council on governance options.</i></li> </ol>



2007	<p>At its 2 July 2007 ordinary meeting Latrobe City Council resolved:</p> <ol style="list-style-type: none"> <li>1. That the Mayor write to the Premier and the Minister for Public Transport seeking first option on the long term lease on the Gippsland Intermodal Freight Terminal.</li> <li>2. That the Mayor and Councillors Middlemiss and Lougheed lead a delegation to meet with the Minister for Public Transport to discuss Council's vision for the Gippsland Logistics Precinct.</li> <li>3. That officers write to the Department of Infrastructure, V/Line and VicTrack offering to provide briefings on the Logistic Precinct's project and local industry interest in rail.</li> <li>4. That a further report be presented to Council outlining the results from:             <ol style="list-style-type: none"> <li>a) writing to the Premier &amp; Minister seeking first option on the long term lease of the Gippsland Intermodal Freight Terminal,</li> <li>b) the delegation to the Minister discussing Council's vision for the Gippsland Logistics Precinct,</li> <li>c) the letter to various government departments and authorities regarding the Logistics Precinct project, and advising of the next steps in delivering the Logistics Precinct project.</li> </ol> </li> </ol>
2008	<p>At its 6 October 2008 ordinary meeting Latrobe City Council resolved:</p> <ol style="list-style-type: none"> <li>1. That Council authorises the Chief Executive Officer to commence negotiations on the agreement for lease of the Gippsland Intermodal Freight Terminal.</li> <li>2. That the Chief Executive Officer report to Council on the conclusion of the negotiations on the agreement for lease of the Gippsland Intermodal Freight Terminal and seek approval to authorise the lease.</li> <li>3. That a further report be presented to Council on or before Monday 6 April 2009, outlining a proposed governance model, the business case analysis and a full project plan for the development of the Gippsland Logistics Precinct.</li> <li>4. That the Mayor writes to the Minister for Public Transport to thank her for the offer of lease and recommend that, given the importance of the Gippsland Intermodal Freight Terminal to the local economy, a progress report is provided to the local community via a press release.</li> </ol>
2009	<p>At the 7 September 2009 Ordinary Meeting, Council resolved the following.</p> <ol style="list-style-type: none"> <li>1. That Council approves the following proposed lease conditions for the Gippsland Intermodal Freight Terminal:             <ol style="list-style-type: none"> <li>a. A lease term of 45 years;</li> </ol> </li> </ol>

- b. *For the first five years of operation, the site will be rent free, on the basis that rental received by Council for the GIFT site be directed towards the promotion of freight moving via rail from the GIFT;*
  - c. *A minimum freight volume from the site no less than 8,000 TEU (twenty foot equivalent containers) by 30 September 2012;*
  - d. *The principles of open access to be incorporated into the lease; and*
  - e. *The lease between VLine and Council to commence no later than 30 September 2009.*
2. *That Council authorises the Chief Executive Officer to sign and seal the lease for the Gippsland Intermodal Freight Terminal and to execute all necessary documents to effect the lease.*
  3. *That if there is any further variation to the key proposed lease conditions, a further report be provided to Council seeking approval of the variation.*

At the Ordinary Meeting on 16 November 2009, Council resolved the following in relation to the Project Plan for the Gippsland Logistics Precinct:

1. *That Council notes the progress of the Gippsland Logistics Precinct Project Plan.*
2. *That Council endorses for release the proposed expression of interest selection criteria:*
  - a) *Proponent's proposal as to how to address the objectives and considerations identified, including the proposed revenue model;*
  - b) *Proponent's capability and credibility as demonstrated by past history of providing such a service or developments;*
  - c) *Capacity to attract/move 8,000 Twenty Foot Equivalent Unit's (TEU's) per annum.*
  - Understanding of what the barriers are and how to overcome these identified barriers;*
  - d) *The demonstration and adherence to open access principles;*
  - e) *Capability to deliver all safety and operational accreditation requirements, in particular having*

	<p><i>regard to the Legislative requirements of Public Transport Safety Victoria;</i></p> <p><i>f) Possession of, or an ability to obtain appropriate accreditation;</i></p> <p><i>g) Capacity to work within the prescribed governance model;</i></p> <p><i>h) Proposed corporate structure for the Gippsland Logistics Precinct;</i></p> <p><i>i) Evidence of proponent's financial position as at 30 December 2009, and relevant insurance coverage.</i></p> <p><i>j) Site development standards as demonstrated by the proposed strategy for the development of the site.</i></p> <p><i>k) Capability to market the site and the use of rail to the following audiences:</i></p> <p><i>i) Potential rail users.</i></p> <p><i>ii) Potential site tenants.</i></p> <p><i>3. That a further report be presented to Council on or before 5 April 2010 providing an overview of shortlisted firms and seeking approval to progress to tender for the development and operation of the Gippsland Logistics Precinct.</i></p>
2010	<p><i>At the 8 February 2010 Ordinary Meeting, Council resolved the following.</i></p> <p><i>1. That Council delay the commencement of the Expression of Interest process for the Gippsland Logistics Precinct until after the lease for the Gippsland Intermodal Freight Terminal is finalised and executed by all parties.</i></p> <p><i>2. That following the execution of the lease for the Gippsland Intermodal Freight Terminal, an amended Project Plan be presented to Council for consideration.</i></p>

## Appendix Two – Rail Freight Submissions

Year	Submission/Consultation/Action
2004	Australian Competition and Consumer Commission <i>“Freight Australia Ltd - Proposed Purchase by Pacific National”</i> .
2005	Standing Committee on Transport and Regional Services - <i>“Inquiry into the Integration of Regional Rail and Road Freight Transport and their Interface with Ports”</i> .
2006	<p>The Gippsland Local Government Network completed the <i>Gippsland Regional Development Strategy</i> in September 2006. A key objective of this strategy was the delivery of key transport infrastructure improvements including intermodal freight facilities at Morwell and Bairnsdale.</p> <p>Essential Services Commission - <i>“Proposed Access Arrangements”</i>.</p> <p>Productivity Commission - <i>“Road and Rail Infrastructure Inquiry.”</i> The submission to the Productivity Commissions Inquiry noted the difficulties experienced by Council in developing the GIFT/GLP precinct caused by the then current Victorian rail access regime.</p> <p>MAV - <i>Alliance of Councils for Rail Freight Mayoral Summit</i></p> <p>MAV - <i>The Future of Rail Freight in Victoria Summit.</i></p>
2007	<p>Submission to the <i>Victorian Rail Freight Network Review</i> identifying the following as its key issues.</p> <ul style="list-style-type: none"> <li>• <i>GIFT Reinstatement</i> - including construction of the GIFT siding extension (funded by the Department of Infrastructure), site restoration and installation of the high speed turn out from the main line to the GLP/ GIFT.</li> <li>• <i>Gift Lease</i> - Council proposed the appointment of an industry based management committee charged with the operation of the GIFT delivering an open access terminal to the GLP.</li> <li>• <i>Gippsland Logistics Precinct Development</i> - facilitated by Victorian Government provision of train path access and relevant infrastructure services to the site.</li> </ul> <p>In a supplementary submission to the Council highlighted the following issues raised by local industry during and following the visit of the Review’s Committee to Latrobe City.</p> <ul style="list-style-type: none"> <li>• Freight Demand for Rail: “Local Firms have a desire to utilise rail to export firm orders yet they are unable to</li> </ul>

