



LATROBE CITY COUNCIL

MINUTES FOR THE ORDINARY COUNCIL MEETING

HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 6.03 PM ON
13 FEBRUARY 2017

CM495

PRESENT:

Councillors:	Cr Kellie O'Callaghan, Mayor	East Ward
	Cr Graeme Middlemiss, Deputy Mayor	Central Ward
	Cr Alan McFarlane	Central Ward
	Cr Darren Howe	East Ward
	Cr Dale Harriman	East Ward
	Cr Dan Clancey	East Ward
	Cr Darrell White	South Ward
	Cr Brad Law	West Ward
	Cr Sharon Gibson	West Ward
Officers:	Gary Van Driel	Chief Executive Officer
	Sara Rhodes-Ward	General Manager Community Services
	Phil Stone	General Manager City Development
	Sarah Cumming	General Manager Corporate Services
	Steven Piasente	General Manager Infrastructure & Recreation
	Jodie Pitkin	Manager Governance
	Amy Phillips	Coordinator Governance
	Kylie Stockdale	Governance Officer
	Edith Heiberg	Manager Communications and Customer Relations

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1. OPENING PRAYER

The Mayor read the opening prayer.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

The Mayor read the acknowledgement of the traditional owners of the land.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil.

4. DECLARATION OF INTERESTS

Cr Harriman declared an interest that is not a conflict of interest, in respect to Item 9.3 2017/03 TAFE Courses at Newborough, and Item 17.4 Proposed sale of a portion of Council owned Recreation Reserve located north of Rangeview Drive Traralgon.

Cr Clancey declared an indirect interest under Section 78C of *The Local Government Act 1989* in respect to Item 10.1 Proposed Sale of Land - Short Street, Traralgon.

The General Manager Corporate Services declared an indirect conflict of interest under Section 78B of the *Local Government Act 1989* in respect to Item 15.5 Document for signing and seal - Creation of Easement.

Cr Law declared a direct and/or indirect interest under Section 78B of *The Local Government Act 1989* in respect to Item 17.3 Moe Racing Club - request for a half-day public holiday 2017 Moe Cup.

5. ADOPTION OF MINUTES

MOTION

Moved: Cr Gibson

Seconded: Cr McFarlane

That the minutes of the Ordinary Council Meeting held on 5 December 2016 be confirmed.

CARRIED UNANIMOUSLY

6. ACKNOWLEDGEMENTS

6.1 ADOPTION OF WOOD ENCOURAGEMENT POLICIES

Cr Harriman advised the meeting that two Councils in Queensland, being Fraser Coast Regional Council, and Gympie Regional Council, have adopted a wood policy based on the Latrobe City Council Wood Encouragement Policy.

7. PUBLIC QUESTION TIME

7.1 PUBLIC SPEAKERS

Suspension of Standing Orders

MOTION

Moved: Cr Gibson

Seconded: Cr Clancey

That Council suspend standing orders.

CARRIED UNANIMOUSLY

Standing Orders were suspended at 6:05 pm.

The following persons spoke on an item on the agenda:

Cr Clancey declared an indirect interest under Section 78C of *The Local Government Act 1989* in respect to this item.

Cr Dan Clancey left the meeting, the time being 06:05 pm

10.1 Proposed Sale of Land - Short Street, Traralgon

- Mr Jason Bosse

Cr Dan Clancey returned to the meeting, the time being 06:13 pm

14.2 Planning Application 2016/91 – Development of a Second Dwelling on a lot in the General Residential Zone

- Mr Mario Sammut
- Mr Bernie Hoefler

Resumption of Standing Orders

MOTION

Moved: Cr Gibson

Seconded: Cr Law

That Council resumes standing orders.

CARRIED UNANIMOUSLY

8. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION/QUESTIONS ON NOTICE

Date of Council Meeting	Item	Date of Future Council Meeting Report
Chief Executive Office		
22 August 2016	Urgent Matter: Regional Victorian Cities Delegation to China 19-23 September 2016	<p>02 November 2016 A report is scheduled for the 05 December 2016 Council Meeting.</p> <p>18 November 2016 The report to Council has been rescheduled until 2017.</p> <p>10 January 2017 A report will be presented to the first Council Meeting of 2017.</p>
City Development		
26 October 2015	Economic Development Engagement Plan	<p>Complete</p> <p>05 February 2016 The Economic Development Engagement Plan Quarterly report was presented to Council in February 2016. Report to be presented to the Ordinary Council Meeting on 29 February 2016.</p> <p>10 March 2016 The next quarterly report will be presented to Council in May 2016. The annual report will go to Council for consideration in September 2016.</p> <p>28 April 2016 The Economic Development Engagement Plan was presented to Council on 29 February 2016.</p> <p>20 September 2016 The annual report has been rescheduled to 05 December 2016.</p> <p>07 December 2016 The annual report was presented to Council on 05 December 2016.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
20 June 2016	2016/13 - Remembrance Day And ANZAC Day Road Closures	<p>31 August 2016 A report regarding ANZAC Day and Remembrance Day commitments from 2017 will be prepared for Council's consideration.</p> <p>27 October 2016 A report on this matter is scheduled for the Briefing on 21 November and Council Meeting on 5 December 2016.</p> <p>23 November 2016 A report on this matter will now be scheduled for a Briefing in February 2016.</p> <p>11 January 2017 A report will be presented to the Councillor Briefing on 30 January 2017, followed by the Council Meeting on 13 February 2017.</p>
11 July 2016	Installation Of CCTV Head Street Traralgon - Dumped Rubbish	<p>04 October 2016 It is anticipated that a report will be presented to Council to provide details about the outcome of the trial in December 2016.</p> <p>15 November 2016 A report has been completed and will be presented to Council on 05 December 2016 providing an update on the progress of the trial and requesting an extension on the surveillance period.</p> <p>11 January 2017 Draft report required further work as a result of a recent decision of Council in relation to CCTV. Report will now be scheduled to be presented to the Feb 2017 Council meeting.</p>
03 October 2016	Planning Scheme Amendment C85 - Crinigan Road, Morwell	<p>21 November 2016 A report will be presented to Council in 2017, subject to receiving further information from the proponent.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
Infrastructure & Recreation		
06 November 2013	Latrobe Regional Motorsport Complex	<p>2015 A briefing report and Council report will be presented in April 2016.</p> <p>30 March 2016 A briefing report will be presented in May 2016.</p> <p>26 May 2016 A briefing report will be presented to Councillors at the 30 May 2016 Councillor Briefing.</p> <p>30 May 2016 A report was presented to the Councillor Briefing on 30 May 2016, and a further report will follow in September.</p> <p>20 September 2016 A tour of possible sites for the development of a Motorsport Complex will be organised for early in 2017.</p>
28 April 2014	<p>Proposed Site for Latrobe City Mountain Bike Park</p> <p>Confidential under section 89(2)(d) contractual matters</p>	<p>11 November 2016 A further report will be presented to Council in early 2017.</p> <p>13 January 2017 A report will be presented to Council at the 6 March 2017 Council Meeting.</p>
19 May 2014	<p>East West Link for Traralgon</p> <p>Confidential under section 89(2)(h) a matter which the Council or special committee considers would prejudice the Council or any person</p>	<p>27 January 2017 A report will be presented to Council in March 2017.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
02 May 2016	Agnes Brereton Park Traralgon – Contract Management Confidential under section 89(2)(e) proposed developments	09 December 2016 Report to Council planned for February 2017
20 June 2016	Draft Drainage Asset Management Plan 2016	05 July 2016 Following adoption Officers are reviewing the improvement plan and will discuss Consultation with Communication Department to prepare a plan to consult immediately following the caretaker period. 21 September 2016 Consultation will commence once the Caretaker period has finished. 23 November 2016 Consultation is arranged for December through to February 2017. 27 January 2017 A report will presented to an Ordinary Council Meeting in May 2017 following the conclusion of the community consultation.
11 July 2016	Latrobe Leisure Moe Newborough Hydrotherapy Program	20 July 2016 A report will be presented to Council in 2017.
12 September 2016	2016/25 - Footpaths in Central Business District and Moe CBD on Street Car Parking	11 January 2017 Report to Council programmed for the March 2017 Council meeting.

Date of Council Meeting	Item	Date of Future Council Meeting Report
12 September 2016	2016/26 - Parking and Traffic Management, Queen Street, Moe	<p>20 September 2016 Officers will prepare a report for a future Council Meeting.</p> <p>23 November 2016 Report preparation continues. Target date for presentation is February 2017.</p> <p>11 January 2017 Report being prepared for 13 February 2017 meeting</p>
12 September 2016	Outdoor Pool Operating Hours 2016/17	<p>20 September 2016 A report will be presented to Council at the end of the outdoor pool season (March 2017).</p>
12 September 2016	Country Football Netball Program: second resolution	<p>02 November 2016 A report will be presented to the Councillor Briefing on 28 November 2016.</p> <p>12 December 2016 A briefing report was presented to the 28 November 2016 Councillor Briefing. A further report will be presented to Council at the 13 February 2017 Ordinary Council meeting.</p> <p>01 February 2017 Report has been rescheduled to March 2017.</p>
12 September 2016	<p>Latrobe City Sports and Entertainment Stadium - contractual matter</p> <p>Confidential under section 89(2)(d) contractual matters</p>	<p>20 September 2016 A report will be prepared for a future Council Meeting.</p> <p>30 January 2017 A report will be presented at the 13 February 2017 Ordinary Council meeting.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
12 September 2016	Community Cricket Program: On Common Ground Confidential under section 89(2)(e) proposed developments	30 January 2017 A report will be presented to Councillors at the 20 February 2017 Councillor Briefing.
05 December 2016	2016/29 - Parking in Henry Street, Traralgon	10 January 2017 Report regarding Resident Exempt Parking being prepared for 13 February 2017.
Community Services		
18 February 2013	Affordable Housing Project – Our Future Our Place	<p>09 March 2016 A report will be presented to a Councillor Briefing in May 2016</p> <p>08 June 2016 The Briefing report has been rescheduled to 27 June 2016.</p> <p>20 July 2016 A briefing report was prepared for the Councillor briefing on 27 June.</p> <p>09 August 2016 A briefing report was presented to the Councillor briefing on 25 July.</p> <p>28 October 2016 Report scheduled in for Councillor Briefing (2) on Monday, 28 November 2016.</p> <p>07 November 2016 Councillor Briefing Report to be presented in Feb 2017.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
20 June 2016	2016/12 - Future Economic Development of Latrobe City	<p>20 September 2016 The Positioning Paper was presented at a Briefing on 05 September 2016. A further report will be presented to Council.</p> <p>02 November 2016 A further report will be presented to a Councillor Briefing in November 2016.</p> <p>07 November 2016 A report will be presented to a Councillor Briefing on Monday 28 November 2016.</p> <p>30 January 2017 A report will be presented to a Councillor Briefing in February 2017.</p>
22 August 2016	2016/21 - Hinkler Street Reserve Site	<p>07 November 2016 Councillor Briefing Report to be presented in Feb 2017.</p>
12 September 2016	2016/27 - Use of Telephone and Mobile Device Applications for Improving Communication between our Community and Council	<p>20 September 2016 Officers will prepare a report for a future Council Meeting.</p> <p>02 November 2016 A report will be presented to Council in 2017.</p> <p>30 January 2017 A report will be presented to Council in April 2017.</p>
12 September 2016	<p>Future Morwell Revitalisation Plan</p> <p>Confidential under section 89(2)(d)(e) contractual matters and proposed developments</p>	<p>28 October 2016 Briefing report scheduled to go before Councillors in February 2017, with a Council Meeting report to be scheduled following the briefing.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
05 December 2016 Community Services	Moe Library Facility to Incorporate a Local Information Centre and the Display and Sale of Local Artworks	30 January 2017 Follow up briefing due to Council in April 2017.
Corporate Services		
25 May 2015	MAV Workcare Self Insurance Confidential under section 89(2)(d) contractual matters	2015 A report will be presented to Council in the second half of 2019.
17 August 2015	Legal Matter - Sale of Council Property Confidential under section 89(2)(f) legal advice	27 January 2017 A report will be presented to Council in the second half of 2017.
22 August 2016	Report into Grant Acquittal Practices	Complete 24 August 2016 A report will be prepared for the Council Meeting in December 2016 which will outline the progress / completion of implementing the new Grants & Sponsorships Management including addressing the Audit objectives. 07 December 2016 Report was presented at 05 December 2016 Council meeting.
05 December 2016	Proposed Sale of Land - Short Street, Traralgon	10 January 2017 Closing date for submissions is 13 January 2017. A further report will be prepared for Council consideration.

NOTICES OF MOTION

9. NOTICES OF MOTION

9.1 2017/01 Support for Wellington Shire Council in relation to Australian Sustainable Hardwoods Mill, Heyfield

Cr Dale Harriman

I, Cr Harriman, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 13 February 2017:

MOTION

Moved: Cr Harriman

Seconded: Cr Gibson

That Council requests that the Mayor writes:

- 1. to the Premier of Victoria and relevant Ministers (with a copy to Wellington Shire Council) expressing Latrobe City Council's disappointment at VicForests' decision to reduce its supply of timber to Australian Sustainable Hardwoods mill in Heyfield; and**
- 2. a letter to Baw Baw Shire, East Gippsland Shire, South Gippsland Shire and Bass Coast Shire Councils calling on them to support Wellington Shire in its advocacy efforts in relation to Australian Sustainable Hardwoods.**

CARRIED UNANIMOUSLY

Extension of Time

Moved: Cr White

Seconded: Cr Gibson

That Council in accordance with the *Meeting Procedure Local Law No. 1*, grants an extension of time for Cr Middlemiss to speak.

CARRIED UNANIMOUSLY

(signed)

Cr Dale Harriman
09 February 2017

Attachments
Nil

9.2 2017/02 Support for Intensive Agricultural Business Opportunities

Cr Dale Harriman

I, Cr Harriman, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 13 February 2017:

MOTION

Moved: Cr Harriman

Seconded: Cr White

That Council seeks support from the Latrobe Valley Authority for financial support to locate intensive agricultural business opportunities in Latrobe City.

Adjournment

That Council, in accordance with Clause 42 of the *Meeting Procedure Local Law No. 1* adjourns the meeting to allow for the motion to be formulated on this matter.

The meeting was adjourned at 6:49 pm. The meeting recommenced at 6:56 pm.

AMENDED MOTION

Moved: Cr Harriman

Seconded: Cr White

That Council seeks support from the Latrobe Valley Authority for financial support to investigate opportunities to attract intensive agricultural business to Latrobe City.

The amended motion being the Motion and was CARRIED UNANIMOUSLY

(signed)

Cr Dale Harriman
09 February 2017

Attachments
Nil

Cr Harriman declared an interest not being a Conflict of Interest of *The Local Government Act 1989* in respect to this item.

9.3 2017/03 TAFE Courses at Newborough

Cr Sharon Gibson

I, Cr Gibson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 13 February 2017:

MOTION

Moved: Cr Gibson
Seconded: Cr Clancey

That Council requests that the Mayor writes to the Minister for Education asking for written assurances that no TAFE courses will be taken from the Newborough campus.

AMENDED MOTION

Moved: Cr Gibson
Seconded: Cr Clancey

That Council requests that the Mayor writes to the Premier of Victoria and the Minister for Training and Skills asking for written assurances that no TAFE courses will be taken from the Yallourn campus at Newborough.

CARRIED UNANIMOUSLY

(signed)

Cr Sharon Gibson
09 February 2017

Attachments
Nil

**ITEMS REFERRED BY
THE COUNCIL TO THIS
MEETING FOR
CONSIDERATION**

Cr Clancey declared indirect interest under Section 78C of *The Local Government Act 1989* in respect to this item.

Cr Clancey left the meeting, the time being 07:07 pm

10. ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR CONSIDERATION

10.1 Proposed Sale of Land - Short Street, Traralgon

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

Council has received a request from the owner of 2 Short Street, Traralgon, to acquire part of the discontinued laneway at the rear of the property.

This laneway, between Collins Street and Bourke Street, was formally discontinued by Council via a notice in the Victoria Government Gazette on 5 August 2004 and has been incorporated into the adjoining properties.

Council, at its meeting held on 5 December 2016, resolved to give public notice of its intention to consider the sale of this land and, as part of this process, write to the owners of 23-29 Shakespeare Street and 12 Short Street requesting that they purchase or lease the section of the discontinued laneway incorporated into their respective properties.

Having given public notice of the proposed sale of land, responses have been received from the owners of the above properties together with the owner of 31-33 Shakespeare Street expressing interest in acquiring the land.

RECOMMENDATION

That Council declares the land from the discontinued laneway between Collins Street and Bourke Street Traralgon as surplus to Council and community requirements; and

1. Resolves to sell the land between 2 Short Street, 4 Short Street, 31-33 Shakespeare Street Traralgon and authorises the Chief Executive Officer:
 - a) to invite expressions of interest from the adjoining property owners of 2 Short Street, 4 Short Street, 31-33 Shakespeare Street Traralgon for the purchase of the section of land at the rear of their property. The expression of interest is to state:
 - i. Purchase price;
 - ii. Details of proposed site utilisation including design concept of the future use or development of the land;
 - iii. Details of their ability to perform such works;
 - iv. Details of their property development experience;
 - v. Confirmation that all expenses including valuation, legal and survey costs associated with the transfer and consolidation of the land will be the responsibility of the purchaser together with all development costs and expenses.
 - b) to assess any expressions of interest received and negotiate the sale with the successful applicant.
 - c) then sign and seal any Contract of Sale and/or Transfer of Land documentation required as part of the sale of the land.
2. Resolves to sell the remaining land at the rear of 23-29 Shakespeare Street and 12 Short Street Traralgon to the adjoining owners of these properties, by private treaty at not less than market value of the land, and:
 - a) Authorise the Chief Executive Officer to negotiate the terms and conditions of sale with the adjoining land owners of 23-29 Shakespeare Street and 12 Short Street Traralgon, and
 - b) Sign and seal any Contracts of Sale and/or Transfer of Land documentation required as part of the sale of the land.
3. Notifies the adjoining property owners of its decision.

MOTION

Moved: Cr Gibson

That Council, in accordance with Clause 42 of the *Meeting Procedure Local Law No. 1* defers consideration of this item to the next meeting of the Council.

The motion lapsed for want of a seconder.

MOTION

Moved: Cr McFarlane

Seconded: Cr Harriman

That Council declares the land from the discontinued laneway between Collins Street and Bourke Street Traralgon as surplus to Council and community requirements; and

- 1. Resolves to sell the land between 2 Short Street, 4 Short Street, 31-33 Shakespeare Street Traralgon and authorises the Chief Executive Officer:**
 - a) to invite expressions of interest from the adjoining property owners of 2 Short Street, 4 Short Street, 31-33 Shakespeare Street Traralgon for the purchase of the section of land at the rear of their property. The expression of interest is to state:**
 - i. Purchase price;**
 - ii. Details of proposed site utilisation including design concept of the future use or development of the land;**
 - iii. Details of their ability to perform such works;**
 - iv. Details of their property development experience;**
 - v. Confirmation that all expenses including valuation, legal and survey costs associated with the transfer and consolidation of the land will be the responsibility of the purchaser together with all development costs and expenses.**
 - b) to assess any expressions of interest received and negotiate the sale with the successful applicant.**
 - c) then sign and seal any Contract of Sale and/or Transfer of Land documentation required as part of the sale of the land.**
- 2. Resolves to sell the remaining land at the rear of 23-29 Shakespeare Street and 12 Short Street Traralgon to the adjoining owners of these properties, by private treaty at not less than market value of the land, and:**
 - a) Authorise the Chief Executive Officer to negotiate the terms and conditions of sale with the adjoining land owners of 23-29 Shakespeare Street and 12 Short Street Traralgon, and**
 - b) Sign and seal any Contracts of Sale and/or Transfer of Land documentation required as part of the sale of the land.**
- 3. Notifies the adjoining property owners of its decision.**

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

In August 2003 Council received a request from the then owner of 2 Short Street, Traralgon, to acquire part of the laneway at the rear of the property that ran between Collins Street and Bourke Street as shown on the attached aerial image. (Attachment 1)

Council subsequently gave public notice of its intention to discontinue the laneway and, at its meeting held on 19 July 2004, formally resolved that the road was not reasonably required for public use, that it should be discontinued pursuant to Section 206 and Schedule 10, Clause 3 of the *Local Government Act 1989* and sold by private treaty. (Attachment 2)

In accordance with this resolution a notice was published in the Victoria Government Gazette on 5 August 2004 formally discontinuing the road and vesting the land in the ownership of Council. A copy of this notice is attached.

At the time a valuation of the land was obtained however the owner of 2 Short Street sought to purchase the land for \$1.00. As agreement could not be reached and this would not have been compliant with Councils Sale of Land policy, the transfer was never finalised.

Current Application

In July 2016 an application for a planning permit was received from the current owner of 2 Short Street for the use and development of a warehouse that proposed to utilise the section of the discontinued laneway for rear access to the property.

As part of the internal referrals process it was identified that this land is no longer a road and, as it is freehold land owned by Council, the adjoining property owner would need to either enter into an agreement for its use or make application to acquire the land.

Such an application to purchase was received in September 2016.

As the discontinued laneway ran between Collins Street and Bourke Street it was identified that sections of the land are also incorporated into the properties at 4 Short Street, 23-29 Shakespeare Street and 12 Short Street. (Attachment 3)

The current application was previously considered at the Ordinary Council meeting held on 5 December 2016, and it was resolved that Council:

- 1. Gives public notice of its intention to consider the potential sale of the discontinued laneway between Collins Street and Bourke Street, Traralgon, and invite submissions pursuant to Section 223 of the Local Government Act 1989; and*
- 2. Considers any submissions received regarding the potential sale of part of the discontinued laneway at the rear of 2 Short Street, Traralgon, at the first available meeting in February 2017; and*
- 3. Writes to the owners of 23-29 Shakespeare Street and 12 Short Street, Traralgon, requesting that they purchase or lease the section of the discontinued laneway incorporated into their respective properties; and*
- 4. Notifies the owner of 2 Short Street, Traralgon, of its decision.*

In accordance with this resolution public notice was given of the proposal and letters sent to the owners of 23-29 Shakespeare Street, 31-33 Shakespeare Street and 12 Short Street advising of the proposed sale of land.

As there are sewerage assets in the land Gippsland Water were also notified of the proposed sale of land and invited to make comment.

In response, the owners of 23-29 Shakespeare Street and 12 Short Street have expressed interest in acquiring the sections incorporated into their properties and the balance would be acquired by the applicant who owns both 2 and 4 Short Street. (Attachment 4 and 5)

A response has also been received from the owner of 31-33 Shakespeare Street, Urban Town Developments Pty Ltd, expressing interest in acquiring the section of the laneway at the rear of the property. (Attachment 6)

This is the same section of the discontinued laneway that is the subject of the original application by the owner of 2 Short Street however it has been noted that 31-33 Shakespeare Street does not have direct access to the land as there is a substantial brick wall along the rear boundary. While the property may be redeveloped in the future there is no indication of when this might occur.

The current application from the owner of 2 Short Street to purchase the section of the discontinued laneway arose from an application for a planning permit for the use and development of warehouse and it was proposed that this land would be utilised for rear access. If this section was to be transferred to the owner of 31-33 Shakespeare Street this would obviously have an impact on this proposal.

A response was received from Gippsland Water confirming that there are sewer assets located within the discontinued laneway and they would therefore require a 2 meter wide easement for pipeline or ancillary purposes in their favour. (Attachment 7)

It was previously determined that this laneway was surplus to Council and community requirements, as such there would be no benefit in the land being retained and it would therefore be appropriate to transfer the land to the adjoining property owners subject to the requirement of Gippsland Water for an easement.

Options

Council may resolve to sell the land to the property owners at 2 Short Street, 4 Short Street, 23-29 Shakespeare Street and 12 Short Street, Traralgon.

Alternatively, as the owners of both 2 and 4 Short Street as well as 31-33 Shakespeare Street have expressed an interest in the same section at the rear of their respective properties, Council could request that both owners submit an offer as to what they would be prepared to pay for the land.

STAKEHOLDER CONSULTATION

Public notices were placed in the Latrobe Valley Express on 15 and 22 December 2016 giving notice of the proposed sale of land and inviting submissions.

Letters were also sent to the owners of 23-29 Shakespeare Street, 31-33 Shakespeare Street, 12 Short Street as well as Gippsland Water regarding the proposed sale of land.

No submissions were received from the wider community in response to the public notices however responses were received from each of the adjoining property owners and Gippsland Water.

FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with the statutory process are minimal, being the cost of notices in the Latrobe Valley Express inviting public comment on the proposed sale of land as well as officer resources in the preparation of reports.

The purchase price for the land would be based upon an independent valuation obtained by Council as required by Section 189 of the *Local Government Act 1989*.

Should Council resolve to sell the land all valuation, legal and survey costs associated with the transfer and consolidation of the land would be the responsibility of the purchasers.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

CONCLUSION

Council has previously resolved to discontinue the laneway between Collins Street and Bourke Street, Traralgon, and sell the land by private treaty to the adjoining property owner at 2 Short Street.

The laneway has been discontinued, is no longer a road and has been fenced into each of the adjoining properties. As it is not required for municipal purposes this land is considered to be surplus to Council and community requirements.

The current owner of 2 Short Street proposes to redevelop the site and has submitted a planning permit application that includes the Council land as part of the redevelopment. Furthermore, the owners of 23-29 Shakespeare Street and 12 Short Street have confirmed their interest in acquiring the remainder of the land.

An additional expression of interest has been received from the owners of 31-33 Shakespeare Street for the section at the rear of their property.

Having undertaken the statutory process pursuant to Section 223 of the *Local Government Act 1989* and considered submissions received Council may now resolve to transfer the land from the discontinued laneway to the owners of 2 Short Street, 4 Short Street, 23-29 Shakespeare Street and 12 Short Street, Traralgon.

SUPPORTING DOCUMENTS

Nil

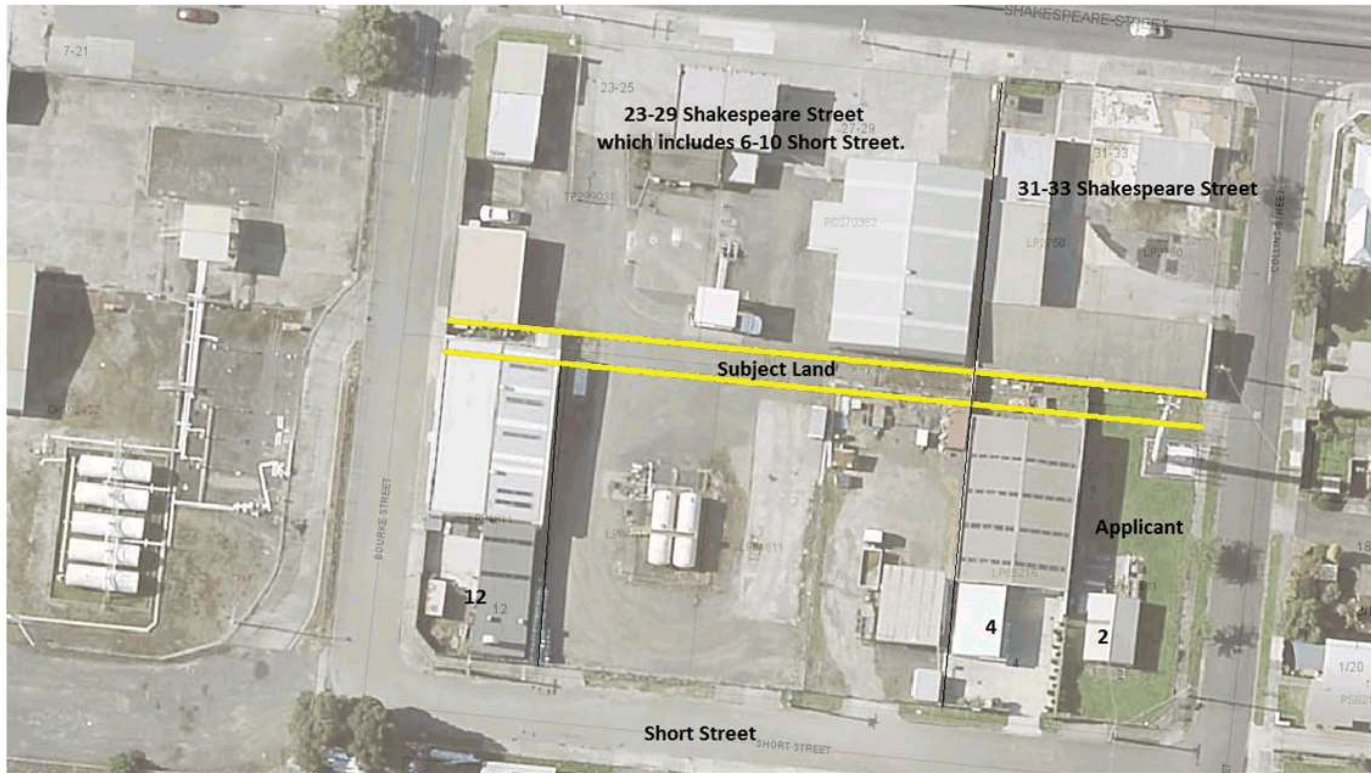
Attachments

- 1↓ . Short Street Aerial
- 2↓ . Gazettal Notice
- 3↓ . Short Street Photographs
- 4↓ . Gippsland Water Response
- 5. 23-29 Shakespeare Street Response (Published Separately) (Confidential)
- 6. 12 Short Street Response (Published Separately) (Confidential)
- 7. 31-33 Shakespeare Street Response (Published Separately) (Confidential)

10.1

Proposed Sale of Land - Short Street, Traralgon

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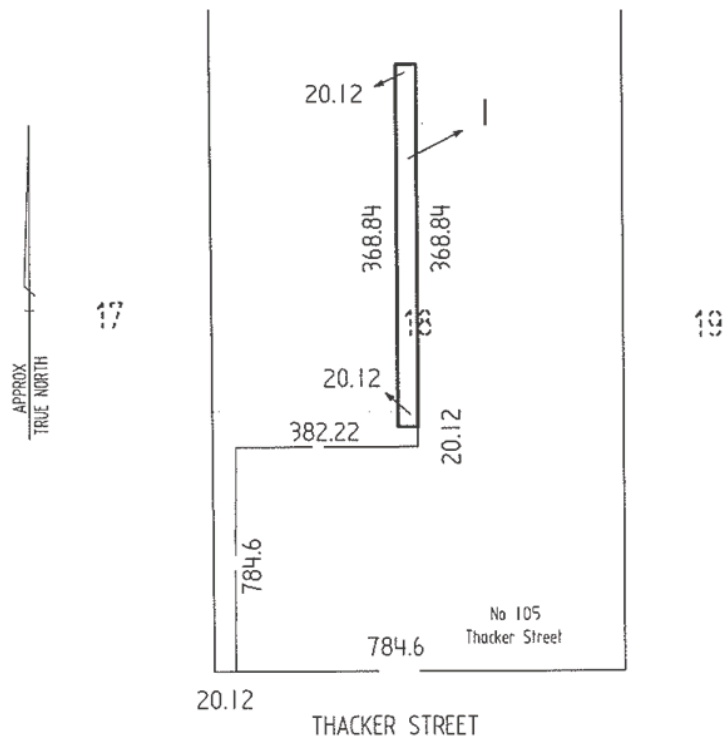
2176 G 32 5 August 2004

Victoria Government Gazette



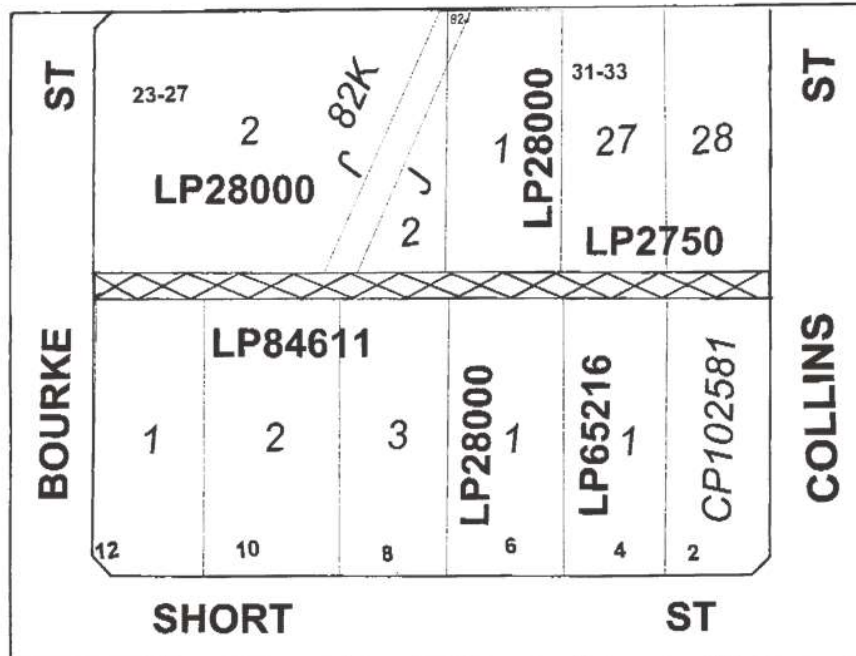
Road Discontinuance

At its meeting on 27 July 2004 and acting under Clause 3 of Schedule 10 to the **Local Government Act 1989**, Greater Geelong City Council resolved to discontinue the road abutting 105 Thacker Street, Ocean Grove shown as Lot 1 on the plan below.



LATROBE CITY COUNCIL
Road Discontinuance
Short Street Laneway, Traralgon

Pursuant to Section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, the Latrobe City Council at its Committee meeting held on Monday 19 July 2004, formed the opinion that the Short Street Laneway in Traralgon, between Bourke Street and Collins Street, on LP 2750, shown hatched on the plan below, is not reasonably required for public use; and resolved to discontinue the road subject to any right, power or interest held by Latrobe City Council in respect to any drains and pipes under its control.



PAUL BUCKLEY
Acting Chief Executive Officer

LODDON SHIRE COUNCIL

Public Notice
Municipal Places Local Law
(Amendment No. 2) 2004

Notice is hereby given that at the Ordinary Council Meeting of the Loddon Shire Council held on 26 July 2004, the Council resolved to adopt:

Municipal Places Local Law (Amendment No. 2) 2004.

The purpose of Municipal Places Local Law (Amendment No. 2) is to:

- allow for the quiet enjoyment of Municipal Places within the municipal district.

A copy of this amended Local Law may be obtained free of charge from the Shire Offices, High Street, Wedderburn during business hours or by calling Jon Chandler on telephone (03) 5494 1200.

CRAIG W. NIEMANN
Chief Executive Officer



Photograph 1: Discontinued laneway to be transferred to the owner of 2 Short Street, off Collins Street. Brick wall at the rear of 31-33 Shakespeare Street shown on the right side.



Photograph 2: Middle section of discontinued laneway incorporated into 23-29 Shakespeare Street, Traralgon.



Photograph 3: Discontinued laneway to be transferred to the owner of 12 Short Street, off Bourke Street.

15 December 2016

220807

Peter Schulz
Property & Statute Officer
Latrobe City Council
P.O. Box 264
MORWELL VIC 3840

Dear Peter,

**RE: Proposed laneway closure between Collins & Bourke Street
Traralgon**

We refer to your email dated 13 December 2016 and advise that Gippsland Water **consents** to the discontinuance of the above laneway being closed by Council.

Gippsland Water has sewer assets located within the laneway to be discontinued as shown on the attached asset plan.

Please note: There are no issues with the sewer assets but Gippsland Water requires a 2 metre wide easement along the northern boundaries of the new title. The easements must be created for Pipeline or Ancillary Purposes in favour of Central Gippsland Region Water Corporation.

If you have any queries in the matter please contact the Statutory Planning Team on 5175 7488.

Yours sincerely



Nigel Gerreyn
MANAGER PROPERTY SERVICES



Hazelwood Road
PO Box 348
Traralgon Victoria 3844
Telephone: (03) 5177 4600
Facsimile: (03) 5174 0103
contactus@gippswater.com.au
www.gippswater.com.au

CORRESPONDENCE

11. CORRESPONDENCE

Nil reports

PRESENTATION OF PETITIONS

Cr Clancey returned to the meeting, the time being 07:12 pm

12. PRESENTATION OF PETITIONS

12.1 Proposal to establish a BMX Track in Centenary Park, Boolarra

General Manager

Infrastructure and Recreation

For Decision

EXECUTIVE SUMMARY

This report presents a petition opposing the location of a recreational BMX track in Centenary Park, Boolarra.

The petition containing 40 signatures was received on the 17 January 2017.

In July 2013, Council was approached by a local community member, Ms Eloise O'Brien about constructing a BMX track in Boolarra. Ms O'Brien provided a detailed proposal and concept plan for a local level BMX track. Ms O'Brien indicated that it was her intention to seek construction of the BMX Track in Centenary Park in Boolarra.

Council Officers replied to Ms O'Brien's email, detailing the process of assessment, engagement and approval for a BMX track in Boolarra. Ms O'Brien was advised by email on the 13 July 2016 that prior to any decision being made about whether a BMX track could be constructed, the Latrobe City Council Recreation Needs Assessment would need to be finalised to determine both the need and demand for a BMX track in Boolarra.

Clause 63 of the *Local Law No. 1*, relating to Council meeting procedure and adopted on 3 March 2014, states:

"Unless Council determines by resolution to consider it as an item of urgent business, no motion (other than a motion to receive the same and advise the head petitioner of council's decision) may be made on any petition, joint letter, memorial or other like application until the next Ordinary Meeting after that at which it has been presented"

As such, it is recommended that Council lay this petition on the table until the Ordinary Council Meeting on 6 March 2017, to allow time for the appropriate investigation of the concerns raised.

MOTION

Moved: Cr White

Seconded: Cr Middlemiss

That Council:

- 1. Agrees to lay the petition opposing the location of a recreational BMX track in the Centenary Park, Boolarra, on the table until the Ordinary Council Meeting to be held on 6 March 2017; and**
- 2. Advises the head petitioner of Council's decision in relation to the petition.**

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

A petition containing 40 signatures has been presented to Council opposing the location of a recreational BMX track in Centenary Park, Boolarra was received by Council 17 January 2017.

In July 2013, Council was approached by a local community member, Eloise O'Brien about constructing a BMX track in Boolarra. Ms O'Brien provided a detailed proposal and concept plan for a local level BMX track. Ms O'Brien indicated that it was her intention to seek construction of the BMX Track in Centenary Park in Boolarra.

Council Officers replied to Ms O'Brien email, detailing the process of assessment, engagement and approval for a BMX track in Boolarra. Ms O'Brien was advised by email on the 13 July 2016 that prior to any decision being made about whether a BMX track could be constructed, the Latrobe City Council Recreation Needs Assessment would need to be finalised to determine both the need and demand for a BMX track in Boolarra.

Council is expected to finalise the Recreation Needs Assessment in June 2017, following a thorough assessment of the need and demand for active sport in Latrobe City.

Clause 63 of the *Local Law No. 1*, relating to Council meeting procedure and adopted on 3 March 2014, states:

"Unless Council determines by resolution to consider it as an item of urgent business, no motion (other than a motion to receive the same and advise the head petitioner of council's decision) may be made on any petition, joint letter, memorial or other like application until the next Ordinary Meeting after that at which it has been presented"

As such, it is recommended that Council lay this petition on the table until the Ordinary Council Meeting on 6 March 2017, to allow time for the appropriate investigation of the concerns raised.

STAKEHOLDER CONSULTATION

No engagement consultation was required in the preparation of this report.

FINANCIAL AND RESOURCES IMPLICATIONS

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

RISK IMPLICATIONS

Risk has been considered in the preparation of this report. No risks have been identified in regards to this report and the subsequent recommendation.

CONCLUSION

Clause 63 of the *Local Law No. 1*, relating to Council meeting procedure and adopted on 3 March 2014, states:

“Unless Council determines by resolution to consider it as an item of urgent business, no motion (other than a motion to receive the same and advise the head petitioner of council’s decision) may be made on any petition, joint letter, memorial or other like application until the next Ordinary Meeting after that at which it has been presented”

As such, it is recommended that Council lay this petition on the table until the Ordinary Council Meeting on 6 March 2017, to allow time for the appropriate investigation of the concerns raised.

SUPPORTING DOCUMENTS

Nil

Attachments

1. Petition (Published Separately) (Confidential)

CHIEF EXECUTIVE OFFICE

13. CHIEF EXECUTIVE OFFICE

13.1 Regional Victorian Cities Delegation to China 19 - 23 September 2016

General Manager

Chief Executive Office

For Decision

EXECUTIVE SUMMARY

This report provides an overview of the Regional Victorian Cities Delegation to China from 19 September 2016 – 23 September 2016 which the Chief Executive Officer attended on behalf of Council.

In August 2016 Council received correspondence from the Minister for Regional Development, Hon Jaala Pullford MP, inviting the Mayor to participate in a delegation of Regional Cities to Jiangsu in September.

A report was presented to Council at the Ordinary Council Meeting held 22 August 2016 and the following was resolved:

That Council:

- 1. Participates in the delegation to China of Regional Victorian Cities from 19-23 September 2016;*
- 2. Requests that the Chief Executive Officer, or nominated senior officer participates on behalf of Council;*
- 3. Notifies the Minister for Regional Development of this decision; and*
- 4. Requests that a report is presented to Council on the delegation and outcomes achieved.*

MOTION

Moved: Cr McFarlane

Seconded: Cr White

That Council receives and notes the report provided on the Regional Cities Delegation to Jiangsu in September 2016.

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have confirmed they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

In August 2016 the Minister for Regional Development, the Hon Jaala Pullford MP, wrote to the Mayors from the Regional Cities Group of Councils inviting them to participate in a delegation to Jiangsu in China from 19 – 23 September 2016.

The delegation was led by the Minister and sought to promote trade and investment opportunities in Regional Victoria. A centre piece of the visit was a dinner to celebrate the Victoria- Jiangsu Regional Cities Alliance hosted by the Premier and senior Jiangsu leaders

Council subsequently resolved that the Chief Executive Officer would attend on behalf of Council given concern regarding the Council caretaker period from 21 September - 22 October 2016 for the upcoming Council Election on 22 October 2016.

Prior to departure for the delegation the Chief Executive Officer participated in a pre-departure briefing, held 13 September 2016 with representatives from Regional Development Victoria to confirm details of the delegation.

The Chief Executive Officer also participated in cultural awareness training hosted by Asialink. This session provided background and information regarding cultural issues to consider when dealing with Chinese community and business representatives. The training was well received by the participants.

In addition to regional city representatives invitations were also extended to a number of regional committees including the committee for Gippsland and their Chief Executive Officer, Mary Aldred participated on the delegation.

On Tuesday, 20 September the delegation met with representatives from the Victorian Government Business Office to discuss opportunities for investment and trade within Jiangsu Province. It was confirmed that international education remains a strong opportunity for universities and secondary schools.

Our sister city relationship with Taizhou has seen a strengthening of these opportunities and Council participated in a signing of an Memorandum of Understanding at Federation University Gippsland Campus in November.

Prior to the formal meetings between the Victorian and Jiangsu local governments and business leaders in Nanjing the Chief Executive Officer was provided an opportunity to travel to Council's sister city in Taizhou and meet with local government officials there.

The Chief Executive Officer was hosted by the mayor of Taizhou at an official banquet on the Tuesday evening and toured key sites on Wednesday, 21 September including the Australian Garden in Tiande Lake Park, the newly completed Taizhou No1 Secondary School, the China Medical City development park and the photo exhibition for the 20th Anniversary of the founding of Taizhou City, then travelling to Nanjing ahead of the Regional Cities Alliance Dialogue on the Thursday.

Thursday morning the delegation attended a cultural tour of the Nanjing City Wall constructed over 600 years ago. In the afternoon the delegation participated in the Victoria-Jiangsu Regional Cities Alliance Dialogue which included presentations by the Premier Hon Daniel Andrews, Minister Regional Development Hon Jaala Pulford and Mayor of Jiangsu together with formal presentations from each city from Victoria and Jiangsu Province.

On Friday, 23 September the Chief Executive Officer returned to Shanghai from Nanjing for the return flight to back to Australia.

The September 2016 China visit produced a number of strategic outcomes including 'kick-starting' the Victoria-Jiangsu Regional Cities Alliance through a program of targeted engagements including building local government capability in-market, strengthening people-to-people links and high profile events such as the Regional Cities Alliance Dialogue in Nanjing.

The local government delegation from six regional cities - Latrobe City, Ballarat, Geelong, Wangaratta, Warrnambool and Shepparton accompanied the Minister for Regional Development and successfully promoted trade and investment opportunities in regional Victoria by building on and strengthening sister city relationships through the Regional Cities Alliance.

Other outcomes for the alliance though the September 2016 China trip include:

- The inaugural Victoria-Jiangsu Regional Cities Alliance Dialogue – between Victorian and Jiangsu local government and business leaders to gain a better understanding of the investment and trade opportunities in their respective regional cities.
- Announcement of funding for the Victorian Chamber of Commerce and Industry (VECCI)'s Victorian Jiangsu Business Placement Program, to enable Victorian business to be hosted by a Jiangsu company and undertake intensive education and coaching in market.
- Outcomes announced through the 16th biennial meeting of the Victoria-Jiangsu Joint Economic Committee (VJEC) including an intergovernmental agreement of areas of collaboration including environmental protection with the Cooperative Research Centres for Water Sensitive Cities.
- Positive media coverage on the visit's aim to increase trade and investment opportunities and deeper understanding between regional Victoria and Jiangsu.

The alliance is included as a key action in *Victoria's New China Strategy: Pathways for Prosperity* under Direction 5- Supporting successful business engagement with China.

STAKEHOLDER CONSULTATION

There was no consultation undertaken due to timing of the request, however the ongoing engagement with Council's sister city, Taizhou and the broader Jiangsu representatives aligns to the Council Plan by supporting long term economic prosperity for Latrobe City Council, one of Victoria's four major regional centres.

FINANCIAL AND RESOURCES IMPLICATIONS

The total cost of the delegation for Council was \$3440.

The State Government offered to sponsor each Council to a maximum of \$2000. An application seeking reimbursement of the grant funding has been made to Regional Development Victoria.

Funding for the remainder of the costs have been accommodated within the budget of the Chief Executive Officer's office.

RISK IMPLICATIONS

Risk has been considered as part of this report and is consistent with the risk management framework

There were reputational and compliance risks associated with the trip due the commencement of the caretaker period in October 2016. These were addressed by authorising the Chief Executive Officer to attend on behalf of the Mayor.

CONCLUSION

The Regional Cities delegation to China in September provided an opportunity for the Chief Executive Officer to meet with representatives from Taizhou and discuss ongoing economic opportunities between the two cities together with the opportunity to reinforce Council's position as one of the four key regional cities within Victoria. Ongoing engagement and dialogue will ensure a strengthening of relationships for Council.

SUPPORTING DOCUMENTS

Nil

Attachments
Nil

CITY DEVELOPMENT

14. CITY DEVELOPMENT

14.1 Amendment C97 Consideration of Planning Panel Report and seek Ministerial Approval

General Manager

City Development

For Decision

EXECUTIVE SUMMARY

Amendment C97 seeks to replace the existing Municipal Strategic Statement (MSS) included within the Latrobe Planning Scheme at Clause 21 with a new MSS which builds upon the local strategic policy and previously adopted council strategies.

The Amendment implements a wide ranging review of the Planning Scheme undertaken during the completion of the Latrobe Planning Scheme review (2014).

The Amendment was exhibited from 26 October to 4 December 2015 and received nine submissions; three in support and six raising concerns or requesting changes to the current form of the documentation. Submissions raised issues associated with the AGL Loy Yang coal mine, Sibelco lime manufacturing site, the natural environment, land and water catchment management and requests for land rezonings.

At the Ordinary Council meeting held 22 August 2016 Council considered all written submissions to Amendment C97 and resolved to request the Minister for Planning to establish a planning panel to consider submissions and prepare a report.

The Planning Panel Hearing was subsequently held 27 October 2016.

The Planning Panel's report was subsequently received 29 November 2016 and was later made publicly available from 12 December 2016. The Planning Panel makes five recommendations and states that Amendment C97 be adopted as exhibited subject to minor changes to wording in order to address more specific issues raised by submissions. Detailed discussion of submissions and the resultant changes recommended by the Planning Panel is included within the Panel's report at Attachment 1.

Council now has the opportunity to formally consider the Planning Panel report recommendations and seek Ministerial approval to finalise the amendment.

MOTION

Moved: Cr Middlemiss

Seconded: Cr McFarlane

That Council having considered the Planning Panel report recommendations:

- 1. Adopts Amendment C97 with changes as recommended by the Planning Panel Report included at Attachment 1 and in accordance with Section 29 of the *Planning & Environment Act 1987*; and**
- 2. Submits Amendment C97 once adopted, to the Minister for Planning for approval, in accordance with Section 35 of the *Planning and Environment Act 1987*; and**
- 3. Advises those persons who made written submissions to Amendment C97 of Council's decision.**

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

The Council Plan, Municipal Public Health and Wellbeing Plan (MPHWP) and the Municipal Strategic Statement (MSS) are all required by statute, and include key statements for articulating strategies, informing decision making and governance responsibilities of Local Government. The relationship between the Council Plan, MPHWP and MSS is shown below:



The MSS details key strategic planning, land use, transport and development objectives and strategies for the municipality, and should align with and support the objectives and strategies of the Council Plan and MPHWP. As shown above, the MSS along with the Council Plan and MPHWP should inform and be considered in the development of all other Council Policies.

Statutory Requirements

In accordance with the *Planning and Environment Act 1987* (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. The Amendment has had regard to Section 12 of the Act and is consistent with the requirements of Section 12.

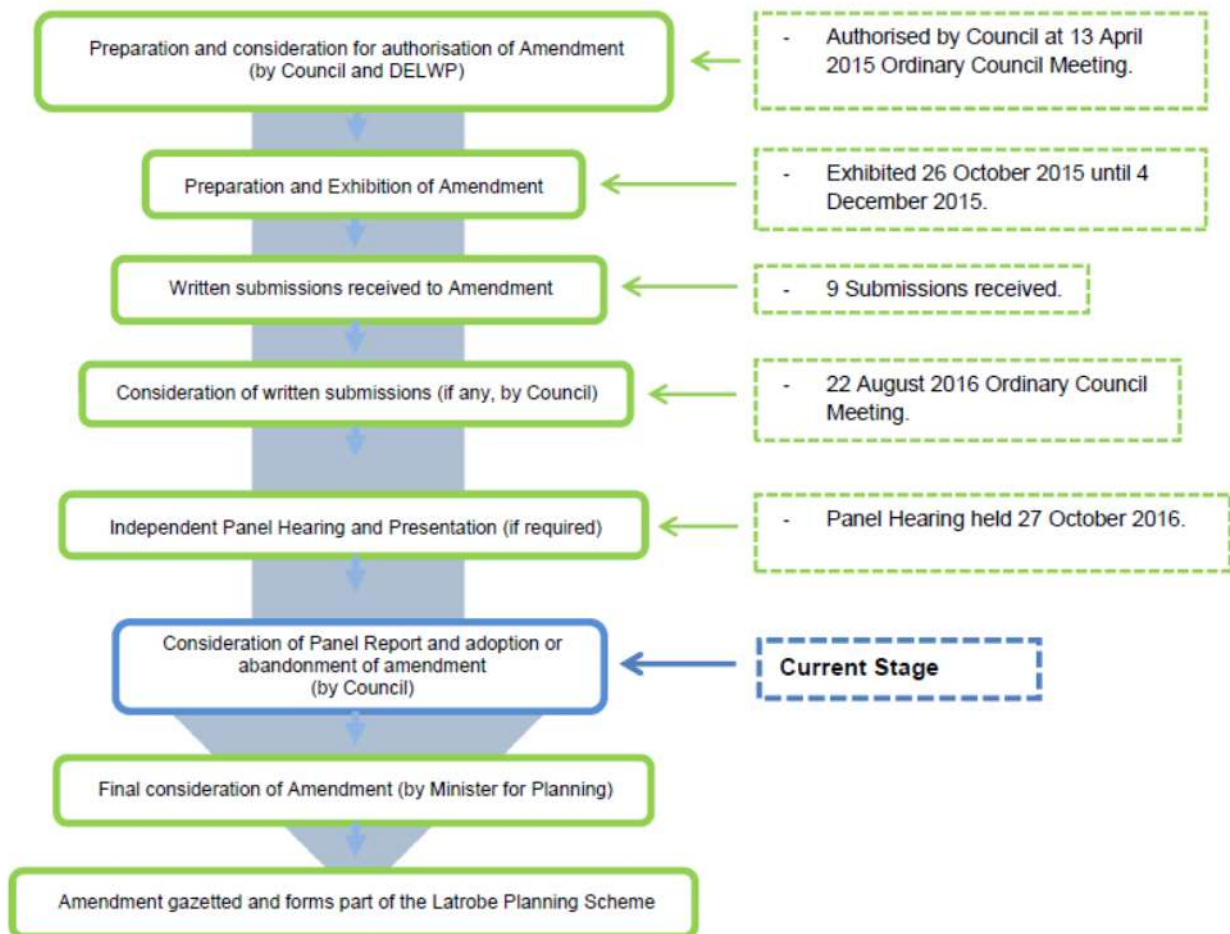
In addition each Planning Scheme Amendment must address the Department of Planning and Community Development (DPCD) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*.