	<p>access rail for freight”.</p> <ul style="list-style-type: none"> <li>• Improved Access to Wharves - including direct broad gauge access to facilitate cost efficient exports.</li> <li>• Identification and protection of a rail reservation for a Gippsland corridor to access the Port of Hastings.</li> </ul>
2008	<p>Rail Freight 2008 Summit “<i>Shaping Victoria’s Freight in Future</i>”</p> <p>“<i>Gippsland Transport Forum</i>” Victorian Government Regional Consultation for the <i>Victorian “Transport Strategy”</i></p> <p>Targeted consultation by the Victorian Government on “<i>Freight Futures</i>”</p> <p>Submission to the Minister for Roads and Ports on the development of the “<i>Victorian Transport Strategy</i>” and “<i>Freight Futures</i>”.</p>

**15.7** CHURCHILL TOWN CENTRE PLAN - ROAD CLOSURES AND LAND EXCHANGES

**CONFIDENTIAL - s.89(2)(d) LOCAL GOVERNMENT ACT 1989 – CONTRACTUAL MATTER**

**AUTHOR:** General Manager Built and Natural Environment  
**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to present to Council the package of discontinuance of roads, land exchanges and street naming in Churchill town centre for consideration.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Built Environment*

*In 2026, Latrobe Valley benefits from a well planned built environment that is complementary to its surroundings, and which provides for a connected and inclusive community.*

*Latrobe City Council Plan 2011 - 2015*

*Strategic Direction – Built Environment*

*Develop high quality community facilities that encourage access and use by the community.*

*Legislation –*

The *Land Acquisition and Compensation Act 1986*, and Section 189 of the *Local Government Act 1989* provide Council with the power to sell or exchange land subject to the following legislative requirements:

- Give at least four weeks public notice of an intention to sell or exchange land;
- Obtain a valuation of the land which is made not more than 6 months prior to the sale or exchange of land;
- Allow interested persons make a submission under section 223 on the proposed sale or exchange of land.

Policy – Sale of Council Owned Property Policy 09 POL-3

The principal aim of this policy is to define the circumstances and factors that will be assessed by Council in respect to the sale of Council owned property.

**4. BACKGROUND**

Council has considered matters relating to the adoption and implementation of the Churchill Town Centre Plan at the Ordinary Council Meetings on 20 October 2008, 15 December 2008, 6 April 2010, 21 June 2010, and 18 April 2011.

Subsequently, on 19 September 2011, Council considered the complete package of land sales and exchanges at Churchill town centre, and resolved:

1. *That Council advertise the discontinuance of part of the existing Georgina Place, Churchill subject to the satisfactory construction of the realigned Georgina Place, Churchill as shown in the Churchill Town Centre Plan in accordance with section 207A of the Local Government Act 1989.*
2. *That Council advertise the discontinuance of part of West Place, Churchill in accordance with section 207A of the Local Government Act 1989.*
3. *That Council advertise the sale of the land designated as Parcel V on the Lawler and Loy Map dated November 2009 Reference 6993-Areas by private treaty for no less than market value in accordance with section 189 of the Local Government Act 1989.*
4. *That Council consider submissions in relation to the discontinuance of part of Georgina Place, Churchill, West Place Churchill and the sale of the land designated as Parcel V on the Lawler and Loy Map dated November 2009 Reference 6993-Areas at the ordinary Council meeting to be held on 7 November 2011.*

One supportive submission was received following the advertising, from Churchill and District Community Association. This submission was considered by Council at its Ordinary Council meeting of 7 November 2011.

## 5. ISSUES

### Discontinuance of Streets

The realignment of Georgina Place and West Place are central features of the Churchill Town Centre Plan. The discontinuance of the current alignments is recommended, and the new alignments proposed with the names retained.

### Parcels of Land for Exchange

The Council resolutions of 6 April 2010 and 18 April 2011 provided the basis of negotiations between Council and relevant land owners. These negotiations have now reached a stage in which the parties have “in-principle” agreement. It is proposed that the land exchanges proceed as a complete package, including and extending the land exchanges resolved by Council on 18 April 2011.

All parties have now agreed that land exchanges should proceed in order to facilitate implementation of the Churchill Town Centre Plan, with land for through streets (Georgina Place and West Place) and community spaces such as plazas owned and maintained by Latrobe City Council, and the commercial areas and northern car park owned and maintained privately. The private owners have reached in-principle agreement that the section of the northern car park between the West Place shopping centre and realigned Georgina Place should be owned by 36<sup>th</sup> Penny Pty Ltd, and the section between Georgina Place and Hazelwood Village shopping centre should be owned by the Owners Corporation.

The 19 September 2011 report to Council included a plan that identified Parcels “A” to “V” of land, with a proposal to exchange a number of these parcels between the parties. This plan is reproduced as Attachment 2.

The net impact of the proposed land transfers is an increase in Council land holdings. It should be noted that the parcels do not have the same value per square metre, with land having a potential commercial use valued more highly than encumbered land that can only be used for parking or infrastructure.



The following table demonstrates the changes in proposed land ownership:

<b>Current Owner</b>	<b>Proposed Owner</b>	<b>Parcels</b>	<b>Total Square Metres</b>
Latrobe City Council	36 <sup>th</sup> Penny	M, N, V	615
36 <sup>th</sup> Penny	Latrobe City Council	A, B, C, I, K, L, Q, R	1,196
Latrobe City Council	Owners Corporation	-	0
Owners Corporation	Latrobe City Council	D, H, J, P, S, T	924
36 <sup>th</sup> Penny	Owners Corporation	U	275
Owners Corporation	36 <sup>th</sup> Penny	F	704

The consequence of the land exchanges is that land ownerships change from those in Attachment 3, showing current land holdings overlaying the format of the Churchill Town Centre Plan, to those in Attachment 4.