A response to the above requirements and guidelines is outlined within the Explanatory Report provided at Attachment 2.

Section 27(1) of the Act requires Council to consider the panel's report before deciding whether or not to adopt the Amendment. Section 29(1) of the Act enables Council after complying with the relevant sections of the Act, to adopt the amendment with or without changes.

In order for Amendment C97 to proceed, Council must therefore consider the recommendations of the Planning Panel and decide whether to adopt the Amendment as exhibited, adopt the Amendment with changes or abandon the Amendment.

The planning scheme amendment process is shown in the figure below, and indicates the current stage of Amendment C97.



A summary of the matters considered by the panel and their recommendations is provided below.

Summary of key matters considered by the Planning Panel:

- AGL Loy Yang coal mine

At the core of the matters presented by AGL within its written submission and during its presentation at the Panel Hearing, was whether Amendment C97 sufficiently responds to issues of land movement resulting from mining and residential encroachment to the AGL Loy Yang open cut coal mine operations. In considering matters raised by AGL, the Planning Panel recommended some minor rewording of relevant policies, whilst acknowledging that these matters had previously been considered during Amendment C87 (Traralgon Growth Areas Review).

The Panel supports Council's post-exhibition changes to Clause 21.07-1 which clarify the importance of mining and power generation and their relationship with other industries. However, it does not support more specific mine related changes to the MSS sought by AGL Loy Yang (see page 11 of Planning Panel report).

These changes are detailed at Appendix B of the Panel Report (see Attachment 1). It is considered that the Panel's recommended changes are reasonably minor and appropriate.

Council officer recommendation: Support Panel recommendation.

- Sibelco lime manufacturing site

Sibelco's submission objected to Amendment C97 as it considered the policies and strategies had the potential to adversely impact its future operation.

As a result of their objection Council proposed to delete reference to the 'Traralgon Inner South Precinct Master Plan' at Clause 21.10 until the completion of the Live Work Latrobe project, which is to establish an Industrial Land Use Strategy for the municipality.

With regards to this matter the Panel concluded that Amendment C97 appropriately responded to the concerns of Sibelco regarding urban encroachment to its lime manufacturing site at 28 Janette Street, Traralgon and the need to complete further strategic work.

The Panel also noted that reference to the 'Traralgon Inner South Precinct Master Plan' does however remain at Clause 21.09 which states:

"Implement the recommendations of the Traralgon Inner South Precinct Master Plan that relate to residential use and development within the Precinct, noting that future land uses and zoning in TTSP Areas 3a and 3b should be investigated subsequent to a detailed assessment of industrial land requirements for Traralgon as part of an industrial strategy."

To ensure consistency between Clauses 21.10 and 21.09 and to further respond to the submitters concerns, Council officers recommend the removal of specific reference to the Traralgon Inner South Precinct at Clause 21.09 (shown above).

Council officer recommendation: Support Panel recommendation and make minor changes to Clause 21.09 to ensure consistency.

- Natural environment

The Department of Environment, Land, Water and Planning (DELWP) supported Amendment C97 but were concerned with the clarity, nexus and completeness of Clauses 21.03 (Natural Environment Sustainability) and 21.10 (Implementation) and whether these clauses provided appropriate direction for the protection and enhancement of the natural environment.

In response to the panel's concerns, Council officers explained that Clause 21.03 was prepared with regard to Council's adopted Natural and Environment Sustainability Strategy 2014 - 2019 and; that Clause 21.10 was prepared with regard to the 2014 Planning Scheme Review Report.

The Panel concluded that the amendment would benefit from further changes as suggested by DELWP and supported minor changes to Clause 21.03 as shown in Appendix B of Attachment 1 to this report.

Council officer recommendation: Support Panel recommendation.

- Catchment management

West Gippsland Catchment Management Authority's original submission dated 12 November 2015 supported the Amendment in its exhibited form. Its subsequent submission

a week later requested that the following documents be referenced in the MSS:

- West Gippsland Regional Catchment Strategy
- West Gippsland Regional River Health Strategy
- West Gippsland Catchment Management Authority Flood Guidelines – Guidelines for development in flood prone areas (2013).

Council supported referencing the West Gippsland Catchment Management Authority's Guidelines for Development in Flood Prone Areas in the MSS. It did not support referencing the other two strategies because these strategies are already referenced in Clause 13.02 (Floodplains) of the State Planning Policy Framework and submitted there was no need to repeat their reference in the MSS.

The Panel agreed with Council's approach and supported the changes as proposed by Council.

Council officer recommendation: Support Panel recommendation.

- Traralgon South and Callignee future development

A submitter to Amendment C97 sought a rezoning and that policy should be included to ensure that area in Traralgon South and Callignee, be considered for future development. Council did not support any changes to the documents on the basis of the submission and considered that it was beyond the scope of the Amendment.

The Planning Panel agreed with Council's approach and did not support any further changes on the basis of the submission.

Council officer recommendation: Support Panel recommendation.

Further detailed discussion of submissions and the resultant changes recommended by the Planning Panel is provided within the Planning Panel's report provided at Attachment 1.

Overall the Planning Panel report was positive in the form and content of the revised MSS, stating that:

"Council is commended for reviewing its Planning Scheme periodically, in line with the Planning and Environment Act 1987 so that it is relevant and robust. The Panel is impressed with how clearly and simply the MSS has been presented when considering the complicated web of strategic information that Council has founded the Amendment on. The proposed MSS has applied good practice drafting principles based on advice in Planning Practice Note 4. It will guide future amendments and permit applications over the next four years and beyond."

The Planning Panel within its report also stated;

“...the Amendment is supported by, and implements, the relevant sections of the State Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.”

STAKEHOLDER CONSULTATION

The amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act, with public exhibition taking place over a six week period from 26 October until 4 December 2015.

This included advertising in the government gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment.

All statutory and servicing authorities likely to be materially affected were also notified of the proposed amendment. The amendment was also displayed on Council's website, at Council Offices, and on the Department of Environment, Land, Water and Planning (DELWP) website.

As a result of the Public exhibition nine written submissions were received by Latrobe City Council to C97 and these were considered at the Ordinary Council meeting on 22 August 2016.

A Directions Hearing was held on 21 September at Council's Offices at 141 Commercial Road, Morwell.

The Panel Hearing was later held on 27 October 2016 at 141 Commercial Road, Morwell. All nine written submissions and two additional verbal submissions from AGL and Sibelco were considered by the panel.

The Panel Report that was received by Council on 29 November 2016, was made available to the public on the 12 December 2016.

FINANCIAL AND RESOURCES IMPLICATIONS

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2016*. The costs associated with this stage of the planning scheme amendment include the fee for the panel report and the fee for the Minister's approval of an amendment if the amendment is adopted by Council. Funds have been allocated in the current financial year budget year to enable the planning scheme amendment to proceed.

RISK IMPLICATIONS

Council has a responsibility to ensure that any changes to Amendment C97 post panel report do not impinge on *natural justice* rights of the community or result in the amendment being *transformed* into a different proposal to that which was exhibited or from what the panel has recommended.

If the Amendment is significantly transformed from what was exhibited or from what the panel recommend, there is a risk that the Minister for Planning may not support

or refuse to approve C97 and require a new planning scheme amendment to be prepared and re-exhibited.

It is not considered that the changes to C97 post Panel Report will impact on natural justice rights of the community or result in C97 being transformed into a different proposal to that which was exhibited or from what the panel has recommended.

CONCLUSION

Amendment C97 seeks to replace the existing Municipal Strategic Statement (MSS) included within the Latrobe Planning Scheme at Clause 21 with a new MSS which builds upon the local strategic policy and previously adopted Council Strategies.

The Amendment implements a wide ranging review of the Planning Scheme undertaken during the completion of the Latrobe Planning Scheme Review (2014).

The Planning Panel report makes a number of minor changes to the documents tabled by Council at the Planning Panel. Overall the Panel found that (the) “Amendment is well founded and strategically justified, and the Amendment should proceed”.

It is not considered that the changes to C97 post Panel Report will impact on natural justice rights of the community or result in C97 being transformed into a different proposal to that which was exhibited

In order for Amendment C97 to proceed, Council is now required to make a decision with respect to the Planning Panel report recommendations and determine whether to adopt Amendment C97 as exhibited, adopt Amendment C97 with changes or abandon the amendment.

It is recommended that Council adopt in full the Planning Panel’s recommendations and forward to the Minister for Planning for approval and gazettal.

SUPPORTING DOCUMENTS

Latrobe Planning Scheme Review (2014).

Submissions to Amendment C97 (Previously considered by Council at 22 August 2016 Council meeting).

Attachments

- 1↓ . Attachment 1: Planning Panel Report
- 2↓ . Attachment 2: Explanatory Report

14.1

Amendment C97 Consideration of Planning Panel Report and seek Ministerial Approval

- 1 Attachment 1: Planning Panel Report..... 59**
- 2 Attachment 2: Explanatory Report..... 117**

Planning and Environment Act 1987

Panel Report

**Latrobe Planning Scheme Amendment C97
Planning Scheme Review**

29 November 2016



Planning and Environment Act 1987
Panel Report pursuant to section 25 of the Act
Latrobe Planning Scheme Amendment C97
Planning Scheme Review
29 November 2016



Con Tsotsoros, Chair

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Appendix A Document list

Appendix B Panel recommended changes

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List of Abbreviations

Board or TRB	Technical Review Board
ESO1	Environmental Significance Overlay Schedule 1
mine	Loy Yang open cut coal mine
MSS	Municipal Strategic Statement
Review Report	<i>Latrobe Planning Scheme Review, October 2014</i>

Overview

Amendment Summary	
The Amendment	Latrobe Planning Scheme Amendment C97
Common name	Planning Scheme Review
Brief description	The Amendment seeks to: <ul style="list-style-type: none"> - replace the existing Municipal Strategic Statement with a new Statement - build on the existing local strategic policy with recently adopted Council strategies.
Subject land	All land in Latrobe City
Planning Authority	Latrobe City Council
Exhibition	26 October to 4 December 2015
Submissions	<ol style="list-style-type: none"> 1. Environment Protection Authority 2. Department of Environment, Land, Water and Planning 3. VicTrack 4. West Gippsland Catchment Management Authority 5. Friends of Gippsland Bush Inc 6. Sibelco Lime (Victoria) Pty Ltd 7. Anthea Beani 8. AGL Loy Yang 9. VicRoads
Panel Process	
The Panel	Con Tsotsoros (Chair)
Directions Hearing	21 September 2016, Morwell
Panel Hearing	27 October 2016, Morwell
Site inspections	The Amendment affects all land in the municipality therefore there was no site inspection
Appearances	<ul style="list-style-type: none"> - Latrobe City Council represented by Ms Shannon Davies and Mr Jason Pullman - AGL Loy Yang Pty Ltd represented by Ms Sophie Osborn of Ashurst Australia - Sibelco Lime (Victoria) Pty Ltd represented by Mr Jack Kraan of FocusCDS Consultants
Date of this Report	29 November 2016

Executive Summary

(i) Summary

Latrobe Planning Scheme Amendment C97 (the Amendment) seeks to replace the existing Municipal Strategic Statement with a new Statement and build on the existing local strategic policy with recently adopted Council strategies.

The Amendment is founded on a very comprehensive review of the Latrobe Planning Scheme which resulted in the *Latrobe Planning Scheme Review, October 2014* report. The Amendment and the review have considered an exhaustive number of strategies and plans. Council is commended for working through this complicated web of information to prepare a clear new Municipal Strategic Statement that will guide future amendments and permit applications over the next four years and beyond.

The Amendment was exhibited from 26 October to 4 December 2015 and received nine submissions. Submissions raised issues associated with the AGL Loy Yang coal mine, Sibelco lime manufacturing site, the natural environment, catchment management and requests for rezonings.

The Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions.

After considering all submissions, the Panel concludes:

- A new and neutrally worded strategy would ensure that the Amendment appropriately responds to the mine buffer.
- More specific issues associated with the mine would be more appropriately considered through Amendment C87 Part A.
- The Amendment appropriately responds to the Sibelco lime manufacturing site at 28 Janette Street, Traralgon.
- The Amendment would benefit from further changes, as suggested by the Department of Environment, Land, Water and Planning.
- Referencing the *West Gippsland Catchment Management Authority Guidelines for Development in Flood Prone Areas* in the MSS would help guide future permit applicants.
- Any strategy referenced in the State Planning Policy Framework should not have a duplicated reference in the MSS.
- Council's strategic work, which the Amendment is founded on, has not inadvertently omitted any future development areas.
- Issues related to rural subdivision are outside the Amendment's scope.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Latrobe Planning Scheme Amendment C97 be adopted as exhibited subject to the following:

1. Amend Clauses 21.02, 21.03, 21.04, 21.06, 21.07, 21.08 and 21.10, as shown in Appendix B, to make policy neutral drafting changes that improve the operation of each clause.
2. Amend Clause 21.02, as shown in Appendix B, to:
 - a) add a new strategy "Manage potential land use conflict between urban land uses and the coal mining operations."
3. Amend Clause 21.03, as shown in Appendix B, to:
 - a) replace in the second paragraph under 21.03-1 "*increase and maintain natural vegetation*" with "*maintain and enhance its native vegetation.*"
 - b) replace Objective 2 with "To identify, maintain and enhance natural ecosystems and biodiversity values within rural and urban areas."
 - c) replace the word "*native*" with "*indigenous*".
4. Amend Clause 21.07, as shown in Appendix B, to:
 - a) add under 21.07-1 "This means that mining and power generation underpins the broader manufacturing, maintenance and fabrication industries in the Latrobe Valley." and "A key competitive strength, that is recognised nationally, is the quality of the manufacturing and engineering expertise that exists locally. From these strengths are many opportunities including a focus on support for education, training, brand development and well as industry development and attraction."
5. Amend Clause 21.10, as shown in Appendix B, to:
 - a) delete reference to the Traralgon Inner South Precinct Master Plan (2011).
 - b) reference the West Gippsland Catchment Management Authority Guidelines for Development in Flood Prone Areas 2013.

1 Introduction

1.1 The proposal

The Amendment seeks to replace the existing Municipal Strategic Statement (MSS) with a new MSS to implement recommendations of *Latrobe Planning Scheme Review, October 2014* (Review Report) and strategic planning documents. An outline of the existing and proposed MSS (Clause 21) is shown at Table 1.

Table 1 Existing and proposed MSS (Clause 21)

Existing Clause 21	Proposed Clause 21
21.01 Municipal profile	21.01 Municipal profile
21.02 Municipal vision	21.02 Housing and settlement
21.03 Natural environment sustainability	21.03 Environment and landscape risks
21.04 Built environment sustainability	21.04 Built environmental risks
21.05 Main towns	21.05 Natural resource management
21.06 Small towns	21.06 Built environment and heritage
21.07 Economic sustainability	21.07 Economic development
21.08 Liveability	21.08 Transport and infrastructure
	21.09 Local areas
	21.10 Implementation

The Amendment explanatory report states:

The amendment has been prepared in the context of a considerable amount of strategic work prepared by Latrobe City Council over the last six years. The amendment is a complete review and replacement of Clause 21 arising out of the strategic work undertaken. While the majority of the existing MSS is significantly outdated, some sections of the existing LPPF are still relevant and have been included in the new MSS.

1.2 Issues dealt with in this Report

The Panel considered all written submissions made in response to the exhibition of the Amendment; as well as further submissions, evidence and other material presented to it during the Hearing.

This report deals with the issues under the following headings:

- Planning context
- Form and content of the Amendment
- Issues
 - AGL Loy Yang coal mine
 - Sibelco lime manufacturing site

- Natural environment
- Catchment management
- Traralgon South and Callignee future development.

2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report. The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

2.1 Policy framework

Council submitted that the Amendment aligns with Clauses 11, 12, 13, 14, 15, 16, 17, 18 and 19 of the State Planning Policy Framework. The Amendment proposes to replace Clause 21 but does not propose any changes to Clause 22.

The Amendment Explanatory Report states that the following strategic planning documents are relevant:

- Positioning Latrobe City for a Low Carbon Emission Future, 2010
- Economic Sustainability Strategy, June 2011
- Traralgon Inner South Precinct Master Plan, 2011
- Traralgon Train Station Master Plan, 2011
- Latrobe 2026 - Community Vision for the Latrobe Valley
- Latrobe City Council Plan 2013-2017
- Municipal Public Health and Wellbeing Plan 2013-2017
- Public Open Space Strategy, 2013
- Gippsland Regional Growth Plan, 2014
- Latrobe Planning Scheme Review, October 2014
- Natural Environment Sustainability Strategy 2014-2019.

The Review Report was prepared by Keaney Planning and Glossop Town Planning with Council. The 209 page report comprehensively considers background and contextual information, 42 planning issues, an assessment of the effectiveness of the Planning Scheme and planning permit process, conclusions and prioritised recommendations.

2.2 Ministerial Directions and Practice Notes

The Panel considers that the Amendment meets the relevant requirements of Ministerial Direction No 11 (Strategic Assessment of Amendments).

Planning Practice Note 4 (Writing a Municipal Strategic Statement) is relevant to the Amendment. The Practice Note clarifies the role of a MSS in planning schemes, guides on the preferred format of the MSS and guides on how an MSS should be written. It also references Chapter 9 (Plain English) of Using Victoria's Planning System.

2.3 Discussion

The Amendment is founded on a very comprehensive review of the Latrobe Planning Scheme which resulted in the Review Report. The Amendment and the review have considered an exhaustive number of strategies and plans. Council is commended for working through this complicated web of information to prepare a clear new MSS that will guide future amendments and permit applications over the next four years and beyond.

2.4 Conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Form and content of the Amendment

Council's Local Planning Policy Framework comprises the MSS (Clauses 21+) without any planning policies (Clauses 22+). The Amendment does not propose to change this structure. At the Hearing, Council explained that it was one of the Councils which streamlined its Local Planning Policy Framework as part of the State Government's 2007 'Making Local Policy Stronger' initiative.

Council is commended for reviewing its Planning Scheme periodically, in line with the *Planning and Environment Act 1987* so that it is relevant and robust. The Panel is impressed with how clearly and simply the MSS has been presented when considering the complicated web of strategic information that Council has founded the Amendment on. The proposed MSS has applied good practice drafting principles based on advice in Planning Practice Note 4. It will guide future amendments and permit applications over the next four years and beyond.

Council proposed changes to most clauses after the Amendment was exhibited. In its submission, Council included a table of post-exhibition changes and a version of each affected clause showing tracked changes. Most changes were either policy neutral refinements resulting from other planning scheme amendments or drafting changes that clarify and support the operation of the clauses. The Panel supports policy neutral post-exhibition changes that improve the operation of each clause.

Post-exhibition changes relevant to specific issues are discussed in Chapter 4.

(i) Recommendations

The Panel recommends:

Amend Clauses 21.02, 21.03, 21.04, 21.06, 21.07, 21.08 and 21.10, as shown in Appendix B, to make policy neutral drafting changes that improve the operation of each clause.

4 Issues

4.1 AGL Loy Yang coal mine

(i) The issue

The issue is whether the Amendment sufficiently responds to issues associated with the AGL Loy Yang open cut coal mine (the mine).

Background

Environmental Significance Overlay Schedule 1 (ESO1) applies to land approximately 1,000 metres from the mine. Its Statement of Environmental Significance states:

The coal industry is of national and State importance due to its use as the primary energy source for the electricity generating industry in Victoria. The impact on the environment is radical. Buffers protect those elements of the Coal Buffers Policy Area such as urban settlements from the impact of the radical change to the environment from the coal industry.

Amendment C87 sought to implement key parts of the recently adopted Traralgon Growth Area Review Framework (August 2013) and Traralgon West Structure Plan (August 2013) by amending relevant clauses of the MSS.

Based on best available information at the time, the C87 Panel Report recommended to change Clause 21.07 of the MSS to include a strategy to increase the width of Environmental Significance Overlay Schedule 1 (ESO1) to 2,000 metres east and south of the Traralgon township from the boundary of the mine until a more specifically defined risk mitigation width is defined. This recommendation was based on late evidence provided by Mr Sullivan and extensive discussion about geotechnical risk during the C87 Hearing.

After considering the C87 Panel Report, Council decided to split Amendment C87 into three parts. Part B relates to the mine buffer. In a direction, the C97 Panel stated that it would be particularly interested in:

- a. *overview of information and events since the C87 Panel Report that explains how Council adopted its position for Amendment C87 (only for matters in C87 that are also included in Amendment C97)*
- b. *any other strategic or policy changes that have influenced Amendment C97 since the Planning Scheme Review Report, October 2014 was completed.*

(ii) Submissions

AGL Loy Yang sought changes to Clauses 21.02, 21.04, 21.05 and 21.07 that:

- acknowledge the role the mining and power generation industry plays for broader manufacturing, maintenance and fabrication industries in the Latrobe Valley
- note the strong and supportive links between mining and power generation and the education and training industries

- reference in strategies the need to manage potential land use conflicts between residential land uses and mining operations
- reference in strategies the need to increase the ESO1 width to the south and east of Traralgon until a more specifically defined risk mitigation width is defined, in consultation with State Government and the coal mining industry
- reference in strategies the need for geotechnical risk assessments for land used and developed in the buffer area
- note the importance of managing water resources for industrial and economic productive uses.

Council submitted that after considering submissions to the exhibited Amendment, it proposed to add a new Strategy 4.4 under Objective 4 of Clause 21.02: *“Balance the need for urban expansion and the potential land use conflict caused by the coal mine operation”*.

AGL Loy Yang sought to rephrase this into a more neutral strategy: *“Manage potential land use conflict between urban land uses and coal mining operations.”* It also suggested adding a new Strategy 6.2:

Provide buffers between coal mining land uses and residential land uses, which have regard to current best practice in risk mitigation in consultation with the State government and the coal mining industry.

At the Hearing, AGL Loy Lang submitted that Council’s post-exhibition strategy was not appropriate because the Loy Yang mine commenced operating in 1982 and its location and setting was carefully planned by the State Electricity Commission of Victoria. It noted that the mine operates under a mining licence which runs through to 2037 and Loy Yang B is entitled to seek an extension to 2048, and added:

In these circumstances, it is difficult to see how land use conflict could be “caused” by a conflict between new urban development which is lawfully operating within its mining tenement. Any land use conflict between new urban development and mining operations is better characterized as being caused by new residential and urban development encroaching towards the mine.

In response to AGL Loy Yang’s submission, Council agreed that the MSS should acknowledge the role that mining and power generation plays in underpinning the broader manufacturing, maintenance and fabrication industries in the Latrobe Valley. It proposed to add in Clause 21.07-1:

This means that mining and power generation underpins the broader manufacturing, maintenance and fabrication industries in the Latrobe Valley ... A key competitive strength, that is recognised nationally, is the quality of the manufacturing and engineering expertise that exists locally.

From these strengths are many opportunities including a focus on support for education, training, brand development and well as industry development and attraction.

At the Hearing, Council tendered the following four documents as part of its closing submission:

- Technical Review Board Advice Re: Latrobe Planning Scheme Amendment C87 (Document 5a)
- AGL Loy Yang Pty Ltd v Department Head, Department of Economic Development, Jobs, Transport and Resources (Red Dot) [2016] VCAT 1249 (Document 5b)
- Two risk assessment documents prepared by Golders Associates.

The Technical Review Board (the Board) agrees with many aspects of Mr Sullivan's evidence and provides additional comments, including where it does not agree. It stated in response to the C87 Panel report:

- ground movements are occurring beyond one kilometre of the mine but these are not indicative of instability
- current technologies would not reliably pick up or predict the locations of adverse movements beyond one kilometre
- the decision to apply precautionary principle is a matter for the planning authorities and not a matter on which the Board should conclude
- it is unclear who the relevant authority is to implement better quality geotechnical monitoring
- it is unacceptable to assess additional costs needed to mitigate the movement risks for different building and infrastructure types beyond 1,000 metres
- Mr Sullivan did not specifically recommend a 2,000-metre buffer
- there are domestic properties in the Latrobe Valley located in areas of significant subsidence and they are performing satisfactorily
- the risks to life and property are over-stated and not based on an objective assessment of the geotechnical data or evidence presented
- a formal risk assessment is needed for the proposed rezonings and 'unsubstantiated' references to significant or high risk should be omitted from consideration of the buffer width and replaced with a more considered analysis.

During the Hearing, Council made oral submission based on these documents. AGL Loy Yang stated that it had not seen the two assessments prepared by Golders Associates. For procedural fairness reasons, the Panel directed that parties be provided with the opportunity to respond to these documents. In response, Council retracted the two Golders Associates risk assessment documents from the Panel. No opportunity was provided to parties to respond to Documents 5a and 5b because they were tendered towards the end of the Hearing process. Again for procedural fairness reasons, the Panel directed that each submitter be provided with an opportunity to respond to Documents 5a and 5b. AGL Loy Yang and Sibelco responded.

In its response dated 9 November 2016, AGL Loy Yang reiterated Mr Sullivan's conclusion that there are real risks beyond 1,000 metres and that the extent of the existing ESO1 was inadequate. It noted the Board's advice that there should be further geotechnical monitoring and risk assessment completed in this area before rezoning land in the future. AGL Loy Yang added that Council's submission does not accurately reflect the Board's conclusions and:

... the TRB advice is entirely consistent with the broad position taken in Tim Sullivan's evidence that there are risks beyond 1000 metres and that further work should be done to better understand risks in that zone.

We understand that Council has conducted a risk assessment process, but that this have not been provided to the Panel, tested in any public hearing, or made public. No site visit or request for technical information was made to AGL Loy Yang regarding geological monitoring information. We also note that the Council risk assessment, is not a formal facilitated risk assessment process undertaken by the Department as is recommended by the TRB in its letter to the Department.

It is clear that the conclusions of the Panel in C87 reflected a precautionary approach to risk, in the absence of the further work recommended by Mr Sullivan. As no evidence has been put before this Panel which does anything other than reinforce and confirm (as the TRB has done) the importance of this further work, AGL Loy Yang submits there is no evidentiary basis for the Panel to depart from its findings in C87. Accordingly, the balance of evidence before the Panel supports the amendments to the Planning Scheme proposed by AGL Loy Yang.

AGL Loy Yang explained circumstances around its approved work plan and the VCAT decision.

Council responded that it does not wish to comment on matters raised in these additional submissions because they were outside the scope of the Amendment and Council had already responded to these issues as part of the C87 process. Council added:

As discussed in the closing of the Panel, Council wishes to reiterate that this amendment (C97) introduces new policy material based on recent strategic work and has characterised this as a 'refresh' of the Planning Scheme rather than a 'renewal'. Furthermore, Council considers that significant post exhibition changes may result in a transformation of the Amendment, as was discussed in closing at the Planning Panel.

(iii) Discussion

Council submitted that issues raised by AGL Loy Yang form part of Amendment C87 Part A and are outside the scope of Amendment C97. The Panel has reviewed all submissions and tendered documents to consider the extent to which these issues align with the Amendment's scope. It also reviewed the explanatory report which states the Amendment is a "complete review and replacement" of Clause 21 resulting from six years of strategic work. The Panel took into account that this issue may, for an interim period, influence the way in which the MSS is implemented. This is because land identified in the proposed Clause 21.09 as 'future residential opportunity' in the Traralgon Structure Plan (immediately outside the ESO1 area) may need special consideration before they are rezoned. This aligns with the Technical Review Board's advice. At a broad level, the mine buffer issue is therefore within the scope of the Amendment.

The conclusions and recommendations in the Latrobe C87 Panel Report were based on best available information at the time of that panel process. The Panel agrees with AGL Loy Yang that consistency is needed between the C87 and C97 panels. However, this consistency may not necessarily result in the same conclusions because there has been further action and information since the C87 report.

This issue has not been assisted by the C87 Panel's recommendation being miscommunicated throughout various documents. The C87 Panel recommended that a strategy be introduced to 'flag' a future interim 2,000 metre buffer as a precautionary principle. It did not recommend extending ESO1 through Amendment C87 and did not recommend permanently applying a 2,000-metre buffer. The Panel notes the Board's advice that it is not its role to decide whether the precautionary principle should be applied.

The C87 Panel specifically stated that there was insufficient evidence and monitoring of earth movements in areas of concern to determine the appropriate distance to extend the mine buffer, and it recommended a strategy for a future interim measure based on best available information at the time. This is a common planning approach. For example, interim maximum building heights are often applied to protect specifically defined areas until more precise heights and built form provisions are researched, considered and prepared.

The 2,000-metre interim buffer might not have been required if more conclusive information about earth movements beyond the 1,000 buffer was available ahead of applying this interim buffer through a future planning scheme amendment. It is unknown whether this information is now available because Council retracted the two Golders Associates assessments which may have confirmed this.

The Panel found the VCAT decision (doc 5b) to be of little strategic relevance so it refers to the Board's response to the C87 Panel Report and geotechnical evidence prepared by Mr Sullivan for that process.

The Board's inferences about the C87 Panel's objectivity and the weight which it gave to Mr Sullivan's evidence are unhelpful and reinforce the importance of a public hearing where evidence can be thoroughly tested. At the time of the C87 Hearing, no State Government department called a geotechnical expert to contest Mr Sullivan's evidence called by AGL Loy Yang and no party sought to adjourn the Hearing after receiving his evidence. Weight was given to Mr Sullivan's evidence accordingly.

The Board commented that Mr Sullivan did not recommend a strategy to apply an interim 2,000 metre buffer. A Panel can make recommendations that are based on evidence but not specifically suggested by an expert. The C87 Panel's recommended strategy for an interim 2,000 metre buffer was based on Mr Sullivan's evidence and extensive cross-examination during that Hearing. A member of the C87 Panel had geotechnical expertise and the ability to consider the technical nature of this issue.

While the Panel was not able to review the two assessments which Council withheld, it notes that neither of these assessments have been thoroughly considered to the extent which Mr Sullivan's evidence was during the C87 Hearing process. The Panel is therefore unable to determine why Council considers these assessments are more accurate than Mr Sullivan's

evidence. The Panel understands that these assessments are now available on Council's webpage, however, the Panel has not relied on them to reach its conclusions.

Mr Pullman made the most revealing point about this matter during the C97 Hearing – the ESO1 was introduced into the Planning Scheme by State Government to address potential interface issues between the existing mine and future urban development in its surrounds. This is therefore a State Government overlay which resides in the Latrobe Planning Scheme. The Panel agrees with Council's submission and believes that the State Government should lead this issue to better inform Amendment C87 Part A. This is not a criticism of Council. To the contrary, Council is commended for its diligence on this matter since considering the Latrobe C87 Panel Report.

Having the relevant State authority lead an issue which affects a State asset, in consultation with key stakeholders including Council and AGL Loy Yang, will help reduce inefficiency, unnecessary delays and unhelpful criticisms. It will support parties to focus on the primary issue of ensuring that:

- any future urban expansion does not adversely impact the mine's operation
- urban expansion towards the mine does not encroach into an area where the mine's operation could adversely impact buildings or people.

A strategy reflecting this focus would ensure that the Amendment appropriately responds to the mine buffer until a more detailed response is considered through Amendment C87 Part A. Council and AGL Loy Yang submitted their preferred version of such a strategy.

To evaluate the most appropriate version, the Panel considered whether one land use should be prioritised over the other or whether both land uses should be considered equally. The power plant's reliance on the coal, importance of electricity for Victoria and the existence of ESO1 clearly demonstrate the State Government's support for the mine. It is therefore arguable that mine should take priority over new and encroaching residential land uses. When taking this into account, the Panel considers AGL Loy Yang's neutral wording to be more appropriate. It would be unreasonable to consider the potential land use conflicts that a State significant mine, which has existed for decades, 'causes' to new and encroaching sensitive land uses. The strategy wording proposed by Council may seriously impact the operation of a State asset.

The Panel supports Council's post-exhibition changes to Clause 21.07-1 which clarify the importance of mining and power generation and their relationship with other industries. However, it does not support more specific mine related changes to the MSS sought by AGL Loy Yang until Amendment C87 Part A is finalised.

(iv) Conclusions

The Panel concludes:

- A new and neutrally worded strategy would ensure that the Amendment appropriately responds to the mine buffer.
- The MSS should acknowledge the importance of mining and power generation for industries in the Latrobe Valley.
- More specific issues associated with the mine would be more appropriately considered through Amendment C87 Part A.

(v) Recommendation

The Panel recommends:

Amend Clause 21.02, as shown in Appendix B, to:

- a) add a new strategy *“Manage potential land use conflict between urban land uses and the coal mining operations.”*

Amend Clause 21.07, as shown in Appendix B, to:

- b) add under 21.07-1 *“This means that mining and power generation underpins the broader manufacturing, maintenance and fabrication industries in the Latrobe Valley.”* and *“A key competitive strength, that is recognised nationally, is the quality of the manufacturing and engineering expertise that exists locally. From these strengths are many opportunities including a focus on support for education, training, brand development and well as industry development and attraction.”*

4.2 Sibelco lime manufacturing site**(i) The issue**

The issue is whether the Amendment appropriately responds to the Sibelco lime manufacturing site at 28 Janette Street, Traralgon.

(ii) Submissions

Council submitted that the Sibelco matters were considered by the C67 and C87 Panels. It referred to the C62 Panel report which recommended further strategic work to understand and resolve future industrial land. Council added that this is currently being considered through its *Live Work Latrobe* project which is likely to recommend changes to the Planning Scheme. Sibelco acknowledged this approach in its submission which states:

One of the avenues for opposing the future rezoning of Sibelco’s land and surrounds is via the proposed Latrobe Industrial Land Strategy.

Sibelco considered that policies and strategies proposed for Clause 21.09-4 have the potential to adversely impact the future operation of its site and added:

While it is recognised that similar policies are already in the scheme at Clause 21.05-5, they are both unrealistic and potentially detrimental to the future of Sibelco’s operations.

It noted that there are already existing residential areas located 80 metres north of the site and 200 metres from the production plant, about 40 metres to the southwest and 500 metres to the east. At the Hearing, Mr Kraan on behalf of Sibelco, highlighted the \$30 million (2009 figure) which has been invested in capital alone at the Sibelco plant, and that Council granted a planning permit in 2012 for further upgrades. He added that it would cost \$110,000 million (2009 figure) to relocate the plant, excluding the cost of land. There have been two noise complaints and no air quality complaints over four years.

In response to Sibelco’s submission, Council proposed to delete reference to the *Traralgon Inner South Precinct Master Plan (2011)*.

(iii) Discussion

Council's submissions on this matter has been consistent for the C87 and C97 Amendments. The C87 Panel concluded that Sibelco's concerns were outside the scope of the Amendment therefore this Panel considered whether there has been any change in circumstances that would result in a different conclusion. Having reviewed the proposed Clauses 21.05 and 21.09, the Panel finds there is consistency between the two Amendments. Council's aspirations for the areas surrounding the Sibelco site differ from existing industrial land uses, however, any transition would be subject to further investigations and strategic work, as outlined in these clauses. As the Amendment does not propose to rezone land or apply overlays, the Panel considers there is opportunity for the Sibelco site to be considered in this further strategic work. The Amendment appropriately responds to the Sibelco site ahead of this future work.

The Panel notes Council's proposal to delete reference to the *Traralgon Inner South Precinct Master Plan (2011)* in Clause 21.10 but notes that references to this plan remain in Clause 21.09.

(iv) Conclusions

The Panel concludes:

- The Amendment appropriately responds to the Sibelco lime manufacturing site at 28 Janette Street, Traralgon.

(v) Recommendation

The Panel recommends:

Amend Clause 21.10, as shown in Appendix B, to:

- a) delete reference to the *Traralgon Inner South Precinct Master Plan (2011)*.

4.3 Natural environment**(i) The issue**

The issue is whether the Amendment appropriately responds to environmental issues.

(ii) Submissions

The Department of Environment, Land, Water and Planning supported the Amendment but was concerned with the clarity, nexus and completeness of some of Clauses 21.03 and 21.10. In response it suggested the following changes:

Clause 21.03

- Under 21.03-1 replace the words '*maintain native vegetation*' in the second paragraph with '*maintain and enhance natural ecosystems and biodiversity values*'.
- Replace '*native*' with '*indigenous*' and include a specific reference to the Latrobe municipality throughout the MSS, where appropriate.

Clause 21.10

- Include application of the Rural Conservation Zone, Environmental Significance and/or Vegetation Protection Overlays as appropriate to achieve the environmental objectives identified in Clause 21.03.
- Include the development of a local biodiversity policy and strategic guidance to identify locally and regionally significant biodiversity assets in the municipality that align with the *West Gippsland Regional Catchment Strategy*.
- Prioritise strategic work and apply timelines for expected completion to align with future scheme reviews.

Council responded that it drafted Clause 21.03 with regard to Council's adopted *Natural and Environment Sustainability Strategy 2014-2019* and drafted Clause 21.10 with regard to the Review Report. It agreed with the Department's suggested changes to Clause 21.03. Council submitted that it did not support changes to Clause 21.10 because they did not align with the Review Report and they could be better achieved through business planning and budget planning processes.

Friends of the Gippsland Bush submitted that environmental and biodiversity policy has changed because of updates to Council's *Natural and Environment Sustainability Strategy 2014-2019*. Council responded:

C97 forms part of the amendment where existing objectives relating to the environment which referenced the previous NESS were required to be removed as the policy has changed and these provisions within the Scheme were now redundant.

The submitter's comments have been forwarded to the Council's Environmental Sustainability team where the submission may be able to inform future environmental policies outside of the Latrobe Planning Scheme.

(iii) Discussion

The Panel agrees with Council's response to issues raised in submissions from the Department of Environment, Land, Water and Planning submission and Friends of the Gippsland Bush submission.

(iv) Conclusions

The Panel concludes:

- The Amendment would benefit from further changes, as suggested by the Department of Environment, Land, Water and Planning.

(v) Recommendations

The Panel recommends:

Amend Clause 21.03, as shown in Appendix B, to:

- a) replace in the second paragraph under 21.03-1 "*increase and maintain natural vegetation*" with "*maintain and enhance its native vegetation.*"

- b) replace **Objective 2** with *“To identify, maintain and enhance natural ecosystems and biodiversity values within rural and urban areas.”*
- c) replace the word *“native”* with *“indigenous”*.

4.4 Catchment management

(i) The issue

The issue is whether the Amendment references the most current and relevant catchment related documents.

(ii) Submissions

West Gippsland Catchment Management Authority’s original submission dated 12 November 2015 supported the Amendment in its exhibited form. Its subsequent submission a week later requested that the following documents be referenced in the MSS:

- West Gippsland Regional Catchment Strategy
- West Gippsland Regional River Health Strategy
- West Gippsland Catchment Management Authority Flood Guidelines – Guidelines for development in flood prone areas (2013).

Council supported referencing the West Gippsland Catchment Management Authority’s *Guidelines for Development in Flood Prone Areas* in the MSS. It did not support referencing the other two strategies because these strategies are already referenced in Clause 13.02 (Floodplains) of the State Planning Policy Framework and submitted there was no need to repeat their reference in the MSS.

(iii) Discussion

The Panel notes Council’s support for referencing the *West Gippsland Catchment Management Authority Guidelines for Development in Flood Prone Areas* in the MSS and agrees that the other two strategies should not be referenced because these types of strategies are already generically referenced in the Planning Scheme. Council has appropriately applied a good practice drafting principle included in Planning Practice Note 4 – *Avoid repetition*.

(iv) Conclusions

The Panel concludes:

- Referencing the *West Gippsland Catchment Management Authority Guidelines for Development in Flood Prone Areas* in the MSS would help guide future permit applicants.
- Any strategy referenced in the State Planning Policy Framework should not have a duplicated reference in the MSS.

(v) Recommendation

The Panel recommends:

Amend Clause 21.10, as shown in Appendix B, to:

- a) **reference the *West Gippsland Catchment Management Authority Guidelines for Development in Flood Prone Areas 2013*.**

4.5 Traralgon South and Callignee future development**(i) The issue**

The issue is whether areas in Traralgon South and Callignee should be considered for future development.

(ii) Submissions

Ms Beani submitted that areas in Traralgon South and Callignee should be considered for future development. This would enable her Callignee rural property to be subdivided so that houses could be constructed for her sons. Ms Beani added:

No changes to clause 22 of the Local Planning Policy Framework? If this is the clause preventing my goal of rural block redevelopment I am very disappointed and sure do not stand alone.

At the Hearing, Council informed the Panel that Amendment does not propose any change to Clause 22 because its Local Planning Policy Framework only comprises Clause 21 (MSS).

Council submitted that the Amendment does not change any existing zone or overlay which controls the ability to apply for a planning permit to subdivide or develop land. Council added that these issues are therefore outside the scope of the Amendment and it has referred Ms Beani to Council's *Live Work Latrobe* project.

(iii) Discussion

The Panel agrees with Council that the Amendment seeks to implement a broad level Planning Scheme review and does not seek to rezone any land. Any request to rezone land is therefore outside the scope of the Amendment. The Panel does not comment about the merits of rezoning areas in Traralgon South and Callignee which would pre-empt the outcomes on any future strategic work.

(iv) Conclusions

The Panel concludes:

- Council's strategic work, which the Amendment is founded on, has not inadvertently omitted any future development areas.
- Issues related to rural subdivision are outside the Amendment's scope.

Appendix A Document list

No.	Description	Tabled by
27 October 2016		
1	Submission	Council
2	Submission – AGL Loy Yang	Ms S Osborn
3	Letter – from Energy Australia to Council dated 27 October 2016	Ms S Osborn
4	Submission – Sibelco Lime (Victoria) Pty Ltd	Mr J Kraan
5a	Technical Review Board Advice Re: Latrobe Planning Scheme Amendment C87	Council
5b	AGL Loy Yang Pty Ltd v Department Head, Department of Economic Development, Jobs, Transport and Resources (Red Dot) [2016] VCAT 1249	Council

Appendix B Panel recommended changes

Clause 21.02 Housing and strategy

Clause 21.03 Environmental and landscape values

Clause 21.04 Environmental risks

Clause 21.06 Built environment and heritage

Clause 21.07 Economic development

Clause 21.08 Transport and infrastructure

Clause 21.10 Implementation

LATROBE PLANNING SCHEME

21.02 HOUSING AND SETTLEMENT

--f--
Proposed C97

This clause provides local content to support Clause 11 (Settlement) and Clause 16 (Housing) of the State Planning Policy Framework.

Specific references to individual towns are included in Clause 21.09 (Local Areas).

21.02-1 Key issue - Urban growth

--f--
Proposed C97

Urban settlement covers a relatively small area of the municipality. Latrobe City has a hierarchy of townships comprising four main towns, seven smaller settlements and a rural hinterland. Whilst each town and settlement provides many of the services and facilities needed by their residents, they are not separate, self-contained entities which operate in isolation of each other. Based on population data, combined, the main towns of Moe (16,400 persons), Morwell (13,700), Traralgon (26,700) and Churchill (4,700) form a social, economic and physical entity. These towns are supported by settlements at Boolarra (550), Glengarry (1,360), Toongabbie (900), Traralgon South (470), Tyers (820), Yallourn North (1,500), and Yinnar (600).

Latrobe experienced population growth between 2001-2006, recovering from a prolonged period of population and economic decline through the 1990's. It estimated that between 5,370 dwellings and 9,310 dwellings will be required to the year 2023 to meet population demand.

To accommodate this growth, there is a need to provide an equitable distribution of housing to ensure that residential property densities and lot sizes reflect community aspirations. Council's settlement strategy is based on medium density housing close to activity centres in the main towns (see *Transit City Master Plans* and *Activity Centre Plans*), infill development and urban renewal opportunities, and finally, lower densities on the edges of townships (see *Structure Plans* and *development plans*).

Council acknowledges that while land supply issues have been considered under the *Residential and Rural Residential Land Assessment 2009*, Council needs to conduct a thorough analysis of the housing issues confronting the four main towns, as well as the smaller towns. There is also a need for linkages between the growth plans for the towns and infrastructure sequencing plans. Service corridors are needed for infrastructure to dovetail with the growth areas, which emphasise that there is a need for strategic infrastructure planning when developing growth areas, along with consideration of the *Municipal Domestic Wastewater Management Plan 2006* in unsewered areas.

Objective 1

To build upon the existing structure of the towns and settlements to create an integrated network of urban areas.

Strategies

- 1.1 Consolidate residential development within and around the existing towns.
- 1.2 Avoid unnecessary urban expansion and subdivision into rural land, especially high quality agricultural land.
- 1.3 Protect the effectiveness of the transport corridors between the towns.

Objective 2

To identify areas suitable for urban growth and development.

Strategies

- 2.1 Concentrate higher density residential development within 500 metres of existing rail stations and all activity centres.

LATROBE PLANNING SCHEME

Objective 3

To contain urban development within distinct settlement boundaries.

Strategies

- 3.1 Maintain a clear separation between urban settlements facilitating the self-containment and individual identity of each town, with the exception of Morwell and Traralgon.

Objective 4

To achieve cost effective and orderly management of urban growth.

Strategies

- 4.1 Ensure that subdivision and development aligns with the delivery of key infrastructure items and the delivery of economic and employment growth.
- 4.2 Consider the *Municipal Domestic Wastewater Management Plan 2006* and sewerage and water authorities infrastructure plans when assessing new subdivision and development in unsewered areas.
- 4.3 Implement Development Plans and Development Contribution Plans in identified growth areas and key infill/redevelopment sites.
- 4.4 Balance potential land use conflict between urban land uses and coal mining operations.

Objective 5

To provide a diversity of choice in housing styles and designs.

Strategies

- 5.1 Encourage housing ~~that meets a diversity of community needs incorporating a 'universal' dwelling design that meets the needs of a diverse community.~~
- 5.2 Support housing and accommodation for the ageing population.
- 5.3 Encourage the provision of ~~an~~ social housing within the municipality.
- 5.4 Encourage well designed, infill residential development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility. ~~Ensure that smaller household units are developed particularly near rail stations, all activity centres or employment areas.~~

Objective 6

To reduce industrial-residential land use conflicts.

Strategies

- 6.1 Provide buffers between industrial and existing and potential sensitive use areas where residential amenity is impacted.

21.02-2 Key issue - Main towns

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Proposed C97

The towns of Moe, Morwell, Traralgon and Churchill are recognised as being part of a 'networked city', as well as being places with unique characteristics, contributing to the local sense of place and provide diversity. Each town has developed its own role and function with Moe as a service centre; Morwell as a centre for government offices and industry; Traralgon as a commercial centre; and Churchill as a university town. Notwithstanding the 'networked city concept', it remains Latrobe City Council policy that

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each town grow in its own right and maintain at least a 15 year urban land supply within them.

Structure plans for Churchill, Moe, Morwell and Traralgon have been developed for each town which are reflective of development constraints including the coal mining buffers that border them. The structure plans for all four towns provide for sustainable housing growth, growth of central activity areas and the small neighbourhood centres, the expansion of industrial precincts in Moe, Morwell and Traralgon, and the renewal of underutilised industrial sites for residential use in Moe, Morwell and Traralgon. The Town Boundaries on the Structure Plans of Moe, Morwell and Traralgon have been expanded in key areas to provide opportunities for greenfield urban residential and industrial development.

All these towns are enveloped by a variety of constraints including coal and stone extraction activities and associated buffers, land subject to inundation, bushfire, industry, inter-town corridors and land that is fragmented into small rural allotments. ~~Recent zoning changes have added roughly another 800 hectares of land to the residential land supply in the main towns.~~

Objective 1

To facilitate development in accordance with Town Structure Plans.

Strategies

- 1.1 Encourage consolidation of urban settlement within the urban zoned boundaries in accordance with the adopted structure plans.
- 1.2 Discourage urban growth outside the urban development boundaries designated in the relevant structure plan.
- 1.3 Encourage medium density housing within and around the major town centres and neighbourhood activity centres.
- 1.4 Contain new residential subdivision within residential areas shown on the relevant structure plans.
- 1.5 Maintain and enhance town and gateway entrances as shown on relevant structure plans.
- 1.6 Discourage the fragmentation of high quality agricultural land adjoining township boundaries to allow for future urban growth opportunities.

21.02-3 Key issue - Small towns

~~21.02-3~~
Proposed C97

The small towns of Boolarra, Glengarry, Tyers, Toongabbie, Traralgon South, Yallourn North, Yinnar and their surrounding rural living communities, provide an attractive lifestyle choice in a rural setting. While a number of residents from these small towns and surrounding rural living areas work in the nearby main towns of Latrobe City, the residents often utilise the shops, schools and community facilities provided within the small towns.

Small Town Structure Plans for Boolarra, Glengarry and Tyers have been prepared to guide future land use and development towards 2023. Structure Plans are to be prepared for Toongabbie, Traralgon South, Yallourn North and Yinnar, guiding future growth and development opportunities that respond to community needs.

Objective 1

To facilitate development in accordance with Town Structure Plans.

Strategies

- 1.1 Retain and promote the rural atmosphere and residential service centre role of small towns.

LATROBE PLANNING SCHEME

- 1.2 Discourage the fragmentation of high quality agricultural land adjoining township boundaries to allow for future urban growth opportunities.
- 1.3 Promote opportunities for infill development within the township boundary.
- 1.4 Encourage increased diversity in residential allotment sizes that respects the rural character of townships.
- 1.5 Provide a visually attractive urban environment and enhance town entrances.
- 1.6 Encourage commercial development opportunities in and around town centres.
- 1.7 Encourage well-designed development that responds to local site conditions with regard to environmental and heritage values and existing physical and community infrastructure.

21.02-4 Key issue - Rural living

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Proposed C97

Rural residential living has been a popular and attractive lifestyle choice in Latrobe and continues to attract residents. However, given the land use constraints around the major towns, a more sustainable approach to the consumption of limited developable land is now required. The main urban settlements have zone boundaries that serve to contain urban development. Low density residential development on the periphery of urban areas (other than [in growth corridors](#)) provides a relatively compatible transition in the land use pattern to ~~the adjoining~~ rural areas and non-urban corridors.

The majority of main and small towns in Latrobe have complementary nearby rural living communities. Isolated subdivisions are another form of rural living found in the municipality. An emerging issue in the rural living areas relates to inappropriate subdivisions and amenity concerns associated with animal husbandry and other agricultural pursuits.

Objective 1

To identify appropriate locations for rural residential activity.

Strategies

- 1.1 Support rural living or low density residential development in appropriate locations, taking into account environmental constraints and current supply and demand for these types of subdivisions.
- 1.2 Discourage further rural living or low density residential ~~development rezonings~~ on the fringes of the major towns where land is designated ~~for as a long term~~ [future urban growth corridor in structure plans or other strategic studies](#).

Objective 2

To minimise conflict between agricultural activities and rural lifestyle.

Strategies

- 2.1 Discourage animal keeping facilities in rural living areas.
- 2.2 Discourage dwellings on small rural lots where potential exists for conflicts between dwellings and agricultural activities.

21.02-5 Key issue - Land use buffers

--f--
Proposed C97

The major urban areas of Moe, Morwell and Traralgon are constrained from further development by a number of man-made and natural geographic features including:

- Open cut mines at Yallourn, Hazelwood and Loy Yang.
- State Resource Overlay.
- Latrobe River and associated flood plains.

LATROBE PLANNING SCHEME

- Strzelecki Ranges to the South and the Great Dividing Range to the north.
- Industry and associated amenity buffers (such as around Australian Paper).
- Latrobe Regional Airport.
- Traralgon Freeway by pass.
- Wastewater treatment plants.
- Bushfire.