#### Land Costs

It is proposed that there should be three sets of transactions to carry out the land exchanges. These involve the following:

<b>Parties</b>	<b>Net change</b>	<b>Strategy</b>
Latrobe City Council and 36 <sup>th</sup> Penny	Latrobe City Council has net gain of 581 square metres	Carry out land exchanges with no transfers of funds to either party subject to the 36 <sup>th</sup> Penny agreeing to implement the town centre plan
Latrobe City Council and Owners Corporation	Latrobe City has net gain of 924 square metres	Negotiate a rate per square metre for Latrobe City Council's purchase of land from the Owners Corporation, subject to the Owners Corporation agreeing to implement the town centre plan
36 <sup>th</sup> Penny and Owners Corporation	36 <sup>th</sup> Penny has net gain of 429 square metres	This is a matter for the private owners to resolve between themselves

In the case of the land exchanges between Latrobe City Council and 36<sup>th</sup> Penny, Council is transferring a small parcel of land (Parcel N) necessary for constructing part of the West Place Stage 2 development. This is a key element of the Churchill Town Centre Plan, and has a Planning Permit issued by Latrobe City Council. The second parcel to be transferred to 36<sup>th</sup> Penny involves the nine square metres of Latrobe City Council land on which the Woolworths Supermarket was inadvertently built, and the third is part of the existing alignment of Georgina Place (Parcel M, of 548 square metres). In exchange, Council will receive 1,196 square metres of land.

All of the transaction between the Owners Corporation and Latrobe City Council involve transfers of a total of 924 square metres of land to Latrobe City Council. It is proposed that this land should be transferred at a per square metre rate, within an aggregate cost proposed to be allocated for land exchanges in the 2011/12 capital budget. This transfer should also be subject to use of the funds allocated to implement the Churchill Town Centre Plan.

Agreement to the land exchanges will provide the opportunity to add significant enhancements to the Churchill town centre, with strong community benefits. It will facilitate the improvements to pedestrian safety and amenity, bus access and traffic access, and enable the establishment of the town centre plaza and pedestrian promenade.

#### Valuation of Land

The proposed land exchanges require a valuation of the land within six months of the exchange. A valuation was obtained dated 3 August 2011 and included as an Attachment in the 19 September 2011 Council report, showing the following estimates:

- \$100 per square metre for encumbered land that may only be used for car parking (Parcels D, H, I, J, M, P, Q, R and S)
- \$200 for land that has fewer encumbrances (Parcels A, C, K, L, O and T)
- Parcel B was valued at \$50 per square metre
- Parcel N was valued at \$300 per square metre as a valuation "after consolidation" with adjacent land
- Parcel V was valued at \$300 per square metre (as land value only, rather than any allowance for the cost of relocating the supermarket wall).

On the basis of these valuations, the following is the aggregate value of the land exchanges relevant to Latrobe City Council:

<b>Current Owner</b>	<b>Proposed Owner</b>	<b>Parcels</b>	<b>Total Square Metres</b>	<b>Valuation (\$)</b>
Latrobe City Council	36 <sup>th</sup> Penny	M, N, V	615	\$76,250
36 <sup>th</sup> Penny	Latrobe City Council	A, B, C, I, K, L, Q, R	1,196	\$165,700
Owners Corporation	Latrobe City Council	D, H, J, P, S, T	924	\$99,600

On the basis of these figures, Latrobe City Council has a net gain of 1,505 square metres of land, and the valuations imply an increase in aggregate net value of land to Council of \$194,850.

The Owners Corporation has proposed that the land exchange relating to its land should take place at a land price of \$175 per square metre. This is a rate determined by a valuer agreed to by the Owners Corporation and 36<sup>th</sup> Penny, to determine the rate that Parcels "B" and "C" were transferred to 36<sup>th</sup> Penny in 2010. The Owners Corporation is willing to agree to this figure, because it generates sufficient funds required to implement the works in the Northern car park in accordance with the Churchill Town Centre Plan.

The purchase of the Owners Corporation land by Latrobe City Council will resolve the complexity of land ownerships, allow the infrastructure improvements in the Churchill Town Centre Plan to proceed, and avoid the significant time and cost penalties of pursuing a Public Acquisition Overlay and compulsory acquisition processes. It is therefore proposed that the land exchanges proceed at \$175 per square metre, based on the "underlying" land value of \$100 per square metre, plus an additional \$75 per square metre representing the community benefit to be derived from the transaction.

The same outcome could be achieved in the following ways:

- Agreement to pay \$175 per square metre for the land, despite the variation in valuations of the land. While this is legitimate under the *Land Acquisition and Compensation Act 1986*, and Section 189 of the *Local Government Act 1989*, and consistent with Latrobe City Council's *Sale of Council Owned Property Policy*, it does not clearly separate the underlying valuation from the additional community benefit.

- Agreement to pay \$100 per square metre for the land, and contribute a fixed amount to the Owners Corporation for public works such as landscaping, street furniture and public lighting in accordance with the Churchill Town Centre Plan. This may be less acceptable because it results in Latrobe City Council directly paying for infrastructure improvements on the Owners Corporation land.

It is thus proposed that the land exchanges proceed, with transparency that the transfer from the Owners Corporation to the Council includes an underlying land value and an amount representing community benefit.

#### Coordination of Construction Works

The new town centre plaza abuts the extension to West Place shopping centre, which is expected to be constructed in coming months. The extension northwards from the Churchill Laundry is consistent with the Churchill Town Centre Plan, and has a Planning Permit 2009/484, issued on 7 April 2010. It is proposed that an agreement be reached between Latrobe City Council and 36<sup>th</sup> Penny Pty Ltd to coordinate the timing of the works to construct the town centre plaza with the West Place shopping centre extension, aiming to minimise disruption in the Churchill town centre.

A more complex issue is the reconstruction of the northern car park and realignment of Georgina Place, because the works must be carried out conjointly if disruption and costs are to be minimised. It is proposed that a formal arrangement between Latrobe City Council, 36<sup>th</sup> Penny Pty Ltd and the Owners Corporation should be established, to coordinate works and determine appropriate cost-sharing.

#### Compulsory Acquisition and Public Acquisition Overlay

Latrobe City Council has received Ministerial authorisation to exhibit a Planning Scheme Amendment for a Public Acquisition Overlay to compulsorily acquire the land needed for through roads and community spaces in Churchill town centre. The Amendment has been “on-hold” pending lengthy negotiations with the owners. It will be abandoned when final approvals and an agreement have been achieved.

Next Steps

The following next steps are envisaged:

<b>Step</b>	<b>Date</b>
Formal agreements between Latrobe City Council, 36 <sup>th</sup> Penny and the Owners Corporation	November/December 2011
Works in Georgina Place and Northern car park proceed in stages, following agreement between the parties	January to March 2012
Land exchanges completed, based on final layout of works	At the completion of works

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

There will be financial costs to Council for survey and legal advice, and the cost of transfer of land from the Owners Corporation to Council. It is proposed that negotiation should continue with the Owners Corporation, with a ceiling of \$200,000 for land costs, which is included in the 2011/212 capital works budget.

The likelihood of agreement means that the extended time frames and costs of a Public Acquisition Overlay and other compulsory acquisition processes will be avoided.

## **7. INTERNAL / EXTERNAL CONSULTATION**

### *Engagement Method Used:*

Regular updates are provided to community groups in Churchill on progress in the town centre, including regular meetings of the Churchill Town Centre Plan Implementation Consultation Group (chaired by Cr White), monthly updates to the Churchill and District Community Association, regular updates on the Latrobe City Council website and periodic reports in *Churchill News*.

The formal advertising of road closures, land exchanges and street naming for four weeks from 26 September 2011 provided an additional opportunity for submissions from stakeholders.

## 8. OPTIONS

The options available to Council are as follows:

- Retain existing land ownerships, and attempt to implement the Churchill Town Centre Plan around the present arrangements.
- Revert to a compulsory acquisition process, beginning with exhibition of the Public Acquisition Overlay.
- Adopt the negotiated solution proposed in this paper.

## 9. CONCLUSION

The only submission following the public process of advertising road closures, land exchanges and street names was supportive of the proposals. The submission from Churchill and District Community Association stated that the proposals would facilitate implementation of the Churchill Town Centre Plan, which continues to be “well-supported” in the Churchill community.

The land ownerships in Churchill town centre are already complex, and the implementation of the Churchill Town Centre Plan has the potential to make them even more complex. The negotiated solution will result in the “public” areas of through roads and community spaces owned by Latrobe City Council, and car parks and commercial areas owned by the private sector. This will ensure that development and maintenance in the town centre can be optimised. Further, the negotiated solution can be implemented much more quickly and at significantly lower cost than a compulsory acquisition process.

Now that the parties have reached “in-principle” agreement, it is recommended that the Chief Executive Officer be delegated responsibility to achieve a final outcome within the framework of the capital budget.

## 10. RECOMMENDATION

**That Council**

- 1. Having given public notice and considered submissions regarding the proposal, resolve to discontinue those parts of Georgina Place and West Place, Churchill, pursuant to Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989.**

2. Having given public notice and considered submissions regarding the proposal, declare the new alignments of Georgina Place and West Place, Churchill, as shown on the plan in Attachment 1, as roads pursuant to Section 11 of the Road Management Act 2004.
3. Proceed with the exchange of land in Churchill town centre to implement the Churchill Town Centre Plan, generally in accordance with Plans shown in Attachments 2, 3 and 4.
4. Authorise the Chief Executive Officer to negotiate a cost of land transferred from the Owners Corporation PS433286N to Latrobe City Council, to a maximum total of \$200,000.
5. Authorise the Chief Executive Officer to enter into an arrangement with Council, 36th Penny Pty Ltd and the Owners Corporation PS433286N, to coordinate works and determine appropriate cost-sharing in the northern car park and Georgina Place section of the Churchill Town Centre Plan.
6. Inform the Minister for Planning that the proposed Planning Scheme Amendment to introduce a Public Acquisition Overlay be abandoned.