Buffers to the coal resource are intended to protect urban settlements from the impact of the coal industry. The urban (coal) buffers identified are:

- Areas between urban development and existing or future coal resource development based on the known impacts of earth subsidence, noise, dust, fire hazard and visual intrusion. Buffer areas extend for a distance of 750 metres from any urban settlement boundary to the perimeter of a 250 metre wide coal operational area. The total separation area between an urban settlement boundary and the crest of any future open cut development should not be less than 1 kilometre in width.
- An area 1 kilometre wide has also been identified on the western end of the Australian Paper Mill site at Maryvale so as to protect the mill from coal operations in the Yallourn mine as well as providing for future expansion.
- An area to protect the Morwell - Traralgon, Morwell – Moe, and Morwell - Churchill transport corridors from the potential conflict between settlement and urban functions and the exploitation of the coal resource.

In the identified coal related buffer areas, the mutual protection of urban amenity and coal development areas are the primary considerations. In existing urban areas and land identified for urban purposes, urban land uses are the primary considerations.

It is acknowledged that while the *Framework for the Future (1987)* and *Land Over Coal Buffer Study (1988)* remain current coal planning policy, the state government has attempted to review and assess the effectiveness of current planning policy and provisions to manage future access to the brown coal resource. While these reviews have not been finalised or recognised as a state government policy position, Council has a strong interest in any review that is likely to result in changes to the current planning policy regime.

Objective 1

To minimise the land use conflict between the coal resource development and other development and use in the municipality.

Strategies

- 1.1 Discourage proposals for residential, rural living, commercial or non-coal related industrial land use and development within the buffer.
- 1.2 Discourage the subdivision of land to create allotments of less than one hectare.
- 1.3 Discourage the subdivision of land which would create average allotment densities of more than one allotment per 10 hectares.
- 1.4 Discourage the construction of a house on an allotment of less than one hectare created prior to 13 April 1988.
- 1.5 Discourage the construction of a house on land more than 200 metres from the nearest urban side of the urban buffer boundary unless the land; is vacant; is not capable of having a house erected within 200 metres of the nearest urban side of the urban buffer boundary; and existed as a separate lot prior to 13 April 1988.
- 1.6 Ensure that rural living is at least 200 metres from the nearest urban side of the buffer area boundary.

LATROBE PLANNING SCHEME

Objective 2

To ensure that adequate spatial separation is provided between existing and proposed urban and industrial uses and existing or proposed coal development so as to reduce the likely effects of earth subsidence, the emission of noise, dust, fire hazard and visual intrusion.

Strategies

- 2.1 Provide separation between coal development (and associated areas) and residential or other sensitive areas to alleviate the adverse effects of one upon the other.

Objective 3

To provide for uses and developments which are compatible to coal development and ancillary services within the buffer area.

Strategies

- 3.1 Encourage high amenity and low intensity uses of land such as farming and broad scale recreation uses within the buffer area.
- 3.2 Ensure that any use or development in a buffer area is undertaken in a manner which minimises the potential impacts from sources, including earth subsidence, noise, dust, fire hazard and visual intrusion associated with open cut mining.
- 3.3 Ensure that the management, use or development of land in all buffer areas minimises the potential fire risk to open cut mining.

21.02-6**Key issue - Open space**

Proposed C97

A well planned and connected network of open space contributes to the liveability of a municipality and provides opportunities for active transport and passive recreation activities including walking, jogging and cycling. Open space reserves also provide venues for a range of formal sports clubs and groups to facilitate active participation in organised sports and physical activities.

The adopted town structure plans provide an overview of some opportunities to enhance existing networks and establish a broader system of paths, trails, walking loops and linear reserves.

Objective 1

To achieve access to a range of appropriately maintained leisure, open space and recreational opportunities.

Strategies

- 1.1 Maintain and enhance existing public open space reserves in accordance with the *Latrobe City Public Open Space Strategy 2013* and the *Latrobe City Recreation and Leisure Strategy 2006* and provide passive recreation along linear corridors.
- 1.2 Facilitate the expansion of cycling and pedestrian paths within and around main and small towns in accordance with the *Latrobe City Bicycle Plan 2007-2010*.
- 1.3 Provide a safe and effective road and path network that allows for convenient movement of vehicles, public transport services, pedestrians and cyclists in new and existing communities and along linear corridors.
- 1.4 Maximise opportunities for multi-use open space.
- 1.5 Co-locate activity centres with complementary uses such as public open space or schools, where appropriate.

LATROBE PLANNING SCHEME

- 1.6 Encourage a well designed open space and path network that includes regular intervals of well arranged seating to promote opportunities for social interaction and provide public amenities and shelter.

Objective 2

To integrate landscape and environmental features into the regional open space system.

Strategies

- 2.1 Expand open space opportunities by use of shared trails linking corridors and recreation reserves.
- 2.2 Create a network focussing on open space for recreational cycling and walking routes.
- 2.3 Encourage connectivity of open space to natural environment and landscape features.

21.02-7

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Proposed C97

Key issue - Liveability

Council is committed to creating environments that support its community's health and wellbeing. The *Latrobe City Municipal Public Health and Wellbeing Plan 2013-2017* (MPHWP) demonstrates Council's commitment and recognition of its role as a key partner in enabling community members to live in a diverse and equitable community where their health and wellbeing is a priority.

'Liveability' includes a number of interrelated elements, including community safety, provision of health services, education services, mobility and accessibility and a 'sense of place'. Latrobe offers families and individuals high quality health care, education, housing affordability, as well as recreational, cultural and sporting facilities and a diverse range of employment opportunities. *Healthy Urban Design Good Practice Guideline – Meeting Healthy by Design Objectives* is an initiative of the MPHWP which encourages:

- Walkable neighbourhoods, including safe and attractive pedestrian and cycle routes.
- Design of legible street networks that are clear and easy to navigate.
- Open space that incorporates a range of shade, shelter, seating and signage.
- Building design that maximises natural surveillance and active street frontages.
- Maximised public transport options and connections to all key destinations.
- Community spaces or buildings that incorporate a variety of uses.
- No opportunities for concealment and entrapment along paths and community spaces.
- Minimal fencing and walls, with maximum lighting, windows, doors, articulation to facades and use of low walls and transparent fencing.

Objective 1

To provide for walkable neighbourhoods, ensuring public transport, shops, public open space and mixed-use community centres are as close as possible to all dwellings.

Strategies

- 1.1 Promote active lifestyles and avoid social isolation by designing new dwellings to be close to user-friendly pedestrian and cycle paths that incorporate shade, amenities, seating and directional signage where possible.
- 1.2 Encourage new community centres to be located within a 400-800 metre walk of dwellings.

21.02-8

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Proposed C97

Implementation

The objectives, strategies and policy guidelines arising from this clause are implemented through the application of appropriate zones and overlays as described in Clause 21.10.

LATROBE PLANNING SCHEME

21.03 ENVIRONMENTAL AND LANDSCAPE VALUES

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Proposed C97

This clause provides local content to support Clause 12 (Environmental and Landscape values) of the State Planning Policy Framework.

Specific references to individual towns are included in Clause 21.09 (Local Areas).

21.03-1 Key issue - Sustainability

~~-----~~
Proposed C97

Council acknowledges through the *Natural and Environment Sustainability Strategy 2014-2019* the linkages between the natural environment and economic sustainability. The natural environment provides resources such as coal, timber and farmland that help drive the economy. The natural environment is also where the waste from economic activity is put by way of emissions to air, water and land. Council acknowledges the need for an approach which balances economic, social and environmental values.

Latrobe enjoys one of Australia's most beautiful natural environments. Latrobe's biodiversity, water and air quality must continue to remain of the highest quality. Latrobe will strive to ~~maintain and enhance~~ ~~increase and maintain~~ its ~~natural native~~ vegetation, improve air and water quality, reduce and reuse waste, encourage energy-efficient technologies and educate the community and industry in better waste management and environmental protection.

Built form and urban infrastructure can contribute substantially to the demand for energy. Urban form impacts on the ability of buildings to be energy efficient, particularly through solar orientation and access. Urban form also impacts on the need for people to use transport, including to access services, social connections, recreation opportunities, education and employment. Consolidated urban areas provide for shorter travel distances, walking and cycling, and support more effective public transport.

Objective 1

To identify, maintain and enhance natural ecosystems and biodiversity values within rural and urban areas. ~~To maintain and improve the ecological integrity of rural and urban areas.~~

Strategies

- 1.1 Adopt precautionary behaviour where there are possible or identified threats of serious or irreversible environmental damage.
- 1.2 Protect all environmental assets as a first priority, enhance as a second priority, and consider replacement as a last resort.

Objective 2

To encourage environmentally sustainable land use and development.

Strategies

- 2.1 Promote low energy travel modes, such as walking and cycling, through the design of new subdivision and development.
- 2.2 Encourage higher densities in appropriate locations near public transport and activity centres to help shorten travel distances.
- 2.3 ~~Ensure~~ Encourage that housing dwellings, subdivision design and other buildings ~~are to~~ be energy and water efficient.
- 2.4 Encourage the reduction of urban water demands through mechanisms such as improved storm water capture, and recycled water infrastructure ~~and other means to reduce urban water demands.~~

LATROBE PLANNING SCHEME

21.03-2 Key issue - Significant environments and landscapes

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Proposed C97

Council attempts to find a balance in advancing the City's built environment and liveability while planning for and protecting its natural environment. Latrobe City contains a rich diversity of plants, birds and other wildlife and extends over parts of three natural bioregions.

To the north, Latrobe City contains rugged and heavily forested foothills of the Great Dividing Range, part of the Highlands – Southern Fall bioregion that extends across the whole southern fall of the Great Dividing Range. Running through the centre of Latrobe City is the broad plain of the Latrobe Valley, part of the Gippsland Plain bioregion that extends from Melbourne to the Gippsland Lakes. To the south, Latrobe City contains the northern slopes of the Strzelecki Ranges, part of the Strzelecki Ranges bioregion, which extends towards Warragul in the west and Yarram in the east.

Objective 1

To protect ~~native~~ indigenous flora and fauna species and their habitat across the municipality.

Strategies

- 1.1 Encourage the protection of remnant ~~native~~ indigenous vegetation on private land.
- 1.2 Enhance the condition and quantity of ~~native~~ indigenous vegetation.
- 1.3 Encourage the protection of ~~native~~ indigenous fauna species and their habitat on private land with an emphasis on protecting threatened species.
- 1.4 Maintain the natural asset value of Council road reserves.

Objective 2

To increase the extent and quality of ~~native~~ indigenous vegetation and biodiversity across the municipality.

Strategies

- 2.1 Encourage the development of wildlife corridors and links across the municipality.

Objective 3

To protect and enhance the visual, natural and cultural heritage values of rural landscapes.

Strategies

- 3.1 Ensure that development protects and enhances the key landscape features of Latrobe.

21.03-3 Implementation

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Proposed C97

The objectives, strategies and policy guidelines arising from this clause are implemented through the application of appropriate zones and overlays as described in Clause 21.10.

LATROBE PLANNING SCHEME

21.04 ENVIRONMENTAL RISKS

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Proposed C97

This clause provides local content to support Clause 13 (Environmental Risks) of the State Planning Policy Framework.

Specific references to individual towns are included in Clause 21.09 (Local Areas).

21.04-1 Key issue - Greenhouse and Climate Change

~~-----~~
Proposed C97

As the Australian economy seeks to decarbonise, brown coal based power generation will not provide the opportunities in the future that it has in the past. However, a carbon constrained world presents new opportunities for Latrobe City to diversify its economy, by attracting new industries as well as capitalising on its strengths, expanding existing businesses, services and skills in the region.

Council has developed a range of policies and actions through *Positioning Latrobe City for a Low Carbon Emission Future 2010* to ensure that it is prepared for a low carbon future. The key impacts of a changing climate for Latrobe include:

- Changes in rainfall patterns that pose challenges for water supply and agriculture.
- More common intense rainfall events which increase the risk of severe flooding.
- Higher temperatures which increase the likelihood of large and intense fires.
- Increased number of hot days and heatwaves which place substantial pressure on health services and infrastructure.
- Biodiversity changes.

Objective 1

~~To reduce the effects of climate change.~~

Strategies

~~1.1 Evaluate use and development proposals, having regard to climate change implications.~~

~~1.2 Evaluate proposals with a view to limiting their potential greenhouse effects.~~

Objective 2¹

To promote the use of water sensitive urban design (WSUD), including stormwater re-use.

Strategies

1.1 Promote greater use of water harvesting and water reuse within residential areas.

1.2 ~~Ensure~~ Encourage all commercial, industrial and residential developments incorporate WSUD techniques, particularly into their landscaped areas.

Objective 3²

To reduce pollution from local domestic, transport and industry sources.

Strategies

~~2.1.1~~ Support the development and implementation of new technology designed to reduce greenhouse gas emissions.

~~2.1.2~~ Encourage the reduction of pollution from Council activities, as well as local and domestic, transport and business sources.

Objective 4³

To promote energy efficient building design to reduce the effects of climate change.

LATROBE PLANNING SCHEME

Strategies

- 32.1 Encourage new residential buildings to be environmentally sustainable by encouraging the application of best practice design and design to achieve a seven star energy ratings.
- 32.1 Encourage all new commercial and industrial buildings to incorporate energy efficient design measures.

21.04-2 Key issue - Floodplains

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Proposed C97

Flooding is a natural hazard that can severely disrupt communities and may cause extensive damage, stock loss and, in extreme cases, loss of life. Careful planning and management of floodplains has been effective in reducing damage and costs associated with flood events.

Objective 1

To minimise the potential for loss of life, risk to health and damage to property, as a result of flooding.

Strategies

- 1.1 Discourage urban or rural residential development on areas subject to regular flooding.
- 1.2 Ensure the floodway is maintained and that the free passage and temporary storage of flood waters is not compromised.
- 1.3 Discourage subdivision, other than realignment or consolidation, in a floodway.
- 1.4 Discourage houses, other than replacement houses, in a floodway.
- 1.5 Require houses to be located above the 1:100 year flood level.
- 1.6 Require building envelopes for houses provide an adequate effluent disposal area which is free from flooding.
- 1.7 Discourage uses such as sewerage treatment and pumping works, intensive animal industries and sanitary landfill depots on flood prone land.
- 1.8 Ensure that the natural function of the floodplain to convey and store flood waters is preserved.
- 1.9 Ensure zones and overlays are updated when new reliable flood information is available.

Objective 2

To sustainably manage floodplains.

Strategies

- 2.1 Discourage any urban expansion within floodplains that reduces flood storage, obstructs flood flows or increases the risk to life, health and safety.
- 2.2 Discourage raised earthworks that reduce natural flood storage, obstruct and/or redistribute flood flows, and increase flow velocities and levels.
- 2.3 Discourage developments in residential areas that encroach on 1:100 year floodplains or existing waterways.

21.04-3 Key issue - Waste Management

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Proposed C97

Latrobe City Council recognises waste management as a fundamental element of caring for the natural environment and has adopted a *Latrobe City Council Waste Management Strategy 2010-2017* to provide sustainable solutions to the collection, disposal and resource recovery of waste.

LATROBE PLANNING SCHEME

Council recognises that disposing of urban solid waste by means of landfill is not a sustainable waste management strategy. Across the world governments have introduced legislation which limits the amount of waste that can be directed to landfill. This factor, coupled with the development of community waste education initiatives, leads to an increase in avoidance, reuse and recycling and a move from disposal to a focus on materials recovery.

Objective 1

To encourage waste minimisation and enhance resource recovery.

Strategies

- 1.1 Develop waste management facilities, techniques and technologies to advocate waste avoidance or minimisation, enhance resource recovery and achieve 'final storage quality'.
- 1.2 Adopt a regional approach to waste management.
- 1.3 Locate new waste management facilities in locations that do not detrimentally affect the amenity of the area.

21.04-4 Key issue - Bushfire

~~-----~~
Proposed C97

Extensive areas of the municipality are prone to bushfires. Council has adopted the *Municipal Fire Management Plan 2013-2016*, which has the primary objective of the protection of life and property. Large areas of grassland, scrub and forest have been identified on the Bushfire Management Overlay. A high level of hazard has also been identified in areas of rural residential development in the vicinity of the foothills of the Strzelecki Ranges. It is important that all development and use of land have regard to fire safety measures. Planning can assist to decrease the level of risk to life and property and biodiversity and to facilitate the efforts of emergency service in the event of fire.

Objective 1

To minimise the risk to life, property and the environment from bushfire.

Strategies

- 1.1 Ensure that the design, siting and layout of subdivision increases protection from fire.
- 1.2 Ensure that use and development includes adequate fire protection measures.

Objective 2

~~To ensure that new land use and development does not increase the level of fire risk.~~

Strategies

~~2.1 Support fuel reduction programs in rural residential interface areas.~~

21.04-5 Key issue - Mine fire

~~-----~~
Proposed C97

Council has concerns surrounding the general effective remediation of brown coal mines in the City. Council supports planning for the short, medium and long term remediation of the existing mines and planning for the use of brown coal in the future in order for it to best manage the urban growth of the municipality. Overall, Council acknowledges:

- There is a risk of timber plantation fires around mines. Vegetating the coal buffer areas was a recommendation of the Land Conservation Council reports of the 1970's, however in light of the 2014 Hazelwood mine fire, there is a potential problem with plantations in close proximity to a fire source. This is particularly significant for towns that are near large timber plantations and raises town safety and amenity issues that became apparent with the 2014 Hazelwood mine fire.
- Many infrastructure assets are also in areas that are at danger from mine and timber plantation fires.

LATROBE PLANNING SCHEME

- Timber plantations within buffer areas, plantation buffer distances from coal mines and separation distances between towns and mines all need to be assessed and considered.

Objective 1

To minimise the risk to life, property and the environment from fire within and around mine sites.

Strategies

- 1.1 ~~Ensure-Encourage that the~~ design, siting and layout of open cut mines ~~and urban settlements are that~~ take into account the need for ~~protected protection~~ from fire ~~risk~~.
- 1.2 ~~Ensure-Encourage that~~ adequate buffers ~~are provided~~ from open cut mines to timber plantations.

21.04-6 Implementation

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Proposed C97

The objectives, strategies and policy guidelines arising from this clause are implemented through the application of appropriate zones and overlays as described in Clause 21.10.

LATROBE PLANNING SCHEME

21.06 BUILT ENVIRONMENT AND HERITAGE

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Proposed C97

This clause provides local content to support Clause 15 (Built Environment and Heritage) of the State Planning Policy Framework.

Specific references to individual towns are included in Clause 21.09 (Local Areas).

21.06-1 Key issue – Urban-Built environment

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Proposed C97

The community is increasingly demanding high quality architectural and urban design outcomes for built form and open spaces. The appearance of ~~rural~~, industrial, retail and residential areas and main road approaches to urban centres are considered important in maintaining ~~a strong level of civic pride~~ good design outcomes. A consistent landscaping treatment of private land and road reserves can also have a significant effect on the appearance and visual amenity of an area. In addition, the siting of buildings can have a critical impact on visual appearance within both urban streetscapes and rural landscapes. Future housing growth should be encouraged in future residential areas as designated in the relevant local structure plans.

Objective 1

To improve the visual quality of development through improved design, siting and landscaping.

Strategies

- 1.1 Ensure that urban design and landscaping is addressed in managing the visual amenity of gateways, transport routes, streets and places.
- 1.2 Ensure that multi-unit housing is well landscaped, with tree and shrub selection creating a positive visual image.
- 1.3 Ensure there is adequate scope for canopy tree planting in private properties and within street reservations.
- 1.4 Provide adequate reserve widths or tree reserves in new subdivisions and established areas to respect road safety, power lines and neighbourhood character.

Objective 2

To provide a visually attractive urban environment which ~~displays-reflects~~ a high level of civic pride, for ~~and~~ community satisfaction and ~~creates-a~~ positive image.

Strategies

- 2.1 Promote and support high quality urban design within the built environment.
- ~~2.2 To encourage the use of wood in the construction and fit out of Council buildings and infrastructure.~~
- ~~2.3~~ Continue to improve the urban design elements of urban areas throughout the municipality and to upgrade degraded areas, particularly within the public realm.
- ~~2.3~~ Improve the appearance of the ~~and maintain visual appearance~~ built form along key transport routes.
- ~~2.4~~ Promote residential, commercial, industrial and mixed use sites in key locations to be developed as municipal wide examples of high quality urban design.

Objective 3

To encourage articulation of building facades and street integration to provide for safe and active neighbourhoods.

LATROBE PLANNING SCHEME

Strategies

3.1 Ensure lighting is carefully designed in all parks and linear open spaces, especially along walking and cycling paths.

3.2 [Encourage built form that supports and enhances passive surveillance.](#)

Objective 4

To encourage the design of [all development including new](#) housing that is practical, flexible and which meets the needs of people of different ages and abilities without the need for major adaptation post construction.

Strategies

4.1 Support a state-wide approach to ~~Universal Housing Design~~ [Liveable Housing Design Guidelines](#).

Objective 5

To create high quality, safe and active retail areas.

Strategies

5.1 Encourage all retail outlets to provide active street frontages, including low level advertising signage to street frontages [and minimising blank walls to street facades](#) to foster a community spirit and promote community involvement.

5.2 Encourage retail areas in close proximity to community centres to be walkable spaces, which promote physical activity and provide infrastructure such as bicycle racks.

5.3 Encourage ~~high-quality community~~ art in public spaces to [enhance the public realm foster community spirit, as well as provide attractive, quality neighbourhood designs](#).

5.4 Encourage ~~community centres~~ [development](#) to be designed to ensure active street frontages and promote 'eyes on the street' for natural surveillance.

5.5 Encourage community centres to be located near schools, public transport, civic areas and parks.

21.06-2 Key issue - Heritage

~~Latrobe~~
Proposed C97

Latrobe City has a rich and diverse cultural heritage that illustrates how the landscape has been changed by indigenous and non-indigenous people. Gippsland was occupied by the Gunaikurnai people for many thousands of years prior to European settlement. The first non-indigenous people to visit Gippsland were explorers and pastoralists followed, which led to the development of agricultural industries such as grazing and dairying.

The greatest change to the cultural landscape was to come in the twentieth century with the exploitation of the vast brown coal reserves and whole towns were born, while some disappeared and others changed forever.

The diverse history of the area is reflected in the heritage places that have been identified by the *Latrobe City Heritage Study 2010*, which incorporates the findings of two previous studies; *Traralgon Heritage Study 1992* and the *Latrobe Heritage Study 1991*. The heritage places include archaeological sites, township precincts, buildings, memorials, gardens, factories and trees.

Objective 1

To ensure that the heritage of Latrobe City is protected and conserved.

Strategies

1.1 Ensure that all heritage places and precincts of local or state significance receive appropriate statutory protection.

1.2 [Nominate heritage places, precincts and archaeological sites of potential state significance for inclusion on the Victorian Heritage Register.](#)

LATROBE PLANNING SCHEME

1.3 Provide assistance and support to owners and custodians of heritage places in the conservation and management of these places.

Objective 2

To identify, recognise and protect places of heritage, cultural and social significance.

Strategies

- 2.1 Ensure that the significance of a site is identified, assessed and protected.
- 2.2 Discourage demolition approvals for heritage assets until replacement buildings have been approved unless net community benefit can be demonstrated.
- 2.3 Ensure that additions, alterations and replacement buildings are sympathetic to the heritage area and surrounds.
- ~~2.4 Ensure that development makes a positive contribution to the built form of the area.~~
- 2.4 Ensure that the management of heritage places will reveal rather than diminish the significance of the place.
- 2.5 Ensure development is respectful of the historic character and appearance of the area.
- 2.6 Ensure that the use and development of heritage places and adjoining land is compatible with and does not adversely affect the significance of the place.

Objective 3

~~To ensure that the management of heritage places will reveal rather than diminish the significance of the place.~~

Strategies

- ~~3.1 Nominate heritage places, precincts and archaeological sites of potential state significance for inclusion on the Victorian Heritage Register.~~
- ~~3.2 Provide assistance and support to owners and custodians of heritage places in the conservation and management of these places.~~

21.06-3 Key issue – ~~Neighbourhood Character~~ Township Identity

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Proposed C97

A design response ~~neighbourhood character~~ assessment is an important consideration in most new developments in their neighbourhood or local place, ~~and large scale commercial developments close to residential areas~~. There is a need for urban design guidelines to assist Council and the community with making decisions on the basis of ‘character and identity’ to address issues including:

- Identifying and protecting areas within the municipality with significant neighbourhood character values.
- Considering neighbourhood character issues in the assessment of infill housing development proposals within existing residential areas.
- Balancing the tension in policy between promoting growth and consolidation with the desire to respect residential amenity and neighbourhood character.
- Ensuring that the scale and design of development and its impacts on existing amenity are addressed.
- Minimising the loss of backyard areas and established vegetation through subdivision and development.

Objective 1

To protect and enhance the unique landscape qualities and features that contribute to places in the urban and rural character of the municipality, and which give the different localities in the City their own identity. ~~To recognise places of distinct neighbourhood character.~~

LATROBE PLANNING SCHEME

Strategies

- ~~1.1 Maintain the landscape settings of buildings and the tree canopy of neighbourhoods.~~
- 1.1 Ensure that new development maintains and enhances the character of the surrounding area.
- ~~1.2 Maintain the rhythm of spacing between buildings.~~
- 1.2 Improve the amenity of neighbouring areas and seeks to enhance the built form design.
- ~~1.3 Provide space for front gardens and planting around buildings.~~
- ~~1.4 Minimise the loss of front garden space.~~
- ~~1.5 Minimise the dominance of car parking structures.~~
- ~~1.6 Avoid new buildings or extensions dominating the streetscape.~~
- ~~1.7 Encourage innovative and contemporary architectural responses that make a positive contribution to the streetscape character.~~
- 1.38 Encourage the retention of intact, older buildings and features that contribute to the character of the area.
- 1.49 Integrate buildings and landscape settings with open space and environs.

21.06-4 Implementation

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Proposed C97

The objectives, strategies and policy guidelines arising from this clause are implemented through the application of appropriate zones and overlays as described in Clause 21.10.

LATROBE PLANNING SCHEME

21.07 ECONOMIC DEVELOPMENT

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Proposed C97

This clause provides local content to support Clause 17 (Economic Development) of the State Planning Policy Framework.

Specific references to individual towns are also included in Clause 21.09 (Local Areas).

21.07-1 Key issue - Economic growth

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Proposed C97

Latrobe City is uniquely placed in the Victorian economy. With 90% of the states power generation occurring in the region, brown coal electricity generation accounts for around 20% of Latrobe City's Gross Regional Product (GRP). ~~It is anticipated that,--and~~ approximately 20% of all jobs are directly or indirectly tied to the electricity sector. This means that mining and power generation underpins the broader manufacturing, maintenance and fabrication industries in the Latrobe Valley.

Latrobe City is recognised as one of Victoria's four major regional centres, along with Ballarat, Bendigo and Geelong. With a GRP of approximately \$4 billion and annual business turnover estimated at \$10.3 billion, the City makes a significant contribution to the Victorian economy. Employment growth in Latrobe City is strong, and in recent years this growth has exceeded that in the three additional major regional centres.

Population growth, technology advances, the ageing workforce, globalisation and a future low carbon economy present both challenges and opportunities. Latrobe's history of industrial enterprise, successful adaptation and innovation means it is well positioned to embrace change and harness new opportunities to further diversify and strengthen the economy. A key competitive strength, that is recognised nationally, is the quality of the manufacturing and engineering expertise that exists locally. From these strengths are many opportunities including a focus on support for education, training, brand development and well as industry development and attraction. Council will take a lead role in preparing the community to prosper from these changes, in particular the transition to a low carbon future.

The Latrobe City *Economic Sustainability Strategy* ~~2011-2016-2020~~ has an emphasis on job creation, industry diversification and the ability to offer opportunities to prospective investors Latrobe City has ~~three-two~~ areas of significant commercial importance ~~that are referred to as 'Employment Zones':~~

- Former Gas and Fuel Lurgi plant in Morwell.
- Gippsland Logistics Precinct in Morwell.
- Latrobe Regional Airport in the Morwell – Traralgon corridor.

Objective 1

To facilitate a vibrant and dynamic economic environment.

Strategies

- 1.1 Provide a balanced approach to economic development taking into account economic, social and environmental values.
- 1.2 Encourage the power generators to provide Victoria with a more flexible and cost effective response to meeting peak electricity load demands and provide larger reserves of electricity supply capacity.
- 1.3 Facilitate private and public sector investment and help create an attractive investment climate.

Objective 2

To facilitate new development and employment opportunities in Latrobe.

LATROBE PLANNING SCHEME

Strategies

- 2.1 Ensure adequate land availability for industrial and commercial growth.
- 2.2 Ensure that industrial and commercial development is of the highest quality particularly at the interface with residential land and at key township gateway locations.

21.07-2

Proposed C97

Key issue - Activity centres

Latrobe City is the retail centre for Gippsland and is home to MidValley Shopping Centre in Morwell, Stockland Plaza in Traralgon, the Moe Central Activity District (CAD) and the Morwell CAD. There has also recently been a substantial increase in new retail floor space in Churchill. The retail sector provides the highest employment of any sector in Latrobe City providing close to 4,000 jobs and contributes \$385 billion to the local economy annually.

Council supports the existing main town neighbourhood and small town retail centres. No new centres should be supported unless demand can be demonstrated, as well as substantiating that existing centres would not be detrimentally affected.

Retail floor space increases should be provided with a focus on increasing the vibrancy of town centres of the main towns so that the centres continue their role to complement each other in the retail hierarchy. Growth should occur with Morwell and Moe contributing the majority of traditional retail format, with Traralgon servicing a market with some higher levels of disposable income, having a higher percentage of white collar workers. There is an opportunity to better define the retail hierarchy by reviewing the Latrobe City *Retail Strategy Review 2007* through activity centre planning or a municipal wide retail land use strategy.

An outcome of Latrobe City *Bulky Goods Retail Sustainability Assessment 2009* has led to the identification of two new dedicated bulky goods centres at Princes Drive, Morwell and Princes Highway and Stammers Road, Traralgon, in order to decrease expenditure leakage to competing centres outside of Latrobe. Current bulky goods expenditure results in the requirement for two bulky goods centres in the order of 15,000 – 20,000 sq.m each. Additional land on the two bulky goods sites at Princes Drive, Morwell and Princes Highway and Stammers Road, Traralgon should also be set aside for any future expansion of the bulky goods centres, prior to any new large format bulky goods centres being developed.

Objective 1

To identify appropriate locations for retailing activities.

Strategies

- 1.1 Implement any Latrobe City adopted retail land use strategy.
- 1.2 Encourage neighbourhood shops providing local convenience goods and services in locations accessible to local communities in accordance with Structure Plans and endorsed development plans.
- 1.3 Encourage new shops that do not significantly detract from the function of the existing major retail centres.
- 1.4 Encourage increased residential densities around neighbourhood centres.
- 1.5 Encourage strong pedestrian and public transport connectivity to and between the neighbourhood clusters.
- 1.6 Encourage the distribution of new bulky goods retailing to occur in Princes Drive, Morwell and Princes Highway and Stammers Road, Traralgon East in accordance with the Morwell and Traralgon Structure Plans.

LATROBE PLANNING SCHEME

- 1.7 Discourage 'out of centre' large format supermarkets and retail developments, unless demand can be demonstrated as well as substantiating that existing centres would not be detrimentally affected.
- 1.8 Provide for localised convenience retailing.

Objective 2

To establish a network of activity centres which satisfy a range of retail, commercial, community and residential needs.

Strategies

- 2.1 Encourage a mix of retail, office, commercial, entertainment, leisure and community uses, and medium density housing to locate within activity centres.
- 2.2 Encourage increased intensity and scale of development within defined activity centres.

Objective 3

To facilitate the growth of the Morwell, Moe, Traralgon and Churchill Town Centres.

Strategies

- 3.1 Implement any Latrobe City adopted town centre activity plans.
- 3.2 Encourage a diverse range of land uses including accommodation, office, retail, food and drink, transport, leisure, civic and community uses.
- 3.3 Encourage high quality, accessible and environmentally sustainable design.
- 3.4 Provide coordinated walking, cycling, pedestrian and vehicular movement.
- 3.5 Identify and encourage the development of an integrated high quality public transport interchange.
- 3.6 Provide well located and accessible car parking areas in the centre.

21.07-3 Key issue - Industry

~~21.07-3~~
Proposed C97

The Latrobe Valley has one of the world's largest reserves of brown coal. Brown coal electricity generators in Latrobe currently supply approximately 90% of Victoria's electricity. Council supports the sustainable use of brown coal as an energy source. Council is working with generators, clean coal researchers and government agencies to develop clean coal pilot plants and research facilities in Latrobe. Latrobe also has a large manufacturing base, established from the electricity generation sector.

The industrial sector in Latrobe has been recognised as having three main dimensions:

1. 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.
2. The second is the emerging industries, including those establishing in Churchill taking advantage of proximity to Federation University or east of Morwell with advantages such as the outfall sewer and other key infrastructure.
3. 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

LATROBE PLANNING SCHEME

Alexander Road and north of the Princes Highway. The strategic direction for industry in Churchill is to support the development and use of industry which would benefit from locating in close proximity to the existing or future institutions.

Development of the Gippsland Intermodal Freight Terminal at Morwell will provide local industry with direct access to the national freight network. Preparations are currently underway for a large-scale logistics and distribution precinct that will adjoin the terminal site.

Council has prepared a Master Plan and Project Plan for the development of a Gippsland Logistics Precinct (GLP) on land three kilometres east of Morwell. The development of the GLP will establish a centre for the efficient and cost effective movement of freight to and from the Gippsland region.

The Latrobe Valley, with its fertile soils also supports a vibrant agricultural industry. One of Australia's largest food and beverage producers has established a state of the art dairy processing plant in Morwell. Opportunities for the production of biomass and algae for electricity and fuel production are expected to provide further markets for agricultural products.

Objective 1

To maximise the potential for new industry, especially those that may benefit from the coal and electricity industry.

Strategies

- 1.1 Support the development of existing and new industries and infrastructure.

Objective 2

To promote increased rail use as a model for economic viability and sustainability.

Strategies

- 2.1 Develop the Gippsland Logistics Precinct in Morwell in a manner that maximises freight being handled by rail.
- 2.2 Facilitate a range of logistics activities on the Gippsland Intermodal Freight Terminal precinct in Morwell.

Objective 3

To ensure that industry and sensitive uses are planned and designed to minimise any potential detriment or loss of amenity.

Strategies

- 3.1 Encourage development and use that are compatible with agricultural activity.
- 3.2 Encourage uses compatible with the physical capability of the land.
- 3.3 Maintain the land resource for agriculture, conservation and timber production purposes.
- 3.4 Ensure that new development does not compromise existing and future infrastructure.

Objective 4

To ensure that sufficient supply and adequate choice of industrial land exists to accommodate the varying needs of the different types of industry likely to emerge in the future.

LATROBE PLANNING SCHEME

Strategies

- 4.1 Implement any Latrobe City adopted industrial land use strategy.
- 4.2 Maximise the potential of the high amenity location to the north of Princes Drive and east of Tramway Road in Morwell to attract large, low density, high amenity industries.
- 4.3 Ensure that each urban settlement has convenient and accessible industrial areas to provide local employment and self-sufficiency of sustainable urban form.
- 4.4 Retain the potential of the Morwell South Industrial Area and land within the Special Use - Brown Coal Area to function as important locations which are suited to major heavy industry.

21.07-4 Key issue - Timber

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Proposed C97

Latrobe City's large natural resource supports a productive timber and commercial forestry industry providing softwood, value-added hardwood, and paper products sold to domestic and export markets. Australian Paper is one of the largest paper manufacturing facilities in the southern hemisphere. The Maryvale complex leads in the manufacture of high performance packaging supplies and office paper. Forestry projects are eligible under proposed schemes to generate carbon credits for sale to domestic and international markets. Council is also seeking to be a national leader in the timber industry, with the preparation of the *Wood Encouragement Policy 2014*. The Policy seeks to support the retention and expansion of the timber industry.

It is acknowledged that there is some infrastructure and rural amenity issues associated with timber and these will need to be carefully managed. In particular, a challenge for Council is balancing the needs of timber operators accessing their coups with the concerns of residents of logging trucks near their properties.

Objective 1

To encourage environmentally sustainable timber production.

Strategies

- 1.1 Support and encourage timber processing and value-adding industries to expand and retain the timber industry in Latrobe City.
- 1.2 Strategically plan for road and rail haulage in conjunction with the industry.

21.07-5 Key issue - Latrobe Regional Airport

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Proposed C97

Council acknowledges that the Latrobe Regional Airport (LRA) is and has been a major economic generator for the City over many years and it is a large employer in the area. LRA is home to the only passenger commercial aircraft manufactured in Australia that successfully exports to global markets. The development and expansion of the LRA has created further opportunities for aviation-related businesses to establish on allotments with taxiway access to the main runway. The expansion provides opportunities for aerospace and aviation related industries to expand or establish their operations at the airport.

LRA is integral to the regions transport network and provides a range of employment and recreation opportunities. Well equipped and of a high standard, it ranks as one of the best regional airports in Australia. The airports supply of serviced industrial land has been expanded to facilitate enhanced aeronautical development.

The development and review of the LRA Master Plan, provides an opportunity for the process to identify appropriate land use buffers and controls to better protect the Airport.

LATROBE PLANNING SCHEME

Objective 1

To promote and protect the operations of Latrobe Regional Airport.

Strategies

- 1.1 Support implementation of any adopted Latrobe Regional Airport Master Plan.
- 1.2 Support the application of appropriate land use controls and buffers around the airport.
- 1.3 Implement the Traralgon-Morwell Corridor Structure Plan to help identify appropriate uses surrounding the airport.

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C97

Key issue - Health

Latrobe City is a centre for health services to the broader Gippsland region. Contributing significantly to the local and regional economy, Latrobe City offers a comprehensive and high quality health facilities. The region has an extensive range of specialist services including pathology, aged care, palliative care, community health, cancer support, immunisation, disability services, home care, physiotherapy, parenting, paediatric, child and adolescent services. Maryvale Private Hospital, Latrobe Regional Hospital (LRH) and Latrobe Community Health Service offer health and medical services and programs. LRH also houses the Gippsland Cancer Care Centre, making it possible for residents to receive comprehensive radiotherapy, oncology and chemotherapy treatments locally.

LRH is rapidly growing and is a major asset for the region. It is connected with Monash University (for medical purposes) and with Federation University (for nursing). New wards and theatres are being built and planned and the cancer care centre and allied health facilities have been extended together with the mental health wing and maternity extensions. The hospital is one of the largest employers in Gippsland.

Based on the last census, the fastest growing cohort (except for Traralgon) within Latrobe is the retiring 'baby boomer' generation of 60 years and over. This growth has implications for housing (smaller dwellings), connectivity within and between estates (walking and cycling on flat paths), provision of suitable public facilities and for long term health requirements. The City is well served by health facilities and this, in itself, is and will be a further attractor to the aging community. Such demands will have a flow-on effect and will increase employment opportunities in the health care sector, meaning that this will be one of the fastest growing employment sectors in Latrobe. The health care and services sector now employs a significant percentage of the workforce and this figure is growing. As the population ages, this will become more apparent, meaning Council needs to start planning for the aged care and retirement sector as these will become increasingly important.

Objective 1

To promote and protect the operations of Latrobe Regional Hospital.

Strategies

- 1.1 Support the implementation of the Latrobe Regional Hospital Master Plan.
- 1.2 Implement the Traralgon-Morwell Corridor Structure Plan to help identify appropriate uses surrounding the Latrobe Regional Hospital.

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C97

Key issue - Education

Latrobe Valley boasts a number of highly regarded public and private primary and secondary schools along with a fully serviced campus of Federation University at Churchill. Together with Federation Training, Apprenticeships Group Australia, and the Gippsland Education Precinct, a vast range of educational options are available in the region.

LATROBE PLANNING SCHEME

Objective 1

To promote and protect the operations of Federation University.

Strategies

1.1 Support implementation of a Federation University Master Plan at the Churchill campus.

21.07-8 Key issue - Information technology

Proposed C97

Latrobe is a regional leader in information communication technology. Combining traditional with new technologies, the industry has developed a highly skilled workforce and has the capacity to service expanding local industry and business providing innovative IT solutions to commercial and industrial businesses throughout Australia and internationally. The shared business services sector in Latrobe continues to grow with increasing numbers of private and government call centres operating across the region.

Objective 1

To encourage the growth of information technology in Latrobe.

Strategies

1.1 Support the development of information communications technology hubs and precincts in Latrobe.

21.07-9 Key issue - Tourism

Proposed C97

Tourism is estimated to inject about \$93 million per year into the local economy. The sector is made up of small businesses, with a few medium sized businesses operating in the accommodation and conference sector. Latrobe hosts many widely recognised events including national and international sporting events. Latrobe City has identified events, business tourism and conferencing as market opportunities that would enhance the trade of existing retail, food and entertainment businesses.

The significant natural assets and biodiversity of the Gippsland region present tourism opportunities and the Latrobe economy, utilising a hub and spoke model, can benefit from these regional strengths. Council will continue to work with Destination Gippsland and Tourism Victoria to progress regional tourism initiatives, as described in the Strategic Business Development section of this strategy.

Objective 1

To encourage environmentally sustainable tourism opportunities and establish a point-of-difference in tourism product.

Strategies

1.1 Strengthen the attraction of Latrobe City as a conference and major events destination.

21.07-10 Key issue - Stone resources

Proposed C97

Latrobe contains significant stone resources including basalt, gravels and sands and limestone. There are significant resources in the extractive industry, including mineral sands north of Morwell and Traralgon that need to be protected. State Policy sets out objectives for the identification and protection of stone resources through the concept of 'Extractive Industry Interest Areas'. These areas are identified on the attached policy map

LATROBE PLANNING SCHEME

and consideration will be given to the protection of stone resources within these areas when considering applications for development and use.

Objective 1

To protect significant stone resources to ensure an adequate supply of stone in future years.

Strategies

- 1.1 Ensure the protection, development and use of stone resources.
- 1.2 Ensure that the long term protection of stone resources is in accordance with the recommendations in the *Latrobe Supply Area Extractive Industry Interest Areas Strategy 1999*.
- 1.3 Protect existing extractive industry sites by separating incompatible land uses and by physical separation.

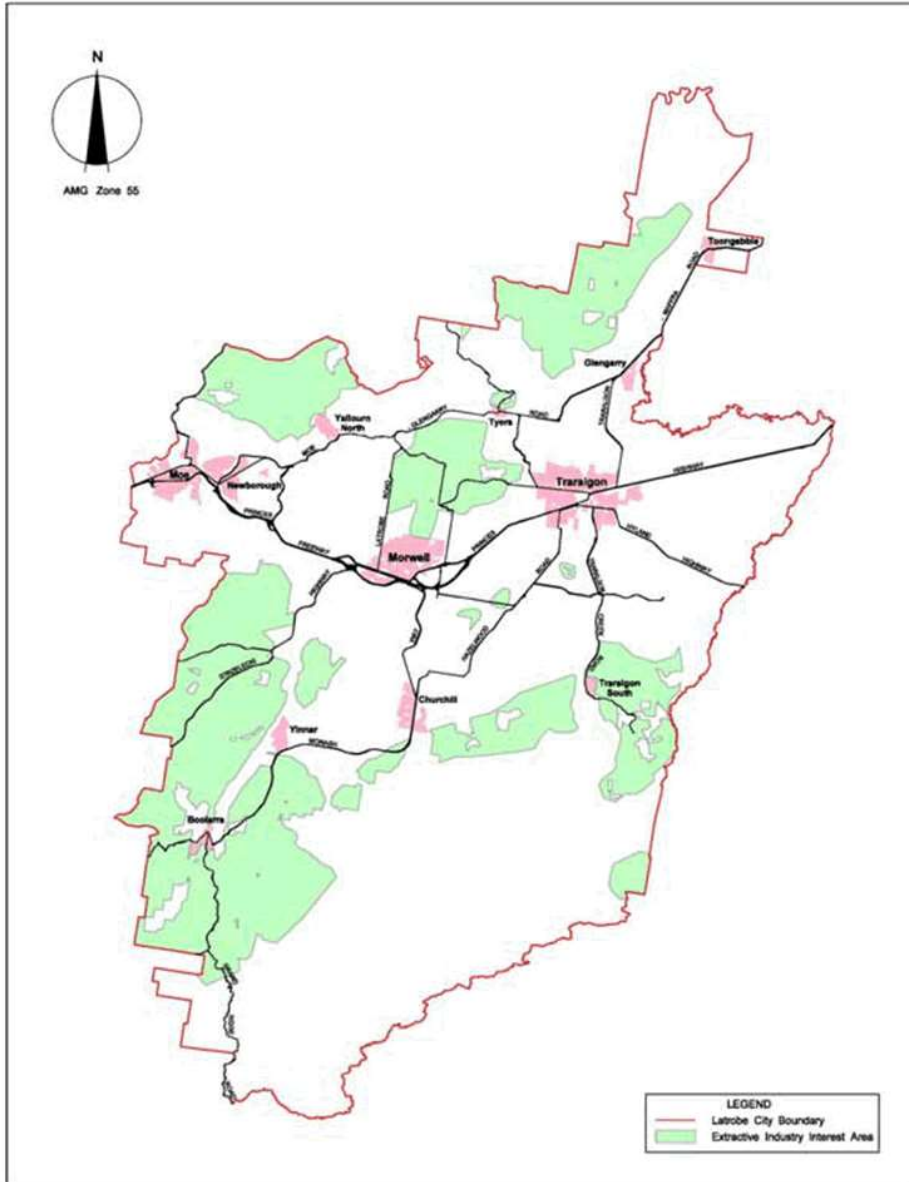
21.07-11 Implementation

~~21.07-11~~
Proposed C97

The objectives, strategies and policy guidelines arising from this clause are implemented through the application of appropriate zones and overlays as described in Clause 21.10.

LATROBE PLANNING SCHEME

Latrobe Supply Area – Extractive Industry Interest Area 1999



LATROBE PLANNING SCHEME - LOCAL PROVISION

	<p>SCALE 1:200 000</p> <p>KILOMETRES AUSTRALIAN MAP GRID ZONE 55</p>	<p>LATROBE SUPPLY AREA - EXTRACTIVE INDUSTRY INTEREST AREAS 1999</p> <p>POLICY</p>
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LATROBE PLANNING SCHEME

21.08 TRANSPORT AND INFRASTRUCTURE

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Proposed C97

This clause provides local content to support Clause 18 (Transport) and Clause 19 (Infrastructure) of the State Planning Policy Framework.

Specific references to individual towns are also included in Clause 21.09 (Local Areas).

21.08-1 Key issue - Integrated transport networks

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Proposed C97

Latrobe City is the hub of road networks and highways for greater Gippsland. Roadwork improvements like the Pakenham Bypass further shorten road travel times to Melbourne. Residents ~~now enjoy a renaissance of~~ are ideally located for the provision of improved rail transport in Gippsland and the benefits associated with major rail infrastructure upgrades to support the Regional Fast Rail service between Latrobe Valley and Melbourne.

It is important for public transport to expand in growth areas and to be integrated with other modes of travel. Equally important is well designed infrastructure that supports and encourages alternative transport options.

In order to achieve the vision for a connected and inclusive built environment it is important that accessibility of community services and facilities are preserved and enhanced as communities evolve. Council must consider key urban needs such as housing, commercial and industrial uses, railway and road infrastructure, water, sewerage and energy supply, and open space and recreational areas.

Objective 1

To increase and maximise public transport opportunities between towns and within corridors to support the networked city.

Strategies

- 1.1 Provide for an integrated, safe and efficient transport network.
- 1.2 Ensure new development provides for safe and efficient vehicular access.

Objective 2

To provide safe vehicular, walking and cycling routes to connect people to destinations.

Strategies

- 2.1 Implement any adopted Latrobe City cycling/bike strategy.
- 2.2 Ensure that walking and cycling infrastructure is incorporated into the design and development of all new neighbourhoods.
- 2.3 Ensure new residential estates include a bicycle network linking with the principal bike routes.
- 2.4 Ensure connectivity through local streets and open spaces to link with employment, retailing, education, transport and community facilities.
- 2.5 Facilitate a functional, safe and efficient rural roads system that supports the maintenance of the rural character as well as meeting the demands of both rural and urban residents.
- 2.6 Provide for the safe storage of bicycles at all public destinations such as town centres and railway stations.

21.08-2 Key issue - Community infrastructure

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Proposed C97

Population growth can challenge the social fabric where the sense of community will need to be a high priority to ensure the safety and wellbeing of people. There will be additional

LATROBE PLANNING SCHEME

demand for frontline health care, hospital and emergency services and social and emergency housing solutions. Council also has a role in planning, developing and providing physical and social infrastructure to build diverse, inclusive, well designed and accessible local communities.

Objective 1

To promote physical activity and walkability in all towns by ensuring all dwellings are within close walking distance of a community centre.

Strategies

- 1.1 Encourage residential developments to plan for maximum connectivity of open space networks, local services and facilities to avoid predictive route movements and encourage residents to walk within and around the greater neighbourhood.
- 1.2 ~~Ensure~~ Encourage new all-subdivision housing developments and subdivisions in townships include community spaces or buildings that are provided within a walkable distance (approximately 400-800 metres) where appropriate.

Objective 2

To ensure responsible development of new physical, social and economic infrastructure to meet the needs of the community during rapid growth.

Strategies

- 2.1 Support convenient access across the municipality to a greater range of health, educational, social and recreational facilities and services.
- 2.2 Support hubs of integrated community services.
- 2.3 Support an expansion of the range of educational facilities and services in response to growth and the needs of the community at all stages in its lifecycle.
- 2.4 Develop and maintain community facilities that are multifunctional and accessible to the community in terms of cost, location, administration and design.
- 2.5 Support appropriate recreation and community facilities that are compatible with the needs, character and socio-economic profile of the local area.

21.08-3

~~21.08-3~~
Proposed C97

Key issue - Development infrastructure

Latrobe's built environment is constantly changing, with new developments and redevelopments affecting the physical environment and public realm. To maintain and enrich the built environment, it is important to achieve positive outcomes in areas including the design of private developments and public spaces, parks and gardens, infrastructure provision and the maintenance of civil infrastructure. Efficient roads, freight and public transport systems, sewerage and water, electricity networks, natural gas infrastructure, and telecommunications facilities are vital to enable businesses to operate effectively and to attract new investment.

A coordinated strategic approach to the cost, maintenance and provision of new key shared infrastructure (particularly in identified urban growth fronts) is required. Further development of overall drainage strategies for many of the main towns are a good example of ~~this gap~~ an opportunity for integrated strategic infrastructure planning for the municipality. ~~Sometimes new subdivisions are being developed with key shared pieces of infrastructure (i.e. community centres, convenience shops, drainage, bridges, roads and open space) being changed or even removed from subdivision plans because sufficient infrastructure planning may not have been carried out for an urban development front prior to development plans or subdivision plans being finalised.~~

In that context, the introduction of Precinct Structure Plans and Development Contributions Plans to ensure services and infrastructure are funded and provided in a coordinated way is a critical issue especially in the growth areas of the main towns.

LATROBE PLANNING SCHEME

The efficient delivery of infrastructure is a fundamental element in providing affordable and diverse housing, generating economic growth and ultimately in managing the municipality in a sustainable manner.

Objective 1

To maximise the use of existing infrastructure.

Strategies

- 1.1 Develop flexibility in facilities to cater for changing demands of the community.
- 1.2 Ensure integration of roads, bike paths, footpaths and public transport options.
- 1.3 Promote and support the infrastructure and development of small town communities.
- 1.4 Ensure all proposed developments enhance the liveability and sustainability of the community.

Objective 2

To provide clear and consistent guidelines in regional Victoria for developers regarding engineering standards for precinct structure plans, development plans, residential subdivision and development.

Strategies

- 2.1 Encourage a consistent standard of the design and construction of infrastructure across the Municipality.
- 2.2 Encourage an integrated and streamlined approach to the planning and engineering assessment of new subdivision and development.
- 2.3 Encourage new subdivision and development to be responsive to township character.
- 2.4 Encourage a diversity of streetscape outcomes and successful street tree planting.

Objective 3

To ensure that urban infrastructure provided at the local level is determined on a transparent and equitable basis.

Strategies

- 3.1 Implement adopted development plans and development contribution plans.
- 3.2 Ensure that development contributions are assessed and required for large urban development growth fronts and key redevelopment sites.
- 3.3 Ensure that development contributions are specified in Development Contributions Plans.

Objective 4

To ensure adequate physical infrastructure is provided for future development needs.

Strategies

- 4.1 Encourage broad scale infrastructure needs analysis across the main towns to help determine the type, location and cost of key shared infrastructure.
- 4.2 Ensure that all forms of urban development are connected to appropriate infrastructure including reticulated water, sewerage, telecommunications, power and stormwater facilities.

LATROBE PLANNING SCHEME

- 4.3 Consider the *Municipal Domestic Wastewater Management Plan 2006* and sewerage and water authorities infrastructure plans when assessing new subdivision and development in unsewered areas.
- 4.4 Ensure walking and cycling infrastructure is incorporated into the design and development of new residential neighbourhoods, employment precincts and with end-of-trip facilities.
- 4.5 Ensure services meet known and anticipated demands for physical, financial and population growth.

21.08-4 Implementation

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Proposed C97

The objectives, strategies and policy guidelines arising from this clause are implemented through the application of appropriate zones and overlays as described in Clause 21.10.

LATROBE PLANNING SCHEME

21.10 IMPLEMENTATION**21.10-1 Application of zones and overlays**

~~21.10-1~~
Proposed C97

The objectives, strategies and policy guidelines in the Planning Scheme are implemented through the application of appropriate zones and overlays as follows:

Zones

- Apply the General Residential Zone, Neighbourhood Residential Zone or the Residential Growth Zone to existing residential areas.
- Consider applying the Urban Growth Zone to large future urban growth areas.
- Apply Mixed Use Zone to areas close to town centres with potential for complementary residential, commercial and industrial activities.
- Apply Township Zone to smaller settlements.
- Apply the Low Density Residential Zone to larger residential lots on the fringes of the main towns that are not within urban growth corridors.
- Apply Industrial 1 Zone to main industrial estates.
- Apply Industrial 3 Zone to light industrial and service industrial areas.
- Apply Commercial 1 Zone to principal shopping areas.
- Apply Commercial 2 Zone to the principal office areas and to peripheral sales areas.
- Apply the Farming Zone to agricultural areas.
- Apply Rural Living Zone to areas committed to rural residential type use.
- Apply Public Park and Recreation Zone to public open space areas.
- Apply Public Conservation and Recreation Zone to conservation areas.
- Apply the Special Use Zone – Schedule 1 Brown Coal over Category A coalfields.
- [Apply the Urban Growth Zone to land where a precinct structure plan has been prepared or where a strategy has been prepared which clearly identifies that the land is suitable for future urban development.](#)

Overlays

- Apply the Development Plan Overlay and or Development Contribution Plan Overlay (including development contribution plans) to future urban growth areas and large undeveloped tracts of land requiring infrastructure, social services, recreation and open space coordination.
- Apply Design and Development Overlays to areas requiring specific design solutions.
- Apply Design and Development Overlays to protect major gateways.
- Apply the Environmental Significance Overlay to areas where amenity buffers are required.
- Apply the Environmental Significance Overlay to protect sites, areas and corridors of environmental significance.
- Apply the Environmental Significance Overlay – Schedule 1 Urban Buffers to provide reciprocal protection for urban areas and the mines and their associated activities.
- Apply the Heritage Overlay to heritage places and precincts.
- Apply the Land Subject to Inundation to floodprone areas as identified by the West Gippsland Catchment Management Authority.
- Apply the Floodway Overlay to floodprone areas as identified by the West Gippsland Catchment Management Authority.
- Apply the Bushfire Management Overlay to bush fire prone areas.
- Apply the State Resource Overlay – Schedule 1 Gippsland Brown Coalfields to Category B and C areas to identify the balance of the Gippsland coalfields located within the municipality.

LATROBE PLANNING SCHEME

21.10-2 Further strategic work

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Proposed C97

Council is committed to undertaking the following strategic work:

- *Employment and Industrial Land Review* including the implications of the new Industrial, Commercial and Farming Zones and including a review of existing smaller pockets of industrial areas and isolated industrial areas.
- *Rural Land Use Strategy* addressing landscape, economic initiatives, environmental, tourism, timber, subdivision and dwelling opportunities and rural lifestyle considerations.
- *Housing Strategy* inclusive of Neighbourhood Character guidance, housing density, housing diversity and residential design guidelines.
- *Retail Demand and Supply Strategy* including an investigation of the implications of the new commercial zones and 'out-of-centre' developments.
- *Infrastructure Needs Analysis* for existing and future significant shared infrastructure across the municipality.
- *Built Form Guidelines* for commercial, industrial and residential development.
- *Landscape Design Guidelines* and infrastructure improvements to work towards the objective of fostering connected communities.
- Align the Latrobe Regional Hospital Master Plan recommendations with appropriate zones and overlays.
- Implement the revised Latrobe Regional Airport Master Plan into the Latrobe Planning Scheme.
- Prepare small town structure plans for Yinnar, Traralgon South, Toongabbie and Yallourn North.
- Complete the draft *Traralgon Activity Centre Plan*.
- Prepare a land use response to the state government's *Strategic Plan for Coal* or any other adopted relevant coal resource strategy.
- Prepare a land use response to the implementation of *Gippsland Regional Growth Plan*.

21.10-3 Reference documents

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Proposed C97

The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme and decisions makers should use these documents (as amended) for background research only. Material in these documents that potentially provides guidance on decision making but is not specifically referenced by the Scheme should be given limited weight.

- Latrobe 2026.
- Council Plan (2013-2017).
- Municipal Public Health and Wellbeing Plan (2013-2017).
- Assessment of Agricultural Quality of Land in Gippsland (1984).
- Framework for the Future (1987).
- Land Over Coal Buffers Study (1988).
- Latrobe Supply Area Extractive Industry Interest Areas Strategy (1999).
- Recreation and Leisure Strategy (2006).
- Municipal Domestic Waste Water Management Plan (2006).
- Lurgi Master Plan (2006).
- Transit City Master Plan: Towns Summary (2006).
- Latrobe Structure Plans Volumes 1-5 (2007).
- Moe Activity Centre Plan (2007).
- Latrobe City Cycling/Bike Strategy (2007-2010).
- Retail Strategy Review (2007).
- Healthy Urban Design Good Practice Guidelines (2008).
- Latrobe City Council Residential and Rural Residential Land Assessment (2009).
- Latrobe City Council Bulky Goods Retail Sustainability Assessment (2009).
- Moe Rail Precinct Revitalisation Project: Master Plan (2009).
- Clifton Street Precinct (Moe) Urban Design Guidelines (2009).
- Latrobe Regional Airport Master Plan (2009).

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- Latrobe Regional Hospital Master Plan (2009).
- Churchill Town Centre Plan (2010).
- Latrobe City Heritage Study (2010).
- Small Town Structure Plans: Boolarra, Glengarry & Tyers (2010).
- Traralgon Activity Centre Plan (draft) (2010).
- Positioning Latrobe City for a Low Carbon Emission Future (2010).
- Latrobe City Waste Management Strategy (2010-2017).
- Gippsland Region Sustainable Water Strategy (2011).
- Economic Sustainability Strategy (~~2011~~[2016-2020](#)).
- Traralgon Train Station Master Plan (2011).
- ~~Traralgon Inner South Precinct Master Plan (2014).~~
- Gippsland Logistics Precinct Project Plan (2013).
- Public Open Space Strategy (2013).
- Churchill East West Link: Master Plan and Urban Design Framework (2013).
- Municipal Fire Management Plan (2013-2016).
- Wood Encouragement Policy (2014).
- Natural Environment Sustainability Strategy (2014-2019).
- Adopted development plans and contribution plans.
- [Moe and Newborough Structure Plan, March 2015.](#)
- [Retail Advice – Lake Narracan Structure Plan \(2013\).](#)
- [Guidelines for Development in Flood Prone areas \(2013\).](#)

Planning and Environment Act 1987

LATROBE PLANNING SCHEME

AMENDMENT C97

EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the amendment

The amendment applies to all land within Latrobe City.

What the amendment does

The amendment seeks to replace the existing Municipal Strategic Statement (MSS) with a new MSS and seeks to build on the existing local strategic policy with recently adopted Council Strategies.

The amendment proposes to replace the existing Clause 21 MSS with a new MSS as follows:

Existing Clause 21	Revised Clause 21
21.01 Municipal Profile	21.01 Municipal Profile
21.02 Municipal Vision	21.02 Housing and Settlement
21.03 Natural Environment Sustainability	21.03 Environment and Landscape Values
21.04 Built Environment Sustainability	21.04 Built Environmental Risks
21.05 Main Towns	21.05 Natural Resource Management
21.06 Small Towns	21.06 Built Environment and Heritage
21.07 Economic Sustainability	21.07 Economic Development
21.08 Liveability	21.08 Transport and Infrastructure
	21.09 Local Areas
	21.10 Implementation

There are no changes proposed to Clause 22 of the Latrobe Planning Scheme.

The amendment proposes to implement the recommendations of Council's recently completed four year Planning Scheme Review (Planning Scheme Review Report, October 2014 – The 2014 Review). The amendment also implements a number of strategic planning projects undertaken and adopted by Council as well as state government initiatives, all of which have informed the changes to the Latrobe Planning Scheme. Some of the significant documents include (but are not limited to):

- Positioning Latrobe City for a Low Carbon Emission Future (2010).
- Economic Sustainability Strategy (June 2011).
- Traralgon Inner South Precinct Master Plan (2011).
- Traralgon Train Station Master Plan (2011).
- Latrobe 2026 - Community Vision for the Latrobe Valley.
- Latrobe City Council Plan (2013-2017).
- Municipal Public Health and Wellbeing Plan (2013-2017).

- Public Open Space Strategy (2013).
- Gippsland Regional Growth Plan (2014).
- Latrobe Planning Scheme Review (October 2014).
- Natural Environment Sustainability Strategy (2014-2019).

The 2014 Review evaluates the entire Latrobe Planning Scheme. However this amendment only makes changes to Clause 21 of the Local Planning Policy Framework (LPPF) and doesn't modify the existing zone and overlay regime in the Latrobe Planning Scheme. Zone and overlay changes are to form subsequent council and private initiated planning scheme amendments.

Strategic assessment of the amendment

Why is the amendment required?

Latrobe City Council adopted a review of the Latrobe Planning Scheme at a 2014 Ordinary Council Meeting in accordance with the requirements of Section 12B of the *Planning and Environment Act 1987* (the Act).

The 2014 Review noted that since the introduction of the New Format Planning Scheme in 1999, the Latrobe Planning Scheme had been regularly reviewed, most recently in 2008.

In particular, an outcome of the 2014 Review was the need to amend the Latrobe MSS to better align with State policy to provide clearer strategic direction for the municipality. This amendment has sought to align the Latrobe LPPF with the themes in the State Planning Policy Framework (SPPF). The findings also included the need to ensure that recently adopted strategic work is included in the Latrobe Planning Scheme. The list of Reference Documents in Clause 21.10 is proposed to include the list in Table One. The Table shows the Reference Documents are new, updated or currently a Reference Document in the Latrobe Planning Scheme.

Table One: Proposed Reference Documents in the Latrobe Planning Scheme

Proposed Reference Document	New	Updated	Existing
Assessment of Agricultural Quality of Land in Gippsland (1984)	✓		
Framework for the Future (1987)			✓
Land Over Coal Buffers Study (1988).			✓
Latrobe Supply Area Extractive Industry Interest Areas Strategy (1999)			✓
Recreation and Leisure Strategy (2006)			✓
Municipal Domestic Waste Water Management Plan (2006)	✓		
Lurgi Master Plan (2006)			✓
Transit City Master Plan: Towns Summary (2006)			✓
Moe Activity Centre Plan (2007)			✓
Latrobe City Cycling/Bike Strategy (2007-2010)			✓
Retail Strategy Review (2007)			✓
Latrobe Structure Plans Volumes 1-5 (2007)			✓
Healthy Urban Design Good Practice Guidelines (2008)			✓
Latrobe City Council Residential and Rural Residential Land Assessment (2009)			✓
Latrobe City Council Bulky Goods Retail Sustainability Assessment (2009)			✓
Moe Rail Precinct Revitalisation Project: Master Plan (2009)			✓
Clifton Street Precinct (Moe) Urban Design Guidelines (2009)			✓

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Latrobe Regional Airport Master Plan (2009)	✓		
Latrobe Regional Hospital Master Plan (2009)	✓		
Churchill Town Centre Plan (2010)			✓
Latrobe City Heritage Study (2010)			✓
Small Town Structure Plans: Boolarra, Glengarry & Tyers (2010)			✓
Traralgon Activity Centre Plan (draft) (2010)	✓		
Positioning Latrobe City for a Low Carbon Emission Future (2010)	✓		
Latrobe City Waste Management Strategy (2010-2017)	✓		
Gippsland Region Sustainable Water Strategy (2011)	✓		
Economic Sustainability Strategy (2011)		✓	
Traralgon Train Station Master Plan (2011)	✓		
Traralgon Inner South Precinct Master Plan (2011)	✓		
Gippsland Logistics Precinct Project Plan (2013)	✓		
Public Open Space Strategy (2013)		✓	
Churchill East West Link: Master Plan and Urban Design Framework (2013)	✓		
Municipal Fire Management Plan (2013-2016)	✓		
Gippsland Regional Growth Plan (2014)	✓		
Wood Encouragement Policy (2014)	✓		
Latrobe Planning Scheme Review (October 2014)	✓		
Natural Environment Sustainability Strategy (2014-2019)		✓	
Latrobe 2026 - Community Vision for the Latrobe Valley		✓	
Council Plan (2013-2017)		✓	
Municipal Public Health and Wellbeing Plan (2013-2017)		✓	
Adopted development plans and contribution plans.	✓	✓	✓

Amendment C97 therefore is a direct outcome of the Latrobe Planning Scheme Review Report 2014.

It is noted that there are already a number of concurrent amendments to the Latrobe Planning Scheme including Amendment C87 (Traralgon Growth Areas Review), Amendment C89 (Traralgon North Neighbourhood Activity Centre), Amendment C94 (Introduction of the Parking Overlay) and other site specific rezoning applications. These amendments do not form part of C97 and are subject to separate processes.

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

The amendment implements the following objectives of planning in Victoria:

- (a) To provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

The amendment will assist to implement these objectives by including a more contemporary local policy framework that is consistent with current state and regional policy. In particular this amendment will:

- provide an updated and clear policy framework for the fair, orderly, economic and sustainable use and development of land in Latrobe City, particularly through Clauses 21.02 Housing and Settlement, Clause 21.07 Economic Development and Clause 21.09 Local Areas.
- protect and enhance natural and man-made resources and the maintenance of ecological processes and genetic diversity through Clauses 21.03 Environment and Landscape Values, 21.04 Environmental Risks and 21.05 Natural Resource Management;

- provide a pleasant, efficient and safe working and living environment through Clauses 21.02 Housing and Settlement, 21.06 Built Environment and Heritage, 21.08 Transport and Infrastructure and Clause 21.09 Local Areas; and
- conserve the cultural heritage values of the land through 21.06 Built Environment and Heritage.

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

It is considered that the amendment will only have beneficial economic, social and environmental effects. The new MSS focuses on aligning the structure to the SPPF and introducing strategic work adopted by Council into the Latrobe Planning Scheme.

The amendment's structural changes highlight the new Clauses 21.03 Environment and Landscape Values, 21.04 Environmental Risks and 21.05 Natural Resource Management to provide a focus on issues such as sustainability, significant environments and landscapes, greenhouse and climate change, floodplains, waste management, fire, mine fire, agriculture, water, sustainable technologies and coal resources. These policies encourage consideration of these matters ahead of potential urban development pressures. The restructure of the MSS also assists in grouping the economic and social implications on land use and development in Latrobe City, which makes the MSS more useable and transparent document for the users of the planning scheme. Clauses 21.03, 21.04 and 21.05 are supported by a number of strategic documents to be included as Reference Documents.

The new Clause 21.07 Economic Development provides a focus on economic issues with key issues such as economic growth, activity centres, industry, timber, Latrobe Regional Airport, health, education, information technology, tourism and stone resource. These policies encourage consideration of these matters, alongside potential urban development pressures. These policy objectives will deliver better economic sustainability outcomes and will prove important in meeting the challenges faced in balancing development needs with environment and social management issues. Clause 21.07 Economic Development is supported by a number of strategic documents to be included as Reference Documents.

This amendment removes the current Clause 21.08 Liveability to fit more in-line with the new structure of the MSS. These issues are captured through the new Clause 21.02 Housing and Settlement, 21.06 Built Environment and Heritage, 21.08 Transport and Infrastructure and Clause 21.09 Local Areas. These clauses are supported by a number of strategic documents to be included as Reference Documents.

Does the amendment address relevant bushfire risk?

The amendment introduces new local directions in relation to bushfire, consistent with the SPPF, but the amendment does not alter any existing planning controls which relate to the management of bushfire risk.

The amendment also introduces a new key issue at Clause 21.04-5 Mine Fire. This issue is a result of the significant community interest relating to the Hazelwood Mine Fire and subsequent enquiries that was evident through the 2014 Review.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7 (5) of the Act.

The amendment is also consistent with the Ministerial Direction No. 15 on the Planning Scheme Amendment Process.

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

The amendment includes a new MSS which has been structured generally in accordance with the State Planning Policy Framework (SPPF).

The clauses in the new MSS align with the SPPF including:

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 13 Environmental Risks
- Clause 14 Natural Resource Management
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 17 Economic Development
- Clause 18 Transport
- Clause 19 Infrastructure

It is considered that the amendment now includes an LPPF which is fully supported by the SPPF. The LPPF includes Council's specific policy positions on settlement, environment, economic development and infrastructure which are consistent with State Policy. The amendment is consistent with, and gives effect to the following specific sections of the SPPF:

- Clause 11 Settlement
 - 11.01-1 Activity centre network - To build up activity centres as a focus for high quality development, activity and living for the whole community by developing a network of activity centres.*
 - 11.01-2 Activity centre planning - To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*
 - 11.02-1 Supply of urban land - To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
 - 11.02-2 Planning for growth areas - 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.*
 - 11.02-3 Structure planning - To facilitate the orderly development of urban areas.*
 - 11.02-4 Sequencing of development - To manage the sequence of development in growth areas so that services are available from early in the life of new communities.*
 - 11.03-1 Open space planning – To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community.*
 - 11.03-2 Open space management – To provide for the long term management of public open space.*

11.08-1 Gippsland Regional Growth – A diversified economy – *To strengthen economic resilience by growing a more diverse economy and building on the region's traditional strengths through new investment, innovation and value-adding.*

11.08-2 Gippsland Regional Growth – Planning for growth – *To promote a healthy environment by valuing Gippsland's environmental and heritage asset, and by minimising the region's exposure to natural hazards and risks.*

11.08-3 Gippsland Regional Growth – Sustainable communities – *To develop sustainable communities through a settlement framework comprising major urban centres offering residents convenient access to jobs, services, infrastructure, and community facilities.*

11.08-4 Gippsland Regional Growth – Infrastructure – *To deliver timely and accessible infrastructure that meets regional needs for transport, utilities and community facilities.*

The new MSS does not seek to amend existing policy relating to activity centres and residential areas which are delivered through the existing Town Structure Plans, endorsed Development Plans and other strategic work. The amendment introduces new objectives related to the Public Open Space Strategy (2013) to support Latrobe City in the provision and management of public open space in the municipality, consistent with the SPPF. The amendment also supports the objectives of the Gippsland Regional Growth Plan; supporting the four main towns model throughout the MSS and growth and development consistent with Gippsland's regional city.

The amendment is consistent with, and gives effect to the following sections of the SPPF:

- Clause 12 – Environmental and Landscape Values
 - 12.01-1 Protection of biodiversity – *To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.*

12.01-2 Native vegetation management - *To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.*

12.04-1 Landscapes – *To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.*

The new MSS supports the broad environmental and landscape values as described in Clause 12 through the new clause 21.03 Environmental and Landscape values. The new MSS introduces the Natural Environment Sustainability Strategy (2014-2019) as a Reference Document.

The amendment is consistent with, and gives effect to the following sections of the SPPF:

- Clause 13 – Environmental Risks
 - 13.02-1 Floodplain management – *To assist the protection of: life, property, and community infrastructure from flood hazard; the natural flood carrying capacity of rivers, streams and floodways; the flood storage function of floodplains and waterways; and floodplain areas of environmental significance or of importance to river health.*

13.05-1 Bushfire planning strategies and principles – *To assist to strengthen community resilience to bushfire.*

The new MSS supports policies which seek best practice environmental management and risk management which aim to avoid or minimise environmental degradation and hazards. Clause 21.04 Environmental Risks supports the SPPF by providing local policies regarding waste management, floodplain management, fire and climate change. The new MSS introduces Mine Fire as a new key issue as a result of the Hazelwood Mine Fire event and Hazelwood Mine Fire Inquiry. The new MSS also introduces a number of Reference Documents to the LPPF including: Positioning Latrobe City for a Low Carbon Emission Future 2010, Latrobe City Council Waste Management Strategy 2010-2017 and the Municipal Fire Management Plan 2013-2016.

The amendment is consistent with, and gives effect to the following sections of the SPPF:

- Clause 14 – Natural Resource Management
 - 14.01-1 Protection of agricultural land – *To protect productive farmland which is of strategic significance in the local or regional context.*
 - 14.01-2 Sustainable agricultural land use – *To encourage sustainable agricultural land use.*
 - 14.01-3 Forestry and timber production – *To facilitate the establishment, management and harvesting of plantations, and harvesting of timber from native forests.*
 - 14.02-1 Catchment planning and management – *To assist the protection and, where possible, restoration of catchments, waterway, water bodies, groundwater, and the marine environment.*
 - 14.02-2 Water quality – *To protect water quality.*
 - 14.03 Resource exploration and extraction – *To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.*

The new MSS supports policies which seek to protect natural resources in the region. Clause 21.05 Natural Resources Management includes parts of the existing coal policy; however the existing wording has remained unchanged as requested by the Department of Economic Development, Jobs, Transport and Resources. Clause 21.05 also includes objectives related to agriculture, sustainable technologies and water. The new MSS introduces a number of Reference Documents to support the objectives.

- Clause 15 – Built Environment and Heritage
 - 15.01-1 Urban design – *To create urban design environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*
 - 15.01-2 Urban design principles – *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.*
 - 15.01-3 Neighbourhood and subdivision design – *To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.*

15.01-4 Design for safety – *To improve community safety and encourage neighbourhood design that makes people feel safe.*

15.01-5 Cultural identity and neighbourhood character – *To recognise and protect cultural identity, neighbourhood character and sense of place.*

15.03-1 Heritage conservation – *To ensure the conservation of places of heritage significance.*

15.03-2 Aboriginal cultural heritage - *To ensure the protections and conservation of places of Aboriginal heritage significance.*

The new MSS supports Clause 15 by introducing new urban design and neighbourhood character objectives into the local policy at Clause 21.06 Built Environment and Heritage. Clause 21.06 contains the existing heritage provisions from the Latrobe City Heritage Study 2010.

The amendment is consistent with, and gives effect to the following sections of the SPPF:

- Clause 16 – Housing
 - 16.01-1 Integrated housing - *To promote a housing market that meets community needs.*
 - 16.01-2 Location of residential development - *To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*
 - 16.01-4 Housing diversity - *To provide for a range of housing types to meet increasingly diverse needs.*
 - 16.01-5 Housing affordability - *To deliver more affordable housing closer to jobs, transport and services.*
 - 16.02-1 Rural residential development - *To identify land suitable for rural living and rural residential development.*
 - 16.02-2 Crisis accommodation and community care units - *To encourage the establishment of crisis accommodation and community care units in residential areas and to ensure that their location is kept confidential.*
 - 16.02-3 Residential aged care facilities - *To facilitate the timely development of residential aged care facilities to meet existing and future needs.*
 - 16.02-4 Design and location of residential aged care facilities - *To encourage well-designed and appropriately located residential aged care facilities.*

The new MSS does not seek to amend existing policy relating to activity centres and residential areas which are delivered through the existing Town Structure Plans, endorsed Development Plans and other strategic work. Clause 21.02 uses existing settlement policy (from existing Reference Documents) to complement Clause 16 providing scope to increase housing densities in and around activity centres, providing a range of housing needs and acknowledging the rural residential lifestyle that Latrobe City offers.

The amendment is consistent with, and gives effect to the following sections of the SPPF:

- Clause 17 – Economic Development

17.01-1 Business - *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

17.02-1 Industrial land development - *To ensure availability of land for industry.*

17.02-2 Design of industrial development - *To facilitate the sustainable development and operation of industry and research and development activity.*

17.02-4 Innovation and research - *To create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.*

17.03-1 Facilitating tourism - *To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.*

The new MSS seeks to implement land use objectives from the Economic Development Strategy (2011), Positioning Latrobe City for a Low Carbon Emission Future 2010, Gippsland Logistics Precinct Project Plan (2013) and the Lurgi Master Plan (2006) to facilitate a vibrant and dynamic economic environment. The new MSS introduces the Traralgon Train Station Master Plan and the Traralgon Inner South Precinct Master Plan to provide direction around key economic precincts in Traralgon. Clause 21.07 Natural Resources Management includes parts of the existing coal policy; however the existing wording has remained unchanged as requested by the Department of Economic Development, Jobs, Transport and Resources. Clause 21.07 also acknowledges a number of Master Plans to be considered by future Planning Scheme Amendments including the Latrobe Regional Airport Master Plan, Federation University Master Plan and the Latrobe Regional Hospital Master Plan.

The amendment is consistent with, and gives effect to the following sections of the SPPF:

- Clause 18 – Transport
 - 18.01-1 Land use and transport planning - *To create a safe and sustainable transport system by integrating land-use and transport.*
 - 18.01-2 Transport system - *To coordinate development of all transport modes to provide a comprehensive transport system.*
 - 18.02-1 Sustainable personal transport - *To promote the use of sustainable personal transport.*
 - 18.02-2 Cycling - *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*
 - 18.02-4 Management of the road system - *To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.*
 - 18.04-2 Planning for airports - *To strengthen the role of Victoria's airports within the State's economic and transport infrastructure and protect their ongoing operation.*
 - 18.05-1 Develop freight links - *To further develop the key transport gateways and freight links and maintain Victoria's position as the nation's premier logistics centre.*

The new MSS will consolidate existing Transport objectives and strategies from the current MSS and introduce the Traralgon Train Station Master Plan to the Latrobe Planning Scheme. Currently, there is no specific clause relating to Transport rather, strategies to promote transport networks are within the current Economic Development, Liveability and Main Towns provisions.

The amendment is consistent with, and gives effect to the following sections of the SPPF:

- Clause 19 – Infrastructure
 - 19.01-1 Provision of renewable energy - *To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.*
 - 19.02-1 Health facilities - *To assist the integration of health facilities with local and regional communities.*
 - 19.02-2 Education facilities - *To assist the integration of education facilities with local and regional communities.*
 - 19.02-3 Cultural facilities - *To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.*
 - 19.02-4 Distribution of social and cultural infrastructure - *To provide fairer distribution of and access to of social and cultural infrastructure.*
 - 19.03-1 Development contribution plans - *To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans.*
 - 19.03-2 Water supply, sewerage and drainage - *To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.*
 - 19.03-4 Telecommunications - *To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.*
 - 19.03-5 Waste and resource recovery - *To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.*
 - 19.03-6 Pipeline infrastructure - *To plan for the development of pipeline infrastructure subject to the Pipelines Act 2005 to ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.*

The new MSS seeks to bring together all relevant infrastructure objectives and strategies within the current MSS into Clause 21.08. Currently, the Infrastructure provision within the Scheme sits within Built Environment, with additional infrastructure objectives and strategies located within other provisions in the LPPF. The intent of the objectives and strategies from the current MSS to the new Clause 21.08 is consistent and aligns it with the current format of the SPPF.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment introduces an entirely new Municipal Strategic Statement which is structured as follows:

- 21.01 Municipal Profile
- 21.02 Settlement and Housing
- 21.03 Environmental and Landscape Values
- 21.04 Environmental Risks
- 21.05 Natural Resource Management
- 21.06 Built Environment and Heritage
- 21.07 Economic Development
- 21.08 Transport and Infrastructure
- 21.09 Local Areas
- 21.10 Implementation

No new polices are included in Clause 22 and no new zone and overlay maps, or new MSS maps are to be included into the Latrobe Planning Scheme as a part of this amendment.

The amendment has been prepared in the context of a considerable amount of strategic work prepared by Latrobe City Council over the last six years. The amendment is a complete review and replacement of Clause 21 arising out of the strategic work undertaken. While the majority of the existing MSS is significantly outdated, some sections of the existing LPPF are still relevant and have been included in the new MSS.

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

The amendment does not make any changes to the zoning and overlay regime in the Latrobe Planning Scheme or include any policies in Clause 22 of the LPPF.

It is considered that the amendment makes proper use of the Victoria Planning Provisions.

The amendment uses the MSS to deliver the broader strategic land use direction for Latrobe City Council. The review of the LPPF has resulted in structuring the MSS to follow the SPPF, allowing for greater linkages between the SPPF and LPPF. This provides greater strategic direction for users of the Latrobe Planning Scheme.

The amendment has been prepared with reference to the following VPP Practice Notes, General Practice Notes, and Advisory Notes:

- Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments - Planning Practice Note 46 July 2015.
- Review of Planning Schemes - Planning Practice Note 32 June 2015.
- Writing a Municipal Strategic Statement - Planning Practice Note 4 June 2015.
- Writing a Local Planning Policy - Planning Practice Note 8 June 2015.
- Incorporated and Reference Documents - Planning Practice Note 13 June 2015.

All the MSS changes proposed are considered to be consistent with relevant VPP Practice Notes and state government policy documents. The structure of the new MSS is generally consistent with the VPP Practice Note Writing a Municipal Strategic Statement and Writing a Local Planning Policy.

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

Significant consultation was held with relevant agencies during the preparation of the strategic studies underpinning this amendment, including (but not limited to) the Planning Scheme Review Report 2014, Latrobe 2026, Latrobe Structure Plans, Towns Centre Plans, and the Natural Environmental Sustainability Strategy.

Service authorities, other government departments, local planning consultants, and local developers have attended workshops and made submissions which have been incorporated into the strategic studies and the new MSS.

Latrobe City Council has worked closely with the Department of Environment, Land, Water and Planning in preparing the amendment. It is also anticipated that the views of relevant agencies will also be submitted to Latrobe City Council during the public exhibition process. This amendment does not change current coal and resource provisions as requested by the Department of Economic Development, Jobs, Transport and Resources.

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

The amendment is considered to be consistent with the objectives of the *Transport Integration Act 2010* as it facilitates an urban framework that support future residents to have access to public transport services throughout the Latrobe Valley, and a transport system which enables residents to travel safely and efficiently on public transport.

Resource and administrative costs

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

It is considered that the proposed controls will have a positive effect on Latrobe City Council resources and decrease administrative costs by providing improved guidelines in relation to urban and rural development and environmental issues. The proposed controls will provide greater certainty to land owners and developers which is expected to result in reduced resource and administrative costs to Latrobe City Council.

Where you may inspect this Amendment

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

Latrobe City Council Corporate Headquarters 141 Commercial Road Morwell VIC 3840	Latrobe City Council Moe Service Centre 44 Albert Street Moe VIC 3825
Latrobe City Council Traralgon Service Centre 34 – 38 Kay Street Traralgon VIC 3844	Latrobe City Council Churchill Service Centre 9 – 11 Phillip Parade Churchill VIC 3842

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.dtpli.vic.gov.au/publicinspection

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by 4 December 2015.

A submission must be sent to:

Ms Leanne Khan
Senior Strategic Planner
Latrobe City Council
PO Box 264,
MORWELL VIC 3840

Panel hearing dates

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

Directions hearing: to commence in the week of 21 March 2016

Panel hearing: to commence in the week of 18 April 2016

14.2 Planning Application 2016/91 – Development of a Second Dwelling on a lot in the General Residential Zone

General Manager

City Development

For Decision

EXECUTIVE SUMMARY

The applicant seeks a planning permit to develop the land at 14 Evans Street, Morwell with a second dwelling.

A Planning Permit is required pursuant to Clause 32.08-4 of the Latrobe Planning Scheme for the development of two or more dwellings on a lot in the General Residential Zone.

The proposed development is found to generally comply with the Latrobe Planning Scheme subject to appropriate conditions and therefore is recommended that a Notice of Decision to Grant a Planning Permit be issued.

The application is being heard at an Ordinary Council Meeting as requested by a Councillor under the current delegation process.

RECOMMENDATION

That Council:

1. Issue a Notice of Decision to grant a planning permit, for the Development of a Second Dwelling on a lot within the General Residential Zone at 14 Evans Street, Morwell (Lot 374 of PS52685) with the following conditions:

Endorsed Plans Condition:

- 1) The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Standard Conditions:

- 2) Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
- 3) All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 4) Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.

Landscaping Conditions:

- 5) Prior to the occupancy of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 6) 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.

Engineering Conditions:

- 7) Before an Occupancy Permit is issued for the dwelling hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
 - a) All stormwater discharging from the proposed and existing dwellings and associated buildings and works must be conveyed to the property stormwater drainage connection in accordance with the approved site drainage plan.
 - b) The construction of on-site stormwater detention works in accordance with the approved site drainage plan.
 - c) Areas for vehicle access and car parking within the land must be constructed in accordance with plans endorsed by the Responsible Authority and be surfaced with concrete, reinforced concrete, brick paving, hot mix asphalt or gravel and drained in accordance with an approved site drainage plan.
 - d) The proposed vehicle crossings to provide access to the new dwellings must be re-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.
 - e) All works including the removal and infill of southern wall, removal of brick chimney and southern windows required, as shown on the endorsed plans, to provide a minimum 3.0 metre width clear of any obstructions for the proposed vehicle accessway.
- 8) 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.
- 9) Before the commencement of any works hereby permitted, a site drainage plan, including levels or contours of the land and 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's Design Guidelines and must provide for the following:
 - a) How the land including all buildings, open space and paved areas within each lot will be drained for a 1 in 5 year ARI storm event to the legal point of discharge.
 - b) An underground pipe drainage system conveying stormwater from the legal point of discharge to Latrobe City Council's stormwater drainage system.
 - c) The provision of stormwater detention within the site and prior to the point of discharge into Latrobe City Council's drainage system.

The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using a co-efficient of run-off of 0.4.

- d) No part of any above ground stormwater detention system is to be located within a stormwater drainage easement or a sewerage easement unless with the Responsible Authority's written approval.

Expiry of Permit:

- 10) This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit; or
 - b) The development is not completed within four years of the date of this permit.

MOTION

Moved: Cr Gibson
Seconded: Cr Middlemiss

That Council, in accordance with Clause 42 of the *Meeting Procedure Local Law No. 1* defers consideration of this item to the next meeting of the Council.

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

SUMMARY

Land: 14 Evans Street, Morwell known as Lot 374 of PS 52685.
Proponent: Betnale Pty Ltd
Zoning: General Residential Zone
Overlay: None

A Planning Permit is required pursuant to the following Clause of the Latrobe Planning Scheme:

- Clause 32.08-4 for the development of two or more dwellings on a lot in the General Residential Zone.

SUBJECT SITE AND SURROUNDS

The subject site is located in the middle of the eastern side of Evans Street in Morwell.

The site has a frontage to Evans Street of 15.24 metres, a depth of 42.67m and an overall area of 650m². The site is relatively steep with a 4.8 metres fall from the site frontage on Evans Street to the rear of the site. It has a 2.75 metres wide drainage and sewerage easement running parallel to the rear eastern boundary.

The site is currently developed with a single storey cement rendered dwelling with a pitched tiled roof in the western portion of the site near Evans Street. The existing development on the site is consistent with the surrounding neighbourhood. Most houses in the immediate area are small single storey dwellings all built in the 1960's and constructed of either weatherboard, brick or cement rendered with pitched tiled roofs, chimneys and thin single driveways.

The site is accessed by an existing double crossover, shared with the neighbouring property (17 Evans Street) off Evans Street to the right of the existing dwelling.

Surrounding properties within the area are as follows:

- Directly to the east of the subject site, the neighbouring property fronts Robertson Street, Morwell. This dwelling is a single storey weatherboard dwelling with a pitched colourbond roof on high stumps consistent with the surrounding area which appears to be all constructed in the 1960s.
- To the west of the subject site are single storey, weatherboard and cement sheeted dwellings with a mix of tiled and colourbond roofs, of high stumps with single driveways and chimneys consistent with the surrounding area.
- Directly to the north on Evans Street is a single storey, well maintained weatherboard dwelling with a pitched tiled roof and chimney, single driveway and front picket fence consistent with the surrounding area.
- Directly to the south on Evans Street is a single storey, well maintained cement rendered dwelling with a pitched tiled roof and chimney, very similar to the existing dwelling on the subject site. It shares a double crossover with the subject site and driveways with currently no fence separation.

The neighbourhood is located on the eastern side of a ridge which creates for quite a steep landscape and provides eastern views over Morwell towards Traralgon.

A 'Site Context Plan' is included in Attachment 1.

PROPOSAL

The application is for the Development of a Second Dwelling on a lot within the General Residential Zone.

The second dwelling would be located at the rear of the existing dwelling. The dwelling would be single storey and would comprise of two bedrooms, lounge room, amenities and porch with a single car space.

The principle private open space for the proposed dwelling would be located to the northern side with access from the lounge room. Further open space would be provided on the eastern side of the dwelling, along the rear boundary fence within the existing easement area.

The dwelling would have a setback of 3.05m to the rear boundary, 5.245m to the southern side boundary allowing for a single car parking space, 5.195m to the northern side boundary and approximately 14m from the rear of existing dwelling.

The proposed dwelling would be accessed by the existing crossover and driveway off Evans Street and would continue along the southern side of the existing dwelling with a parking space provided at the rear of the property south of the proposed dwelling.

This access way and crossover would also be used for the existing dwelling with proposed parking provided east of the existing dwelling, between the existing and proposed dwelling, along the property boundary to the north.

The existing dwelling would be modified with the removal and infill of the existing brick chimney and windows as well as 250mm of the external wall along the southern side of the house to allow for the creation of a 3 metre wide access along that wall.

The existing crossover would also be relocated north to allow for 1 metre of clearance between the crossover and the property boundary.

Principle private open space for the existing dwelling would be located at the rear of the dwelling with access from the rear door and hallway. The existing dwelling has two bedrooms, lounge room and amenities.

The proposed dwelling would be constructed of painted fibre cement planking painted with 'Dune' (Light Grey) colourbond and timber baseboards painted 'woodland Grey' (Dark Grey), 'woodland grey' painted roof, 'woodland grey' painted metal gutters and fascia's and 'woodland grey' powder coated aluminium windows.

The 'Proposed Site Plan' showing the location of the proposed dwelling, existing dwelling, accessways, private open space areas and setbacks from property boundaries is included in Attachment 2. 'Elevation plans' showing the materials, colours and elevations of the proposed dwelling are included in Attachment 3. A 'Landscaping Plan' showing the proposed location and species of the proposed grasses, plants, trees and shrubs are included in Attachment 4.

LATROBE PLANNING SCHEME

The State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) have been considered as part of the assessment of this application.

The following clauses are relevant to the consideration of this application.

State Planning Policy Framework

- Clause 11.02-1: Supply of urban land
- Clause 11.08-3: Sustainable Communities
- Clause 15.01-1: Urban Design
- Clause 15.02-1: Energy and resource efficiency
- Clause 16.01-1: Integrated Housing
- Clause 16.01-2: Location of residential development
- Clause 16.01-4: Housing diversity
- Clause 16.01-5: Housing affordability

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

- Clause 21.04-2: Built Environment Sustainability: Settlement Overview
- Clause 21.04-5: Built Environment Sustainability: Urban Design Overview
- Clause 21.04-6: Infrastructure Overview
- Clause 21.05-2: Main Towns: Overview

Zoning

- General Residential Zone

A planning permit is required for the development of two or more dwellings on a lot pursuant to Clause 32.08-4 (General Residential Zone) of the Latrobe Planning Scheme.

A development must address the 'Purpose' and 'Decision Guidelines' of the zone General Residential Zone as well as meet the requirements of Clause 55.

The 'Purpose' of the General Residential Zone includes:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

The proposal is considered to be generally consistent with the State and Local Planning Policy. A Clause 55 assessment has been undertaken and it is considered that the proposal is generally consistent with the objectives of these clauses. The development of an additional dwelling on the subject site will facilitate a higher density of development to meet the housing needs in Morwell whilst respecting the existing neighbourhood character of the area.

Overlays

- There are no overlays affecting the subject site.

Particular Provisions

Clause 55 – Two or More Dwellings on a Lot

The proposal has been assessed against the relevant clauses of Clause 55 of the Latrobe Planning Scheme and found to generally comply with the objectives and standards of the Clause subject to the inclusion of appropriate conditions. It is however considered appropriate that the following issues warrant further discussion:

Standard B1 Neighbourhood Character

The site is located in an older, established residential precinct of Morwell. The surrounding neighbourhood contains an eclectic mix of inter-war and post-war housing stock, ranging from original weatherboard to rendered cement sheet dwellings built in the 1960s. Lots are generally rectangular in shape with houses at the front of the lots with large backyards either down slope or upslope from the dwelling.

Front fencing in the vicinity of the site tends to be one metre in height and constructed in a variety of materials, although not all dwellings have front fences.

The proposed new dwelling is of a contemporary design and will be located in the eastern section of the site behind the existing dwelling. The dwelling will have a shallow pitched roof and a mixture of cladding on each elevation. It will be single storey in keeping with the majority of the surrounding dwellings. Colorbond roofing and external sheet cladding can be found on a majority of dwellings in the area as can pitch roof styles and high baseboards covering high stumps.

The site itself is quite steep with a 4.8 metre fall easterly from the site frontage to the rear.

There are no neighbourhood character objectives, policies or statements in Council's planning scheme, however the design response is considered appropriate to the neighbourhood and the site. As such it is considered that the proposed dwelling is appropriate in this neighbourhood setting.

Standard B14 Access

The proposed dwelling would be accessed by an existing crossover on site.

Throughout the assessment process the applicant had indicated a 3 metre wide access was provided beside the existing dwelling to provide access to the parking spaces for the existing and proposed new dwelling.

It was discovered after a site inspection that the plan did not show the existing chimney accurately, which encroached on the proposed 3 metre access width. As a result the plan was altered to include the removal of the chimney and the habitable room windows along the access way.

During the second site inspection the assessing planning officer measured the distance from the external wall of the existing dwelling to the fence line and discovered the access width was less than 3 metres at 2.8 metres.

As per Clause 52.06-8 of the Latrobe Planning Scheme, access ways must be at least 3 metres wide. Therefore the plans needed to be altered to create a 3 metre width or the application would be refused.

After a number of discussions the applicant advised that they would alter the plan to include the removal of 250mm of the existing dwelling wall to accommodate the access and ensure the new fence structure did not protrude into this space.

This option was discussed with Council's building team, who confirmed this was a viable option, given the type of dwelling and ease of alterations.

As such it is considered that the proposed access way would comply with the requirements of this standard and the relevant clauses of the Latrobe Planning Scheme.

Standard B22 Overlooking

Due to the finished floor level of the proposed dwelling added to the significant change of slope means that overlooking could be a possible issue.

The objective of Clause 55.04-6 of the Latrobe Planning Scheme is '*To limit views into existing secluded private open space and habitable room windows*'.

The proposed new dwelling is to be located 5.195 metres from the neighbouring property to the north. The applicant has provided sufficient information including overlooking diagrams with the application which demonstrates that with the addition of a 1.8 metre high fence, the overlooking scope would not enter into the neighbouring properties secluded private open space, therefore meeting Standard B22.

Clause 52.06 – Car Parking

The proposal satisfactorily meets the requirements of Clause 52.06 of the Latrobe Planning Scheme by providing one car parking space on site for both the existing and proposed two bedroom dwelling.

Decision Guidelines (Clause 65):

Clause 65.01 sets out the decision guidelines to consider before deciding on an application or approval of a plan.

Incorporated Documents (Clause 81):

The proposed development is in accordance with the below mentioned relevant incorporated documents:

- Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Off street car parking, Standards Australia 2004.

STAKEHOLDER CONSULTATION

Referrals:

Pursuant to Section 55 of the *Planning and Environment Act 1987*, there were no referral requirements for the proposed development.

Notification:

Pursuant to Section 52 (1)(a) and (1)(d) of the *Planning and Environment Act 1987* adjoining landowners and occupiers were sent a letter notifying them of the application and a sign was placed on the site for a period of 14 days from 20 September 2016.

Five letters in the form of objections were received. Copies of all 'Objectors Submissions' are attached in Attachment 5 of this report (confidential). The concerns raised are summarised as follows:

- Concerns the proposed development will create a loss of privacy.

- Concerns the proposal will result in commercial development within a residential area.
- Concerns proposed vegetation would block the view from of neighbouring property.
- Concerns the proposed development will affect the character of the area.
- Concerns the proposal will create additional accessibility, traffic safety and parking issues.
- Concerns about tenants past and possible future activities.
- Notification of the application was not received.

An aerial image showing the location of all objectors is included in Attachment 6 of this report (confidential).

These concerns are discussed in the 'Response to submission' section of this report.

On 21 November 2016, individual letters were sent to each objector responding to the issues raised in their submission. Each objector was also given the opportunity to withdraw their objection following this response however no objector decided to do so.

Internally the application was referred to Council's Infrastructure Planning team for comment. The Infrastructure Planning requested appropriate conditions to be included on any issue of a permit.

RESPONSE TO SUBMISSIONS

1) Concerns the proposed development will create a loss of privacy.

Clause 55.04 *Amenity Impacts* of the Latrobe Planning Scheme outlines amenity objectives to limit the impact of new development on the amenity of existing dwellings.

Windows of the proposed dwelling are to be located 5.195 metres from the nearest property boundary fence. The overlooking diagram provided with the application shows that the application meets Standard B22 in relation to overlooking.

Overlooking views are measured at a 9 metre horizontal distance (measured at ground level) and within a 45 degree angle from the 1.7 metre plane of a window. The overlooking scopes submitted within the application show that the proposed 1.8 metre fence will sufficiently block the view into any private open space. Additionally the applicant has proposed vegetation which will provide additional privacy protection.

It is therefore considered that the applicant has sufficiently limited views into any secluded private open space.

2) Concerns the proposal will result in commercial development within a residential area.

The proposed development is for the addition of one single storey, two bedroom dwelling used for residential purposes within the General Residential Zone. The proposed development is not considered to be for a commercial type use.

3) Concerns regarding proposed vegetation would block the view from neighbouring property.

Vegetation within the property boundary of the proposed lot is not a planning consideration due to the planting of vegetation not requiring a planning permit. The owner of the subject property could plant trees within their backyard now without requiring any permits or permission. The mature height of all proposed vegetation is considered to be appropriate and consistent with vegetation in the surrounding properties.

4) Concerns the proposed development will affect the character of the area.

The proposed development is considered not to detrimentally affect the character of the surrounding area as the proposed dwelling will be located behind the existing dwelling and behind a screen of vegetation which will make the development less visible from the streetscape.

Additionally, the materials, colours and design proposed is consistent with that of surrounding properties (Weatherboard, colorbond roof and on high stumps).

5) Concerns the proposal will create additional accessibility, traffic safety and parking issues.

Supporting information provided with the application indicated that the provision of one car parking space for the new dwelling and one space for the existing dwelling will be provided within the title boundary. This is in accordance with the parking requirements for two bedroom dwellings within the Latrobe Planning Scheme.

Additionally, swept path drawings were submitted with the application which show that the car parking and access configuration has been designed to ensure that cars parking within the subject site can manoeuvre within the site and exit the site in a forward direction.

The provision of one additional residential dwelling is expected to create one extra vehicle movement during peak times and approximately 10 additional vehicle movements each day. This is not considered an unreasonable increase in vehicle movements.

6) Concerns about tenants past and possible future activities.

This is not a planning consideration and are issues which should be directed to the Victoria Police.

7) Notification of the application was not received.

The applicant was advised to send a notification letter to the occupier of 12 Evans Street, Morwell as well as the Department of Health & Human Services – Office of Housing. The applicant has provided a Statutory Declaration which indicates that notification was mailed to both of these addresses as well as the addresses of all objectors.

FINANCIAL RESOURCES IMPLICATIONS

Additional resources or financial cost will be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT). The anticipated time required for a Council Officer to prepare a VCAT

submission and collate all relevant documentation is 5 business days with an additional day required to attend and present at the appeal, total 6 business days. This equates to a financial cost in the order of \$1890.

The estimated cost of the proposed development is \$95,000. The financial implications relating directly to the proposed development include employment during the construction stage and possible rental income generated upon completion.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

There is no known risk associated with the approval of this proposal.

CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the General Residential Zone;
- Consistent with Clause 65 (Decision Guidelines); and
- The objection(s) received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered (and relevant permit conditions addressing these issues will be required/the objection(s) do/does not form planning grounds on which the application should be refused).