**Moved:** Cr Middlemiss

**Seconded:** Cr Gibson

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

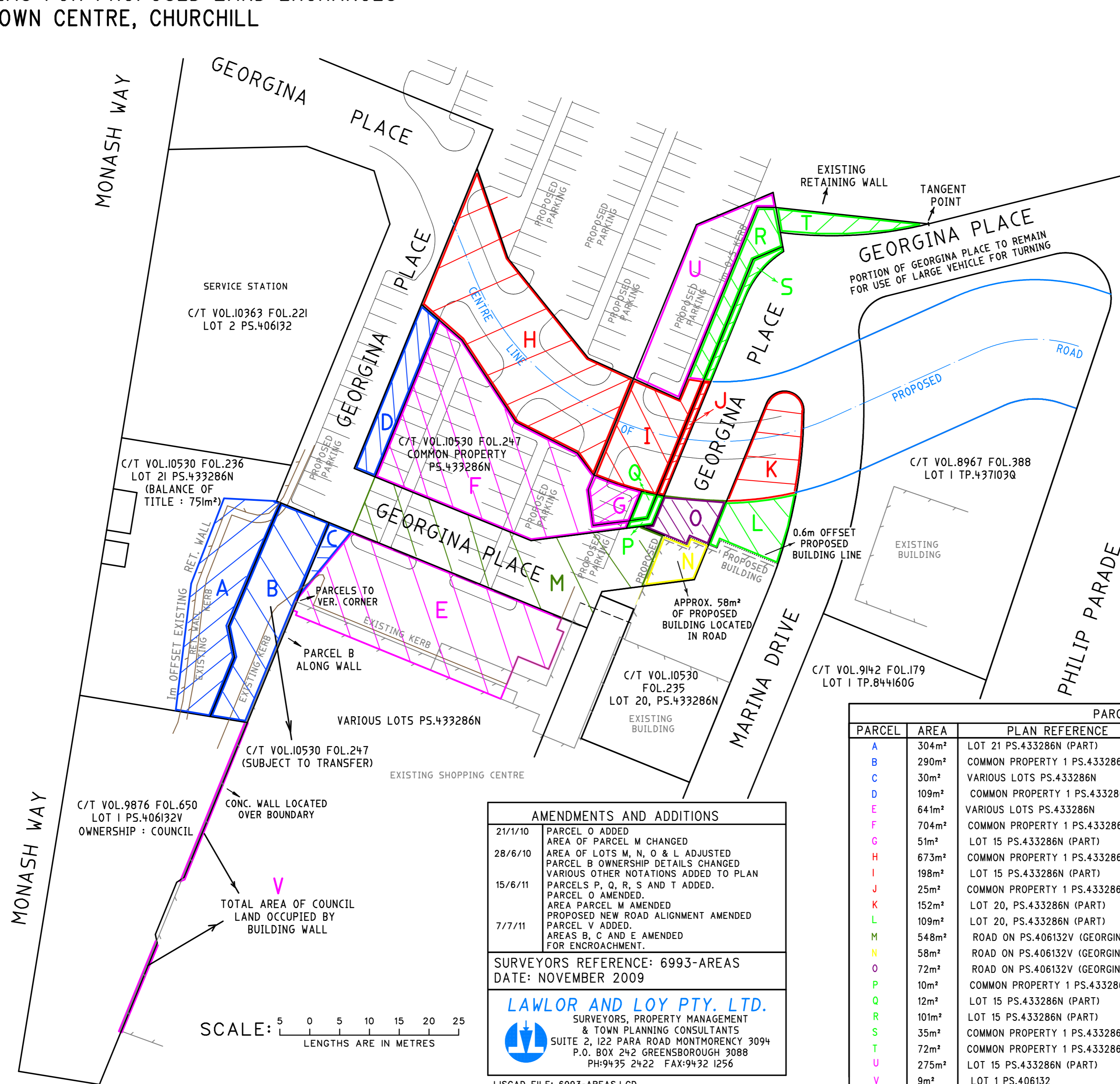
**ATTACHMENT ONE: CHURCHILL TOWN CENTRE – PROPOSED ROAD  
RESTRUCTURE**





**ATTACHMENT TWO: CHURCHILL TOWN CENTRE - AREAS FOR LAND EXCHANGES**

# PLAN OF AREAS FOR PROPOSED LAND EXCHANGES CHURCHILL TOWN CENTRE, CHURCHILL



## NOTE

- TITLE DIMENSIONS AND EASEMENTS HAVE NOT BEEN SHOWN ON THIS PLAN. REFER TO VARIOUS CERTIFICATES OF TITLE FOR TITLE AND EASEMENT INFORMATION.
- THIS PLAN HAS BEEN PREPARED FOR INITIAL DISCUSSION AND CONSULTATION PURPOSES.
- LOCATION OF PROPOSED ROAD HAS BEEN DERIVED FROM HARD COPY AND DIGITAL PLANS PREPARED BY TTM CONSULTING PTY LTD
- DENOTES ROAD ACCESS - RELOCATED GEORGINA PLACE
  - DENOTES ROAD ACCESS - RELOCATED WEST PLACE
  - DENOTES LAND TO BE OBTAINED FOR TOWN CENTRE PLAZA AND PROMENADE.
  - DENOTES CARPARK TITLE CONSOLIDATION
  - DENOTES SECTION OF GEORGINA PLACE TO BE TRANSFERRED
  - DENOTES SECTION OF GEORGINA PLACE TO BE RETAINED BY COUNCIL FOR PLAZA
- DENOTES 10m OFFSET LINE FROM CENTRE OF PROPOSED ROAD
- LOCATION OF PROPOSED ROAD IS SUBJECT TO APPROVAL OF STATUTORY AUTHORITIES AND REGISTERED PROPRIETORS.
- UNDERGROUND SERVICES HAVE NOT BEEN LOCATED OR INVESTIGATED FOR THE PURPOSES OF THIS PLAN. THE LOCATION OF UNDERGROUND SERVICES SHOULD BE CONFIRMED WITH THE RELEVANT AUTHORITY.
- DENOTES EXISTING CONCRETE KERB
  - DENOTES EXISTING BUILDING
- TITLE DETAILS DERIVED FROM INFORMATION SUPPLIED BY LATROBE CITY COUNCIL
- AREAS SHOWN ARE APPROXIMATE ONLY AND ARE SUBJECT TO DESIGN CHANGES AND FURTHER SURVEY.
- THIS IS NOT A PLAN TO RE-ESTABLISH TITLE BOUNDARIES
- SEE ALSO AREAS TO BE INCLUDED IN PUBLIC ACQUISITION OVERLAY PLAN PREPARED BY LAWLOR AND LOY PTY LTD DATED OCTOBER 2009 AND PLAN OF EXISTING CONDITIONS AND PROPOSED ROAD ALIGNMENT PREPARED BY LAWLOR AND LOY PTY LTD DATED SEPTEMBER 2009 FOR FURTHER DETAILS
- PROPOSED PARKING AREAS HAVE BEEN DERIVED FROM PLANS PREPARED BY TTM CONSULTING PTY LTD.

PARCEL IDENTIFICATION TABLE				
PARCEL	AREA	PLAN REFERENCE	TITLE	OWNERSHIP
A	304m <sup>2</sup>	LOT 21 PS.433286N (PART)	C/T VOL.10530 FOL.236	36th PENNY
B	290m <sup>2</sup>	COMMON PROPERTY 1 PS.433286N (PART)	C/T VOL.10530 FOL.247	36th PENNY (SUBJECT TO TRANSFER)
C	30m <sup>2</sup>	VARIOUS LOTS PS.433286N	VARIOUS TITLES	36th PENNY AND OWNERS CORP. PS.433286N
D	109m <sup>2</sup>	COMMON PROPERTY 1 PS.433286N (PART)	C/T VOL.10530 FOL.247	OWNERS CORPORATION 1 ON PS.433286N
E	641m <sup>2</sup>	VARIOUS LOTS PS.433286N	VARIOUS TITLES	36th PENNY AND OWNERS CORP. PS.433286N
F	704m <sup>2</sup>	COMMON PROPERTY 1 PS.433286N (PART)	C/T VOL.10530 FOL.247	OWNERS CORPORATION 1 ON PS.433286N
G	51m <sup>2</sup>	LOT 15 PS.433286N (PART)	C/T VOL.10530 FOL.234	36th PENNY
H	673m <sup>2</sup>	COMMON PROPERTY 1 PS.433286N (PART)	C/T VOL.10530 FOL.247	OWNERS CORPORATION 1 ON PS.433286N
I	198m <sup>2</sup>	LOT 15 PS.433286N (PART)	C/T VOL.10530 FOL.234	36TH PENNY
J	25m <sup>2</sup>	COMMON PROPERTY 1 PS.433286N (PART)	C/T VOL.10530 FOL.247	OWNERS CORPORATION 1 ON PS.433286N
K	152m <sup>2</sup>	LOT 20, PS.433286N (PART)	C/T VOL.10530 FOL.235	36TH PENNY
L	109m <sup>2</sup>	LOT 20, PS.433286N (PART)	C/T VOL.10530 FOL.235	36TH PENNY
M	548m <sup>2</sup>	ROAD ON PS.406132V (GEORGINA PLACE)	C/T VOL.10363 FOL.225	COUNCIL
N	58m <sup>2</sup>	ROAD ON PS.406132V (GEORGINA PLACE)	C/T VOL.10363 FOL.225	COUNCIL
O	72m <sup>2</sup>	ROAD ON PS.406132V (GEORGINA PLACE)	C/T VOL.10363 FOL.225	COUNCIL
P	10m <sup>2</sup>	COMMON PROPERTY 1 PS.433286N (PART)	C/T VOL.10530 FOL.247	OWNERS CORPORATION 1 ON PS.433286N
Q	12m <sup>2</sup>	LOT 15 PS.433286N (PART)	C/T VOL.10530 FOL.234	36TH PENNY
R	101m <sup>2</sup>	LOT 15 PS.433286N (PART)	C/T VOL.10530 FOL.234	36TH PENNY
S	35m <sup>2</sup>	COMMON PROPERTY 1 PS.433286N (PART)	C/T VOL.10530 FOL.247	OWNERS CORPORATION 1 ON PS.433286N
T	72m <sup>2</sup>	COMMON PROPERTY 1 PS.433286N (PART)	C/T VOL.10530 FOL.247	OWNERS CORPORATION 1 ON PS.433286N
U	275m <sup>2</sup>	LOT 15 PS.433286N (PART)	C/T VOL.10530 FOL.234	36th PENNY
V	9m <sup>2</sup>	LOT 1 PS.406132	C/T 9876 FOL.650	COUNCIL