SUPPORTING DOCUMENTS

Nil

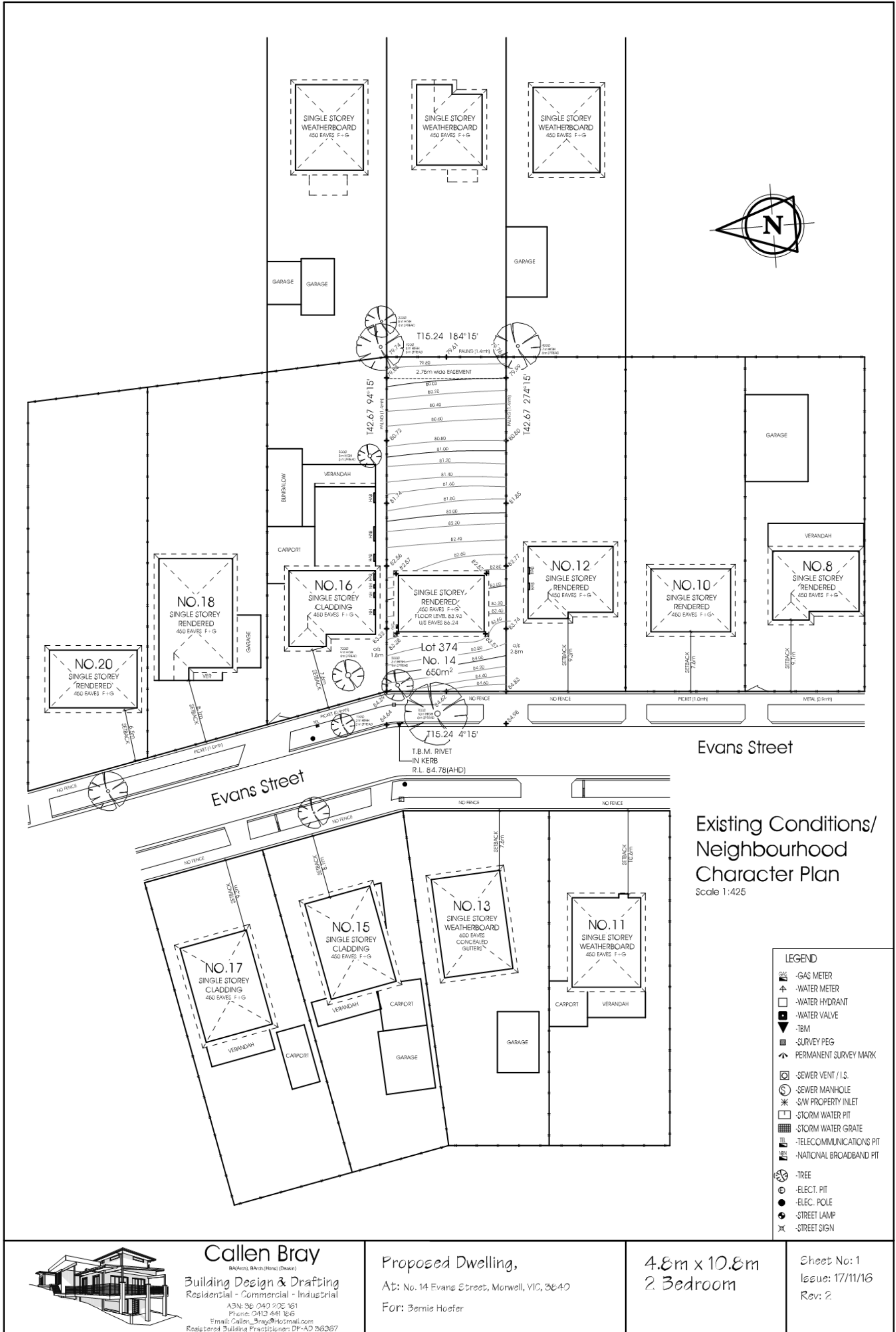
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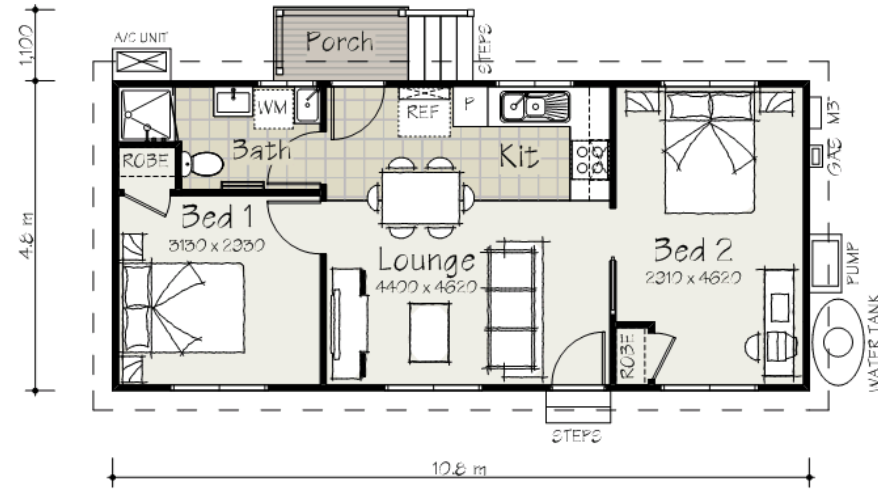
- 1↓ . Site Context Plan
- 2↓ . Proposed Site Plan
- 3↓ . Proposed Elevation Plans
- 4↓ . Proposed Landscaping Plan
5. Objectors Submissions (Published Separately) (Confidential)
6. Location of Objectors (Published Separately) (Confidential)

14.2

Planning Application 2016/91 – Development of a Second Dwelling on a lot in the General Residential Zone

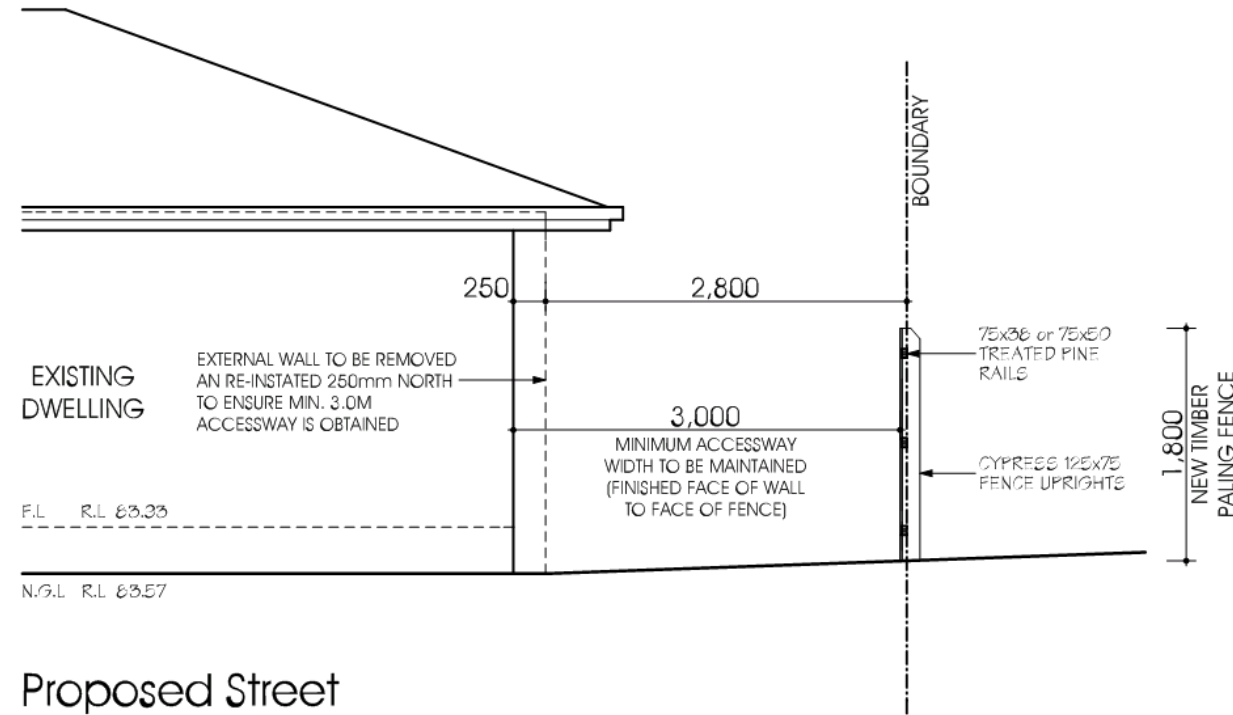
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2	Proposed Site Plan	145
3	Proposed Elevation Plans.....	147
4	Proposed Landscaping Plan.....	149



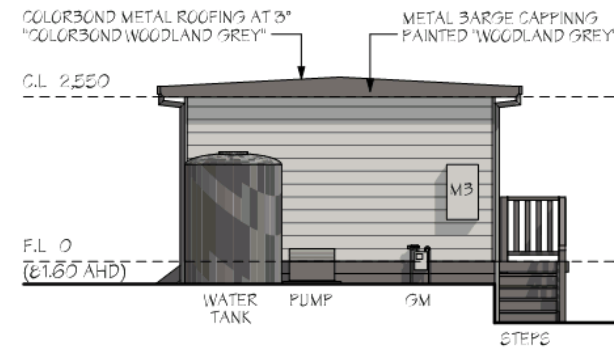


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SUB TOTAL	57.0m ²
VER. FOR.	3.0m ²
TOTAL	60.0m ²

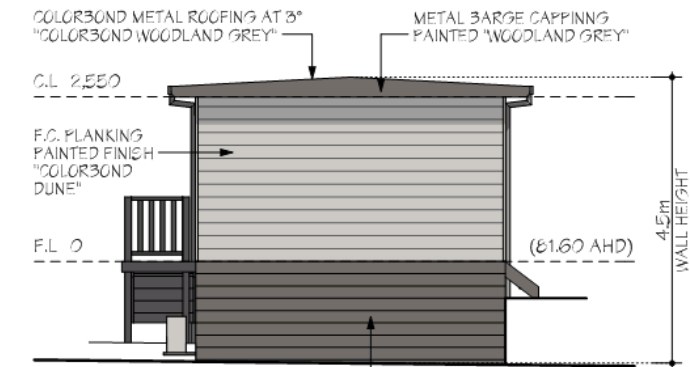
Floor Plan
Scale 1:100



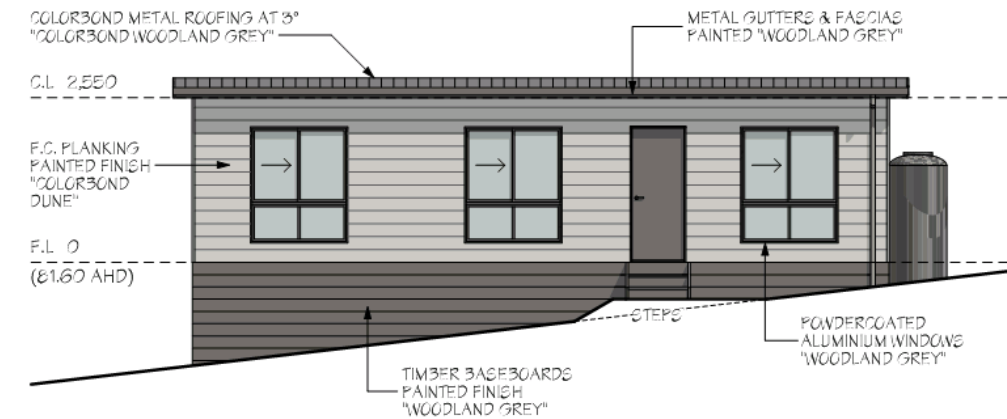
Proposed Street (West) Elevation
Scale: 1:50



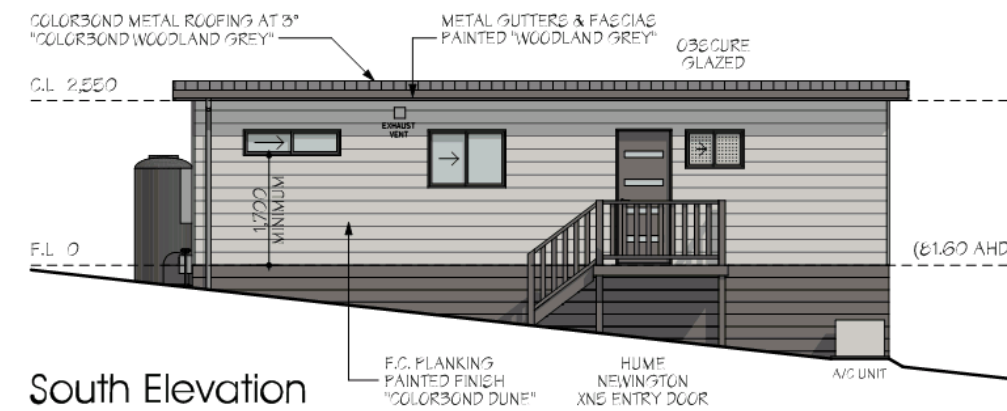
East Elevation



West Elevation



North Elevation



South Elevation

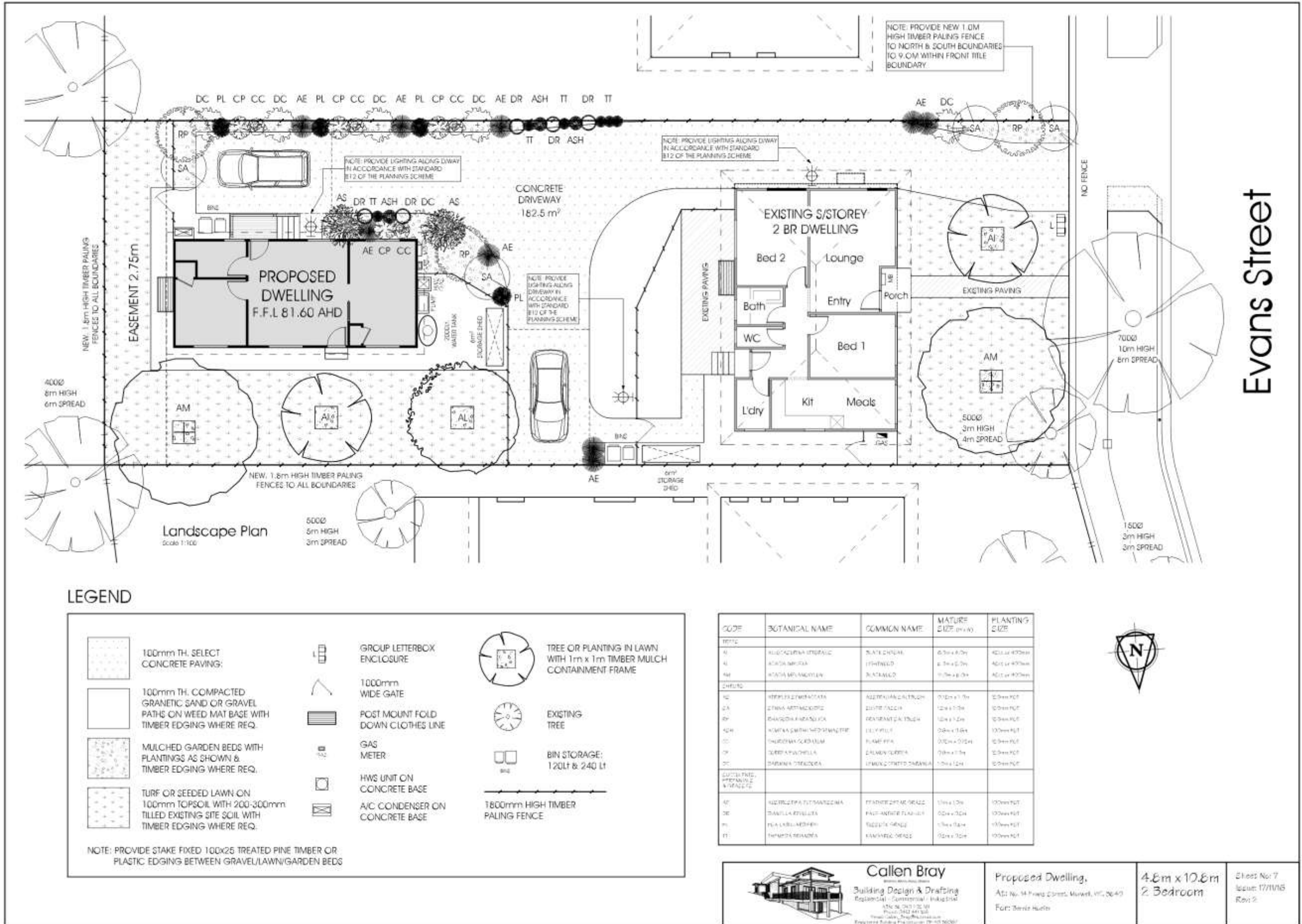


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Proposed Dwelling,
At: No. 14 Evans Street, Morwell, VIC, 3640
For: Bernie Hofer

4.8m x 10.8m
2 Bedroom

Sheet No: 4
Issue: 17/11/16
Rev: 2



14.3 Review of CCTV Implementation at 135 Argyle Street Traralgon

General Manager

City Development

For Information

EXECUTIVE SUMMARY

At the Ordinary Council Meeting held on 11 July 2016, Council made the following resolution:

That Council:

1. *Make a resolution approving the installation of CCTV at 135 Argyle Street Traralgon to allow Latrobe City Local Laws Officers to conduct an investigation in accordance with the Environment Protection Act 1970.*
2. *A sign be installed in the area informing the community of the installation of the CCTV units.*
2. *A further report be presented to Council at the conclusion of the trial period to report on the effectiveness of this action and any subsequent prosecution in progress.*

Following the conclusion of the trial surveillance period, it is noted by Council officers that there has been significant improvements to the amenity of the area and no further matters of non-compliance have been reported by Council Officers or community members.

MOTION

Moved: Cr Harriman

Seconded: Cr Clancey

That Council:

1. **Notes and considers this report following the conclusion of the trial period; and**
2. **Notes that there has been no cause to undertake legal proceedings at this time.**

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

For a number of years it had become common practice for community members to deposit scrap metal and other refuse at the rear of 135 Argyle Street Traralgon. Items placed in this location had been determined to be an unreasonable obstruction to both pedestrians and road users, which has a detrimental consequence on the amenity of the area.

Through the installation of surveillance equipment, Council officers have not received any further complaint from the community or observed any further unlawful conduct in that area.

STAKEHOLDER CONSULTATION

No community engagement has been associated with this report. However, signage was installed in relation to the CCTV units.

FINANCIAL AND RESOURCES IMPLICATIONS

The cost of installation has been absorbed by Councils approved operating budget

RISK IMPLICATIONS

The CCTV equipment was installed due to a perceived danger to road users and pedestrians utilising the area.

This perceived danger has been mitigated as no further scrap metal or refuse has been illegally deposited at the site.

CONCLUSION

The illegal deposit of litter and other unwanted material at 135 Argyle Street Traralgon has previously created a dangerous and unreasonable obstruction to pedestrians and road users. The trial surveillance period in the opinion of Officers has been a success.

SUPPORTING DOCUMENTS

Nil

Attachments
Nil

14.4 Takasago Economic & Cultural Exchange Program

General Manager

City Development

For Information

EXECUTIVE SUMMARY

Latrobe City's International Relations Program has been a component of Council operations since 2000. Programs have included sport, music, arts and education exchanges. The programs enable Council to foster international peace and goodwill, enriching our community with a broader understanding of other nations, their traditions, customs, cultures and lifestyles.

Increasingly, they also provide a multi-lateral framework for cultivating economic growth across the trade, industry and business sectors.

At its Ordinary Council Meeting of 13 April 2015, Council resolved:

1. *Approves the following proposed Sports Exchange Program to both sister cities in 2015/2016;*
 - a. *Taizhou, China – Tennis 2015*
 - b. *Takasago, Japan – Athletics (distance running) in 2016.*

The completion of the 2016 Takasago Economic and Cultural Exchange Program has provided Latrobe City and our Sister City residents with the opportunity to become directly involved in international relations in a unique and meaningful way, bringing long-term benefits to our local community and that of Takasago, Japan.

In addition to a sports/running component as one main focus of the trip, the Business Development unit also took the opportunity to conduct a visit to Tokyo and Takasago in Japan at the same time.

This delegation provided further leveraging opportunities with a number of investment and relationship focussed meetings held in Tokyo and Takasago. These meetings provided the platform for exploring potential business opportunities and information on current trends in Japan.

Reports regarding international Exchange Programs have traditionally been presented to Council for formal receipt and acknowledgement, as a means of providing information in accordance with the provisions of Council's Sister Cities Policy.

MOTION

Moved: Cr White

Seconded: Cr McFarlane

That Council receives and notes the contents of this Report regarding the Takasago Economic and Cultural Exchange Program that took place in November/December 2016.

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

Together with music, sport has long been considered an international language that brings people from diverse cultural backgrounds together.

The 2016 Takasago Economic and Cultural Exchange Program brought together athletic runners ranging in age from 18 to 63 within the municipality. The program provided Latrobe City's residents opportunities for personal development and enhanced sportsmanship, as well as the opportunity to forge new long-lasting friendships in an international setting.

The sports exchange took place from 24 November to 9 December 2016. Based on all feedback received, the visit was a great success and the Latrobe runners presented themselves as the best possible ambassadors for Latrobe City and Australia.

Welcomed by Latrobe Friendly Society



The dedication and commitment of the participants both prior to and during their visits was outstanding. They attended meetings, language and cultural awareness sessions and fundraising activities.

During the visits, all members participated in the 5th Mt Fuji Marathon. Mrs Graham from Traralgon Harriers achieved second place for the 10 km distance. In Takasago, all members participated in the 30th Takasago Running Festival. Ms Dawson from Traralgon achieved second place for women in the age group 16 to 29.

The team members also visited host schools participating in school programs, providing them the opportunity to be exposed to, and participate in, Japanese school life. Through the homestay program, the visit also gave Latrobe runners a unique opportunity to experience, learn about, and appreciate Japan's rich and diverse culture.

Takasago Running Festival



The sportsmanship and camaraderie displayed between the sister cities was exceptional. The Latrobe City team performed admirably; all team members were challenged and to their credit performed exceptionally well. The manner in which all participants conducted themselves was a real credit to themselves, their local sporting clubs and Latrobe City.

Mt Fuji Marathon



School Visit



Industry Visit

Cultural Activities



Participant feedback:

Based on feedback received from participants and families, their lives have been enriched by the experience and they have all made lifelong friends and gained a richer insight into the Japanese way of life.

I am so grateful for the opportunity to have been a part of the 2016 Latrobe city sports exchange delegation to our wonderful friends in Takasago Japan. Whilst the trip was focused on participation in the Takasago Running Festival, which was a wonderful event, for me it has been so much more than that. The relationships that I have made with our friends in Takasago are something to be respected and something I will always cherish, such as running in their Festival and seeing so many locals waving Australian Flags and cheering us on. I look forward to welcoming members of their community to the



2017 Traralgon marathon in June next year. Lastly I would like to thank everyone who supported this program as it offers the delegates so much more richness and cultural awareness than can ever be measured. I look forward to being a part of future programs in any way I can. -- Bryan Cake

We were greeted in Takasago with a very warm civic welcome before meeting our various hosts, and travelling on to our homestay accommodation. This has been a wonderful experience as we have been embraced in to family life - work, school, daily shopping, recreation and meeting extended family, along with seeing local sights. It has been a fantastic learning opportunity as we have gained some insight into how religion and customs shape life in Japan. This experience enables continuing bonds of friendship, trust and understanding between our communities that underpin the opportunities for future collaboration.



Thank you to our friends in Takasago.--Ian Outhred

*Wow, what an amazing experience! Prior to coming on the Latrobe City Sister City Exchange I really did not know what to expect. One week in I am in love with Japan, its people, its culture and the places we have visited. Without this opportunity to come over to Japan, I really doubt I would ever have visited what is clearly now one of my favourite places in the world. Many thanks to Latrobe City for this experience, an experience that has changed my life and I look forward to coming back to Japan soon. -- **Benjamin Bailey***

"Firstly, I cannot express enough how grateful I am for this once in a lifetime opportunity, so thankyou Latrobe City.

*Day 6 in Japan & it has been nothing short of amazing. Being here in autumn its extremely picturesque, beautiful colours everywhere you look. I love the Japanese way, their traditions, their culture and the people are ever so friendly. Overall, Japan has made a lasting impression on me, from the mouth-watering food to the incredibly hospitable people. I definitely would love to come back." **Kahla Dawson***



*What an experience so far! The Mt Fuji marathon event was simply spectacular! I am so grateful for the opportunity to participate in the Latrobe City Council Sports Exchange and can't wait for the Takasago entente! -- **Michael Taplin***

It was an early morning start, 4.00am to be precise! The already tired and wearing travellers spent the day before exploring the sprawling vastness of Tokyo. Just 2 days into our trip we already have a sense that Japan has a spirit that is warm and welcoming.

Travelling on the train to the iconic Mt Fuji, there is a sense of anticipation and anxiety, a cocktail of emotions. The unseasonal cold weather system a few days earlier has left a lot of snow across fields and roads. In excess of 15000 athletes converge on the base Mt Fuji, some to participate in the 10km run but the vast majority to challenge themselves with the mountain of athletic challenge that is marathon.

*The quiet reverence that is part of Japanese culture was evident on our train journeys and along people lined streets. Our small but happy group provides a startling contrast of boisterous, chatting exchange – happy and proud to represent Latrobe City as part of this exchange. – **Anne Outhred***

Community engagement:

The project has had a significant influence on the community since the organisation of the visits commenced in mid-2016. There were ten runners who visited Takasago, Japan. Their families and friends were involved, which had an enormous multiplier effect throughout the community. This in turn had a significant impact in increasing awareness of our Sister City Program and promoting the value of the Sister City relationships throughout the municipality.

The level of community involvement in this project has been outstanding from the outset. Examples include:

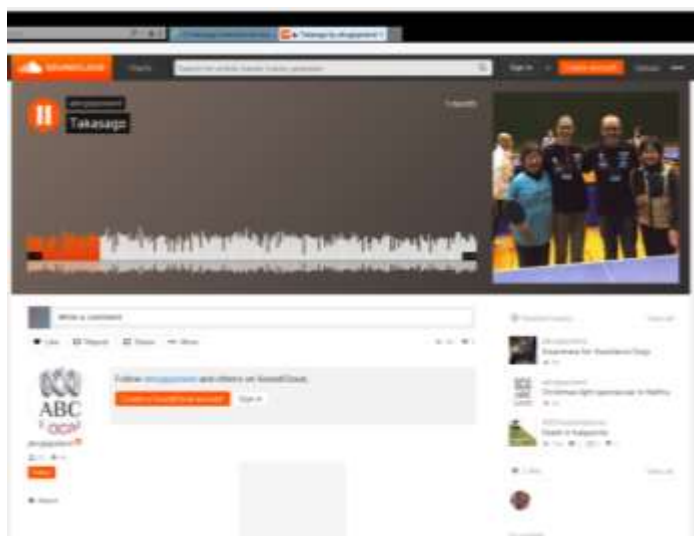
- A fundraising committee was set up comprising all team members to organise fundraising activities;
- Fundraising activities were conducted involving all members of the team and their families and friends;
- Six major organisations (Traralgon Harriers, Gippsland Dental Group, Gippsland Water, Federation University, Federation Training, GBS Recruitment) sponsored the visits to Japan;
- A trivia night was held at Century Inn and over 50 people attended the event, with approximately \$1,220 raised on the night;
- A number of small businesses contributed to the visits by either monetary contribution and/or donating products for raffle prizes. A huge thankyou to all the businesses involved; and
- Individual participants conducted a chocolate drive.

The number of fundraising activities conducted prior to the visits was testimony to the enormous community support for the sports exchange project. Through fundraising activities, the groups not only raised a large sum of money towards their trips but the participants took pride in promoting the concept of the Sister City Program and the value of the Sister City relationships within community.

All members were actively promoting the Sister Cities program on social media. A number of interviews were conducted by local media including ABC Gippsland radio (<https://soundcloud.com/abcgippsland/takasago>), Express, Kobe News and Takasago TV.

ABC Gippsland

Kobe News



Business meetings:

As a component of this Exchange, Latrobe City Council's CEO and Manager Economic Development were able to participate in a number of business focused meetings and discussions with key Japanese stakeholders. These are detailed below:

J-Power

J-Power (Electric Power Development Co. Ltd) is a company that was founded more than 60 years ago. It operates thermal (coal), hydroelectric, geo-thermal, wind and nuclear power stations in Japan (95 plants). It also has global interests with 36 power generation facilities in six countries and has undertaken 355 power related projects in 64 countries over the past fifty years.

The delegation visited the Isogo Thermal Power Station (Yokohama) to meet with J-Power executives and the station managers. The original plant was established in the late 1960's, with two units being commissioned in 1967 and 1969. The two units were replaced with commercial operation of the new No.1 Unit commencing in April 2002 and the new Unit 2 commencing commercial operation in 2009.

Both units are fired by imported coal predominantly from Australia and Indonesia and provide 1.2 million kilowatts of electricity. The flue gas emission concentrations are:

	UNIT 1	UNIT 2
Gas Discharge Volume	2,000,000m ³ N/h	1,992,000m ³ N/h
Nitrogen Oxides	20 ppm	13ppm
Soot and Dust	10mg/m ³ N	5mg/m ³ N
Sulfur Oxides	20ppm	10ppm

The Isogo Power Plant is ultra-supercritical technology and operates at a higher efficiency than our LV based power stations – it has an emissions intensity of around 0.8 t CO₂/mwh which is somewhat lower than the LV based power plants which are all in excess of 1.2 t CO₂/mwh.

J-Power is participating in a coal gasification project in the Latrobe Valley with Kawasaki Heavy Industries that will see the production of hydrogen for export to Japan. The project will also utilise Carbon Capture Storage technology (the CarbonNet project).

Kawasaki Heavy Industries (KHI)

A meeting was held with representatives from KHI and J-Power in the afternoon. The key executives involved included Dr Harada from KHI and Dr Sasatsu from J-Power. Dr Motohika from KHI delivered a presentation on the Hydrogen Energy Supply Chain project (HESC). The partners in the HESC are KHI, J-Power Iwatani and Shell.

From the presentation:

'The HESC project is a world first in energy innovation and transport technology that will assist in making the delivery of low cost and sustainable hydrogen energy from Australia a reality.

The initiative has been in development for more than six years, led by KHI, with the aim of establishing a long term Australian-Japanese sustainable energy partnership.

The initiative involves the governments of Australia and Japan, together with some of the best known and respected companies in the world, collaborating and co-investing in the development of a new and exciting energy technology.

The first stage of the HESC project is a pilot supply chain comprising a hydrogen production plant based in the Latrobe Valley, and a hydrogen liquefaction and loading terminal in the Port of Hastings area.'

The specially designed and constructed hydrogen production plant to be located at the Loy Yang Power Station will produce hydrogen gas using gasification technologies adapted specifically for brown Victorian coal. The hydrogen will then be transported by road using pressurised tanks on semi-trailers to the liquefaction and loading terminal in the Port of Hastings area. It will be converted to liquid using technologies currently utilised in Japan and around the world, then shipped to Kobe, Japan by a hydrogen carrier specifically designed for the project.

Benefits to the Latrobe Valley:

- The HESC project could provide a viable solution to the Latrobe Valley's workforce that has strong heavy engineering skills and vast brown coal reserves;
- Immediate economic growth, benefits and jobs.

Key role for Council: community liaison and social licence issues; Advocacy to Government.

JCoal

The delegation had a dinner meeting with the executive team from Japan Coal – Mashahiro Yoshida, Yasuji Maeda and Tokusaburo Fukui. J Coal is a member based organisation that represents coal related businesses and organisations, such as coal mining companies, steel companies, heavy industry companies, engineering companies and trading companies. It has 130 members, many of which are multi national or international. Brown Coal Innovation Australia (BCIA) is a member of JCoal.

J Coal can provide support for projects, make appropriate connections and advocate projects to its members. It has strong connections with Government and assists in facilitating funding for R&D, Feasibility studies etc.

Victorian Government Business Office (VGBO)

A meeting was held with Adam Cunneen (Victorian Trade Commissioner), Toshihisa Seki (Investment Manager) and Izumi Ono (Manager – Whole of Government) at the VGBO office in Tokyo.

Mr Cunneen advised:

- Victoria has had a presence in Japan since 1976 (just celebrated 40th Anniversary with visit by Premier);
- Focus is on the State Government's sector strategies (6 key strategies);
- Japanese companies are looking to partner with like-minded Australian companies;
- Looking to supply SE Asia from Australia

- VGBO office can create a 'platform' for companies wishing to export/import;
- Big interest in food products. Intensive agribusiness is definitely an area of interest;
- Looking to invest externally – no growth in Japan. Population is currently 127 million, will decrease to 98 million by 2050;
- Japanese companies are interested in licencing products;
- Foodex will be in March – big food related trade show;
- To be successful, need to visit several times a year. Relationships are critical to success;
- Direct flights will be commencing from Melbourne to Tokyo by Qantas next January.

Sumitomo

The delegation met with three senior executives from Sumitomo, Tsuyoshi Oikawa, Yuji Aoyama and Eiichiro Otsuka. The most senior, Mr Oikawa, headed the Mineral Resources Division which is responsible for coal and nuclear fuel and carbon projects.

Sumitomo is one of Japan's oldest companies, having been established in 1919. It is a global company with 26 business unit operations in Japan and 116 business units in 66 countries. Its workforce exceeds 75,000 people. Its business units include metal products, transportation and construction systems, environment and infrastructure and media, network, lifestyle related goods and services.

One of Sumitomo's strategies is to consider coal related projects around the world and is interested in projects using brown coal. Sumitomo is currently in discussions with Coal Energy Australia about the project that is being supported by the Victorian State Government at the Yallourn site. Sumitomo's interest is primarily in the potential for hydrogen production.

The Victorian General Manager for Sumitomo advised the *'the Japanese government have identified the Latrobe Valley as one of the key hydrogen production areas in the world.'*

A key part of the project will be Carbon Capture Storage (The CarbonNet project)

As with other projects, a key role for Council will be assisting with community and social licence issues, advocating for the project locally and more broadly with Government as well as planning support.

Nippon Paper

A meeting was held in the afternoon with a group of senior executives at Nippon Paper. Heading the Nippon Paper representatives were Mr Nozawa (Director) and Mr Ishida (Deputy General Manager, International Business Department), both of whom visited Latrobe City earlier in the year.

Nippon Paper produces 6.5 million tonnes of paper and paperboard products annually. It has sales revenue of 1,007 billion yen (AUD 12 billion) and employs approximately 11,741 people (Australian paper 1,200). Other products produced by

Nippon Paper include functional film, dissolving pulp, coating resins, wood related chemical products and chemical products.

The delegation was advised that Nippon Paper plans to spend \$200 million at the Maryvale site over the next five years as part of its 'stabilisation' program.

Challenges for Nippon Paper:

- Demand for paper products has declined by 25%;
- Demand for paperboard products has declined by 7%; and
- Domestic advertisement for newspapers, magazines and flyers has declined by 35%

(Note: This is in addition to the Australian challenges of gas pricing and access to trees).

Nippon Steel

A meeting was held with Masataka Mizuno from Nippon Steel and Sumikin Engineering Company (a subsidiary of Sumitomo Metal Corporation). Mr Masataka provided a presentation on a project "Utilisation of Victorian Brown Coal – Reforming to Substitute Steam Coal for Electric Power Companies."

The presentation provided an overview of a project to utilise brown coal, through a drying process, to provide a feedstock to create steam for electricity. The project is in an early formative stage – Mr Mizuno took the opportunity to meet with the delegation to provide preliminary information.

Fujitsu

The meeting with Fujitsu was for the whole of the day. The first meeting was at the University of Tokyo to discuss the potential for High Performance Computers (HPC).

Tokyo University is home to the Research Centre for Advanced Science and Technology (RCAST). The Centre has 540 academic and support staff and 194 students. Academics from the university provided presentations on the capacity HPC's to create molecular simulation in HPC computers. The molecular simulation create targeted drugs – e.g. to treat cancer.

One example presented was Pfizer, the company developed and sells a drug to reduce LDL Cholesterol using this technology. The company generates sales revenue of US \$11.8 billion per annum. The HPC's can be used to develop targeted molecular responses to a range of issues and conditions.

The University of Tokyo has a HPC that has 10.51 peta (10^{15}) flops (floating-point operations per second - a measure of computer performance). The HPC can reduce time to examine and test molecular responses from months/years to days and has a higher potential success rate (i.e. saving millions of dollars)

Fujitsu's involvement – the company developed the chip in the HPC (the 'Anton').

A follow-up meeting was held at Fujitsu Head office in Tokyo. The Fujitsu group was headed by Tetsuya Uchino (Vice President, (Global Business Unit) Business Strategy Unit). The Victorian delegation included the Latrobe City Council delegation, Srinivas Kannan (Telstra Computational Science and Engineering Solutions

Division), Karen Cain (Latrobe Valley Authority) and Leigh Kennedy (Regional Development Victoria).

A presentation on the capacity of HPC utilisation in the Latrobe Valley was provided.

Karen Cain provided an overview of the Gippsland High Tech Precinct project.

Fujitsu provided an overview of the Wales Project (below) and the Agricultural Internet of Things (IoT) projects.

The Wales Project

Project Overview

The aim of HPC Wales project is industry vitalisation, acceleration of research innovation and nurturing of human resources by utilizing supercomputers.

Budget for 2011 – 2015: £40M (approx. AUD 24M):

- European Regional Development Fund and European Scientific Fund £19M
- Department of BIS £10M)
- Welsh Assembly Government £5M
- Collaboration partners £6M

Fujitsu was selected for a prime partner.

Strategic Aims:

- Provide World-class HPC capacity
- Vitalize industry, research and innovation
- Skills academy

Outcomes:

European Regional Development Fund Target	Total to June 2015	Target	Act. Vs Target	% Target Achieved
Jobs Created	170	200	-30	85%
Diagnostics (D)	154	180	-26	86%
Assistances (A)	93	120	-27	78%
Total Enterprises Assisted (D+A)	247	300	-53	82%
New P/P/S created	537	381	156	141%
Collaborative Projects	116	125	-9	93%
Investment Induced £M's	3,738	4,600	-862	81%
New P/P/S Registered	231	176	55	131%
Enterprises Created	9	8	1	113%
Enterprises adopting and implementing Environmental Action Plans	29	23	6	126%

Enterprises adopting or improving equality strategies and monitoring systems	16	16	0	100%
ESF Target				
Workshops	198	188	10	105%
Online Courses	61	35	26	174%
Participants	1,622	1,877	-255	86%
Participants entering further learning	382	105	277	364%
Participants gaining Level 4+ qualifications	459	700	-241	66%
TRADED INCOME				
Traded Income (net of VAT)	720	1,169	-449	62%

A presentation regarding the High Tech Precinct was made by Karen Cain (Latrobe Valley Authority). The potential for Fujitsu involvement was discussed and how HPC's could assist local businesses.

Post meeting discussions included the potential for Hazelwood employees being trained as Fujitsu technicians.

Takasago

An official meeting was held between Latrobe City Council and Takasago Council. At this meeting the following topics were discussed:

- Past exchange programs;
- Upcoming exchange program to Latrobe City in 2017;
- The Traralgon Marathon in 2017;
- Assistant Language Teacher Program;
- Business Development Opportunities (The President and Vice President of the Takasago Chamber of Commerce were present at this meeting)

Key Outcomes:

- Traralgon Harriers will liaise with Takasago re the Traralgon Marathon;
- The International Relations Committee will develop a program for a Takasago visit in 2017;
- The economic development unit will liaise with the Takasago Chamber of Commerce in relation to potential business opportunities. Discussions included a potential alliance between engineering businesses and Kobe Steel and wine import.

Takasago Council

The delegation met with the Mayor of Takasago and the Chairman of the Council at the Council offices. A meeting was held with officers from the Industry Development section of Council to discuss Takasago's approach to economic development.

The Council has a focus on events and tourism and it supports initiatives by the Takasago Chamber of Commerce.

The delegation also had the opportunity to attend the Council Meeting as observers.

Mitsubishi Hitachi Heavy Industries

A tour of the Mitsubishi Hitachi Turbine Plant was conducted. The machinery works centre was established in 1962, known as the Shin Mitsubishi Heavy Industries Kobe Shipyard and Machinery Works. The first gas turbine was produced in 1963.

The facility manufactures gas, water and steam turbines for a global list of customers. The facility manufactures approximately 36 turbines per annum, with most taking between 50 - 120 days to manufacture. The Takasago facility employs 5,000 people.

STAKEHOLDER CONSULTATION

Please refer to “Participant feedback” section above.

FINANCIAL AND RESOURCES IMPLICATIONS

Latrobe City Council has an allocation within its International Relations budget to accommodate the delivery of Takasago Economic and Cultural Exchange Program.

Key Actions	Timeline	Resources
Conduct an overseas / sister cities exchange biennially. In 2016/2017 a Sports Exchange program will take place.	16/17	\$25,000

While there was a significant contribution made by Council in terms of funding the trip (\$800 per person-runners only), the majority of the program was funded through corporate sponsorship, major fundraising initiatives and individual contributions.

The associated income and individual expenses for participation in the 2016 Takasago Economic and Cultural Exchange Program to Japan are outlined below.:

Sponsorship and Fundraising Income:

Sponsorship and Fundraising Income	Amount
Traralgon Harriers Club	\$3,000.00
Gippsland Dental Group	\$2,000.00
Gippsland Water	\$1,000.00
Federation University	\$1,000.00
Federation Training	\$1,000.00
GBS Recruitment	\$1,000.00
Fundraising Night	\$1,220.00
Chocolate Sales	\$1848.25
TOTAL	\$12,068.25

Team Member Expenditure:

Sports Team Member Expenditure	Amount
Airfares	\$1,469.95
Accommodation and Transport	\$1,528.00
Uniforms	\$160.00
TOTAL	\$3,157.95

The amount per team member to participate in the program was reduced through corporate sponsorship and fundraising. The average final individual contribution was about \$1,150.

In terms of Latrobe City Officer expenses to Council, those associated with the travel of the International Relations Officer (14 days' away) were accommodated in the 2016/2017 budget, as were those of the CEO and Manager Economic Development (both away 9 days) in relation to the Business program.

	International Relations Officer	Chief Executive Officer	Mgr Economic Development
Airfares	\$1,196.25	\$1,835.50	\$1,835.50
Accommodation	\$2,650.00	\$1,965.00	\$1,965.00
Transport	\$513.21	\$390.00	\$390.00
Meals	\$587.65	\$215.17	\$286.00
Uniforms	\$160.00	\$38.00	\$38.00
TOTAL	\$5,107.11	\$4,443.67	\$4,514.50

RISK IMPLICATIONS

There are no risk implications attached to this Report.

CONCLUSION

Latrobe City's International Relations program aims at increasing cultural awareness throughout the Latrobe Community and making Latrobe a more vibrant, culturally aware, culturally diverse and interesting place to live. It is believed that the recent Takasago Economic and Cultural Exchange Program achieved these objectives and was aligned to Latrobe City's International Relations program key objectives.

Council has committed itself to the development of its Sister City relationships and the pursuit of opportunities that are generated as a result of such relationships. In this context it is important that Latrobe maintains face to face relationships and reciprocates visits by delegations to Latrobe.

In addition to the sports/running focus of the 2016 Takasago Economic and Cultural Exchange Program, Latrobe City Council's CEO and officers were able to participate in a number of business focused meetings and discussions with key Japanese stakeholders.

SUPPORTING DOCUMENTS

Latrobe City Sister Cities Policy.

Attachments
Nil

**14.5 Planning Scheme Amendment C85 - Crinigan Road, Morwell -
Consideration of Submissions**

General Manager

City Development

For Decision

EXECUTIVE SUMMARY

Planning Scheme Amendment C85 relates to a proposal to rezone land at Crinigan Road, Morwell from Farming Zone to General Residential Zone – Schedule 1 and apply the Development Plan Overlay – Schedule 5 (DPO5). See Attachment 1 for proposed Zoning and Overlay maps.

In accordance with the processes prescribed under the *Planning and Environment Act 1987* (the Act), Amendment C85 was placed on public exhibition from 30 October 2014 to 8 December 2014 (approximately 5 weeks). During this exhibition period, six written submissions were received, comprising of three from referral authorities, two from businesses and one from a neighbouring landowner. Of these six submissions, two raised objections which related to bushfire risk and loss of rural amenity to the area.

Following the exhibition period, an outcome with the proponent was sought in order to resolve the objections received. The submission relating to loss of rural amenity was subsequently withdrawn but the objection relating to bushfire risk remains outstanding.

The options available to Council are:

1. Refer all submissions to an Independent Planning Panel for consideration; or
2. Resolve to abandon the Amendment.

As one submission of objection remains outstanding, it is recommended that Council, in accordance with Section 23(1) of the Act, request the Minister for Planning to establish a Planning Panel to consider submissions and prepare a report.

It is acknowledged that some time has passed since public exhibition to Council now formally considering the submissions made to Amendment C85. This is due to the time taken in attempting to resolve objections received and also because there was a change in Proponent for Amendment C85 in October 2016. As some time has passed, all new landowners within the Amendment C85 notification area have been recently informed of the Planning Scheme Amendment proposal.

MOTION

Moved: Cr McFarlane

Seconded: Cr Middlemiss

That Council:

- 1. Having considered all written submissions received to Amendment C85 requests the Minister for Planning establish a planning panel to consider submissions for Amendment C85 and prepare a report; and**
- 2. Advises those persons who made written submissions to Amendment C85 of Council's decision.**

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

The Manager Planning Services declared an indirect conflict of interest under section 78 of the *Local Government Act 1989*. In order to ensure unbiased advice to Council, the Manager Planning Services was not involved in the preparation of this report.

DISCUSSION

The subject land is located at Crinigan Road, Morwell and is known as Lot 1 on PS634891 Volume 10581 Folio 877. The site comprises part of the total 80 hectares of land that forms the Crinigan Road Development Plan (CRDP) which was endorsed by Council on 12 December 2012. The area proposed to be rezoned comprises part of an allotment totalling 36.42 hectares of which the subject site comprises approximately 24 hectares. An aerial image outlining the subject site is provided at Attachment 2.

The subject site includes part of the remaining section of the CRDP that is still in the Farming Zone and is identified for future residential development in the Morwell Structure Plan (Clause 21.05 of the Latrobe Planning Scheme).

The Amendment proposal was received from NBA Group on behalf of DiFrabro PD Pty Ltd (acting with consent of the landowners) on 16 September 2013 and proposes to:

- Rezone land located north of Crinigan Road and west of Alexanders Road from Farming Zone to General Residential Zone – Schedule 1;
- Apply the Development Plan Overlay – Schedule 5; and
- Update the Schedule to Clause 61.03 to insert new planning scheme maps into the Latrobe Planning Scheme.

Statutory Requirements

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;

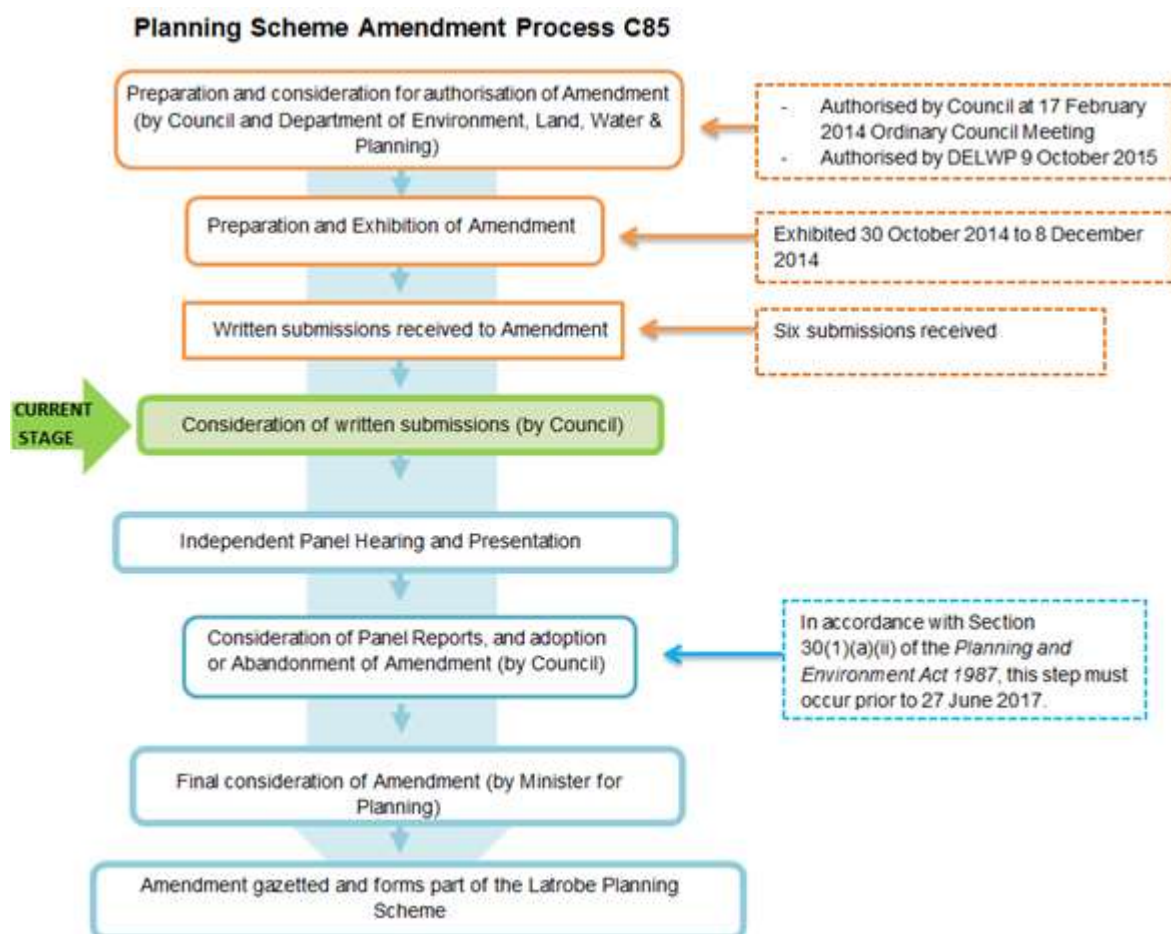
- The Victoria Planning Provisions;
- The Latrobe Planning Scheme;
- Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by the amendment.

Amendment C85 has had regard and is consistent with the requirements of Section 12 of the Act. In addition each amendment must address the Department of Transport, Planning and Local Infrastructure (DTPLI) publication *Strategic Assessment Guidelines for Planning Scheme Amendments July 2014*.

The proposal, with some changes in response to bushfire, is consistent with the State Planning Policy Framework and the Municipal Strategic Statement (MSS).

Figure 1 below provides an overview of the planning scheme amendment process and an indication of the current stage of the Amendment.

Figure 1 – Amendment C85 process



Planning Scheme Amendment C85

At the Ordinary Council Meeting held on 17 February 2014, Council resolved to seek the Minister for Planning's Authorisation to prepare and exhibit the proposed Amendment C85.

Authorisation for Amendment C85 was received on 16 April 2014, with a condition that Amendment C85 not be placed on exhibition until a determination from the Advisory Committee for Amendment C84 (application of the new residential zones) had been received. This determination was formally gazetted on 9 October 2014.

Amendment C85 was placed on public exhibition from 30 October 2014 to 8 December 2014 (approximately five weeks).

During the Amendment C85 exhibition period, six submissions were received, comprising of three from referral authorities, two from businesses and one from a neighbouring landowner. Of these six submissions received, two raised concerns which related to bushfire risk and loss of rural amenity to the area. See Attachment 3 for the full set of submissions.

Following the exhibition period, an outcome with the Proponent was sought in order to resolve the concerns raised by submitters. However, the two objections were unable to be resolved and subsequently Amendment C85 is required to proceed to a Planning Panel for consideration.

On 26 May 2015 the Proponent provided written advice to Latrobe City Council confirming that their client wished to abandon Amendment C85 due to the ongoing costs that may be incurred by proceeding to a Planning Panel and the uncertain outcome of the planning scheme amendment process.

At the request of the landowner of the Amendment C85 subject site, at the 7 December 2015 Ordinary Council Meeting, Council resolved:

That Council:

- 1. Defer the consideration of Amendment C85 until advice has been received from the landowner on how they wish to proceed with the amendment.*
- 2. That a report outlining the next steps be presented to Council no later than 30 October 2016.*
- 3. Advises those persons who made written submissions to Amendment C85 of Council's decision.*

Advice from a representative of the landowner of the subject site was received on 12 August 2016 and at the Ordinary Council Meeting held on 3 October 2016, Council resolved:

That Council:

- 1. Notes that the landowner of Lot 1 PS 634891 Crinigan Road, Morwell will proceed with Planning Scheme Amendment C85.*
- 2. Notes that a further report seeking Council's consideration of submissions received to Amendment C85 will be presented at a future Ordinary Council Meeting.*
- 3. Advises those persons who made written submissions to Amendment C85 of Council's decision.*

Since becoming the Proponent, the landowner has resolved the submission of concern relating to loss of rural amenity, with the submitter formally notifying Latrobe

City Council on 14 August 2016 that they withdraw their objection to Amendment C85 (see Attachment 3).

As a result, only one submission remains outstanding, which relates to bushfire risk from the Country Fire Authority (CFA). An overview of the concerns of the CFA is provided below and a more detailed response to all submissions is provided at Attachment 4.

Bushfire risk

The CFA's concerns relate to the absence of appropriate planning controls (i.e the Bushfire Management Overlay) given the fire risk presented by the expanse of plantations to the north of the subject site.

The subject site is not currently affected by the Bushfire Management Overlay (BMO), but the properties directly to the north, east and northwest of the subject site are affected by the BMO. The subject site is designated as a Bushfire Prone Area under the Building Regulations.

A number of discussions have been held with the CFA in an attempt to resolve their concerns without the need of a Planning Panel, but unfortunately an agreement that satisfies all parties has not been able to be reached, with the CFA ultimately wanting the BMO applied to the subject site.

Council officers agree with the position of the CFA that bushfire consideration needs to be strengthened and in response, council officers propose to amend the C85 Explanatory Report and Crinigan Road Development Plan to more adequately respond to State Planning Policy Clause 13.05 (Bushfire).

A state wide review of the BMO is currently underway and it is anticipated that the revised mapping and scheduling will be presented to the Minister for Planning for consideration sometime in April 2017. The revised mapping has been undertaken using a methodology prepared by the Department of Environment, Land, Water and Planning in conjunction with the CFA. The Amendment C85 subject site is included within the proposed BMO mapping as part of the state wide review and therefore, if the review is implemented by the Minister for Planning, the BMO would be applied to the subject site.

It is not reasonable to await the implementation of the review due to the legislative time constraints placed on Amendment C85. The Amendment must be considered by Council by 27 June 2017 and there is uncertainty of the timing of when/if the state wide BMO review will be considered by the Minister for Planning. It was therefore decided by all parties that progressing the matter to a Planning Panel was the only way to progress Amendment C85.

STAKEHOLDER CONSULTATION

Amendment C85 was placed on public exhibition during the period of 30 October 2014 to December 2014 (approximately five weeks).

The Amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act.

This included advertising in the government gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment.

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

Public Submissions

A total of six written submissions were received to Amendment C85. Of these six submissions received, two raised concerns which related to bushfire risk and loss of rural amenity to the area. Refer to Attachment 3 for the full set out of submissions.

Since becoming the proponent, the landowner has resolved the submission of concern relating to loss of rural amenity, with the submitter formally notifying Latrobe City Council on 14 August 2016 that they withdraw their objection to Amendment C85 (see Attachment 3). As a result, only one submission remains outstanding, which relates to bushfire risk from the Country Fire Authority (CFA), see the Discussion section of this report for further detail.

It is acknowledged that some time has passed since public exhibition to Council now formally considering the submissions made to Amendment C85. This is due to the time taken in attempting to resolve objections received and also because there was a change in Proponent for Amendment C85 in October 2016. As some time has passed, all new landowners within the Amendment C85 notification area have been recently informed of the Planning Scheme Amendment proposal.

FINANCIAL AND RESOURCES IMPLICATIONS

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2016*. The costs associated with a planning scheme amendment include: considering a request to amend a planning scheme, consideration of submissions, providing assistance to a panel and adoption and approval of an amendment.

Statutory fees associated with Amendment C85 will be met by the Proponent.