**AMENDMENTS AND ADDITIONS**

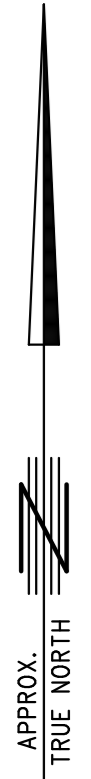
21/1/10	PARCEL O ADDED AREA OF PARCEL M CHANGED
28/6/10	AREA OF LOTS M, N, O & L ADJUSTED PARCEL B OWNERSHIP DETAILS CHANGED VARIOUS OTHER NOTATIONS ADDED TO PLAN
15/6/11	PARCELS P, Q, R, S AND T ADDED. PARCEL O AMENDED. AREA PARCEL M AMENDED PROPOSED NEW ROAD ALIGNMENT AMENDED
7/7/11	PARCEL V ADDED. AREAS B, C AND E AMENDED FOR ENCROACHMENT.

SURVEYORS REFERENCE: 6993-AREAS  
DATE: NOVEMBER 2009

**LAWLOR AND LOY PTY. LTD.**  
SURVEYORS, PROPERTY MANAGEMENT & TOWN PLANNING CONSULTANTS  
SUITE 2, 122 PARA ROAD MONTMORENCY 3094  
P.O. BOX 242 GREENSBOROUGH 3088  
PH:9435 2422 FAX:9432 1256

LISCAD FILE: 6993-AREAS.LCD  
AUTOCAD FILE: 6993-AREAS.DWG

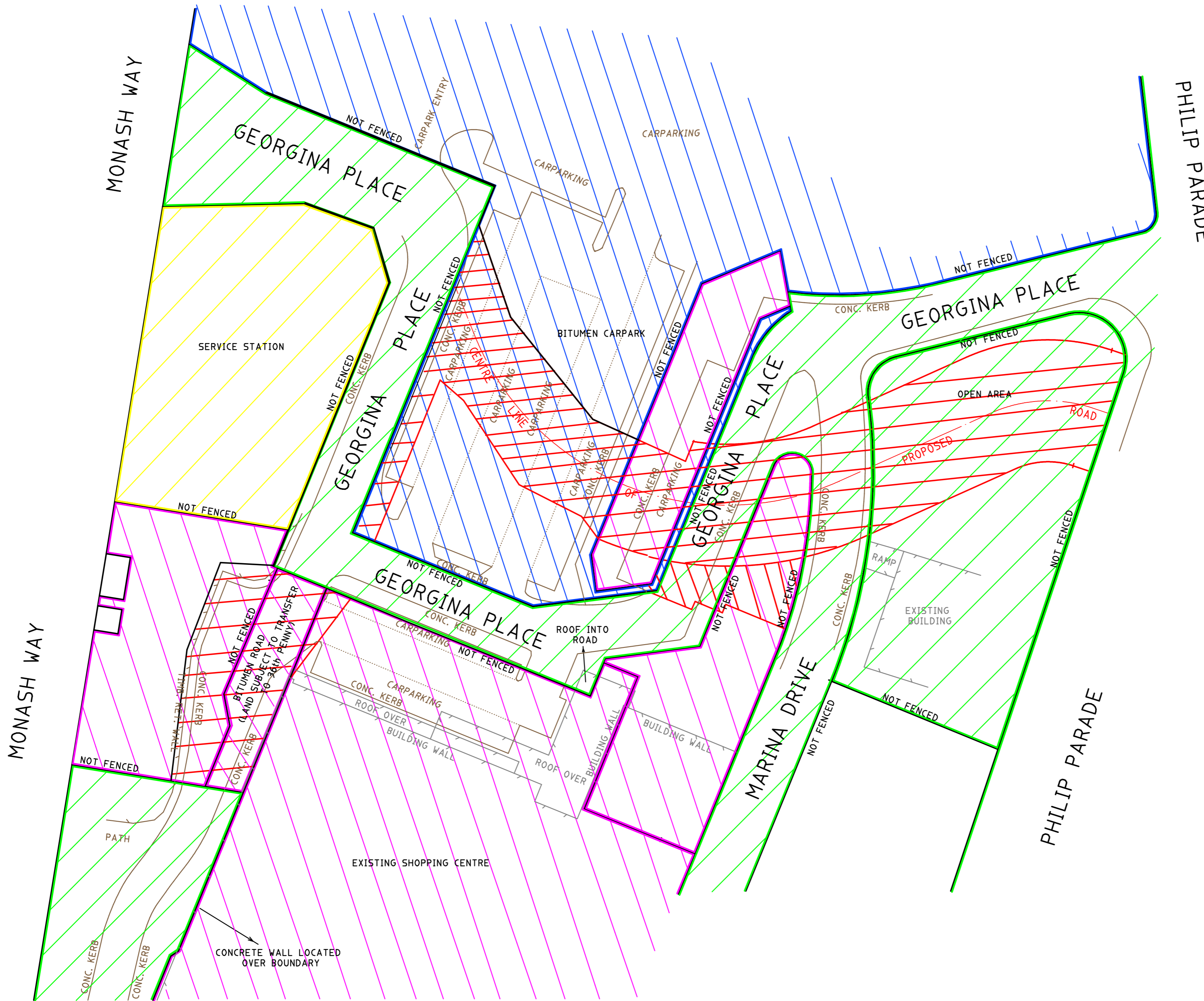
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LENGTHS ARE IN METRES



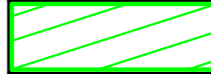






**ATTACHMENT THREE: CHURCHILL TOWN CENTRE - EXISTING OWNERSHIPS**

PLAN OF EXISTING CONDITIONS, PARCEL OWNERSHIP  
AND PROPOSED ROAD ALIGNMENT  
CHURCHILL TOWN CENTRE, CHURCHILL

SCALE: 5 0 5 10 15 20 25  
LENGTHS ARE IN METRES



NOTE

- TITLE DIMENSIONS AND EASEMENTS HAVE NOT BEEN SHOWN ON THIS PLAN. REFER TO VARIOUS CERTIFICATE OF TITLES FOR TITLE AND EASEMENT INFORMATION.
- THIS PLAN HAS BEEN PREPARED FOR INITIAL DISCUSSION AND CONSULTATION PURPOSES.
-  DENOTES PARCEL OWNED BY: LATROBE CITY COUNCIL
  -  DENOTES PARCEL OWNED BY: 36th PENNY
  -  DENOTES PARCEL OWNED BY: OWNERS CORPORATION 1 ON PS.433286N
  -  DENOTES PARCEL OWNED BY: PETROLEUM PROPERTY HOLDINGS
- UNDERGROUND SERVICES HAVE NOT BEEN LOCATED OR INVESTIGATED FOR THE PURPOSES OF THIS PLAN. THE LOCATION OF UNDERGROUND SERVICES SHOULD BE CONFIRMED WITH THE RELEVANT AUTHORITY.
-  DENOTES EXISTING CONCRETE KERB
  -  DENOTES EXISTING BUILDING
- TITLE DETAILS DERIVED FROM INFORMATION SUPPLIED BY LATROBE CITY COUNCIL.
-  DENOTES LAND REQUIRED FOR RE-ALIGNED GEORGINA PLACE, WEST PLACE AND NEW PLAZA.

AMENDMENTS AND ADDITIONS	
17/6/11	HATCHING FOR GEORGINA PLACE, WEST PLACE AND PLAZA ADDED LAND TRANSFER DETAILS ADDED
21/6/11	BLUE HATCHING AMENDED

SURVEYORS REFERENCE: 6993-ECPO-RA  
DATE: JANUARY 2010

**LAWLOR AND LOY PTY. LTD.**  
SURVEYORS, PROPERTY MANAGEMENT & TOWN PLANNING CONSULTANTS  
SUITE 2, 122 PARA ROAD MONTMORENCY 3094  
P.O. BOX 242 GREENSBOROUGH 3088  
PH:9435 2422 FAX:9432 1256

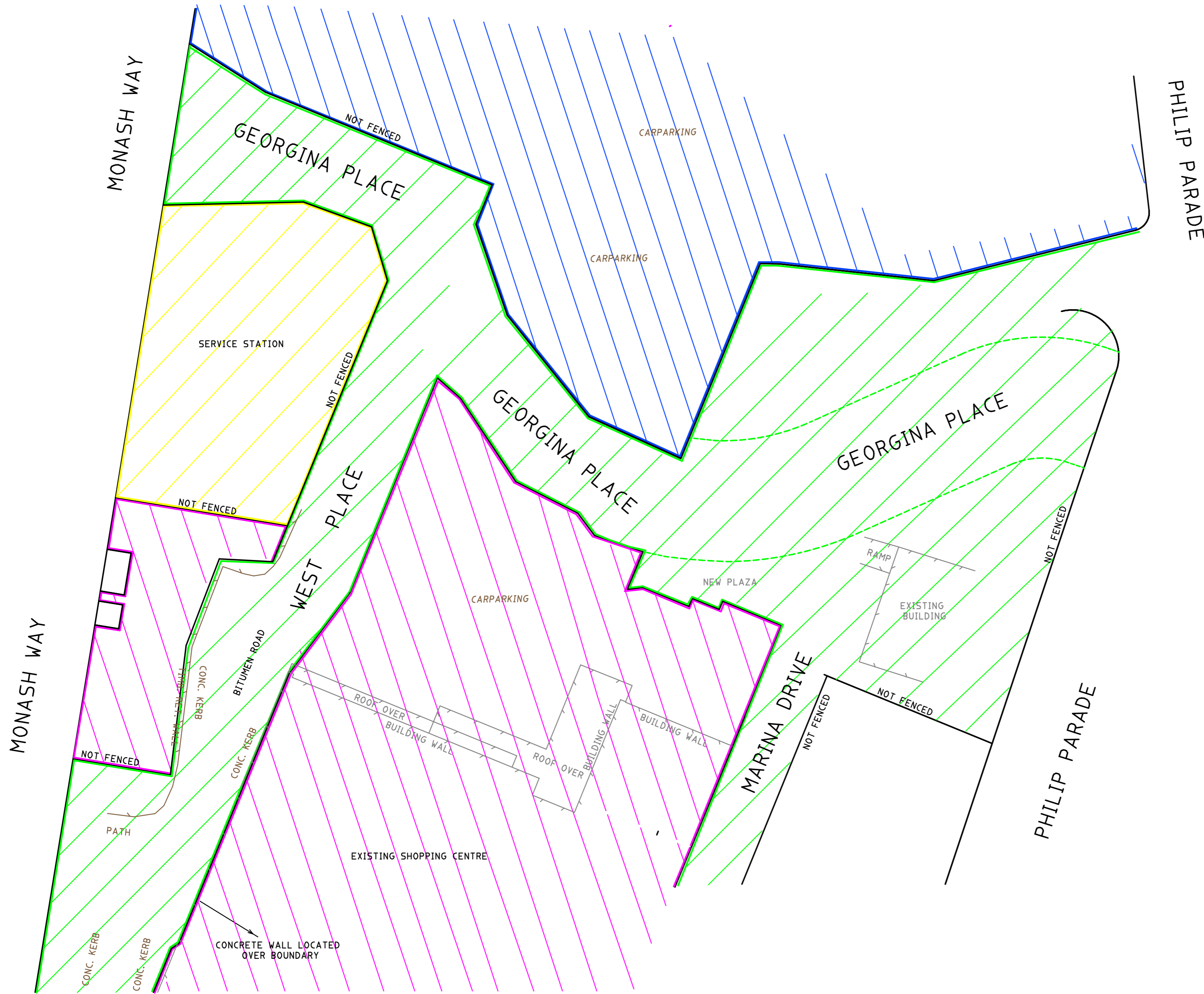
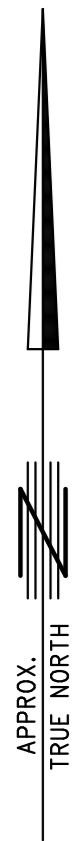
(LICENSED SURVEYOR)