RISK IMPLICATIONS

Risk has been considered and the following risks have been identified should Council choose not to progress Amendment C85:

- The policy direction within Clause 21.05 (Main Towns) of the Latrobe Planning Scheme which shows the subject site as 'Future Residential' would not be implemented.
- The implementation of the endorsed *Crinigan Road Development Plan* would be delayed.
- It is noted that in accordance with section 30(1) of the Act, Amendment C85 will lapse on 27 June 2017, if Council has not considered the Amendment by this date. Therefore, if Council choose to defer Amendment C85, it would minimise the time required to progress the Amendment and may result in the Amendment lapsing which would lead to a poor planning outcome.

CONCLUSION

Of the six submissions received in relation to Planning Scheme Amendment C85, one submission remains outstanding. In order for the Amendment to progress, Council must request the Minister for Planning appoint an independent Planning Panel to consider submissions and progress the Amendment to the next stage.

SUPPORTING DOCUMENTS

Crinigan Road Planning Scheme Amendment - Planning Report

Crinigan Road Development Plan

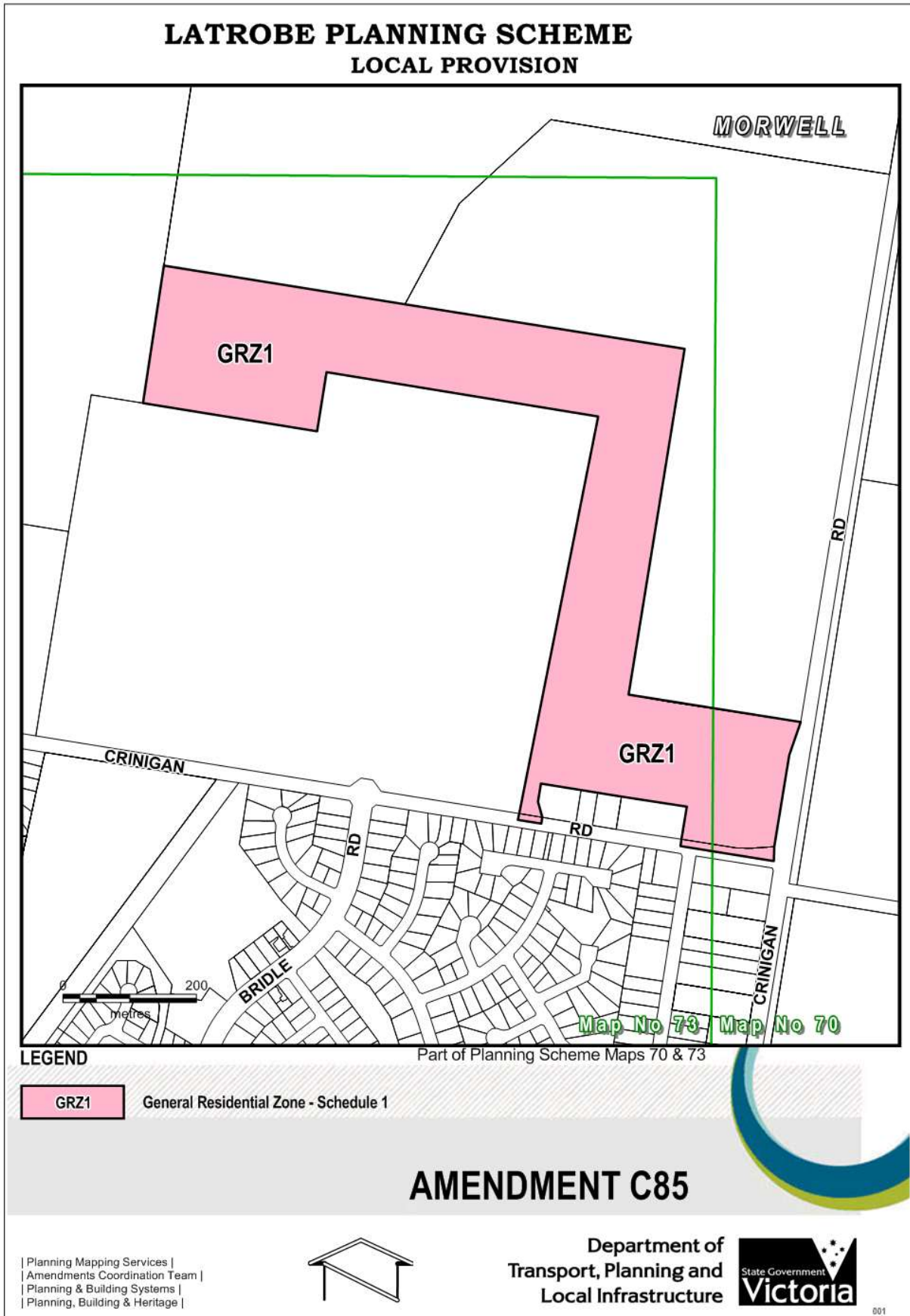
Attachments

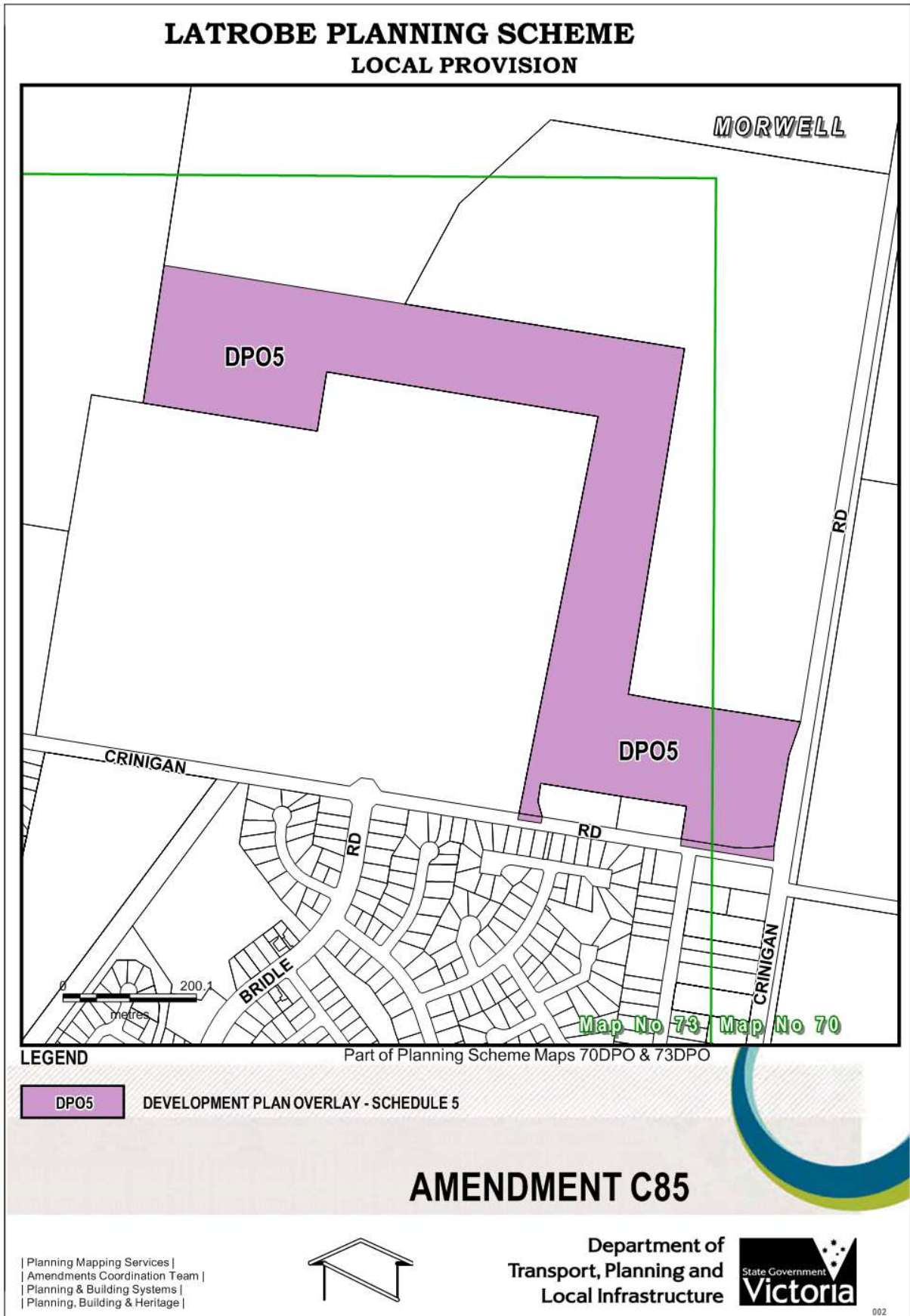
- 1↓ . Zoning and Overlay Maps
- 2↓ . Amendment C85 Subject Site
- 3↓ . Summary of Submissions
4. Submissions (Published Separately) (Confidential)

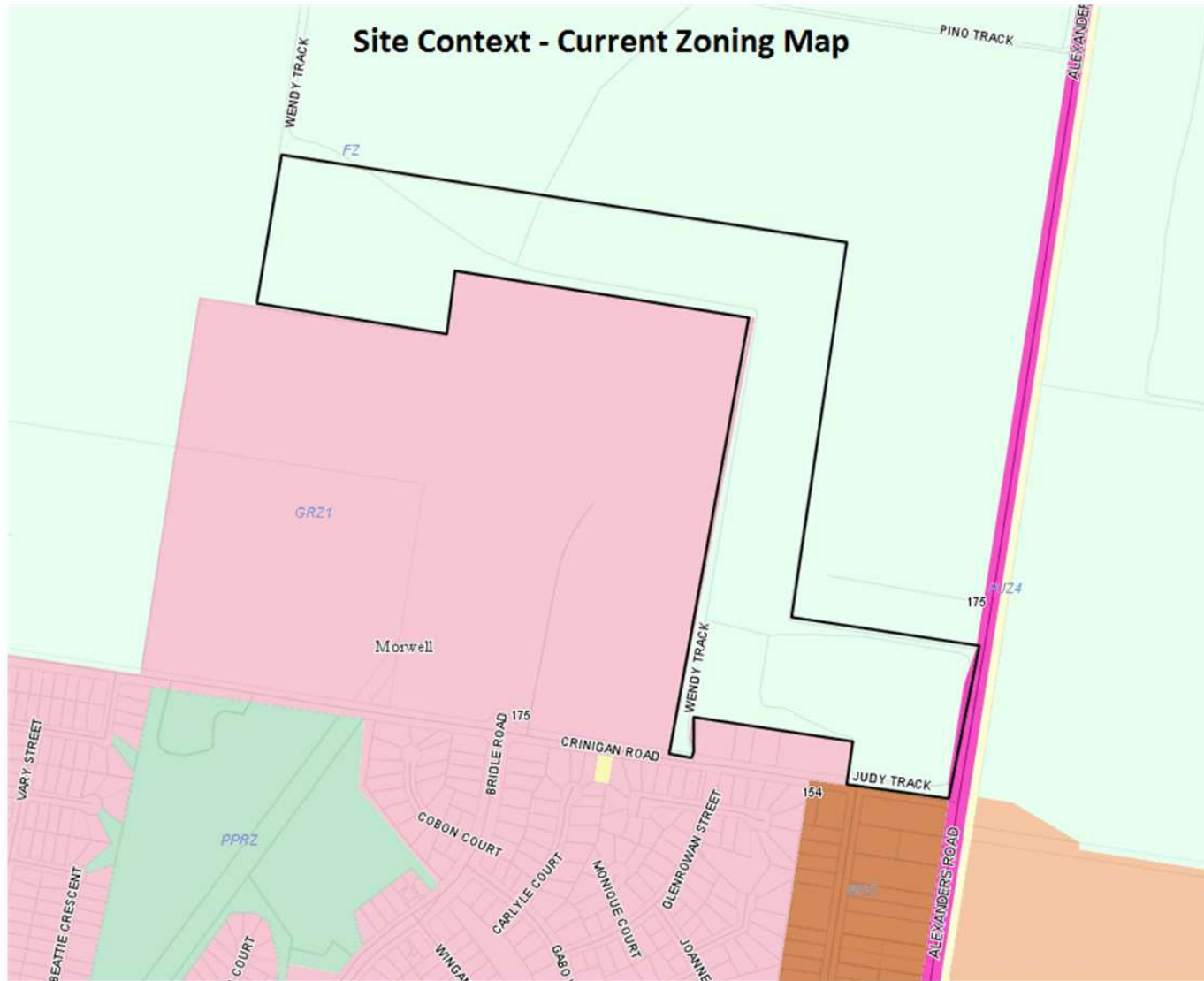
14.5

Planning Scheme Amendment C85 - Crinigan Road, Morwell - Consideration of Submissions

1	Zoning and Overlay Maps	175
2	Amendment C85 Subject Site	177
3	Summary of Submissions.....	179









Summary of Submissions

Sub Number	Submitter	Submission Issue	Planning Comment	Change Required to Amendment C85 Yes/No
1	West Gippsland Catchment Management Authority	<p>Supports the proposed rezoning in principle as it is consistent with the overall Crinigan Road Development Plan.</p> <p>Before the Authority can support any subsequent subdivision, the extensive waterway works recommended in the '<i>Crinigan Road, Morwell Revised Surface Water Management Strategy</i>' (2013) report must be implemented.</p>	Comment of no objection noted.	No
2	APA Group	This proposal will not affect existing gas assets and consequently APA Group has no objection.	Comment of no objection noted.	No
3	Country Fire Authority	<p>The CFA raised concerns regarding:</p> <ul style="list-style-type: none"> The sites close proximity to a long tract of timber plantations to the north and the perceived fire risk this presents; and Relevant State Planning Policy in relation to Bushfire has not been adequately addressed. <p>The CFA requests that the Amendment is referred to a panel to determine;</p> <ul style="list-style-type: none"> If the Amendment meets the objectives and strategies in the State Planning Policy Framework – Bushfire; If appropriate separation between bushfire hazard and future development will be provided; and The most appropriate mechanism for ensuring bushfire risk is mitigated. 	<p>Proximity to Plantations Council officers acknowledge that bushfire consideration needs to be strengthened. Through the planning panel process, council officers would seek the Panel's consideration of applying the Bushfire Management Overlay to the subject site. This would ensure appropriate setbacks and landscaping are provided in those properties that are in close proximity to the plantation.</p> <p>State Planning Policy Officers propose to amend the C85 Explanatory Report and Crinigan Road Development Plan to more adequately respond to State Planning Policy Clause 13.05 (Bushfire). It is proposed through the planning panel process that council officers will outline what changes are required to be made to the Explanatory Report and</p>	Yes

Sub Number	Submitter	Submission Issue	Planning Comment	Change Required to Amendment C85 Yes/No
			Crinigan Road Development Plan.	
4	Donald & Judy Alexander	<p>The submitter has raised concerns regarding:</p> <ul style="list-style-type: none"> • Their loss of access to water and electricity as a result of the subject land being rezoned; and • Impact on their property as a result of the urban interface, such as trespassing, vandalism and harm to stock. <p>The submitter has previously objected and will continue to oppose the implementation of the Crinigan Road Development Plan.</p> <p>(Submission withdrawn)</p>	<p>Access to water and electricity</p> <p>It is understood that the submitter currently has a private water service arrangement in place with Gippsland Water which traverses the land owned by HVP Plantations. If this is to continue in the future, an arrangement would need to be made between HVP Plantations and the submitter as to where the pipe could potentially be relocated to. This is not something that Latrobe City Council or Gippsland Water can determine.</p> <p>If a new arrangement cannot be made, it may be possible that a connection could be made with the new water main infrastructure that will be brought through as a result of any future residential subdivision on neighbouring land. It is noted that a cost would be associated with this connection. Advice from Gippsland Water is that the connection fee would be minor.</p> <p>In relation to access to power, advice from Ausnet Services is that they will not grant Statement of Compliance (i.e. approval) to any subdivision unless any existing services have been rearranged. The cost of rearranging the service would be at the expense of the developer, not the existing customer whose service needs rearranging.</p>	No - submission withdrawn on 14 August 2016

Sub Number	Submitter	Submission Issue	Planning Comment	Change Required to Amendment C85 Yes/No
			<p>Perceived impact on property These concerns cannot be resolved through any planning controls or Amendment C85. The issues of trespassing, vandalism, harm to stock and damage to property are matters for the Victorian Police. The submitter has been encouraged that contact be made with Victoria Police to discuss this further.</p> <p>Opposition to Crinigan Road Development Plan The submitter is not obligated by the overarching Crinigan Road Development Plan or the rezoning of this subject site to further develop their land. The submitter can continue their farming operations if Amendment C85 is approved.</p> <p>Note: Submission was withdrawn</p>	
5	Australian Paper	<p>Accepts the proposed Amendment C85.</p> <p>This land is located outside of the Amenity Buffer included in the Traralgon Growth Areas Review and Planning Scheme Amendment C87.</p>	Comment of no objection noted.	No
6	HVP Plantations	<p>Supports the rezoning of the land at Crinigan Road Morwell to General Residential Zone.</p> <p>Request that HVP be provided with an opportunity to participate in the planning panel process if a panel is appointed.</p>	Comment of no objection noted.	No

14.6 ANZAC Day & Remembrance Day Traffic Management Expenses

General Manager

City Development

For Decision

EXECUTIVE SUMMARY

This report seeks Council's decision as to whether Council will fund traffic management expenses for ANZAC and Remembrance Days services/parades held across the municipality into the future.

Traffic management on ANZAC Day and Remembrance Day is a legislative requirement once a road closure takes place, with RSL Branches responsible for a range of activities. Latrobe City Council historically has provided event management facilitation (documentation and other administrative assistance) with traffic management and compliance to help with event deliverables using officer time only, but no direct financial assistance. Council is responsible for providing traffic management for its own events, and does not have a responsibility to provide traffic management services for non-council events.

In early 2015, a request was made from local RSL Branches for Latrobe City to fund the traffic management costs associated with the 2015 ANZAC Day services/parades held by the Traralgon, Morwell and Moe RSLs. This followed a significant rise in traffic management compliance and training requirements that in turn added to costs. Council agreed to the request, at a cost of \$17,239.94.

Subsequently, Council resolved at its Meeting on 25 May 2015 to cover traffic management costs for ANZAC Day 2016 and Remembrance Day 2015 ceremonies as part of the 2015/16 financial year.

At its Ordinary Council Meeting held on 20 June, 2016 Council then resolved to cover the costs associated with Latrobe City RSL road closures for Remembrance Day 2016. Council also resolved to continue to lobby the State and Federal Governments to cover the ongoing costs associated with ANZAC and Remembrance Day (to date this has yielded no positive outcome); and to seek a further report regarding options to support these events in future years.

In accordance with the above resolutions, in 2016 Council funded traffic management provisions for both ANZAC Day and Remembrance Day services/parades across the municipality.

Going forward, Council can choose to continue to pay for traffic management costs incurred by local RSL clubs for the remainder of the Commemoration period of World War 1 (2018); whilst continuing to lobby other levels of government to meet such expenses. However, this has not been budgeted for in Council's 2016/17 budget, and to date has not been anticipated in the 2017/18 budget process.

Alternatively, Council could also assist the RSL clubs to seek other means of covering such expenses, such as corporate sponsorship, or possibly seek the engagement of other service organisations to help defray the cost of traffic management expenses.

Council also has the option of not funding the RSL traffic management costs, inviting the RSL clubs to apply to Council or other bodies for a grant to facilitate event costs or to fund the expense within their own means.

Traffic management costs for ANZAC Day and Remembrance Day in 2017 are estimated at approximately \$23,500.

MOTION

Moved: Cr Harriman

Seconded: Cr Gibson

That Council:

- 1. Allocates funds to cover traffic management costs for ANZAC Day and Remembrance Day through to the end of 2018 when the commemoration period of the ANZAC Centenary ends and advises local RSL Clubs accordingly; and**
- 2. Continues to work with local RSL Clubs to lobby other levels of government to meet such expenses on an ongoing basis; and**
- 3. Explores the possibility of sourcing corporate sponsorship and engaging other service organisations to assist with traffic management operations; and**
- 4. Reviews the situation in late 2018 in advance of 2019 ANZAC Day and Remembrance Day planning.**

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

Across the municipality there are seven ANZAC Day services/parades held annually which require traffic management and are delivered by the following RSL Branches or groups:

Traralgon RSL – Traralgon, Tyers and Glengarry.

Morwell RSL - Morwell and Yinnar

Moe RSL – Moe

Yallourn/Newborough RSL – Newborough

Yallourn North Action Group – Yallourn North

ANZAC Day goes beyond the anniversary of the landing on Gallipoli in 1915. It is the day on which we remember all Australians who served and died in war and on operational service. The spirit of ANZAC, with its qualities of courage, mateship, and sacrifice, continues to have meaning and relevance for our sense of national identity.

Prior to 2015, it was the responsibility of our local RSL Branches to manage, pay for and deliver the commemorative activities associated with both ANZAC Day and Remembrance Day. Local RSL Branches had the following responsibilities to undertake a compliant and successful event:

- Public transport notifications and submission of public transport plan;
- Submission of traffic management plan to Vic Roads, including risk assessment;
- Work with Council to approve traffic management plan, event management plan and compliance;
- Engage a traffic control company to comply with traffic management plan and Vic Road standards; and
- Public notices, signage and other notifications.

In early 2015, a request was made from local RSL Branches for Latrobe City to fund the traffic management costs associated with the 2015 ANZAC Day services/parades held by the Traralgon, Morwell and Moe RSLs. This followed a significant rise in traffic management compliance and training requirements that in turn added to costs.

Subsequently, Council resolved at its Meeting on 25 May 2015 as follows:

1. *That Council write to the State Government requesting that the traffic management State regulations be reviewed to make provision for traffic management associated with conduct of ANZAC Day and Remembrance Day ceremonies being organised by local RSL organisations on a voluntary basis be exempt from the need for all participants to be accredited.*
2. *That the State Government auspice the provision of appropriate insurance arrangements to meet the above proposal.*
3. *That Council covers the traffic management costs for ANZAC Day and Remembrance Day ceremonies in the 2015/16 financial year unless the State Government covers the costs for the RSL organisations or exempts accreditation for RSL volunteers from the traffic management State regulations.*

At its Ordinary Council Meeting held on 20 June, 2016 Council resolved as follows:

That Council:

1. *Covers the cost associated with the Latrobe City RSL's road closures for Remembrance Day 2016;*
2. *Continues to lobby the State and Federal Governments to cover the ongoing costs associated with ANZAC and Remembrance Day; and*
3. *Seek a further report regarding options to support these events in future years.*

Since 2015, Latrobe City Council has provided the following support mechanisms to assist our local RSL Branches with traffic management for their services/parades:

- Engagement of an experienced traffic management company to create new event Traffic Management Plans (TMP), compliant with VicRoads provisions;
- Creation of a TMP document for each ANZAC Day parade/service;
- Submission on behalf of all ANZAC Day parades/services the relevant Transport Victoria and Public Transport notifications;
- Provided volunteer training to 200 people through a registered volunteer training organisation; and
- General support including Council approval process and waiver of traffic management fees

Benchmarking

Some benchmarking of how other Councils and regions handle ANZAC Day arrangements was undertaken in 2013. This information is provided in attachments to this report for Council's information.

Advocacy

In line with the resolutions shown above, Council wrote to other levels of Government, but did not receive a positive response.

The ANZAC tradition—the ideals of courage, endurance and mateship is still relevant today and in recent years there has been a resurgence of interest in ANZAC Day, with attendances, particularly by young people, increasing across Australia.

Traffic management on ANZAC Day and Remembrance Day is a legislative requirement once a road closure is involved, with RSL Branches traditionally being responsible for payments relating to traffic management activities and Latrobe City Council historically providing event management support (in the form of document completion and other administrative assistance) with traffic management and compliancy to ensure event deliverables.

With Council resolving to fund the associated costs for local RSL Branches to deliver 2015 and 2016 ANZAC Day and Remembrance Day traffic management provisions, there is a risk that our local RSL Branches might expect that Council will continue to fund traffic management costs for years to come. (Note that there has been no financial support forthcoming from either Federal or State Government for cost mitigation purposes).

The Commemoration period in relation to the Centenary of the First World War extends through to the end of 2018 and this provides a logical timeframe for continued Council assistance.

Going forward, Council can choose to continue to pay for traffic management costs incurred by local RSL clubs indefinitely, or only during the remainder of the Commemoration period (to the end of 2018); whilst continuing to lobby other levels of government to meet such expenses. Council can also seek other means of covering such expenses, such as corporate sponsorship, or possibly seek the engagement of other service organisations to help defray the cost of traffic management expenses.

Council also has the option of not funding traffic management costs during the remainder of the Commemoration period and inviting RSL Clubs to apply to Council or other bodies for a grant to facilitate event costs.

STAKEHOLDER CONSULTATION

Local RSL Clubs, Council officers and State and Federal Government representatives have been consulted in relation to this matter.

FINANCIAL AND RESOURCES IMPLICATIONS

Costs for ANZAC Day and Remembrance Day traffic management expenses in 2017 amount to approximately \$23,500. There is currently no provision in the 2016/2017 Budget for this expenditure. Such provision can be provided in the Mid-Year Review if Council decides to cover the outlays.

RISK IMPLICATIONS

ANZAC Day and Remembrance Day are important national days of commemoration and the community and the media are likely to be sensitive about any perceived differences of opinion around meeting traffic management costs for such events.

This fact, coupled with the short lead-up time now available to ANZAC Day 2017, means that risks will be reduced if Council follows the precedent of the last two years and agrees to meet such expenses, at least for the remainder of the Centenary Commemoration period.

Failure to adequately provide and fund safe traffic management arrangements may place participants and members of the general public in danger.

CONCLUSION

This report has presented Council with recommendations in relation to the matter of funding traffic management costs associated with the ANZAC and Remembrance Days services/parades to be held across the municipality in 2017, 2018 and beyond.

SUPPORTING DOCUMENTS

Nil

Attachments

- 1↓ . ANZAC Day Benchmarking Gippsland 2013
- 2↓ . ANZAC Day Benchmarking Other Regions 2013

14.6

ANZAC Day & Remembrance Day Traffic Management Expenses

- | | | |
|---|---|-----|
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| 2 | ANZAC Day Benchmarking Other Regions 2013 | 191 |

ANZAC DAY SUPPORT

Question	Latrobe City Council	Bass Coast Shire	Baw Baw Shire	Wellington Shire	East Gippsland Shire	South Gippsland Shire
How many ANZAC Day parades are held in your municipality?	6 parades - Moe, Morwell, Newborough, Traralgon, Glengarry and Yinnar	4 parades - Wonthaggi, Cowes, Bass and Inverloch	Warragul, Drouin, Trafalgar	10 ANZAC Day Services (Briagolong, Heyfield, Loch Sport, Maffra, Port Albert, Rosedale, Sale, Seaspray, Stratford, Yarram) 8 of these services have parades	6 - Lakes, Bairnsdale, Paynesville, Meting, Bruthen, Orbost, Omeo.	14 services/11 localities inc up to 6 parades and 3 dawn services.
Does your municipality support these parades financially? If so, how much and for what purpose?	In-kind support provided with council officer time. Annual traffic controllers course training costs \$4600 & cost of signage upkeep approx \$1000. Cost of Wreaths.	No	Budget allocated for provision of traffic management (contractor). Estimate \$5000 to be confirmed next week In-kind officer support (wreath laying)	Payment directly to traffic management companies for 5 parades (\$5,000 - \$7,000) Advertisements placed in local newspapers. In kind support from council staff.	We pay for the road closure for the Bairnsdale parade, and road closures for the dawn service at Bairnsdale - est \$7,000. No other support provided, .	no
How many Council/Shire Officers support the parades?	3 - Council Events staff, Traffic Engineer - Councillors	2 Council Events Officers, 4 Community Safety Officers	1 - Councillor/CEO office staff	Grants Officer, Councillor Support Officer, Communications Team	1 - Council Events staff	no direct role but promotion undertaken if Council provided with information by march organisers, and official wreath laying attended by mayor and Councillors at Leongatha cenotaph and often a formal role undertaken by a Councillor at other towns
Does your municipality provide Traffic Management support?	Provides assistance with traffic management plans and approvals, supplies equipment for closures and traffic controllers training	In kind support with planning and permits. Council develops and implements traffic plans for each march	Council obtains all Council/VicRoads/Vic Pol permits, TMPs Council does not provide traffic management or control, contractor does	Approval of MoA's. Cover the Cost of road closures through traffic management companies. Parades without a traffic management company are supported by VICPOL	Pay for the road closure in Bairnsdale (Outsourced as it's too complicated for Council)	some support for Meeniyah with assistance with developing plan and loan of signs. This is the only town that has asked.
Does your municipality provide Traffic Management Plans?	Yes - updated when required to meet changes to event and road act - estimated cost per plan - \$250 - \$500 ea	Yes. Council develops the Traffic Management Plans	Obtained from/updated by traffic management contractor	Traffic management plans come through traffic management companies who are responsible for seeking approvals and permits	NO	yes-Meeniyah but they lodge the plan
Does your municipality assist with the Traffic Management approval process?	Yes - Provides written documentation for TMP and including public transport notifications	Yes. Events team assists with all necessary processes	All TMPs and requests for road closures are reviewed and approved internally by Infrastructure dept - part of event approval process via Events Officer	Signing of MoA's and advice from Local Laws as required.	A Temporary road closure permits is provided for some events - most events road closers are done by the local police.	if requested
Does your municipality provide financial assistance to RSL Branch members to obtain Traffic Management qualifications? If so, how much?	Yes - Annual traffic controllers training course provided by ATC annual cost \$4600	Council arranges traffic management training for community groups. RSL groups are eligible to take up this training	No (but good idea)	No, We do not provide training opportunities. The Wellington Shire does not have any roles responsible for events to events.	Not annually, but we have offered training to all event managers - no members of the RSL took it up for ANZAC parades.	no but Council does provide traffic management training to community volunteers who then help at a number of community events
Does your municipality install and managed the traffic closures? If so, who is responsible for the closures?	No. Yinnar, Newborough & Moe are installed by community groups who we have been trained as traffic controllers. Moe, Traralgon & Glengarry have engaged alternative traffic management groups this year.	Yes. Council's Events and Community Safety Officers install and manage the closures in each town	Fully outsourced to contractor	No - The Traffic management company installs and manages the road closure or it is managed by Victoria Police.	No. As noted above, we outsource Bairnsdale, and most other are done by the Police or other service organisations.	no
Does your municipality provide RSL Branches with Traffic Management infrastructure?	Yes - currently for all parades except Moe.	Yes	No.	No - This is supplied by Victoria Police or the Traffic Management Company.	No we haven't, but we do have limited supply available if they want it.	If requested Council provides a limited number of signs. This has not often been requested officially to date

ANZAC DAY SUPPORT - OTHER REGIONS

Question	Moira Shire	Wodonga	Mildura RACK	Central Goldfields	Yarra Ranges	Whittlesea
How many ANZAC Day parades are held in your municipality?	4 - Nathalia, Yarrawonga, Cobram & Numurkah	1 - City Municipality Only	1 x Parade - Mildura. 5 - Ceremonies at Ouyen, Melding, Prymple & Red Cliffs	5	5 x parades	No Parades - Wreath laying at Epping & Whittlesea
Does your municipality support these parades financially? If so, how much and for what purpose?	Traffic Control	\$3500 for traffic management	In an adhoc manner, via traffic management - which is currently under review	Traffic management	No Perhaps costs from Ward funding?	N/A
How many Council/Shire Officers support the parades?	Nil	2 x events officers plus mayor & attendants & Engineers who approves road closure	Traffic management staff for set-up and pack down. No facilitation support.	Unsure	None	N/A
Does your municipality provide Traffic Management support?	Traffic Control at Cobram & Numurkah only	Yes - approval only. RSL engages traffic Management Company	Yes	Yes	No	N/A
Does your municipality provide Traffic Management Plans?	No	No	Yes	Yes	No	N/A
Does your municipality assist with the Traffic Management approval process?	Just a given	Yes - approval and notice in the paper	No	Yes	Yes	N/A
Does your municipality provide financial assistance to RSL Branch members to obtain Traffic Management qualifications? If so, how much?	No	No	Yes - as directed by Infrastructure Services Coordinator	No	No	N/A
Does your municipality install and managed the traffic closures? If so, who is responsible for the closures?	Yes, but just minimal	No - RSL engages traffic company	No	Yes - but not all	No	N/A
Does your municipality provide RSL Branches with Traffic Management infrastructure?	No	No - all through traffic management company		Yes	No	N/A

ANZAC DAY SUPPORT - MELBOURNE - METRO

Question	Brimbank City Council	City of Monash	City of Casey	Melton City Council	City of Darebin	
How many ANZAC Day parades are held in your municipality?	1 x Parade in Sunshine	City of Monash do not facilitate parades. We do however support Memorial Services	2 x parades - Cranbourne & Berwick	One only	Unsure - Services held at local cenotaph where all Councillors and Mayor attends	
Does your municipality support these parades financially? If so, how much and for what purpose?	No Support provided. Local police have traditionally provided the traffic management for the Sunshine RSL who run the Parade	No	Look after traffic management and event approval for Cranbourne. At Berwick only event approval. Looking at handing everything back to Cranbourne.	No financial assistance provided	N/a	
How many Council/Shire Officers support the parades?	They do not support RSL Parades, but do provide substantial support for "Freedom of the City by local RAAF & Army Cadets - that includes TMP Plan & implementation - approx \$6 - 7,000		Traffic team/Events Unity for Cranbourne	2 x Council staff, Councillors attend	N/a	
Does your municipality provide Traffic Management support?	No	No	Yes - traffic unit applies to Vic Roads on behalf of the Group	Yes, Engineering team provides support and implementation on the day	N/a	
Does your municipality provide Traffic Management Plans?	No	No	Yes - through traffic management company	Yes, Engineering team provides support and implementation on the day		
Does your municipality assist with the Traffic Management approval process?	Yes - though RSL have bypassed the Event Permit Process in the last 2 years		Yes - applies to Vic Roads	Yes TMP sent from Council to Vic Roads	N/a	
Does your municipality provide financial assistance to RSL Branch members to obtain Traffic Management qualifications? If so, how much?	No	No	Only if they apply for a grant	No financial assistance provided	N/a	
Does your municipality install and managed the traffic closures? If so, who is responsible for the closures?	No	No	Traffic Management company do this	Yes	N/a	
Does your municipality provide RSL Branches with Traffic Management infrastructure?		No	Yes through traffic management company	Yes	N/a	

14.7 Victorian Water Ski Association - International Event Attraction Support

General Manager

City Development

For Decision

EXECUTIVE SUMMARY

This report seeks Council's decision in relation to obtaining the hosting rights for the second Latrobe City International Water Ski Open, an event which has the opportunity to become a signature event for years to come in Latrobe City.

In 2016 Latrobe City hosted the first year of the event. The event attracted 16 of the top water skiers in the world. The Economic Benefit that was derived from the event was \$172,047. While having a total attendance of approximately 197 people, the event was well televised throughout Australia and internationally via webcast, YouTube and a post event review on Foxtel.

The next proposed event is scheduled for 4 and 5 March 2017 at Lake Narracan and will attract top ranked men and women water skiers from across the globe. It will be the second biggest event of its type in Australia. With the addition of Trick and Jump, the event organisers expect a significant increase in participants and spectators of up to 1,600 people. By utilising the number of competitors and spectators supplied by the Victorian Water Ski Association, the projected economic impacts for the 2017 event, based on the proponent's information, is \$1,109,040.

This event is being hosted at the Lake Narracan water ski course. This course is an international standard course, which allows records to be set. With the event being held the weekend prior to Moomba Masters, the event organisers expect that many competitors and their entourage will attend the Latrobe City International Water Ski Open to practice and compete in preparation for Moomba Masters.

The Victorian Water Ski Association is seeking Council's financial investment of \$54,940.00 to deliver the event, however in the first instance other options of support will be considered. The Victorian Water Ski Association has been advised that the required financial support has the potential of being sourced through a combination of avenues to mitigate costs for the event, however these cannot be guaranteed.

An application was submitted to the Victorian State Government's Regional Events Fund for \$50,000 and Council has been advised that the sum of \$25,000 has been awarded. This means that the cost to Council of meeting the investment requested in 2017 is effectively reduced to \$29,940, compared to a net outlay of \$34,184 for the 2016 event.

To compare the request for funding to other major events of this calibre and/or similar monetary support, please see below:

- 2016 Latrobe City ATP Tennis Challenger: \$25,000 hosting fee with a total economic impact return of \$922,824
- 2016 AFL Victoria V/Line Cup: \$35,000 hosting fee with a total economic impact return of \$2,678,340

MOTION

Moved: Cr Gibson

Seconded: Cr Law

That Council:

- 1. Obtains the hosting rights to the 2017 Latrobe City International Water Ski Open through an investment of \$54,940 (net \$29,940 after \$25,000 government grant received); and**
- 2. Considers its sponsorship of the event in future years based on a future report detailing the results of the 2017 event; and**
- 3. Advises the Victorian Water Ski Association accordingly.**

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

In 2016, the Victorian Water Ski Association requested \$50,000 from Council to underwrite the 2016 Latrobe City International Water Ski Open. On 14 September 2015, Council resolved to:

- 1. Endorse the attraction of the 2016 Victorian Waters Ski Association International Water-Skiing Event at Lake Narracan; and*
- 2. Underwrite the required \$50,000.00 to host the event and support the event organiser with cost mitigation initiatives.*

A letter was sent to the Victorian Water Ski Association on 4 November 2015, from then Mayor, Cr Dale Harriman detailing the above resolution.

To assist with the cost mitigation of the event cost, Latrobe City Council events team submitted an application for the State Government Significant Sporting Events Program for \$20,000. On 7 March 2016, Council was notified that it was successful in its application for a Significant Sporting Events Program Grant to the value of \$10,000. Obtaining the \$10,000 grant allowed Council to reduce its subsidy.

The final invoice that Council paid to host the 2016 Latrobe City International Water Ski Open was \$44,184. Subtracting the Significant Sporting Events Program Grant, Council paid \$34,184 to the Victorian Water Ski Association to host the event.

The organisers have approached Council regarding the hosting of a second Latrobe City International Water Ski Open. The Victorian Water Ski Association has provided correspondence (Attachment 1) and an event budget (Attachment 2) which outlines the associated cost to deliver the event in Latrobe City.

As detailed in attachment 1, The Victorian Water Ski Association is seeking Council's financial investment of \$54,940 to deliver the event. In order to defray this expense, an application was submitted to the Victorian State Government's Regional Events

Fund for \$50,000 and Council has been advised that the sum of \$25,000 has been awarded.

This means that the cost to Council of meeting the investment requested in 2017 is effectively reduced to \$29,940, compared to a net outlay of \$34,184 for the 2016 event.

STAKEHOLDER CONSULTATION

Consultation in relation to this matter has been conducted with the Victorian Water Ski Association and relevant Council officers.

FINANCIAL AND RESOURCES IMPLICATIONS

With Latrobe City attracting a number of high calibre events in 2016/2017 such as the JLT Community Series AFL Preseason Match and the WNBL Fixture Match, the Event Attraction and Facilitation Budget has insufficient funds to allocate to this request from the Victorian Water Ski Association.

Meeting the recommendation in this Report will thus result in the net amount of \$29,940 as emergent expenditure.

RISK IMPLICATIONS

To not accede to the request from the Victorian Water Ski Association may see the event compromised or lost to another region, together with the attendant loss of economic benefit and potential damage to the positive relationship developed with this body in 2016.

CONCLUSION

The 2017 Latrobe City International Water Ski Open attracts top ranked men and women water skiers from across the globe and would be the second biggest event of its type in Australia.

In identifying International Events such as this and continuing to grow Latrobe City as a highly attractive and sustainable events destination, Council is helping to build its economic, community and city reputation.

SUPPORTING DOCUMENTS

Latrobe City 2013 – 2017 Events Strategy and Action Plan.

Attachments

- 1↓ . Victorian Water Ski Association Correspondence
- 2↓ . Victorian Water Ski Association Budget

14.7

Victorian Water Ski Association - International Event Attraction Support

- 1 Victorian Water Ski Association Correspondence 197
- 2 Victorian Water Ski Association Budget 199



Correspondence: P.O. Box 236
St. Kilda
Vic 3182
Email: waterskivic@bigpond.com
Phone: 03 9531 1388
Fax: 03 9525 6078

Water Ski Victoria

Victorian Water Ski Association

(A Company Limited by Guarantee)
ACN 004 781 926

ABN 69 004 781 926

President:
Darren Robertson
info@mabicconstructions.com.au
0418 928 931

Secretary:

21 December, 2016

Attention: Jessica Lloyd
Latrobe City Council
P.O. Box 264,
MORWELL 3840

Dear Jessica

RE: Latrobe City International Open 2017

This Event has changed from a Slalom Men's & Women's Event only to a Slalom Men's & Women's and a Three Event Men's and Women's.

The Three Event side of this entails 3 Facets of the Sport;
1 being Slalom which accumulates points,
2 being Trick, which also accumulates points
And a Jump Event.

The points from the Three Events give them an overall score which gives you your winners.

We have split the prize money but to make it a world ranked Event, we need an Extra \$10,000.00.

All monies go to the Athletes as prize money and are not used for the running of the Event.

We require in total the sum of \$54,940.00 from yourselves to run this Event.

Regards



Darren Robertson
Victorian Water Ski Association - President

Budget Figures for Latrobe Water Ski Competiton 2016

In Kind Services

Supply of Boats Ski 200's inkind support	\$ 5,000.00	Nautique
Boat and Equipment Support - inkind Services	\$ 5,000.00	Ski Force Victoria
Competitor Bibs	\$ 1,200.00	Nautique
Splash Eye Waterski Measuring System	\$ 3,000.00	Victorian Water Ski Association
World Judges X 5 & Local Judges X10	No charge	Victorian Water Ski Association & Latrobe Waterski Club
Webcast - Telstra Uploads	\$ 1,080.00	
Fuel	\$2,430.00	
		\$ 14,710.00
Expenses Inc GST		
Fixed onsite Cameras and Operation	\$ 1,930.00	
Hotel rooms	\$ 1,220.00	
Prize Money	\$ 45,000.00	
Webcast - Camera Man X 2 Days	\$ 2,000.00	
Webcast - Camera Hire & Motel Room X 2	\$ 2,560.00	
Food & Drink for Judges X 2 days	\$ 500.00	
Survey of Course	\$ 1,730.00	
		\$ 54,940.00
Total Cost to Run Event		\$ 69,650.00

INFRASTRUCTURE AND RECREATION

15. INFRASTRUCTURE AND RECREATION

15.1 Agnes Brereton Reserve Court Renewal - Tender Process Review

General Manager

Infrastructure and Recreation

For Information

EXECUTIVE SUMMARY

This report presents to Council the results of the review of the tendering process for the Agnes Brereton Reserve Court Renewal project.

At the 2 May 2016 Council meeting under urgent business Council resolved to refer in part as follows.

“Requests that the tender and contract weighting and awarding for the Agnes Brereton Park Traralgon resurfacing of the netball courts, with emphasis on the weightings awarded to the winning contractor in relation to past history and ability to do the work, be sent to the Audit and Risk Committee for review and a report be brought back to Council on the findings of this review; and . . .”

A report providing information on the tendering process was provided to the 1 December 2016 Audit and Risk Committee Meeting. The Committee recommended a review of the conflict management process.

Council officers will update relevant operational policies, procedures and templates to ensure any contractor conflict of interest is declared during the tendering process and that there is a clear process identified for when a conflict is declared.

MOTION

Moved: Cr McFarlane

Seconded: Cr Howe

That Council notes the review of the Agnes Brereton Reserve Court Renewal project tendering process.

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

The Netball Courts within the Agnes Brereton Park were recently reconstructed to:

- widen the playing surface pavement to increase the runoff distance,
- overlay the court in hotmixed asphalt, and
- to apply an acrylic playing surface.

Following application of the acrylic surface brown stains appeared caused by iron pyrite contaminants reacting with rain water in the rock used in the hotmixed asphalt concrete overlay.



Figure 1 - Agnes Brereton Park - 96 Breed Street Traralgon

Council Officers investigated the cause and worked with the contractor to develop a remediation plan. The contractor undertook remedial work at their cost, consisting of:

- Grinding of the courts to remove the acrylic surface and the top of the applied asphalt surface.
- Pressure cleaning the asphalt surface to remove imperfections.
- Applying 4 coats of waterproofing being: 1 x Acrylic Resurfacer, 1 x Stain Blocker, 2 x acrylic top coat.
- Re-linemarking.

Remediation of the front 4 courts was completed 11 April 2016, and the back 6 courts Thursday 27 April. Netball games resumed on 29 April 2016, the Saturday following the application to the back 6 courts damage occurred to the newly applied acrylic surface.

Item 1 of a resolution under Urgent Business at the 2 May 2016 Ordinary Council meeting resolved to refer the tendering process to the Audit and Risk Committee for review.

This was referred to the 1 December 2016 Audit and Risk Committee meeting. Attachment 1 is the Officer's report to the Audit and Risk Committee and Attachment 2 is a copy of the full resolution and an extract from the minutes relating to the report.

The Audit and Risk Committee resolved as per the Officer's recommendation to note the report, however went further and included an action for Council to consider regarding management of conflict of interest of tenderers during the tendering process (see Attachment 2).

Council Officers currently manage the declaration of Conflicts of Interest in accordance with the Procurement Policy and associated operational policies and procedures.

In accordance with Latrobe City Council's Supplier Code of Conduct, suppliers are to inform Council of any conflict of interests during their engagement by Council. In recognition of the Audit and Risk Committee's recommendation however, Officers will update relevant operational policies, procedures and templates to ensure there is a requirement for contractors to declare any conflict of interest during any tendering process along with identifying the required process where a conflict is declared.

STAKEHOLDER CONSULTATION

Consultation occurred between the Infrastructure Development Department and the Finance Department as it relates to the tendering process and the conflict of interest management provision.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications in the recommendation or arising from the actions indicated in the report. Any changes to the templates would be under normal operating budget expenditures.

RISK IMPLICATIONS

As this report is related to a review of tendering and the recommendation is to receive the report, there is no risk implication.

CONCLUSION

Following staining by a contaminant within the hotmixed asphalt pavement surface of new acrylic surface applied to the Agnes Brereton Netball Courts a remedial treatment was applied. The treatment showed further defects and Council resolved that Officers should seek the Audit and Risk Committee to review the tendering process.

This was reported to the Audit and Risk Committee on 1 December 2016 and the members recommended Officers increase the conflict of interest protection within the documentation.

Officers are already aware of and address conflict of interest aspects as part of the evaluation process (internal management) and will consider favourably the recommendation to include a declaration by tenderers that they have no conflict of interest and have not colluded during the tendering process in the procurement templates.

SUPPORTING DOCUMENTS

Nil

Attachments

1. Audit Committee Report (Published Separately) (Confidential)
2. Council Resolution and Audit and Risk Committee Minutes (Published Separately) (Confidential)

15.2 Henry Street, Traralgon - Resident Exempt Parking analysis

General Manager

Infrastructure and Recreation

For Information

EXECUTIVE SUMMARY

This report responds to the 5 December 2016 Council resolution that Officers provide a report on Permit Parking for residents on Henry Street, Traralgon from Breed Street to Albert Street to the first Council meeting in 2017 and to undertake consultation with the residents of that block.

Consultation and an assessment of the parking demand could not adequately be undertaken during the mid-summer holiday period and therefore this report is in response to Item 1 of the 5 December 2016 resolution. Item 1 of the resolution is to present a review of parking permit methods to assist residents when impacted by an external parking demand.

Resident Exempt Permit Parking is where Council erects parking restrictions on a street and exempts residents from that restriction.

The benefit to the resident is dependent on the parking restriction put in place. A No Stopping Anytime restriction provides the residents almost exclusive access to the street parking, and a time restriction of several hours provides little benefit. The most common time limit restriction is 2 hours, which provides reasonable parking opportunities to the residents while still providing access to parking for motorists from outside the street block.

The decision as to which restriction to impose is dependent upon factors such as the availability of on-site parking and the external demand for on-street parking.

Council does not have a system in place to manage Permit Parking or Resident Exempt Parking. Signs must be erected, residents vehicles registered with Council, permits issued, and a system to not book registered vehicles in the zone. The indicative cost to erect signs and implement the system is approximately \$4,000, and ongoing costs of approximately \$1,000 per year to manage the system.

MOTION

Moved: Cr Harriman

Seconded: Cr White

That Council:

- 1. Notes the report providing information on Resident Exempt Permit Parking; and**
- 2. Requests a further report be provided with the results of the parking occupancy study and consultation with residents and businesses of Henry Street, Traralgon from Breed Street to Albert Street.**

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

General background and concept

On 5 December 2016 Council resolved to investigate and report on a scheme to assist residents on Henry Street, Traralgon with the impact of external parking on their neighbourhood amenity as follows.

That Council:

- 1. Requests that a report be brought back to the first Council Meeting in 2017 regarding the introduction of a permit zone for resident parking in Henry Street, Traralgon between Breed Street and Albert Street that explores, at a minimum, the parking characteristics, potential impacts, and how a permit system could be implemented; and*
- 2. Undertake consultation with the residents in Henry Street in relation to the proposal for a permit zone*

A road's primary purpose is for the conveyance of people and goods. Where the constructed portion of a road is not required for this purpose it can be used for parking. Unless Council erects parking restrictions, by default there is no limit to the time that a person can legally park on a road – including in front of another person's property.

Typically, commercial or industrial areas create a demand for long term parking for employees or customers. Although on-site parking for commercial enterprises may be provided, frequently this is insufficient to support a business's needs. Or it may simply be more convenient or less expensive to employees to park on the street.

Council Officers believe that although even a resident does not have exclusive right to park in front of their house, a reasonable amenity should be maintained by providing parking opportunities throughout the day on the block for all residents of that block. One common mechanism to do this is to use a parking permit system to ensure.

There is no set requirement in relation to how "inconvenienced" by external parking a street must be before taking action, although some traffic engineers assume that a block is considered under stress when 85% of the parking is occupied.

It is generally accepted by traffic officers that a property is adequately served if there is parking within a "convenient distance". This distance is undefined and it could be influenced by whether the person has on-site parking and wants to park on the street for the convenience of not driving onto their property.

Some heritage properties were developed with no on-site parking at all. If a resident's only option is to park on the street, this is a very strong reason for Council to ensure they have priority access to street parking.

Resident Exempt Permit Parking

The most common way to secure access to the street for residents is with Resident Exempt Permit Parking. Resident Exempt Permit Parking zones consist of a parking restriction to which residents vehicles (registered in the system for that zone) are exempt.

Drawbacks of resident exempt parking

- The restrictions apply also to visitors to residents in the area, to tradespeople working in the area, and even to the owners vehicles that are not registered to that block.
- As it is currently unrestricted, Officers will need to include this as a specific zone to be covered, hence increasing the patrols.
- Resident exempt parking has a tendency to simply shift the external demand to the next block, therefore requiring more zones in the future. This can be handled with judicious application of the zones.
- There is a resource and financial cost to manage the system. Officers need to identify vehicles as being registered for that block and therefore issue permits to householders that are generally displayed in the vehicle window. The permits are vehicle specific so that it is a benefit to only the property owner (in some circumstances they have been “traded” for profit).
- In addition to the identified costs below, officer experience is that the owners will frequently not register new vehicles, challenge legitimate infringement notices, etc., which requires investigation and resolution each time. Identified costs include:
 - A permit system to be built into the existing Pathways Corporate system and the creation and management of forms and the overall system (~\$3,500 one-off cost)
 - Additional signage (~\$150 per sign is approximately a \$500 one-off cost)
 - Distribution of permits on an annual basis (~\$500 to \$1,000 per year depending on the extent)
 - Additional inspections of the new zone will be required. Assuming 1 hour per week that is approximately \$300 per year
- An isolated zone where it is not obviously required will not be expected by the motorist and may be seen as a “revenue raiser”

Options for resident exempt parking:

As mentioned there are several permutations for resident exempt parking.

- The length of restriction time and the time of day can be adjusted to suit the level of impact on the residents. The typical time of the restriction is 2 hours although it can be No Stopping Anytime (only for very impacted areas) or even a loading zone.
- The resident exempt parking restriction can be for only part of the day (e.g. 9:00 to Noon) to redirect employees that start early and finish late, yet still reduce the impact on normal road parking demands (visitors, tradespeople, etc.).

- The extent of coverage of the street can be managed to ensure some long term parking is available while protecting the area covered with the restrictions.

Typically this is to apply the restriction to roughly 50% of a block. This retains an unrestricted area for the external demand and demands by visitors etc., and reduces the likelihood of the external demand simply moving to the next block.

- The number of vehicles a resident may register can be limited.
- A permit or permits issued to the property may not be vehicle specific, although this option is fraught with abuse and complications.
- The permits can be free or a cost recovery charge for the administration of the system can be applied. Or permits could be free to the first vehicle and a ramped fee structure for each additional vehicle.
- Generally tradespeople and visitors are not exempt, however temporary (expiring after a certain time) unspecified permits can be issued. This has complications and makes administering the system difficult and more resource intensive.

Parking occupancy and consultation

Officers undertook a parking occupancy study of the (minimum) 7 spaces on the block of Henry Street immediately west of Breed Street during the weeks of 9 and 16 January 2017 however recognise that this is not representative due to the holiday season. A follow up study will be conducted in February 2017.

Consultation with the residents is also scheduled for February 2017.

The occupancy study and consultation results will be provided to Councillors at future Ordinary Council Meeting.

STAKEHOLDER CONSULTATION

Consultation with the residents of the block of Henry Street in question is planned for February 2017 and to consist of a letter/questionnaire delivered to each resident, and due to the small numbers, to include a door knock to help boost the response rate and potentially flesh out further issues.

The questionnaire will include a series of questions with a free text comments area, and a return paid envelope.

FINANCIAL AND RESOURCES IMPLICATIONS

The estimated cost to install parking restrictions would be in the order of \$500, and to implement a system to track owner/vehicle registration a further \$4,500. Annual ongoing (operating) costs would be in the order of \$500 to \$1,000 depending on the frequency of vehicle ownership change and regular reissuance of permits, and the frequency of inspections.

This on-going cost can be recouped by charging an annual fee to cover the cost of the permits.

RISK IMPLICATIONS

There is no risk associated with the recommendation.

CONCLUSION

Residential areas adjacent commercial areas will always be prone to an external parking demand either from the employees or patrons of the businesses.

Where Council deems the impact on the neighbourhood amenity of a street to be unreasonable one method to address this is to impose a parking restriction to create parking opportunities, but to exempt the residents from the restriction. This is commonly termed Resident Exempt Permit Parking. The typical restriction is a 2-hour time limit from 9:00 am to 5:00 pm but in extreme cases of high external demand and no on-site parking possibilities, a No Stopping Anytime restriction can be used, again with the residents exempted.

Officers will undertake an occupancy survey of the on-street parking to gauge the external impact and consult with the residents and other road users to determine the level of the impact and to ensure all issues are considered in February 2017.

The results of the consultation and occupancy survey will be reported to Council at the next practically available Ordinary Council Meeting.

SUPPORTING DOCUMENTS

Nil

Attachments
Nil

15.3 39 Queen Street, Moe - Traffic and Verge Parking

General Manager

Infrastructure and Recreation

For Decision

EXECUTIVE SUMMARY

Reconstruction of Queen Street in 2008 reduced the width of the road. An adjoining landowner near the kindergarten believed that the narrowing of the street has encouraged motorists to park on and damage the verge.

This report responds to the 12 September 2016 Council resolution to explore options to address perceived traffic issues and damage to the road verge. There is damage to the verge by motorists likely parking there to walk their children into the kindergarten.

Options identified to prevent this activity vary from developing the kerb and verge to limit the ability to “U-turn” for approximately \$30,000 to placing bollards or benches on the verge edge for approximately \$2,000, or extending the yellow line reinforcing the statutory restriction (with or without signs).

It is illegal to park on the verge and also illegal to park within 10m of a road intersection. The least costly option to address the damage to the verge is to place signs reinforcing the statutory No Stopping Area and to physically restrict access to the verge.

The traffic concerns are likely related to this illegal activity but may also be concern regarding the congestion that is common at any and all school zones. Congestion is common to all school zones. Congestion of itself is not a danger as it slows motorists and raises their awareness of their situation. What may cause concern at this location are “U” turns or turns into the driveway of the school to reverse direction to use the inset parking/drop-off area.

There is no history of crashes nor any complaints from anyone other than the adjoining landowner. Officers do not consider this location as requiring action to address this however should Council wish to consider treatments they are discussed in this report.

Other treatments considered include bollards or benches to physically restrict access to the verge, constructing kerb outstands or medians to restrict traffic motions.

RECOMMENDATION

That Council install signage to reinforce statutory No Stopping Anytime zones on the south east corner of the intersection of Queen Street and Harold Street, Moe.

Cr Graeme Middlemiss left the meeting, the time being 07:42 pm

Cr Graeme Middlemiss returned to the meeting, the time being 07:44 pm

MOTION

Moved: Cr Gibson

Seconded: Cr Law

That Council:

- 1. Install signage to reinforce statutory No Stopping Anytime zones on the south east corner of the intersection of Queen Street and Harold Street, Moe;**
- 2. Requests a report to come back to Council in three months;**
- 3. Continues to liaise with the concerned residents; and**
- 4. Local Laws closely monitor this site, especially during peak usage times.**

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

Background

In 2008 Council reconstructed Queen Street, Moe from Margaret Street to Elizabeth Street including surface, pavement and kerb and channel to a new width of 5.0m.

Consultation with the residents was undertaken prior to construction that included the construction plans and referenced the new road width, and 5 of the 7 responses (from 11 properties) supported the proposed works.

The road reconstruction was consistent with the standards and Council's practice at the time and good traffic calming principles. A 6 m wide road has a tendency for motorists to park opposite each other leaving 2 m clear, which is the bare minimum for another vehicle to pass. The theory is that a 5.0 m width makes parking opposite each other impractical and therefore motorists tend to park "up the street" from another parked vehicle. This also has the effect of slowing speeds, as did the inclusion of Watts style road humps. The project also reconstructed the indented parking in front of the Kindergarten entrance.

An adjoining landowner contacted Council Officers concerned about the parking of motorists on the verge and the resulting impact on maintaining the verge. Figure 1 is an image of the verge during construction that shows the kerb location and the condition of the verge. Note the side entry pit at the edge of the tree's shadow.

Figure 2 is an image of the same location as Figure 1 shortly after construction. The side entry pit noted in Figure 1 is now approximately 1 m from the new kerb.



Figure 1 – 39 Queen Street verge during construction



Figure 2 – 39 Queen Street verge after construction

The landowner has challenged Council Officers on the decision to narrow the road as he considers that it has made it too difficult for parents dropping their children off at the kindergarten to park on the road when walking their children into the school. There is evidence that parents do indeed mount the kerb and park on the verge in front of the landowners property and the semi-mountable kerb does encourage this illegal activity.

While this does not excuse the practice it is noted in this report to highlight that the road width alone is not a reason for parents not parking legally.

Council's Local Law Officers routinely patrol school zones to manage this and other parking issues and increased patrols to the location following the initial complaint. Local Law Officers continue to include this location in their routine school zone patrols.

Council Officers have also marked with a yellow line the statutory no parking zone at an intersection in front of the property to further encourage motorists to park responsibly.

The property owner has indicated that the verge has been damaged (rutting) due to the activity. While Officers have repaired the damage the landowner has indicated that he will not maintain this verge.

At the 12 September 2016 Council meeting Council resolved as follows:

That Council receives a report in relation to the options, and associated costings, to improve parking and traffic management arrangements in the area of Queen Street, Moe between Elizabeth Street and Margaret Street.

Traffic speeds are managed by the road humps and the narrow road width. The Traffic Management aspect of the resolution is presumed to be related to the congestion at the school and likely, "U"-turns and use of the kindergarten driveway to reverse direction in order to access the indented parking along the school frontage as shown in Figure 3.



Figure 3 –Queen Street and Harold Street Intersection showing indented parking

Options

- Despite the damage to the verge, this situation (parking on the verge) is endemic to Latrobe City. The situation is not a public risk in any way and Council may choose not to take any action.
- A median on Queen Street is not possible due to the various turning motions at the intersection.
- It may be possible to reconstruct the kerb at 39 Queen Street to prevent turning left from Harold Street into Queen Street. This left turn motion is likely to be a very rare motion due to the configuration of the streets in the area and the desired travel. The kerb would be built in upright (Barrier) kerb (as opposed to the existing semi-mountable kerb to reduce the attractiveness of mounting the kerb, although some form of barrier (e.g. bollards) would likely also be required. Consultation with the residents, the kindergarten, emergency services, and the motorists that use the street would be necessary as with any major traffic change of this nature. Concept cost: \$30,000.
- A short narrow centre median on Harold Street may be possible to reduce the room available to undertake a “U”-turn. As access to the driveway must be maintained and sufficient road width for right turns from Harold Street onto Queens Street, the end of the median would need to be back from the Queen Street eastern kerb line. It would likely be struck by turning vehicles and ongoing maintenance is an issue and is not recommended by Officers. An indicative cost for this proposal is \$5,000.
- It is certainly possible to place bollards within the verge to prohibit access for either turns or to park on the verge. An indicative cost for this proposal is \$2,000 to \$4,000 depending on the type and number of bollards.
- A less conventional novel approach may be to place a bench within the verge area to provide an opportunity for parents to socialise before or after picking up their children.
This concept is in keeping with the “Streets For People” approach. Over decades increasingly car-centric thinking has led to wider, straighter, faster roads a strong sense that motorists and cars own the road reserve and that pedestrians (and people generally) should stay off the road to allow motorists to drive as fast as possible.
With the traffic calming already in place on Queen Street a bench or even a small number of benches strategically placed would not only make mounting of the kerb by motorists difficult but add to the traffic calming by signalling to motorists that people use the area too. An indicative cost for this proposal is \$2,000 per bench.
Planting a tree or even developing a landscaped area. Although some protection would be required during establishment, a street tree carefully located once large enough may be sufficient to deter motorists from mounting the kerb to park or reverse direction.

Figure 4 shows the various options spatially.



Figure 4 – Concept sketch of various options.

STAKEHOLDER CONSULTATION

Officers have discussed the issue with the school and the landowner prior to the matter being presented to Council.

Should Council resolve to proceed with a median or kerb outstand consultation with the Kindergarten management, emergency services, and the general public would be required. Should there be valid opposition officers would report back to Council.

FINANCIAL AND RESOURCES IMPLICATIONS

Depending on the option selected the cost would be between \$2,000 and \$30,000. This could be funded from the Traffic and Pedestrian Safety budget.

RISK IMPLICATIONS

There is a risk whenever placing a fixed object on the road edge however at this location the traffic speeds would be generally very low and the risk of injury and liability to Council is correspondingly low and acceptable.

There is a risk that by denying parking on the verge at this location the behaviour will shift to another location. There is little option to this and any impacts would need to be addressed should they arise.

There is no risk with the proposed signage.

CONCLUSION

Reconstruction of Queen Street near Harold Street reduced the width of the road. The adjoining landowner lives at the intersection of Harold Street and opposite the entrance to the kindergarten.

The adjoining landowner considers the narrowing of the street has encouraged motorists to park on the verge in front of his property, and is concerned about traffic issues. Council resolved to receive a report with options to address his concerns.

Unfortunately it is very convenient for a motorist to simply mount the kerb and park on the verge. This activity would be attractive to motorists that approach from the north and wish to walk their child into the kindergarten. This has caused damage to the verge in front of the adjoining owners property.

Options to address this and to reduce the instance of motorists undertaking unusual manoeuvres vary from the potential to develop the verge further for approximately \$30,000, to placing bollards or benches on the existing verge edge to stop the behaviour, to placing signs or added linemarking.

The traffic motions are not unusual and the adjoining owner is the only one that has brought this to Council's attention.

The likely most effective option is to place an object so as to physically restrict access to the verge. The least costly version of this is to erect signs that could reinforce the statutory No Stopping Anytime. Other physical restriction options include placing bollards at key locations, or less conventionally, placing a bench at this location would have a similar effect and may encourage change the perception of the street as a place for people too.

SUPPORTING DOCUMENTS

Nil

Attachments

Nil

15.4 Inappropriate Street Tree Removal Program 2016/2017

General Manager

Infrastructure and Recreation

For Decision

EXECUTIVE SUMMARY

This report has been compiled to review and assess the continuation of the tenth year of the 'Inappropriate Tree Removal and Replacement Program', as requested by Council.

In 2005 Council adopted the Inappropriate Street Tree Replacement Program. The report identified 17,000 inappropriate street trees for removal and also suggested replacement species. Since the program was introduced over 4,500 inappropriate street trees have been removed and replacement trees planted in their place.

Council's resolution in the 2015/2016 financial year was to defer the program and initiate an independent consulting Arborist to conduct a review of the current program, and make future recommendations. The independent review's recommendation was to continue with the program on the grounds of the numerous benefits of the current program.

The benefits comprise of: a reduction in customer requests, a reduction of insurance claims, reducing the risks to the general public, reducing risks of operating around powerlines, and improving financial management with tree maintenance activities.

The independent review is attached to this report. (*Attachment 1*)

This report recommends Council continue the Inappropriate Street Tree Removal and Replacement Program. The program has been in place since 2005, it is proposed to continue the program over the next three financial years to see the completion of the program.

MOTION

Moved: Cr Middlemiss

Seconded: Cr McFarlane

That Council:

- 1. Endorses the continuation of the Inappropriate Street Tree Removal and Replacement Program for the final three financial years, 2016/2017, 2017/2018 and 2018/2019; and**
- 2. Adopts the list of inappropriate street trees as listed in attachment 2 for removal and replacement in the 2016/2017 financial year; and**
- 3. Undertakes the proposed works in accordance with the *Tree Work Notification Policy Version 1*.**

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

A report on the identification of inappropriate street trees and suggested replacement species was presented to Council and adopted on 17 October 2005.

The Council report identified the need for a program to remove and replace inappropriate street trees which until then, had been replaced on an ad hoc basis. Council in 1997/1998 engaged a consultant to survey all 68,000 urban and parkland trees. Approximately 6,000 street trees were identified as unsuitable.

Since the 2005/2006 financial year, Latrobe City has been working through the list in a progressive planned program. The program has been largely accepted by the community in a very positive way. Most residents in Latrobe City understand and are accepting of the reasoning behind the program.

Sudden significant reductions of mature trees would not be generally considered as good practice or acceptable to the broader community. However, it is also not favourable practice to retain trees in a position that is clearly unsuitable, putting both people and property at increased risk.

This progressive planned approach and consultation process will continue to seek support from the residents of affected streets and the wider community.

An inappropriate tree may be either:

- Inappropriately located – e.g. either a tall tree species with structural defects or under power lines, or a tree that causes major damage to underground services. It may be affecting other assets or producing excessive fruit or berries.
- A toxic tree containing toxins within the vegetation that have been proven to cause death or major illness to either humans or animals.
- An allergy causing tree that have been proven to cause major health effects by allergic reaction/s in humans.
- A tree species that is susceptible/known to have a major disease outbreak.

Benefits gained as a result of the program:

- A reduction in the amount of customer complaints received by the City and Councillors, in respect to species with a poor reputation for causing problems in urban environments.
- Reducing risks and insurance claims by removing species with poor structural growth habits.
- Reducing risks to Council employees. Powerline pruning of street trees is a high risk task. Replacing trees under powerlines with trees of a manageable size, that also have adequate growth rates to reduce the task of ongoing powerline vegetation clearance. This also assists in staying compliant with Powerline Clearance Code of Practice and Energy Safe regulations.

- Improving the amenity of the street. Introduction of aesthetically pleasing tree species.
- Good financial management and long-term budget forecasting. By removing and replacing inappropriate street trees, this reduces the ongoing costs for the community. Eliminating street tree species that have a reputation for causing large amounts of damage to Council infrastructure e.g. Concrete footpaths, kerb and storm water system as well as the annual cost to prune the street trees from power lines.
- Removing the community risk associated with toxic/allergy threat of some tree species.
- Reducing damage and repair costs to infrastructure, including footpath, kerb and channel, storm water and sewerage pipes, and privately owned driveways and fences caused by invasive tree roots.

The initial program undertaken in 2005/2006 addressed the majority of the highest priority trees, including entire streets of toxic/high allergy trees and commenced removal of the large trees under power lines.

The first program featured on site consultation with affected residents and in the majority of cases, there was either overwhelming support for the program, or indifference.

The harvesting process of the program consists of smaller timber/foilage being chipped, with the mulch stockpiled by Council to be applied throughout the council garden beds. The larger timber is sliced into manageable size blocks, these blocks are then left upon the nature strip as an opportunity for the public to collect at no cost. This process results in a reduction of transporting costs for Council of the harvested timber. Any final remaining debris is cleared within 5 working days as per contract specifications.

The timber harvested within this program is of a poor standard and not viable for salvaging for other purposes.

The 2016/2017 proposed work program plans to remove and replace 514 street trees. Removals in Traralgon – 254, Morwell – 39, and Moe/Newborough – 221.

Tree replacement plantings shortly follow the tree removals; the replacement tree species list is attached.

STAKEHOLDER CONSULTATION

In accordance with Council's *Tree Work Notification Policy Version 1*, consultation will take place using the following process:

- Letters will be delivered to households in the affected street, advising of the proposed tree replacement works and seeking input into the selection of replacement species. This letter will offer consultation (on site if desired) with a Council arborist.
- All household opinions from that street are taken into account.
- If the majority of households in the street object, the works will not proceed, but be deferred and further consultation carried out.

- If a petition is forwarded by residents it will be presented to Council in accordance with the processes of Local Law Number 1. If petitions are received, they will be dealt with on a street-by-street basis and not for the whole program.

If the majority of households in a particular street object to the tree removals and/or cannot agree on replacement species, then works in those affected streets will be deferred for further consultation.

- If not resolved a report will be presented to Council for a decision.
- If the ultimate decision of Council is to defer works in a specific street then an alternative street will be substituted into the works program.

In recent years residents have requested that Council remove the unsuitable street trees species from both sides of the street in the same year. If residents request this, Council includes both sides of the street for removal in the program.

The outcome of the consultation is advised via the following:

- Follow up letters and will be delivered to households in the affected street. The letters also include the replacement trees that will be introduced to the street.
- Notification in the Latrobe Valley Express
- Results posted on Councils web page.

FINANCIAL AND RESOURCES IMPLICATIONS

There is an allocation of \$200,000 in the 2016/2017 recurrent Planned Tree Works budget for inappropriate tree removal and replacements.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

Continuing the inappropriate street tree removal and replacement program will provide long term benefits to Council and the community as follows:

- Reduced risk to staff and contractors when pruning and maintaining vegetation clearances around power lines.
- Reducing the number of claims against Council for personal injury and property damage due to the trees.
- Reducing the complaints of inappropriate trees from encroachment over private property
- Reducing damage and repair costs to infrastructure including road surfaces, footpaths, kerb and channel, stormwater and sewerage pipes.
- Reduced risks to the public due to power lines being brought down by trees,

A result of an investigation of the tree related incidents and corresponding locations of the ISTRRP found the information show a total of 150 incidents, with 60 (40%) that have a relationship with the program (before or after works).

The information does not show a strong correlation with a reduction of claims.

With a vast reduction in oversized trees not suited around a powerline environment. This has definitely reduced the risk of exposing contractors and employees to operating in a high risk environment around powerlines. It also has significantly reduced maintenance costs of pruning these trees.

Should Council choose to discontinue the program, this would increase the risk from low to moderate and expose Council to an increased number of insurance claims.

CONCLUSION

Council has identified a number of tree species that are unsuitable in their current location. These trees pose a high risk for Council to manage, for staff and contractors carrying out tree maintenance, and the general public. The identified unsuitable trees also cost Council and the community a great deal of time and unnecessary resources to maintain.

This report recommends continuing the inappropriate street tree removal and replacement program. The attachment to this report proposes a list of trees and streets for the 2016/2017 program.

SUPPORTING DOCUMENTS

Nil

Attachments

- 1↓ . Independent Review of the Inappropriate Tree Removal and Replacement Program
- 2↓ . Unsuitable Street Tree Removal and Replacement Program 2016/2017
- 3↓ . Glossary of tree species I.S.T.R.R.P. 2016/2017
- 4↓ . Tree Work Notification Policy Version 1
- 5↓ . Photographs for Inappropriate Street Tree Replacements

15.4

Inappropriate Street Tree Removal Program 2016/2017

1	Independent Review of the Inappropriate Tree Removal and Replacement Program	223
2	Unsuitable Street Tree Removal and Replacement Program 2016/2017	243
3	Glossary of tree species I.S.T.R.R.P. 2016/2017	259
4	Tree Work Notification Policy Version 1	261
5	Photographs for Inappropriate Street Tree Replacements	269



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REVIEW OF LATROBE CITY COUNCILS
CURRENT

INAPPROPRIATE STREET TREE REMOVAL

AND REPLACEMENT PROGRAM

March 2016



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Brief as provided by Chris Dash, Acting Coordinator Open Space Maintenance in February 2016.

Brief: This brief outlines the requirements for this review of Latrobe City Councils current inappropriate street tree removal and replacement program, February 2016. The brief is to review current Latrobe City Council policies and procedures in relation to the inappropriate street tree removal and replacement program and addressing the following subject heading:

- **Purpose** – Why the report is required?
- **Executive Summary** – Overview of the inappropriate street tree removal and replacement program.
- **Recommendations** – Opinion on the inappropriate street tree removal and replacement program future direction.
- **Background** – Review of the inappropriate street tree removal and replacement program thus far.
- **History of Proactive program** – Assess the past reasons for the inappropriate street tree removal and replacement program.
- **Current Situation** – Costs and overview of street trees within the municipality.
- **Benefits of the Current Program** – Outlining the benefits for the Latrobe City Council staff and general public safety, fiscal management, compliance with the Code of Practices for Power Line Clearances and Electrical Line Clearance Management Plan 2015-2016.
- **Current Consultation Process** – Detailing current Latrobe City Council procedure and process.
- **Latrobe City Council Reasons Why Street trees Now Deemed Unsuited** – Highlighting the species conditions to be deemed inappropriate for the given location.
- **Past Resident and Community Issues** – Looking at the past reasons for the resident's objections in past years programs.
- **Tree Number Removed Each Year** – Calculating the past years with the number of street trees removed for inappropriate street tree removal and replacement program.
- **Risk Implications** – What possible outcomes/situations are likely if the inappropriate street tree removal and replacement program was to not be continued?
- **Options** – Either continue the program with possible improvements or discontinue.
- **Conclusion/Recommendations** – Outcomes of this review.

The consultant is required to have a minimum qualification of Level 5 in Arboriculture and a history of municipal tree management experience in writing reports.



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QUALIFICATIONS AND EXPERIENCE

The documentation and assessment has been carried out by John Ruyg with Level 5, Diploma in Arboriculture (Merrist Wood College, Surrey, England), Advanced Certificate in Arboriculture (Burnley, Melbourne) and Certificate in Horticulture (School of Mines, Ballarat) qualifications as well as Tree Risk Assessment qualification from the International Society of Arboriculture (I.S.A). John has been assessing tree health and risk factors for over 20 years in Gippsland area.

PURPOSE

The purpose of this report is to present to Latrobe City Council for consideration for this planned Inappropriate Street Tree Removal and Replacement program to continue over the next three financial years to see the completion of the ten to fifteen year vision and to specifically address the financial years of 2016/2017, 2017/2018 and 2018/2019. Approximately 500 to 600 street trees have been planned for removal and replacement each financial year.

EXECUTIVE SUMMARY

In 2005 Council adopted the Inappropriate Street Tree Replacement Program. The report identified 17,000 inappropriate street trees for removal and also suggested replacement species. Since the program was introduced over 4,500 inappropriate street trees have been removed and replacement species planted in their place.

This report proposes Council continue the inappropriate street tree removal and replacement program. The program has been in place since 2005, it is proposed to review the current program in 2015/2016 and to continue over the next three financial years to see the completion of the program.

This report seeks Council's endorsement to carry out the annual inappropriate street tree removal and replacement program to facilitate the tree removals program across the municipality.

RECOMMENDATION

That Council:

- 1. Adopts this planned program over the next three financial years to see the completion of the financial years of 2016/2017, 2017/2018 and 2018/2019. Approximately 500 to 600 street trees have been planned for removal and replacement each financial year.**
- 2. Undertakes the proposed works in accordance with the *Tree Work Notification Policy 09 POL-3*.**



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BACKGROUND

A report on the identification of inappropriate street trees and suggested replacement species was presented to Council and adopted on 17 October 2005.

The Council report identified a program to remove and replace inappropriate street trees which until then, had been replaced on an ad hoc basis. Council in 1996/1997 engaged a consultant to survey all urban street trees and, of the 38,300 street trees surveyed, approximately 17,000 were identified as being inappropriate.

An inappropriate tree may be either:

- Inappropriately located – e.g. either a tall species with structural defects with overhead power lines, or a tree that causes major damage to underground services. It may be affecting other assets or producing excessive fruit or berries which causes a slipping hazard on a path.
- A toxic tree species containing toxins within the vegetation that have been proven to cause death or major illness to either humans or animals.
- An allergy causing tree that have been proven to cause major health effects by allergic reactions in humans.
- A tree species that is susceptible/known to have a major disease outbreak.

The initial program undertaken in 2005/2006 addressed the majority of the highest priority trees, including entire streets of toxic/high allergy trees, diseased trees and commenced removal of the large trees under power lines.

The program featured consultation with affected residents and in the majority of cases, there was either overwhelming support for the program, or indifference.

Over the past 10 years, Council has adopted the annual inappropriate street tree removal and replacement program where 4527 tree have been removed and replaced.

In 2009, Council adopted the *Tree Work Notification Policy 09 POL-3* where the trees that are removed under this program have been enacted.

HISTORY OF PROACTIVE PROGRAM

In 1997/1998 Council carried out a detailed one time inventory of urban street and parkland trees throughout the municipality. The survey indicated there was a total of 68,000 urban trees (38,300 in streets and 29,700 in urban parks and reserves), of which 17,000 of these trees were indicated as being unsuitable.



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Since the 2005/2006 financial year, Council has been working through the list in a progressive planned program. Overall this program has been accepted by the community in a very positive way. Most residents in Latrobe City understand the reasoning when advised that trees in their street are unsuitable and need to be removed and replaced with a more suitable species.

Significant reductions of mature trees would not be generally considered as good practice or acceptable to the broader community. However, it is also not good practice to artificially keep trees in a position that is clearly unsuitable, putting both people and property at increased risk. The street trees selected for removal do not appear in the Latrobe City Heritage Study or identified as significant.

This progressive planned approach and consultation process will continue to seek support from the residents of affected streets and the wider community.

CURRENT SITUATION

The Council carried out a detailed survey of the urban street and reserve trees throughout the municipality in 1997 and 1998 by a consultant. There were 68,000 trees identified in both streets and reserves, with 17,000 indicated as being inappropriate for the location for a variety of reasons. The information within the data-base has not been updated since the initial survey in 1997-98.

The ongoing issue with street trees in all municipalities is - "what is an adequate level of money to provide for the required maintenance and the prevention/reduction/management of risk"? The majority of Councils are formulating tree management strategies/plans to assist Council staff to prepare accurate budget estimations. Street tree data needs to be captured and constantly updated to assist in the analysis of active tree management.

In recent years residents have requested that Council remove the inappropriate street tree species from both side of the street in the same year. If residents request this, Council includes both side of the street for removal in the program.

The last two years and next year's (2016/2017) tree removal and replacement program have included a large number of *Prunus sp* (Flowering Plum trees) that are either dying or diseased. This species of tree only grows to a height of about 5 to 7 meters. The number of tree proposed to be removed and replaced in 2016/2017 program is 514 tree and out of this number there is 346 that are *Prunus sp* trees.

Council's current annual budget for the Inappropriate Street Tree Removal and Replacement planned program is \$220,000 each financial year.



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BENEFITS OF THE CURRENT PROGRAM

The funding of this program into the future will mean that the need to replace inappropriate street trees will reduce over time; as will the associated costs of employee's time and expensive specialized equipment required for annual power line pruning of street trees and exposing employees and the general public to high-risk situations.

The benefits of replacing the inappropriate street trees are as follows:

- Reducing the amount of customer/residents complaints received by the City and Councilors on street trees e.g. blocking street lighting, encroachment into private property, footpath height clearances, causing footpath and driveway damage, unattractive appearance after pruning has occurred and damaged sewer & storm water services;
- Reducing the risks to the general public. During high winds inappropriate trees have brought live power lines down to the ground and caused electrocution and fires;
- Reducing the risk to Council employees. Power line pruning of street trees is a high-risk situation and has caused a number of deaths throughout Australia;
- Improve the amenity of the street. This will also have a positive effect on the value of the houses in that street;
- Compliance with the 'Code of Practice for Power line Clearance and Councils Electrical Line Clearance Management Plan 2015-2016';
- Reducing the amount of power outages caused by inappropriate street trees;
- Promoting excellence in good arboricultural management practices within the community, e.g. private power line management practices, because the majority of private power lines are located in country areas of Australia and in the past have caused major bush fires that cost the rural community dearly;
- Good financial management and long-term budget forecasting. By removing and replacing inappropriate street trees, it will reduce the ongoing costs for the community because a reasonable amount of the inappropriate street trees are causing large amounts of damage to Council infrastructure e.g. Concrete footpaths, kerb and storm water system as well as the annual cost to prune the street trees from power lines;



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- By reducing the amount of legal claims against Council regarding both personal and property damage. e.g. slipping/tripping on concrete footpaths, damage to front fences and driveways;
- The list of suitable species of trees has been selected on the basis of requiring minimal pruning throughout its use lifespan from overhead electrical services, which is a requirement of the 'Code of Practice for Power line Clearance', section (I) of Council's 'Electrical Line Clearance Management Plan';
- Removing the community risk associated with toxic/allergy threat of some tree species;
- Reducing damage and repair costs to infrastructure, including footpath, kerb and channel, storm water and sewerage pipes, and privately owned driveways and fences.

CURRENT CONSULTATION PROCESS

Engagement Method Used:

In accordance with Council's *Tree Work Notification Policy 09 POL-3* consultation will take place using the following process:

- Letters will be hand delivered to households in the affected street, advising of the proposed tree replacement works and seeking input into the selection of replacement species. This letter will offer consultation (onsite if desired) with a Council arborist.
- All household opinions from that street are taken into account.
- If the majority of households in the street object, the works will not proceed, but be deferred and further consultation carried out.
- If a petition is forwarded by residents it will be presented to Council in accordance with the processes of Local Law number 1. It is suggested that if petitions are received, that they be dealt with on a street-by-street basis and not for the whole program.

Details of Community Consultation/Results of Engagement:

If the majority of households in a particular street object to the tree removals and/or cannot agree on a replacement species, then works in those affected street will be deferred for further consultation.

- If not resolved a report will be presented to Council for a decision.
- If the ultimate decision of Council is to defer works in a specific street then an alternative street will be substituted into the works program.



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In the instance of a Council property/street being identified as suitable for inclusion in the Inappropriate (Unsuitable) Street Tree Removal Replacement Program, the following consultation process is undertaken:

1. Affected residents and/or street are letter box dropped with a Council letter advising of proposed planned programmed tree removals. This includes:
 - Background information on program
 - Reasons for proposed tree removals
 - Location of each tree and species proposed for removal
 - Choice of replacement tree species where appropriate
 - Council officers name and number for any questions about the proposed tree removals
2. Returning envelope and questionnaire including:
 - Resident in favour or not in favour proposed tree removals
 - Resident choice for replacement tree
 - Resident comments
 - Residents have two weeks in which to respond
3. If they do not respond the letters clearly state **“A no return response is taken as agreement of Councils proposed tree removals”**
4. Within two (2) to three (3) months, residents will receive a follow up letter from Council advising residents of the outcome.
5. If more than 50% of the residents in the street didn't object to the program then the program will go ahead as planned. The follow up letter will include time frames for tree removals and replacement.
6. Where the proposed removal and replacement of trees are in more significant streetscapes, consultation is to be extended to residents of abutting streets. There will also be notification placed on Council's web page, and consultation with the relevant neighbourhood or township association.
7. All survey results are published on the Council's web page, and in the Latrobe Valley Express (local newspaper), advising the community of the tree removals and expected timeframes.



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COUNCIL REASONS WHY STREET TREES NOW DEEMED UNSUITABLE

Council has identified a number of tree species that are unsuitable in their current location. There are many reasons why the street tree species are unsuitable in Latrobe City. These trees pose a high risk for Council to manage, for staff and contractors carrying out tree maintenance and the general public.

Some species of trees have been deemed by Council as unsuitable. These unsuitable trees cost Council and the community a great deal of time and unnecessary resources to maintain.

The following list is an overview of what is deemed as unsuitable characteristics:

Reasons Why Street Trees Have Been Deemed as Unsuitable

- High risk species for Council staff and the public – annual powerline pruning, high probability of failed tree bringing down powerlines, failed tree causing damage to a major asset.
- Inappropriately located – effects above ground and/or below ground services
- High maintenance, high resources cost and time to maintain for the community
- Species that are structurally unsound – co dominant trunks, cavities, areas of decay.
- Species is too large for current location.
- Species with large exposed surface root areas.
- Species that are capable of high degree of moisture extraction.
- Species that have irritating fibre glass like hairs that can injury persons.
- Species can be toxic – to humans and/or animals.
- Species can trigger allergies.
- Species are known as environment weeds.
- Species that drop large amounts of fruit – slippery walkways.
- Species that are short lived.
- Species that are shallow rooting.
- Species that are prone to branch dropping/shedding.
- Species that extract high moisture contents from soil.
- Species that are susceptible to known disease problems.

In 1997/1998 Latrobe City carried out a detailed one time inventory of urban street and parkland trees throughout the municipality. The survey indicated there was a total of 68,000 urban trees, of which 17,000 of these trees were indicated as being inappropriate.

Since the 2005/2006 financial year, Latrobe City has been working through the list in a progressive planned program. Overall this program has been accepted by the community in a very positive way. Residents in Latrobe City understand and accept that the trees are unsuitably located in their street.



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Significant reductions of mature trees would not be generally considered as good practice or acceptable to the broader community. It is also not good practice to artificially keep trees in a position that is clearly inappropriate, putting both people and property at increased risk.

The progressive planned approach and renewed consultation process will continue to seek support from the residents of these affected streets and the greater community.

Latrobe City should continue to manage the risk of the large numbers of unsuitable street trees to ensure safety for Council staff, contractors and the general public.

PASSED RESIDENT AND COMMUNITY ISSUES

For the tree removals in the past, generally the large majority of residents have accepted the reasons for the Inappropriate Street Tree Removal and Replacement program:

- On rare occasion's person/resident have gone to media to air their concerns publicly. Council arborists and managers have always meet resident's onsite to discuss issues and concerns as needed.
- Persons/residents are happy for Council to keep paying these high cost re wrong tree wrong place or don't have concerns for staff OHS issues.
- Persons very emotional about tree removals and have personal attachment to the trees in their street.
- There will always be persons don't agree with this planned program, but residents of Latrobe City are safer in many of the urban street because of this program.
- Since 2005, there has been 29 streets throughout the municipality where the street trees were not removed due to the majority of residents objecting (see appendix 1 for current list of street).

TREE NUMBERS REMOVED EACH YEAR

Year	Number of trees removed
2005/2006	305
2006/2007	768
2007/2008	370
2008/2009	472



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2009/2010	453
2010/2011	721
2011/2012	443
2012/2013	457
2013/2014	538
2014/2015	357
2015/2016	Nil

Total Trees Removed = 4884

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

As a result of OHS issues, there is still a number of serious injuries and fatalities working around live lines in Victoria each year.

There are possible breaches to Electricity Safety (Electric Line Clearance) Regulations 2015 if Council does not meeting its own Electrical Line Clearance Management Plan 2014/2015.

The continuing inappropriate street tree removal and replacement program will provide long term benefits to Council and the community as follows: reduced risk to public due to power lines being brought down by trees, reduced risk to staff and contractors when pruning around power lines, reducing the complaints about tree blocking street lights, reducing the number of complaints about encroachment over private property, reducing the number of claims against Council for personal injury and property damage due to trees, improving the amenity of streets, reducing damage and repair costs to infrastructure including road surfaces, footpaths kerb and channel, storm water and sewerage pipes.

OPTIONS

Council now has the following options in relation to this report:

1. That Council continue this planned program over the next three financial years to see the completion. The financial years of 2016/2017, 2017/2018 and 2018/2019. Approximately 500 to 600 street trees have been planned for removal and replacement each financial year.
2. Amend the list/modify the program.
3. That Council don't continue with this planned program.



**TREEMENDOUS
LANDSCAPES**

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CONCLUSION

That Council continue the inappropriate street tree removal and replacement program planned program over the next three financial years to see the completion of the financial years of 2016/2017, 2017/2018 and 2018/2019. Approximately 500 to 600 street trees have been planned for removal and replacement each financial year.



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APPENDIX 1

LIST OF RETAINED TREE SPECIES AND STREETS

2005-06

Morwell.
Catherine Street – Spotted Gums

2006-07

Moe.
High Street – Flowering Gum

Morwell.
Helen St – Liquidambar

Traralgon.
Henry St – Pin Oaks
Cattericks Cres – Pin Oaks

2007-08

Morwell.
Hopetoun Ave – Paperbarks
Keegan St – Queensland Box
Mary St – Ash Trees

Traralgon.
Anderson St – Ash Trees
Bennett Crt – Liquidambar and Ash Trees
Bridges Ave – Ash Trees
Burnet Pl – Paperbarks and Queensland Box
Farren Cl – Ash Tree
Kay St – Ash Tree
Lyndon Cres – Ash and Paperbark Trees
63 Washington St – Ash Tree
Wood St - Liquidambar and Ash Trees

2008-09

Morwell.
Polden Cres – Liquidambar



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2009-10

Moe.
72 and 74 Moore St –Liquidambar

Traralgon.
Mackay St – Pin Oaks

2010-11

Moe.
Burrage St – Golden Elms

Morwell.
Olive Dr – Paperbarks

2011-12

Moe.
Avon Crt – Maples
3 Powell St – Ash

2012-13

Traralgon.
Glenlee Crt – Camphor laurels
11 & 13 Ray St – Paperbarks
20 Anderson Ave in Breed St – Paperbarks

2013-14

Morwell.
14 Jane St – Lagunaria

2014-15

Moe.
40 Hampton St – WA Flowering Gum



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APPENDIX 2

SUITABLE STREET TREE SPECIES LIST

Note – Nature strip size is measured from the property front fence to the back of the kerb. Measurement is taken from the front fence, across the footpath and the nature strip area to the back of the kerb. Choosing the right tree for the right location is essential for establishment, growth and sustainability.

SPECIES	Approx Height x Width
<i>Angophora costata</i>	20m x 10m
<i>Angophora floribunda</i>	18m x 10m
<i>Angophora hispida</i>	7m x 5m
<i>Acer buergerianum</i>	6m x 6m
<i>Acer campestre</i>	7m x 6m
<i>Acer campestre</i> 'Queen Elizabeth'	8m x 6m
<i>Acer x freemanii</i> 'Jeffersred' Autumn Blaze	13m x 10m
<i>Acer ginnala</i>	7m x 6m
<i>Acer rubrum</i>	15m x 10m
<i>Acer rubrum</i> 'Brandy Wine'	9m x 6m
<i>Acer rubrum</i> 'Canadian Maple'	13m x 10m
<i>Acer rubrum</i> 'Fairview Flame'	11m x 7m
<i>Acer truncatum</i> x <i>A. platanoides</i> 'Keithsform' Norwegian Sunset	11m x 6m
<i>Acer truncatum</i> x <i>A. platanoides</i> 'Warrenred' Pacific Sunset	10m x 6m
<i>Agonis flexuosa</i> 'Burgundy'	5m x 3m
<i>Agonis flexuosa</i> 'Indigo'	4m x 3m
<i>Arbutus unedo</i>	9m x 8m
<i>Arbutus canariensis</i>	15m x 10m
<i>Backhousia citriodora</i>	10m x 6m
<i>Banksia ericifolia</i>	7m x 7m
<i>Banksia intergrifolia</i>	15m x 5m
<i>Banksia serrata</i>	15m x 10m
<i>Brachychiton acerifolius</i>	20m x 15m
<i>Brachychiton populaneus</i>	15m x 12m
<i>Callistemon citrinus</i> 'Endeavour'	3m x 3m
<i>Callistemon</i> 'Harkness'	5m x 4m
<i>Callistemon</i> 'Kings Park Special'	5m x 4m
<i>Callistemon salignus</i>	7m x 5m
<i>Carpinus betulus</i> 'Fastigiata'	10m x 6m



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<i>Celtis australis</i>	15m x 8m
<i>Celtis occidentalis</i>	20m x 15m
<i>Cercis canadensis</i> 'Forest Pansy'	5m x 5m
<i>Cercis chinensis</i>	4m x 3m
<i>Cercis siliquastrum</i>	6m x 4m
<i>Crataegus laevigata</i> 'Paul's Scarlet'	5m x 4m
<i>Crataegus laevigata</i> 'Rosea Flore Pleno'	4m x 3m
<i>Eriobotrya japonica</i>	5m x 4m
<i>Eucalyptus diptera</i>	10m x 6m
<i>Eucalyptus eremophila</i>	12m x 8m
<i>Eucalyptus forrestiana</i>	7m x 4m
<i>Eucalyptus kitsoniana</i>	8m x 5m
<i>Eucalyptus lehmannii</i>	7m x 4m
<i>Eucalyptus leucoxydon</i> 'Euky Dwarf'	7m x 5m
<i>Eucalyptus macrandra</i>	8m x 8m
<i>Eucalyptus mannifera</i> 'Little Spotty'	8m x 5m
<i>Eucalyptus pauciflora</i> 'Little Snowman'	7m x 5m
<i>Eucalyptus polyanthemus</i>	12m x 8m
<i>Eucalyptus torquata</i>	10m x 5m
<i>Eucalyptus</i> 'Torwood'	8m x 6m
<i>Hakea francisiana</i>	5m x 4m
<i>Hakea laurina</i>	5m x 4m
<i>Hakea multilineata</i>	5m x 4m
<i>Hakea salicifolia</i>	5m x 4m
<i>Hakea suaveolens</i>	5m x 4m
<i>Koelreuteria paniculata</i>	7m x 7m
<i>Lagerstroemia indica</i> x <i>L. fauriei</i> 'Lipan'	4m x 3m
<i>Lagerstroemia indica</i> x <i>L. fauriei</i> 'Natchez'	8m x 6m
<i>Lagerstroemia indica</i> x <i>L. fauriei</i> 'Sioux'	4m x 3m
<i>Lagerstroemia indica</i> x <i>L. fauriei</i> 'Tuscarora'	6m x 4m
<i>Lagerstroemia indica</i> x <i>L. fauriei</i> 'Zuni'	4m x 3m
<i>Leptospermum pattersonii</i>	5m x 3m
<i>Magnolia grandiflora</i> 'Little Gem'	6m x 3m
<i>Malus floribunda</i>	5m x 5m
<i>Malus ioensis</i> 'Plena'	6m x 4m
<i>Malus ioensis</i> 'Rubra' (syn. 'Purpurea')	5m x 3m
<i>Malus spectabilis</i> 'Plena'	5m x 3m
<i>Malus</i> 'sutyzam'- Sugar Tyme	6m x 4m
<i>Malus tschonoski</i>	7m x 4m
<i>Metrosideros excelsa</i>	12m x 8m
<i>Nyssa sylvatica</i>	11m x 6m
<i>Parrotia persica</i>	7m x 5m



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<i>Photinia robusta</i>	8m x 8m
<i>Pistacia chinensis</i>	8m x 6m
<i>Prunus cerasus</i> 'New Red'	7m x 4m
<i>Prunus</i> 'Sekiyama' (syn. 'Kanzan')	5m x 4m
<i>Prunus</i> 'Shirotae' (syn. 'Mt Fuji')	4m x 6m
<i>Pyrus betuleafolia</i> x <i>P. calleryana</i> 'Edgedell'	8m x 6m
<i>Pyrus betuleafolia</i> 'Southworth' - Dancer	7m x 4m
<i>Pyrus calleryana</i> 'Chanticleer'	11m x 6m
<i>Pyrus</i> 'Capital'	11m x 3m
<i>Pyrus fauriei</i> 'Westwood'	5m x 4m
<i>Pyrus ussuriensis</i>	9m x 7m
<i>Tilia cordata</i>	9m x 6m
<i>Tristaniopsis laurina</i>	10m x 8m
<i>Ulmus parvifolia</i> 'Churchyard'	10m x 10m
<i>Ulmus parvifolia</i> 'Todd'	10m x 11m
<i>Zelkova serrata</i> 'Green Vase'	14m x 10m



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APPENDIX 3

UNSUITABLE STREET TREE SPECIES LIST

Note – These tree species are on Councils unsuitable street tree planting list because of passed problems Council has experienced. Some of the issues have been toxic to humans, allergic to humans, damages to infrastructure, high maintenance pruning costs, etc.

Tree Species	Common Name
<i>Acer negundo</i> 'Variegatum'	Japanese Maple
<i>Agonis flexuosa</i>	Willow Leaf Myrtle
<i>Allocasuarina species</i>	She Oak
<i>Betula pendula</i>	Silver Birch
<i>Brugmansia spp.</i>	Angel's Trumpet
<i>Callistemon viminalis</i> 'Dawson River Weeper'	Bottlebrush
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Cotoneaster panosa</i>	Cotoneaster
<i>Cotoneaster glacophyllus</i>	Cotoneaster
<i>Corymbia ficifolia</i>	Flowering Gum
<i>Corymbia maculata</i>	Spotted Gum
<i>Crataegus monogyna</i>	Common Hawthorn
<i>Eucalyptus camaldulensis</i>	River Red Gum
<i>Eucalyptus cinerea</i>	Silver-leaf Stringybark
<i>Eucalyptus crenulata</i>	Silver Gum
<i>Eucalyptus leucoxylon</i> 'Rosea'	White Ironbark
<i>Eucalyptus nicholli</i>	Peppermint Gum
<i>Eucalyptus risdonii</i>	Risdon peppermint
<i>Eucalyptus sideroxylon</i>	Red Ironbark
<i>Fraxinus angustifolia</i> subsp 'Angustifolia'	Desert Ash
<i>Franinus excelsior</i> 'Aurea'	Golden Ash
<i>Fraxinus oxycarpa</i> 'Raywood'	Claret Ash
<i>Grevillea robusta</i>	Silky Oak
<i>Lagernaria patersoni</i>	Pyramid Tree
<i>Liquidamber styraciflua</i>	Sweet Gum
<i>Lophostemon confertus</i>	Queensland Box
<i>Melaleuca armillaris</i>	Bracelet Honey Myrtle
<i>Melaleuca linarifolia</i>	Snow In Summer
<i>Melaleuca styphelioides</i>	Prickly Paperbark
<i>Melia azedarach</i>	White Cedar
<i>Nerium oleander</i>	Oleander
<i>Pinus species</i>	Pine Trees



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<i>Pittosporum undulatum</i>	<i>Sweat Pittosporum</i>
<i>Populus species</i>	<i>Poplar Trees</i>
<i>Prunus blireana</i>	<i>Flowering Cherry</i>
<i>Prunus evans</i>	<i>Evans Cherry</i>
<i>Quercus robur</i>	<i>English Oak</i>
<i>Quercus palustris</i>	<i>Pin Oak</i>
<i>Rhus species</i>	<i>Flame Bush</i>
<i>Robina pseudoacacia</i>	<i>Black Locust Robinia</i>
<i>Salix species</i>	<i>Willow Trees</i>
<i>Syzygium oleosum</i>	<i>Lilly Pilly</i>
<i>Ulmus glabra 'Lutescens'</i>	<i>Golden Elm</i>
<i>Ulmus parviflora</i>	<i>Chinese Elm</i>
<i>Many Genus Family</i>	<i>Fruit Trees</i>

**UNSUITABLE STREET TREE REMOVAL AND REPLACEMENT
PROGRAM 2016/2017**

The following table is a list of 514 (346 are Prunus trees) street trees for removal and replacement within the 2016/2017 financial year of unsuitable street trees:

- Traralgon – 254 (158 are Prunus trees);
- Morwell – 39; and
- Moe/Newborough (188 are Prunus trees) 221.