LISCAD FILE: 6993-ECPO-RA.LCD  
AUTOCAD FILE: 6993-ECPO-RA.DWG






**ATTACHMENT FOUR: CHURCHILL TOWN CENTRE – PROPOSED OWNERSHIPS**


PLAN OF OWNERSHIP AFTER LAND EXCHANGES  
CHURCHILL TOWN CENTRE, CHURCHILL

SCALE: 5 0 5 10 15 20 25  
LENGTHS ARE IN METRES



NOTE

- TITLE DIMENSIONS AND EASEMENTS HAVE NOT BEEN SHOWN ON THIS PLAN. REFER TO VARIOUS CERTIFICATE OF TITLES FOR TITLE AND EASEMENT INFORMATION.
- THIS PLAN HAS BEEN PREPARED FOR ILLUSTRATION PURPOSES. BOUNDARIES SHOWN ARE SUBJECT TO COUNCIL APPROVAL AND FURTHER SURVEY.
-  DENOTES LAND TO BE OWNED BY LATROBE CITY COUNCIL AFTER TRANSFERS
  -  DENOTES LAND TO BE OWNED BY 36th PENNY AFTER TRANSFERS
  -  DENOTES LAND TO BE OWNED BY OWNERS CORPORATION 1 ON PS.433286N
  -  DENOTES PARCEL OWNED BY: PETROLEUM PROPERTY HOLDINGS
- UNDERGROUND SERVICES HAVE NOT BEEN LOCATED OR INVESTIGATED FOR THE PURPOSES OF THIS PLAN. THE LOCATION OF UNDERGROUND SERVICES SHOULD BE CONFIRMED WITH THE RELEVANT AUTHORITY.
-  DENOTES EXISTING BUILDING
- TITLE DETAILS DERIVED FROM INFORMATION SUPPLIED BY LATROBE CITY COUNCIL.

AMENDMENTS AND ADDITIONS 21/6/11 BLUE HATCHING AMENDED
SURVEYORS REFERENCE: 6993-FINAL DATE: JUNE 2011
 <b>LAWLOR AND LOY PTY. LTD.</b> SURVEYORS, PROPERTY MANAGEMENT & TOWN PLANNING CONSULTANTS SUITE 2, 122 PARA ROAD MONTMORENCY 3094 P.O. BOX 242 GREENSBOROUGH 3088 PH:9435 2422 FAX:9432 1256

(LICENSED SURVEYOR)

LISCAD FILE: 6993-FINAL.LCD  
AUTOCAD FILE: 6993-FINAL.DWG

**15.8** **COMMUNITY GRANTS REQUEST FOR CHANGE TO PROJECT 1395**

**CONFIDENTIAL – OTHER – s.89(2)(h) LOCAL GOVERNMENT ACT 1989**

**AUTHOR:** General Manager Recreation, Culture & Community Infrastructure

**(ATTACHMENT - YES)**

**1. INTRODUCTION**

The purpose of this report is to table correspondence received from the Morwell Historical Society Incorporated, seeking Council's approval for the Society to use funds allocated through the 2010/11 Community Grants Program for a purpose other than that which the funds were originally granted.

In the 2010/11 Community Grants Program, Council approved the following project:

- Project number 1395 – Permanent wall mounted display to commemorate Morwell's first police officer and nurses from Hazelwood that served in World War 1.

The amount of \$3,500 has not as yet been paid to Morwell Historical Society, it has however been carried forward into the 2011/12 community grants budget.

On 12 October 2011 Mr Stephen Hellings, Secretary of the Morwell Historical Society Incorporated, wrote to Latrobe City Council advising that the original project proposed under the 2010/11 Community Grants Program is no longer viable as the Society has had difficulties in obtaining sufficient factual information and suitable photographs for the project.

Copy of correspondence below – Attachment 1.

**2. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act* 1989 in the preparation of this report.

**3. OFFICER COMMENTS**

The new project now proposed by the Morwell Historical Society Incorporated to upgrade their computer equipment and program is consistent with Latrobe City Council's Community Grants Program Guidelines. The project will achieve a positive outcome.



**4. RECOMMENDATION**

**That Council grants permission to the Morwell Historical Society Incorporated to use the 2010/11 community grant funds of \$3,500 towards the new project of: purchasing equipment and programs to upgrade the Society's computer, scanning and printing system.**

**Moved:** Cr Gibson

**Seconded:** Cr Harriman

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**ATTACHMENT**

**Morwell Historical Society Inc.**

President: Leonie Pryde  
Information Centre: 44 Buckley Street Morwell VIC 3840  
URL: www.morwellhistoricalsociety.org.au



Post Office circa 1903

Chief Executive Officer  
Latrobe City Council  
PO Box 264  
MORWELL VIC. 3840

Dear Sir,

**Re. Community Grants**

Our society received a Community Grant in 2010 for the production of framed historical tributes to four famous early local residents. The Society has found difficulties in obtaining sufficient factual information and suitable photographs to complete this project.

Due to the time delay, the society requests approval from Council to use the 2010 grant for the purchase of equipment and programs to upgrade our computer, scanning and printing system as our existing equipment is starting to fail. The upgrade will allow us to provide an improved service for the many requests we receive for historical information. It will also allow us to provide a dedicated system for members of the public to do their own research at the society's rooms.

If further information is required on this matter, please contact Bruce McMaster on 51341149

Yours Faithfully

*S. Hellings*  
Stephen Hellings  
Secretary

*11/10/2011*

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
12 OCT 2011	
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Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to:

Postal Address: Secretary: Stephen Hellings, PO Box 1102, Morwell, VIC 3840  
INC. NO. A0016986W

RECEIVED  
11 OCT 2011  
BY: *Ho* HQ

**Moved:** Cr Gibson  
**Seconded:** Cr Lougheed

**That the Meeting be re-opened to the public.**

**CARRIED UNANIMOUSLY**

**THE MEETING REOPENED TO THE PUBLIC AT 8.30 PM.**

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS DECLARED  
CLOSED AT 8.35 PM.**

**I CERTIFY THAT THESE MINUTES COMPRISE OF 412 PAGES IN TOTAL  
AND THAT THEY HAVE BEEN CONFIRMED.**

**MAYOR:** \_\_\_\_\_

**DATE:** \_\_\_\_\_