TRARALGON

ADDRESS	SPECIES
1 Williams Court	Prunus blireana
3 Williams Court	Crataegus species
3 Williams Court	Melaleuca styphelioides
4 Williams Court	Melaleuca styphelioides
Out Front Council Parkland Williams Court	Melaleuca styphelioides
6 Williams Court	Melaleuca styphelioides
9 Williams Court	Prunus blireana
10 Williams Court	Melaleuca styphelioides
69 Moore Street	Melaleuca styphelioides
68, unit 1 Moore Street	Prunus blireana
63A Moore Street	Melaleuca linarifolia
64 Moore Street	Prunus blireana
63 Moore Street	Prunus blireana
60 Moore Street	Prunus blireana
59 Moore Street	Prunus blireana
57 Moore Street	Melaleuca styphelioides
56 Moore Street	Prunus blireana
53 Moore Street	Melaleuca styphelioides
51 Moore Street	Prunus blireana
49 Moore Street	Melaleuca styphelioides
48 Moore Street	Prunus blireana
47 Moore Street	Prunus blireana
43 Moore Street	Prunus blireana
44 Moore Street	Prunus blireana
37 Moore Street	Prunus blireana
34 Moore Street	Prunus blireana
69 Breed Street tree in Moore Street	Prunus blireana
31 Moore Street	Lophostemon confertus

TRARALGON

ADDRESS	SPECIES
29 Moore Street	Lophostemon confertus
27 Moore Street	Lophostemon confertus
25 Moore Street	Lophostemon confertus
73, units 1, 2, 3, 4 & 5 Church Street trees in Moore Street x 3 trees	Lophostemon confertus
Grey Street Primary School trees in Moore Street x 3 trees	Lophostemon confertus
7 Phillip Street	Melaleuca styphelioides
9 Phillip Street	Melaleuca styphelioides
1, unit 2 Brolga Boulevard tree in Phillip Street	Lophostemon confertus
1, unit 1 Brolga Boulevard tree in Phillip Street	Melaleuca styphelioides
13, unit 1 Phillip Street	Lophostemon confertus
15 Phillip Street	Melaleuca styphelioides
17 Phillip Street	Lophostemon confertus
17 Phillip Street	Melaleuca styphelioides
21 Phillip Street	Melaleuca styphelioides
23 Phillip Street	Melaleuca styphelioides
25, unit 1 Phillip Street	Lophostemon confertus
27 Phillip Street	Melaleuca styphelioides
27 Phillip Street	Lophostemon confertus
29 Phillip Street	Melaleuca styphelioides
29 Phillip Street	Lophostemon confertus
31 Phillip Street	Melaleuca styphelioides
31A Phillip Street	Lophostemon confertus
31A Phillip Street	Melaleuca styphelioides
1 Rural Drive tree in Phillip Street	Lophostemon confertus
1 Rural Drive tree in Phillip Street	Melaleuca styphelioides
Out Front Council Parkland Phillip Street	Melaleuca styphelioides
Out Front Council Parkland Phillip Street	Lophostemon confertus
Out Front Council Parkland Phillip Street	Melaleuca styphelioides
38 Phillip Street	Lophostemon confertus
Out Front Council Parkland Phillip Street	Melaleuca styphelioides
40 Phillip Street	Lophostemon confertus
33 Phillip Street	Melaleuca styphelioides

TRARALGON

ADDRESS	SPECIES
33 Phillip Street	Lophostemon confertus
42 Phillip Street	Melaleuca styphelioides
35 Phillip Street	Melaleuca styphelioides
35 Phillip Street	Lophostemon confertus
44 Phillip Street	Lophostemon confertus
46 Phillip Street	Melaleuca styphelioides
37 Phillip Street	Melaleuca styphelioides
39 Phillip Street	Lophostemon confertus
48 Phillip Street	Lophostemon confertus
41 Phillip Street	Melaleuca styphelioides
43 Phillip Street	Lophostemon confertus
43 Phillip Street	Melaleuca styphelioides
45, unit 1 Phillip Street	Lophostemon confertus
47 Phillip Street	Melaleuca styphelioides
56 Phillip Street	Melaleuca styphelioides
58 Phillip Street	Lophostemon confertus
49 Phillip Street	Melaleuca styphelioides
60 Phillip Street	Melaleuca styphelioides
51 Phillip Street	Lophostemon confertus
53 Phillip Street	Lophostemon confertus
55 Phillip Street	Melaleuca styphelioides
1 Quail Court tree in Phillip Street	Lophostemon confertus
59 Phillip Street	Melaleuca styphelioides
Beside ispot Skin Cancer Clinic Heather Grove	Melaleuca linarifolia
4 Heather Grove	Melaleuca linarifolia
8 Heather Grove	Melaleuca linarifolia
12 Heather Grove	Melaleuca linarifolia
16 Heather Grove	Melaleuca linarifolia
20 Heather Grove	Melaleuca linarifolia
24 Heather Grove	Melaleuca linarifolia
5 Oak Avenue tree in Heather Grove	Melaleuca linarifolia
4 Margaret Street	Melaleuca linarifolia
6 Margaret Street	Melaleuca linarifolia
8 Margaret Street	Melaleuca linarifolia
10 Margaret Street	Prunus blireana
12 Margaret Street	Melaleuca linarifolia
3 Mervyn Street tree in Margaret Street	Prunus blireana

TRARALGON

ADDRESS	SPECIES
17 Albert Street	Prunus blireana
18 Albert Street	Prunus evans
23, units 1 & 2 Albert Street	Prunus blireana
125 Seymour Street tree in Albert Street	Prunus blireana
43 Mabel Street	Prunus blireana
37 Mabel Street	Prunus blireana
25 Mabel Street	Prunus evans
17, units 1 & 2 Mabel Street	Prunus blireana
16 Bridges Avenue tree in Mabel Street	Prunus blireana
16 Bridges Avenue tree in Mabel Street	Lophostemon confertus
21 Bridges Avenue tree in Mabel Street	Lophostemon confertus
2 Mabel Street	Prunus species
100 Prince Drive tree in Mabel Street	Prunus species
100 Prince Drive tree in Mabel Street	Prunus blireana
53 Ethel Street	Prunus blireana
51 Ethel Street	Prunus blireana
41 Ethel Street	Prunus blireana
34 Ethel Street	Prunus blireana
35 Ethel Street	Prunus blireana
30 Ethel Street	Prunus blireana
28 Ethel Street	Prunus blireana
31 Ethel Street	Prunus blireana
26 Ethel Street	Prunus blireana
28 Henry Street tree in Ethel Street	Prunus blireana
27 Henry Street tree in Ethel Street x 2 trees	Prunus blireana
27 Ethel Street	Prunus blireana
25 Ethel Street	Prunus blireana
23 Ethel Street	Prunus blireana
22 Ethel Street	Prunus blireana
21 Ethel Street	Prunus blireana
20 Ethel Street	Prunus blireana
18 Ethel Street	Prunus blireana
17 Ethel Street	Prunus blireana
16 Ethel Street	Prunus blireana

TRARALGON

ADDRESS	SPECIES
12 Ethel Street	Prunus blireana
13, units 1 & 2 Ethel Street	Prunus blireana
10 Ethel Street	Prunus blireana
9 Ethel Street x 2 trees	Prunus blireana
8 Ethel Street	Prunus blireana
6 Ethel Street	Prunus species
4 Ethel Street	Prunus blireana
2 Ethel Street	Prunus blireana
3 Ethel Street	Prunus blireana
2A Ethel Street	Prunus blireana
110 Princes Drive tree in Ethel Street	Prunus blireana
1 Loch Park Road	Prunus blireana
2 Loch Park Road	Prunus blireana
12, units 1, 2 & 3 Loch Park Road	Prunus blireana
20 Loch Park Road	Prunus blireana
23A Loch Park Road x 2 trees	Prunus blireana
24 Loch Park Road	Prunus blireana
27 Loch Park Road	Prunus blireana
28 Loch Park Road	Prunus blireana
30 Loch Park Road	Prunus blireana
35A Loch Park Road	Prunus blireana
39 Loch Park Road	Prunus blireana
38 Loch Park Road	Prunus blireana
47 Loch Park Road	Prunus blireana
48 Loch Park Road	Prunus blireana
57 Loch Park Road	Prunus blireana
15 Greenwood Grove tree in Loch Park Road	Prunus blireana
70 Loch Park Road	Prunus blireana
83 Kay Street tree in Loch Park Road	Prunus blireana
87 Kay Street tree in Loch Park Road	Prunus blireana
1 Garibaldi Street	Prunus blireana
20 Lafayette Street tree in Garibaldi Street	Prunus blireana
1 Catterick Crescent tree in Garibaldi Street	Prunus blireana
6 Garibaldi Street tree in Row Street	Prunus blireana
6 Row Street	Prunus blireana
5 Row Street tree in Stoddard Avenue	Prunus blireana

TRARALGON

ADDRESS	SPECIES
5 Stoddard Avenue	Prunus blireana
3 Lafayette Street trees in Garden Grove x 2 trees	Prunus blireana
5, units 1, 2, 3, & 4 Garden Grove	Prunus blireana
2 Ambrose Avenue tree in Garden Grove	Prunus blireana
7 Garden Grove	Melaleuca styphelioides
13 Garden Grove	Prunus blireana
4 Garden Grove	Prunus blireana
8 Garden Grove	Prunus blireana
18 Garden Grove	Prunus blireana
8 Bernard Avenue	Prunus blireana
1 Hicks Court tree in Bernard Avenue	Prunus blireana
11 Bernard Avenue	Prunus blireana
16 Bernard Avenue	Prunus blireana
17 Bernard Avenue	Prunus blireana
18 Bernard Avenue	Prunus blireana
5 Hicks Court	Prunus blireana
11 Hicks Court	Prunus blireana
5 Catterick Crescent	Prunus blireana
2 McCallum Court	Prunus blireana
13 Catterick Crescent tree in McCallum Court	Prunus blireana
4 Mermod Court	Prunus blireana
14 Armstrong Court	Prunus blireana
33 Armstrong Court	Prunus blireana
4 Davis Court	Prunus blireana
5 Davis Court	Prunus blireana
6 Davis Court	Prunus blireana
5 Tucker Court	Prunus blireana
90 Henry Street	Prunus blireana
66 Washington Street tree in Henry Street	Prunus blireana
86 Henry Street	Prunus blireana
41 Bernard Avenue tree in Henry Street x 2 trees	Prunus blireana
87 Henry Street	Prunus blireana
80 Henry Street (Out Reach Church)	Prunus blireana
75 Henry Street	Prunus blireana

TRARALGON

ADDRESS	SPECIES
68 Henry Street	Prunus blireana
66 Henry Street	Prunus blireana
62 Henry Street	Prunus blireana
58 Henry Street	Prunus blireana
45, unit 2 Lafayette Street tree in Henry Street	Prunus blireana
47 Lafayette Street tree in Henry Street	Prunus blireana
57 Henry Street	Prunus blireana
50 Henry Street	Prunus blireana
49 Henry Street	Prunus blireana
46 Henry Street	Prunus blireana
45 Henry Street	Prunus blireana
40 Henry Street	Prunus blireana
66 Henry Street tree in Brooks Street	Prunus blireana
64 Henry Street tree in Brooks Street	Prunus blireana
133 Kay Street tree in Broadford Court	Prunus blireana
5 Broadford Court	Prunus blireana
9 Broadford Court	Prunus blireana
8 Neville Street	Prunus blireana
11 Neville Street	Prunus blireana
14 Neville Street	Prunus blireana
79 Washington Street tree in McMillan Street	Prunus blireana
4 McMillan Street	Prunus blireana
1 McMillan Street	Prunus blireana
8 McMillan Street	Prunus blireana
5 McMillan Street	Prunus blireana
12 McMillan Street	Prunus blireana
14 McMillan Street	Lophostemon confertus
16 McMillan Street	Prunus blireana
9 McMillan Street	Prunus blireana
20 McMillan Street	Lophostemon confertus
17 McMillan Street	Prunus blireana
24, units 1, 2 & 3 McMillan Street	Prunus blireana
28 McMillan Street	Prunus blireana
32 McMillan Street	Prunus blireana
29 McMillan Street	Prunus blireana

TRARALGON

ADDRESS	SPECIES
33 McMillan Street	Eucalyptus species
86 Kosciusko Street tree in McMillan Street	Prunus blireana
20 Dawn Grove	Prunus blireana
14-18, units 1, 2, 3, 4, 5 & 6 Dawn Grove	Melaleuca styphelioides
14-18, units 1, 2, 3, 4, 5 & 6 Dawn Grove	Prunus blireana
10 Dawn Grove	Prunus blireana
4 Dawn Grove	Prunus blireana
2 Dawn Grove	Prunus blireana
1 Dawn Grove	Prunus blireana

MORWELL

ADDRESS	SPECIES
19 Latrobe Road tree in Mary Street x 2 trees	Fraxinus angustifolia subsp 'angustifolia'
150 Mary Street	Fraxinus angustifolia subsp 'angustifolia'
148 Mary Street	Fraxinus excelsior 'Aurea'
146 Mary Street	Fraxinus angustifolia subsp 'angustifolia'
144 Mary Street	Fraxinus angustifolia subsp 'angustifolia'
142 Mary Street	Fraxinus angustifolia subsp 'angustifolia'
140, units 1, 2, 3 & 4 Mary Street	Fraxinus angustifolia subsp 'angustifolia'
6 Jane Street tree in Mary Street	Melia azedarach
3 Butters Street	Quercus palustris
5 Butters Street	Quercus palustris
7 Butters Street	Quercus palustris
33 Angus Street tree in Butters Street	Fraxinus angustifolia subsp 'angustifolia'
11 Butters Street	Quercus palustris
13 Butters Street	Quercus palustris
15 Butters Street	Quercus palustris
?? 19 Butters Street	Quercus palustris
23 Butters Street	Quercus palustris

MORWELL

ADDRESS	SPECIES
25 Butters Street	Quercus palustris
27 Butters Street	Quercus palustris
4 Sherrin Street tree in Butters Street	Quercus palustris
1 Sherrin Street tree in Butters Street	Quercus palustris
31 Butters Street	Quercus palustris
33 Butters Street	Quercus palustris
32 Butters Street	Quercus palustris
35 Butters Street	Quercus palustris
37 Butters Street	Quercus palustris
39 Butters Street	Quercus palustris
41 Butters Street	Quercus palustris
47 Butters Street	Quercus palustris
49 Butters Street	Quercus palustris
4 Catterick Street tree in Butters Street	Quercus palustris
118 Maryvale Road trees in Milner Court x 2 trees	Liquidambar styraciflua
1 Milner Court	Liquidambar styraciflua
2 Milner Court	Liquidambar styraciflua
5 Milner Court	Liquidambar styraciflua
116 Maryvale Road trees in Milner Court x 2 trees	Liquidambar styraciflua

MOE/NEWBOROUGH

ADDRESS	SPECIES
12 Walhalla Street	Melaleuca styphelioides
10 Mason Street tree in Walhalla Street	Melaleuca styphelioides
157 Lloyd Street tree in Rubery Street	Corymbia ficifolia
2 Rubery Street	Corymbia ficifolia
4 Rubery Street	Corymbia ficifolia
6 Rubery Street	Corymbia ficifolia
10 Rubery Street	Corymbia ficifolia
14 Rubery Street	Corymbia ficifolia
6 Barry Street	Ulmus glabra 'Lutescens'
1 Barry Street	Ulmus glabra 'Lutescens'
5 Barry Street	Ulmus glabra 'Lutescens'
10 Barry Street	Ulmus glabra 'Lutescens'
12 Barry Street	Ulmus glabra 'Lutescens'
8 Roberts Street	Ulmus glabra 'Lutescens'

MOE/NEWBOROUGH

ADDRESS	SPECIES
7 Roberts Street	Ulmus glabra 'Lutescens'
4 Roberts Street	Ulmus glabra 'Lutescens'
3 Roberts Street	Ulmus glabra 'Lutescens'
11 Brendon Street tree in Roberts Street	Ulmus glabra 'Lutescens'
28, unit 1 Hunter Street	Prunus blireana
33 Austin Street tree in Hunter Street	Prunus blireana
16 Hunter Street	Prunus blireana
12 Hunter Street	Prunus blireana
6 Hunter Street	Prunus blireana
39 Burnside Street	Prunus blireana
24, units 1, 2, 3 & 4 Burnside Street	Prunus blireana
33, units 1, 2, 3, 4 & 5 Burnside Street	Prunus blireana
31 Burnside Street	Prunus blireana
16 Burnside Street	Prunus blireana
12-14 Burnside Street	Prunus blireana
19 Burnside Street	Prunus blireana
8 Burnside Street	Prunus blireana
1 Hyland street tree in Burnside Street	Prunus blireana
2 Hyland Street tree in Burnside Street	Prunus blireana
7 Burnside Street	Prunus blireana
Out Front of Vacant Block Burnside Street	Prunus blireana
1 Burnside Street	Prunus blireana
1A Burnside Street	Prunus blireana
1 Evelyn Street tree in Burnside Street	Prunus blireana
21 Hyland Street tree in Castle Street	Prunus blireana
11 Castle Street	Prunus blireana
15 Castle Street	Prunus blireana
20 Castle Street	Prunus blireana
24 Castle Street	Prunus blireana
21 Castle Street	Prunus blireana
1 May Street	Prunus blireana
51 Brock Street	Prunus blireana
24 Brock Street	Prunus blireana
20 Brock Street	Prunus blireana
23 Brock Street	Prunus blireana
21 Brock Street	Prunus blireana
12 Brock Street	Prunus blireana

MOE/NEWBOROUGH

ADDRESS	SPECIES
15 Brock Street	Prunus blireana
6 Brock Street	Prunus blireana
3 Brock Street	Prunus blireana
4 Brock Street	Prunus blireana
1 Brock Street	Prunus blireana
74 Hennessey Street tree in Robinson Street	Prunus evans
2 Robinson Street	Prunus evans
3 Robinson Street	Prunus evans
5 Robinson Street	Prunus evans
6 Robinson Street	Prunus evans
2 Wuttrich Street	Prunus evans
3 Wuttrich Street	Prunus blireana
97 Hennessey Street	Prunus blireana
88 Hennessey Street	Prunus blireana
76 Hennessey Street	Prunus blireana
73 Hennessey Street	Prunus blireana
69 Hennessey Street	Prunus blireana
65 Hennessey Street	Prunus blireana
64 Hennessey Street	Prunus blireana
44 Bennett Street tree in Hennessey Street	Prunus blireana
4 Bliss Street	Prunus blireana
15 Bliss Street	Prunus blireana
83 Hennessey Street tree in Bruce Street	Prunus blireana
16 Bruce Street	Prunus evans
40 York Street	Prunus blireana
36 York Street	Prunus blireana
32 York Street	Prunus blireana
19 York Street	Prunus evans
42 Haigh Street tree in Kirk Street x 2 trees	Prunus blireana
42 Haigh Street tree in Kirk Street	Crataegus species
40, unit 1 Haigh Street tree in Kirk Street	Prunus blireana
40, unit 4 Haigh Street tree in Kirk Street	Prunus blireana
37 York Street tree in Kirk Street	Prunus blireana

MOE/NEWBOROUGH

ADDRESS	SPECIES
35 York Street tree in Kirk Street	Crataegus species
6 Rubery Street tree in Brendon Street	Corymbia ficifolia
3 Brendon Street	Eucalyptus leucoxylon 'Rosea'
5 Brendon Street	Corymbia ficifolia
7 Brendon Street	Corymbia ficifolia
Bell Street beside Kmart Car Park x 3 trees	Prunus blireana
Bell Street beside Coles Car Park x 3 trees	Prunus blireana
3 Bell Street	Prunus blireana
6 Bell Street	Prunus blireana
29 Anzac Street	Prunus blireana
23 Anzac Street	Prunus blireana
17 Anzac Street	Prunus blireana
15 Anzac Street	Prunus blireana
32 Albert Street	Prunus blireana
27 Albert Street	Prunus blireana
7 Bennett Street tree in Albert Street	Prunus evans
23 Albert Street	Prunus blireana
21 Albert Street	Prunus blireana
15 Albert Street	Prunus blireana
11 Albert Street	Prunus blireana
2B, unit 1 Mitchells Road	Prunus evans
4 Mitchells Road	Prunus evans
28, units 1, 2, 3 & 4 Mitchells Road	Prunus evans
30, units 1, 2, 3 & 4 Mitchells Road	Prunus evans
36 Mitchells Road	Prunus evans
10 Gladstone Street	Prunus blireana
9 Gladstone Street	Prunus blireana
16 Gladstone Street	Prunus blireana
13 Gladstone Street	Prunus blireana
24 Gladstone Street	Prunus blireana
5 Moffat Street tree in Gladstone Street	Prunus blireana
28 Gladstone Street	Prunus blireana
3 Moffat Street	Prunus blireana
8 Moffat Street	Prunus blireana
1 Moffat Street	Prunus blireana
90 Waterloo Road tree in Moffat Street	Prunus blireana
92 Waterloo Road tree in Moffat Street	Prunus blireana

MOE/NEWBOROUGH

ADDRESS	SPECIES
5 Anne Street	Prunus blireana
13 Monte Crescent tree in Anne Street	Prunus blireana
11 Monte Crescent	Prunus blireana
8 Monte Crescent	Prunus blireana
5 Monte Crescent	Prunus blireana
2 Monte Crescent	Prunus blireana
68 Waterloo Road tree in Mena Street	Prunus blireana
1B, units 1, 2, 3 & 4 Mena Street	Prunus blireana
1A, units 1, 2, 3 & 4 Mena Street	Prunus blireana
5 Mena Street	Prunus blireana
6 Gladstone Street tree in Mena Street	Prunus blireana
11 Mena Street	Prunus blireana
Opp 13 Mena Street	Prunus blireana
Opp 15 Mena Street	Prunus blireana
19 Mena Street	Prunus blireana
23 Mena Street	Prunus blireana
27 Mena Street	Prunus blireana
7 Helen Court	Prunus evans
4 Helen Court	Prunus evans
1 Helen Court tree in Florence Street x 2 trees	Prunus evans
1 Florence Street	Prunus evans
3 Florence Street	Prunus evans
127 Lloyd Street tree in Truscott Road	Prunus blireana
2A Truscott Road	Prunus blireana
9 Truscott Road	Prunus blireana
27 Truscott Road	Prunus blireana
33 Truscott Road	Prunus blireana
Opp 35 Truscott Road	Prunus blireana
2 Truscott Road	Prunus blireana
4 Truscott Road	Prunus blireana
8 Truscott Road	Prunus blireana
10 Truscott Road	Prunus blireana
25 Truscott Road tree in Bristol Street	Prunus blireana
31 Bristol Street	Prunus blireana
27 Bristol Street	Prunus blireana
Out Front Council Park Land Bristol Street x 2 trees	Prunus blireana
19 Bristol Street	Prunus blireana

MOE/NEWBOROUGH

ADDRESS	SPECIES
1 Caldwell Street tree in Bristol Street	Prunus blireana
69 Vale Street tree in Bristol Street	Prunus blireana
15 Bristol Street	Prunus blireana
6 Bristol Street	Prunus blireana
4 Bristol Street	Prunus blireana
3 Bristol Street	Prunus blireana
18 Wirraway Street tree in Bristol Street	Prunus blireana
Beside Catholic Church & Primary School Wirraway Street x 2 trees	Prunus blireana
17 Wirraway Street	Prunus blireana
1 Bristol Street tree in Wirraway Street	Prunus evans
29 Phillip Street	Prunus blireana
25 Phillip Street	Prunus evans
21 Phillip Street	Prunus blireana
17 Phillip Street	Prunus blireana
5 Phillip Street	Prunus blireana
1 Hinkler Street	Prunus evans
3 Hinkler Street	Prunus evans
4 Hinkler Street	Prunus evans
8 Hinkler Street	Prunus evans
Out Front Council Parkland Hinkler Street	Prunus evans
14 Hinkler Street	Prunus evans
19 Wirraway Street tree in Vale Street	Prunus evans
40 Vale Street x 2 trees	Prunus evans
36 Vale Street	Prunus evans
11 Vale Street	Prunus evans
Out Front Council Parkland Vale Street	Prunus evans
3A Vale Street	Prunus evans
47, units 1, 2, 3 & 4 Langford Street tree in Fowler Street	Prunus blireana
34 Fowler Street	Prunus blireana
23 Fowler Street	Prunus blireana
46 Fowler Street	Prunus blireana
61 Fowler Street	Prunus evans
92 Fowler Street	Prunus blireana
81 Fowler Street	Prunus blireana
87 Fowler Street	Prunus blireana
116 Fowler Street	Prunus blireana

MOE/NEWBOROUGH

ADDRESS	SPECIES
15 Vale Street tree in Ross Avenue	Prunus evans
1 Ross Avenue	Prunus evans
5 Ross Avenue	Prunus evans
6-8, units 1, 2, 3, 4, 5, 6 & 7 Ross Avenue	Prunus evans
13 Ross Avenue	Prunus evans
25 Kerin Street	Prunus blireana
33 Kerin Street	Prunus blireana
37 Kerin Street	Prunus blireana
41 Kerin Street tree in Purvis Street	Prunus blireana
3 Purvis Street	Prunus blireana
7 Purvis Street	Prunus blireana
11 Wirrana Drive	Prunus evans
6 Wirrana Drive	Prunus blireana
13 Wirrana Drive	Prunus blireana
17 Wirrana Drive	Prunus blireana
14 Wirrana Drive	Prunus blireana
20 Wirrana Drive	Prunus blireana
83 Coalville Road tree in Wirrana Drive	Prunus blireana

I.S.T.R.R.P 2016-2017

Glossary of trees

Tree to be removed Common Name	Botanical Name
Desert Ash	<i>Fraxinus angustifolia</i> subsp 'angustifolia'
Evans Cherry	<i>Prunus evans</i>
Flowering Cherry	<i>Prunus blireana</i>
Flowering Cherry	<i>Prunus species</i>
Flowering Gum	<i>Corymbia ficifolia</i>
Golden Elm	<i>Ulmus glabra</i> 'Lutescens'
Gum Tree	<i>Eucalyptus species</i>
Hawthorn	<i>Crataegus species</i>
Pin Oak	<i>Quercus palustris</i>
Prickly Paperbark	<i>Melaleuca styphelioides</i>
Queensland Box	<i>Lophostemon confertus</i>
Snow In Summer	<i>Melaleuca linarifolia</i>
Sweet Gum	<i>Liquidamber styraciflua</i>
White Cedar	<i>Melia azedarach</i>
White Ironbark	<i>Eucalyptus leucoxylon</i> 'rosea'

Replacement tree offered Common Name	Botanical Name
Bushy Yate	<i>Eucalyptus lehmannii</i>
Canadian Maple	<i>Acer rubrum</i> 'Canadian Maple'
Canary Madrone	<i>Arbutus canariensis</i>
Crab Apple	<i>Malus ioensis</i> 'Plena'
Crab Apple	<i>Malus</i> 'sutyzam' – Sugar Tyme
Chinese Elm 'Todd'	<i>Ulmus parvifolia</i> 'Todd'
Crepe Myrtle	<i>Lagerstroemia indica</i> x <i>L. fauriei</i> 'Lipan'
Crepe Myrtle	<i>Lagerstroemia indica</i> 'Natchez'
Crepe Myrtle	<i>Lagerstroemia indica</i> 'Sioux'
Fuchsia Gum	<i>Eucalyptus forrestiana</i>
Kanooka	<i>Tristaniopsis laurina</i>
Kings Park Bottlebrush	<i>Callistemon</i> 'Kings Park Special'
Lemon scented Tea Tree	<i>Leptospermum pattersonii</i>
Little Gem Magnolia	<i>Magnolia grandiflora</i> 'Little Gem'
Manchurian Pear	<i>Pyrus ussuriensis</i>
Maple	<i>Acer rubrum</i> 'Fairview Flame'
Maple	<i>Acer rubrum</i> 'Autumn Blaze'
Mt Fuji Cherry	<i>Prunus</i> 'Shirotae' Mt Fuji
Pincushion Hakea	<i>Hakea laurina</i>
Red Maple	<i>Acer rubrum</i> 'Bowhall'
Trident Maple	<i>Acer buergerianum</i>
Tupelo	<i>Nyssa sylvatica</i>
White Bottlebrush	<i>Callistemon salignus</i>



Tree Work Notification Policy

Version 1

Approval Date: 21 June 2016

Review Date: May 2016



Tree Work Notification Policy

DOCUMENT CONTROL

Responsible GM	Steven Piasente	
Division	Infrastructure & Recreation	
Last Updated (who & when)	Manager Operations and Waste, Martin Teplik	2016
DOCUMENT HISTORY		
Authority	Date	Description of change
Council	20 June 2016	Adopted, effective 21 June 2016
Manager	May 2016	Update to current template style
Council	7 February 2011	Approved
References	Refer to Section 8 and 9 of this policy	
Next Review Date	May 2017	
Published on website	Yes	
Document Reference No	11 POL -4	

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Tree Work Notification Policy

1. Objectives

The purpose of this policy is to detail processes for the notification of significant tree works prior to the works being undertaken.

2. Principles of Management

Relationship to Latrobe 2026 & Council Plan

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:-

Built Environment

Latrobe 2026:

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.

Council Plan:

- Enhance the quality and sustainability of streetscapes and parks across the municipality through the provision and maintenance of trees that are appropriate to their surroundings.
- Ensure Latrobe City Council's infrastructure is managed through a long term strategic approach to asset management.
- Ensure public infrastructure is maintained in accordance with community aspirations.

Natural Environment

Latrobe 2026:

In 2026, Latrobe Valley enjoys a beautiful natural environment that is managed and protected with respect to ensure a lasting legacy for future generations.

Council Plan:

- Protect and enhance bushland parks and reserves for the benefit of native flora and fauna.
- Enhance biodiversity conservation through the protection and management of remnant native vegetation and revegetation.

Governance

Latrobe 2026:

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed

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Tree Work Notification Policy

and engaged community, committed to enriching local decision making.

Council Plan:

- Support effective community engagement to increase community participation in Council decision making.
- Provide timely, effective and accessible information about Latrobe City Council's activities.
- Ensure that Council decision-making considers adopted policies.

Policy Implementation

DEFINITIONS

Category 1 - Routine maintenance

- Amenity pruning
- Removal of dead, dying or dangerous trees
- Removal of trees where the roots are affecting assets including services e.g. water, sewer, gas, drainage or telecommunications assets.

Category 2 - Clearance of trees from power lines

Category 3 – Significant tree works

- Pre planned removal of inappropriate trees
- Removal of dead, dying or dangerous trees where more than 25% of trees are required to be removed in a street block, a reserve or a park
- Removal or major works on identified significant specimen trees

PROCEDURES

Category 1 – Routine Maintenance

- Notification not required

Removal of dead, dying or dangerous trees or trees affecting assets where immediate removal is required

- Verbal notification to the abutting residents
- If nobody is home a notification form is to be left at the abutting properties explaining the reason for the urgent tree removal

Removal of dead, dying or dangerous trees or trees affecting assets where immediate removal is not required

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Tree Work Notification Policy

- Notification form delivered to abutting properties at least three days prior to the commencement of works explaining the reason for the proposed tree removal
- The form is to have name and contact details of the arborist in charge of the work with an invitation to make contact if further information is required

Category 2 – Clearance of trees from power lines

- The “Code of Practice for Electric Line Clearance (Vegetation)” published by Energy Safe Victoria includes requirements for consultation and notification, which Council is required to follow. The additional requirements of the Electrical Safety (Electric Line Clearance) Regulations 2005 must also be followed.

Category 3 – Significant Tree Works

Pre planned removal of inappropriate trees

Unless a specific Council resolution is made to the contrary:

- Report to Council annually after the adoption of the budget with a recommended program for the financial year;
- Report to include proposed replacement tree species;
- Following Council acceptance of the annual program a press release to be prepared detailing the proposed annual program;
- Notification by letter to be distributed to affected persons at least two months prior to commencement of works explaining the details of the proposed works -
 1. Street trees – residents within the block
 2. Recreation reserve trees – user groups through the City’s recreation unit and residents in close proximity to the trees
 3. Parks – residents in close proximity to the trees;
- Notification in the Councillor bulletin at least two months prior to commencement of works;
- Copy of the notification to be placed in the pigeon hole of the respective ward Councillor;
- Verbal notification to the respective ward Councillor at least one month prior to commencement of works.

Removal of dead, dying or dangerous trees or trees affecting assets or identified significant specimen trees where immediate removal required

- Verbal notification to the abutting residents;
- If nobody is at home a notification form to be left at the abutting properties explaining the reason for the urgent tree removal.

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Responsible Division	Infrastructure & Recreation	Approved Date	21 June 2016	Review Date	May 2016
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Tree Work Notification Policy

Removal of dead, dying or dangerous trees or trees affecting services or identified significant specimen trees where immediate removal is not required

- Notification form delivered to abutting properties at least one month prior to the commencement of works explaining the reason for the proposed tree removal;
- The form is to have name and contact details of the arborist in charge with an invitation to make contact if further information is required;
- Notification in the Councillor bulletin at least one month prior to commencement of works;
- Copy of the notification to be placed in the pigeon hole of the respective ward Councillor;
- Verbal notification to the respective ward Councillor at least one month prior to commencement of works.

3. Accountability and Responsibility

Accountability and responsibility for this policy is outlined below.

3.1. Council

- Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policy
- Responsibility for the decision to approve this Policy by Council Resolution

3.2. Chief Executive Officer

- Overall responsibility for compliance with this policy
- Overall responsibility for enforcing accountability
- Overall responsibility for providing resources
- Overall responsibility for performance monitoring

3.3. General Manager

- Responsibility for compliance with this policy
- Responsibility for enforcing accountability
- Responsibility for providing resources
- Responsibility for performance monitoring

3.4. Manager

- Develop frameworks and procedures in compliance with this policy
- Enforce responsibilities to achieve compliance with frameworks and procedures

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Responsible Division	Infrastructure & Recreation	Approved Date	21 June 2016	Review Date	May 2016
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Tree Work Notification Policy

- Provide appropriate resources for the execution of the frameworks and procedures

3.5. Employees, Contractors and Volunteers

- Participate where required in the development of frameworks and procedures in compliance with this policy.
- Comply with frameworks and procedures developed to achieve compliance with this policy.

4. Evaluation and Review

This policy will be reviewed on request of Council, in the event of significant change in the Executive team, significant changes to legislation applicable to the subject matter of the policy or, in any other case, during each Council term (generally four years).

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Responsible Division	Infrastructure & Recreation	Approved Date	21 June 2016	Review Date	May 2016
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I.S.T.R.R.P 2016 – 2017



Acer rubrum 'Bowhall'
(Bowhall Red Maple)



Leptospermum pattersonii
(Lemon-scented Tea Tree)



**Eucalyptus forrestiana
(Fuchsia Gum)**



**Hakea laurina
(Pincushion Hakea)**



Tristaniopsis laurina
(Water Gum, Kanooka)



***Acer rubrum* 'Autumn Blaze'**
(Canadian Maple)



Malus 'Sutyzam'
(Sugar Tyme)



Ulmus parvifolia 'Todd'
(Chinese Elm)



**Acer buergerianum
(Trident Maple)**



**Acer rubrum 'Fairview Flame'
(Red Maple)**



Magnolia gradiflora 'Little Gem'
(Evergreen Magnolia)



Prunus 'Shirotae' (syn Mt Fuji)
(Japanese Flowering Cherry)



**Callistemon 'Kings Park Special'
(Bottlebrush)**



**Callistemon salignus
(Willow Bottlebrush)**



Lagerstroemia indica X L. fauriei 'Lipan'
(Crepe Myrtle)



Eucalyptus lehmannii
(Bushy Yate)



**Nyssa sylvatica
(Black Tupelo)**



**Lagerstroemia indica X L. fauriei 'Sioux'
(Sioux Crepe Myrtle)**



**Arbutus canariensis
(Canary Island Madrone)**



**Lagerstroemia indica X L. fauriei 'Natchez'
(Crepe Myrtle)**



Pyrus ussuriensis
(Manchurian Pear)



Malus ioensis
(Crab Apple)

15.5 Document for signing and seal - Creation of Easement

General Manager

Infrastructure and Recreation

For Decision

EXECUTIVE SUMMARY

Gippsland Water is constructing a new sewer pipeline to improve the sewerage services within the Polden Crescent area of Morwell.

Council is requested to sign and seal a Creation of Easement document pursuant to section 45(1) of the *Transfer of Land Act 1958*.

An “E-1” Easement is to be created in favour of Central Gippsland Region Water Corporation (Gippsland Water) for the purposes of water supply and sewerage purposes located at Council’s Works Depot, Driffield Road Morwell being Lot 2 on Plan of Subdivision 424872A on Certificate of Title Volume 10933 Folio 637 for consideration of \$1.00.

MOTION

Moved: Cr Middlemiss

Seconded: Cr McFarlane

That Council authorises the Chief Executive Officer to sign and seal the Creation of Easement document in respect to Certificate of Title Volume 10933 Folio 637 being Lot 2 on Plan of Subdivision 424872A located at Driffield Road Morwell in favour of Central Gippsland Water Corporation for consideration of \$1.00.

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

The General Manager Corporate Services declared an indirect conflict of interest under Section 78B of the *Local Government Act 1989*. In order to provide unbiased advice to Council, the General Manager Corporate Services has not been involved in the preparation of this report.

DISCUSSION

Gippsland Water is constructing a new sewer pipeline to improve the sewerage services within the Polden Crescent area of Morwell.

Part of the new sewer pipeline will be installed at the north western corner at Council’s Driffield Road Works Depot. There are no buildings or permanent structures at this area of the depot.

Gippsland Water already have an existing pipeline within a nearby easement and the additional easement is minor in size and will not impact on depot operations.

It is Gippsland Water's policy to acquire an easement for infrastructure assets that traverse property not owned by Gippsland Water. A copy of the plan showing the additional easement required refer Attachment 1.

STAKEHOLDER CONSULTATION

Council's Manager Operations and Waste has been consulted and has meet with Gippsland Water's representative onsite.

FINANCIAL AND RESOURCES IMPLICATIONS

Gippsland Water will meet all legal costs associated with the Creation of Easement.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

CONCLUSION

Officers recommend that Council authorises the Chief Executive Officer to sign and seal the Creation of Easement document in respect to Lot 2 on Plan of Subdivision 424872A located at Driffield Road Morwell for the purposes of creating an easement in favour of Gippsland Water for the purposes of water supply and sewerage purposes of Central Gippsland Region Water Corporation for the consideration of \$1.00.

SUPPORTING DOCUMENTS

Nil

Attachments

1↓ . Gippsland Water Creation of Easement

15.5

Document for signing and seal - Creation of Easement

- 1 Gippsland Water Creation of Easement 283**

Our reference: 07/27/04/02
Your reference: Maryvale # 477

10 January 2017

Mr Peter Schulz
Property & Statute Officer
Latrobe City Council
PO Box 264
Morwell 3840



Date Received: 12-Jan-2017



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Traralgon Victoria 3844
Telephone: (03) 51774600
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contactus@gippswater.com.au
www.gippswater.com.au

Dear Mr Schulz

**Re: Creation of Easement on behalf of Gippsland Water
Latrobe City Council
Certificate of Title Volume 10933 Folio 637**

We refer to your letter of 14 December 2016 in which you advise that the Latrobe City Council agrees to the creation of an easement as set out in our letter of 16 November 2016.

Enclosed is the Creation of the Easement Instrument to be executed by Latrobe City Council and a copy of the Memorandum of Common Provisions AA 2378 for your information.

Once executed by Latrobe City Council, could you please return the Instrument to enable it to be executed and registered by Gippsland Water with evidence that the person/s executing the instrument have been identified in accordance with the Land Titles Office requirements.

Could you also please confirm that you will attend to the Nomination Form to make the Certificate of Title available to register the Creation of Easement form.

Please contact Donna Wardle on 5177 4678 should you wish to discuss the above.

Yours sincerely

**LYNLEY KEENE
MANAGER COMMERCIAL SERVICES**

TRANSFER OF LAND ACT 1958

Section 45(1)

CREATION OF EASEMENT

Lodged at the Office of Titles by:

Name:
Phone:
Address:

Ref:
Customer Code:

Privacy Collection Statement
The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

The Grantor being registered as the proprietor of the estate specified in the Servient Land transfers and grants to the Grantee the registered proprietor of the dominant land for the consideration expressed the easement specified subject to the encumbrances affecting the Servient Land including any created by dealings lodged for registration before the lodging of this creation of easement.

Servient Land: That part of the land in Certificate of Title Volume 10933 Folio 637, Lot 2 on Plan of Subdivision 424872A, being Driffield Road Morwell Victoria 3840 as is marked "E-1" on the attached Plan for Creation of Easement (Surveyors Ref. 30042215-00-008) ("the Plan").

Dominant Land: In gross pursuant to the *Water Act* 1989.

Grantor: **LATROBE CITY COUNCIL** the registered proprietor of the Servient Land.

Grantee: **CENTRAL GIPPSLAND REGION WATER CORPORATION** (ABN 75 830 750 413) of 55 Hazelwood Road, Traralgon, Victoria 3844.

Estate: In fee simple.

Consideration: \$1.00

Easement Purpose: Water supply and sewerage purposes.

Easement Terms: The terms as set out in the Memorandum of Common Provisions AA2378 registered pursuant to section 91A of the *Transfer of Land Act 1958* on 8 April 2014.

The Common Seal of **LATROBE CITY**)
COUNCIL was hereto affixed this)
day of 2017 in)
accordance with Local Law No 1 in the)
presence of:

.....
Chief Executive Officer

.....
Witness

The **OFFICIAL SEAL** of **CENTRAL**)
GIPPSLAND REGION WATER)
CORPORATION was hereunto affixed in)
accordance with the Water Act 1989 in the)
presence of:

.....
Chairperson (signature)

.....
Director (signature)

.....
Chairperson (print full name)

.....
Director (print full name)

.....
Secretary (signature)

.....
Secretary (print full name)

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Memorandum of Common Provisions Section 91A Transfer of Land Act 1958



Lodged by:
Name: RUSSELL KENNEDY LAWYERS
Phone: (03) 9609 1555
Address: Level 12, 469 La Trobe Street
Melbourne Vic 3000
Reference: SZM:114604-00990 Customer Code: 1513M

This memorandum (containing 3 pages) contains provisions which are intended for inclusion in instruments to be subsequently lodged for registration.

PROVISIONS

EASEMENT (water supply and sewerage)

1. Defined Terms and Interpretation

1.1 Definitions

In this memorandum, unless expressed or implied to the contrary:

"Aboveground Works" means any Pipeline Works or other works or infrastructure on the Subject Land which are required in connection with the Belowground Works where applicable.

"Acquired Rights" means Gippsland Water's rights with respect to the relevant charge, easement or right as described in the Easement Instrument including the provisions of this memorandum.

"Belowground Works" means any Pipeline Works, pipes, pumps or other works or infrastructure in or under the Subject Land which are required in connection with or incidental to the use of the Subject Land for water supply and/or sewerage purposes.

"Change" includes alter, cut off, add to, vary, modify, adjust, replace, remove and reconstruct.

"Construct" includes assemble, erect, lay, place, build or fabricate.

"Easement Instrument" means the document lodged with Land Victoria to register the charge, easement or right on title pursuant to the *Transfer of Land Act 1958*, as amended from time to time.

"Gippsland Water" means the Central Gippsland Region Water Corporation and its administrators, successors, transferees, assigns, licensees, employees, agents, contractors and subcontractors.

"Interested Person" means any person whose interest in the Subject Land is affected by the Acquired Rights.

"Maintain" includes cleanse, flush, repair, and if necessary remove.

"Pipeline Works" has the same meaning as defined in the *Water (Subdivisional Easements and Reserves) Regulations 2011* as amended from time to time.

"Plant" includes machines, vehicles, facilities, equipment and materials.

Approval No.

1. The provisions are to be numbered consecutively from number 1.
2. The back of this form must not be used.
3. Further pages may be added but each page should be numbered consecutively.
4. To be used for the inclusion of covenants and easements in mortgages, transfers and leases.

MCP

Page 1 of 4

Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

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AA2378

08/04/2014 \$56.50 MCP



"Soil" includes earth, stone, rock and gravel.

"Subject Land" means the land described in the relevant Easement Instrument.

"Works" mean the Aboveground Works and the Belowground Works.

1.2 Interpretation

In this memorandum, unless the context otherwise requires:

- (a) headings are for guidance only and do not form part of this memorandum or affect its interpretation;
- (b) a reference to a statute, ordinance, code or other law includes any regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them occurring at any time before or after the date of acquisition;
- (c) the singular includes the plural and vice versa and different grammatical forms of defined expressions have corresponding meanings;
- (d) a reference to a person includes a natural person, firm, corporation, unincorporated association or other body corporate and that person's executors, administrators, successors and permitted substitutes and assigns;
- (e) examples and use of the word "including" and similar expressions do not limit what else may be included;
- (f) nothing in this memorandum affects or limits any functions, powers, duties and objectives of Gippsland Water under any statute and this memorandum must be construed to the extent required to give the relevant clause legal effect wherever necessary; and
- (g) wherein this memorandum relates to more than one person, that provision shall bind, or be for the benefit of, those persons jointly and each of them severally.

2. Gippsland Water's Rights and Covenants

2.1 Rights

Gippsland Water may at all times:

- (a) use the Subject Land for water supply and/or sewerage purposes;
- (b) enter upon and pass over the Subject Land with or without Plant;
- (c) take onto and remove Plant from the Subject Land;
- (d) clear and excavate (including dig or cut) the Subject Land and keep it free of any thing which in Gippsland Water's reasonable opinion is, or may be, an obstruction to a line of sight or to the exercise of the rights granted to Gippsland Water in accordance with this Clause 2.1;
- (e) Construct in, on or under the Subject Land any item or thing required in connection with the Belowground Works and/or Aboveground Works;
- (f) use and operate the Works on the Subject Land;
- (g) inspect, patrol, survey, Maintain, Change, close, decommission or destroy the Works on, in or under the Subject Land (including a change in their size or number);
- (h) cause any Belowground Works and/or Aboveground Works installed or Constructed in, on or under the Subject Land to remain thereon or therein following decommission;
- (i) do anything on the Subject Land by whatever means Gippsland Water thinks fit which, in Gippsland Water's opinion, is reasonably necessary, desirable or incidental to exercising the Acquired Rights including, without limitation:
 - (i) temporarily restricting access to the Subject Land or parts thereof;
 - (ii) fencing off the Subject Land or parts thereof;
 - (iii) Constructing and Maintaining gates in boundary fences abutting or crossing the Subject Land or the adjacent land of an Interested Person; and
 - (iv) anything required for the security of infrastructure or persons or livestock in connection with any of the activities referred to in this Clause 2.1.

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2.2 Covenants

In completing all Works in exercising the Acquired Rights, Gippsland Water shall:

- (a) cause as little harm and inconvenience to the Subject Land as possible;
- (b) not stay on the Subject Land for any longer than is reasonably necessary;
- (c) remove from the Subject Land upon completion of the Works all Plant, goods or temporary buildings brought onto the Subject Land by Gippsland Water, other than anything which the parties agree may be left on the Subject Land;
- (d) leave the Subject Land as close as reasonably possible to the condition in which Gippsland Water found it prior to the commencement of the Works; and
- (e) co-operate as much as possible with any Interested Person.

3. Interested Person's Rights and Covenants

3.1 Rights

An Interested Person may use and occupy the Subject Land so long as that use, enjoyment and/or occupation does not interfere with the Acquired Rights in any way.

3.2 Written consent of Gippsland Water

An Interested Person can only use the Subject Land in a manner which interferes with the Acquired Rights with the prior written consent of Gippsland Water and such consent may be withheld in Gippsland Water's absolute discretion.

3.3 Covenants

An Interested Person shall not do or permit to be done anything on, in or under the Subject Land which interferes with the Acquired Rights including, but not limited to:

- (a) excavating (including digging or cutting), ploughing or filling the Subject Land;
- (b) Constructing any structure, pavement, foundation, pipeline or other improvement;
- (c) installing any fixed Plant;
- (d) planting any trees, shrubs or vegetation;
- (e) altering (other than by the processes of nature) the present grade and contours of the Subject Land;
- (f) removing any Soil, or other material or matter that supports, protects or covers the Works; and
- (g) storing or using flammable or explosive materials;

without the prior written consent of Gippsland Water, which consent may be withheld in Gippsland Water's absolute discretion.

4. Further Documents

An Interested Person must execute any documents or do anything reasonably required by Gippsland Water to further or more effectively secure the provisions of this memorandum and Gippsland Water's interests and rights under this memorandum.

5. Enforceability

If an Interested Person breaches, defaults or fails to comply with his covenants and obligations under this memorandum, Gippsland Water may take any action it considers necessary or desirable to enforce the provisions of this memorandum.

6. Notices

6.1 Form of Notices

Any notice required to be given under this memorandum must be in writing and delivered by post, facsimile or hand delivery or by electronic transmission where this has been agreed.

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6.2 Notice by Post

A notice provided by post is regarded as being received 3 days from and including the date it is posted.

7. Legislation

7.1 Works to remain the property of Gippsland Water

At all times, despite any rule of law or equity, the Works will remain the property of Gippsland Water and may be left on, in or under the Subject Land whether in use or not .

7.2 Statutory powers

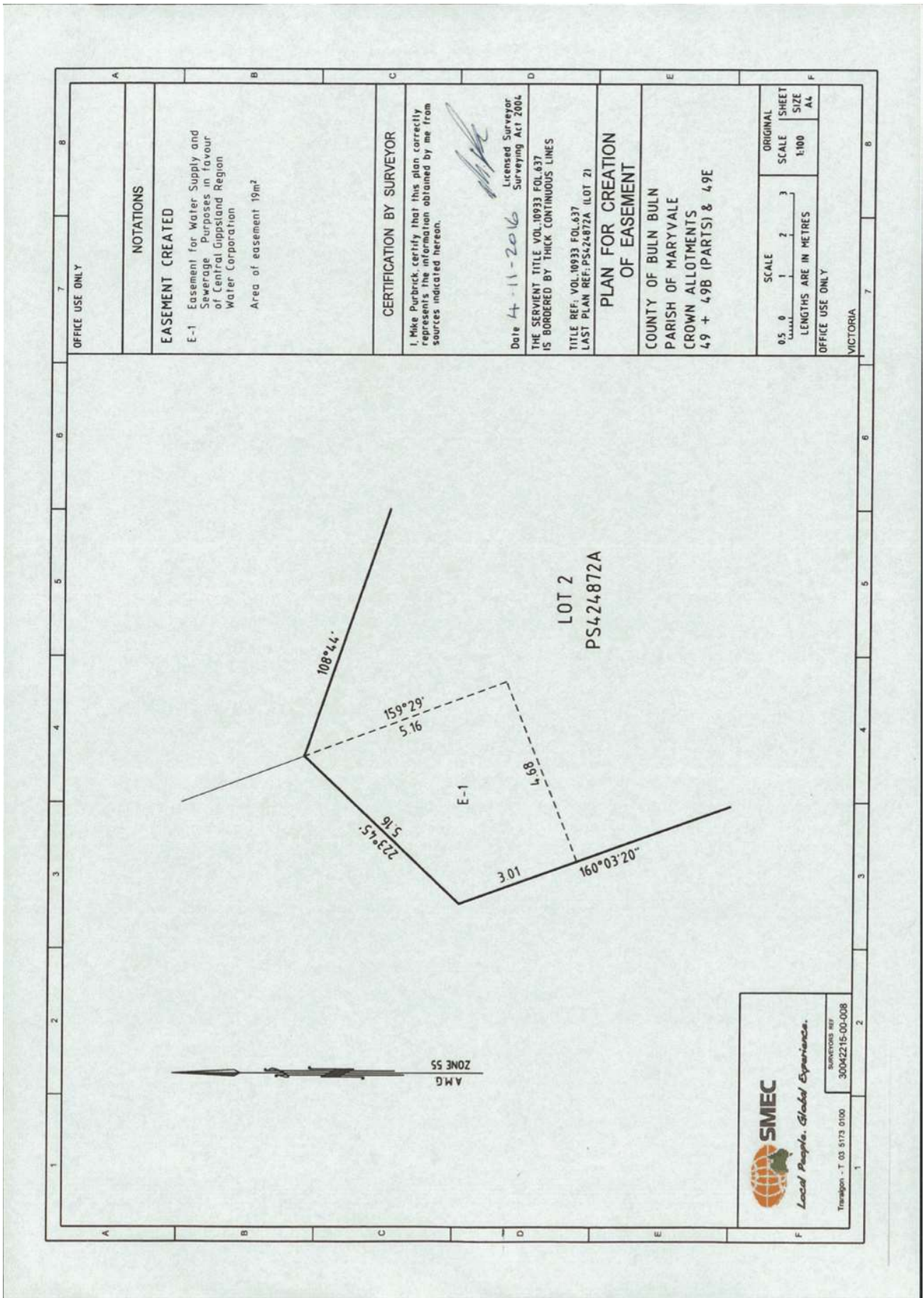
The rights afforded to Gippsland Water in this memorandum in no way affect or limit any functions, powers, duties or objectives of Gippsland Water under any statute.


AA2378

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OFFICE USE ONLY		NOTATIONS	
EASEMENT CREATED		E-1 Easement for Water Supply and Sewerage Purposes in favour of Central Gippsland Region Water Corporation	
Area of easement 19m ²		CERTIFICATION BY SURVEYOR	
I, Mike Purbrick, certify that this plan correctly represents the information obtained by me from sources indicated herein.		 Licensed Surveyor Surveying Act 2004 Date 4-11-2016	
THE SERVIENT TITLE VOL.10933 FOL.637 IS BORDERED BY THICK CONTINUOUS LINES		TITLE REF. VOL.10933 FOL.637 LAST PLAN REF. PS424872A (LOT 2)	
PLAN FOR CREATION OF EASEMENT		COUNTY OF BULN BULN PARISH OF MARYVALE CROWN ALLOTMENTS 49 + 49B (PARTS) & 49E	
SCALE 0.5 1 2 3 LENGTHS ARE IN METRES	ORIGINAL SCALE 1:100	SHEET SIZE A4	OFFICE USE ONLY
VICTORIA		7 8	


SMC
 Local People. Global Experience.
 Translogon - T 03 5173 0100
 SURVEYORS REF
 30042216-00-008

COMMUNITY SERVICES

16. COMMUNITY SERVICES

Nil reports

CORPORATE SERVICES

17. CORPORATE SERVICES

17.1 Authorisation of Council Officer under the Planning and Environment Act 1987

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

By authorising officers, Council is authorising a suitably skilled/qualified officer to undertake the duties required of a particular statutory position. Once a person is authorised by Council, that person has the powers of that statutory position; as distinct from being delegated the powers of the Council.

Authorisations are different from delegations as delegations involve the Council giving its powers to members of staff who then act on behalf of Council. Persons authorised by Council to hold a statutory position are acting as holders of statutory powers; they are not acting as delegates on behalf of the Council. Their powers and responsibilities are different to the powers and responsibilities of the Council.

By authorising Peter Whebell, Senior Statutory Planner for the purposes of administration and enforcement of the *Planning and Environment Act 1987* (Act), this will enable the newly appointed officer to operate and perform his duties with respect to the statutory planning powers and functions of the Council.

MOTION

Moved: Cr Middlemiss

Seconded: Cr White

That Council, in exercising the powers conferred by Section 224 of the *Local Government Act 1989* and Section 147(4) of the *Planning and Environment Act 1987* (Act):

- 1. Appoints and authorises Peter Whebell, Senior Statutory Planner as an Authorised Officer for the purposes of the Act and associated regulations; and**
- 2. Delegates and authorises the Chief Executive Officer to sign and seal the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) as presented which comes into force immediately the common seal of Council is affixed.**

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

Council has the power to appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement on any Act, regulation or local laws which operate with respect to the powers and functions of the Council. A Council must maintain a register that shows the names of all people appointed by it to be authorised officers. Each authorised officer is to be issued with an identity card that contains a photograph and signature of the authorised officer and is signed by the Chief Executive Officer.

In accordance with Section 224 of the *Local Government Act 1989*, an authorised officer has the following powers:

- To demand the name and address of a person who has committed, or who is reasonably suspected by the officer to have committed, an offence under any Act, regulation or local law in respect of which he or she is appointed. In doing so, the officer must inform the person in sufficient detail of the reason for which the demand is made to enable the person to understand the nature of the offence or suspected offence; and
- To enter any land or building in the municipal district at any reasonable time to carry out their duties as an authorised officer.

Section 147(4) of the *Planning and Environment Act 1987* provides for the following:

1. *Any reference in this Act to an Authorised officer of a responsible authority of the Department is a reference to an officer or employee of the authority or employee of the Department whom the authority or the Secretary to the Department (as the case requires) authorises in writing generally or in a particular case to carry out the duty or function or to exercise the power in connection with which the expression is used.*

Section 188(2)(c) of the *Planning and Environment Act 1987*, stipulates that Council has *the power of a responsible authority to authorise any officer to carry out a duty or function or to exercise a power.*

STAKEHOLDER CONSULTATION

There is no engagement required as part of this process.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications, as this position is within the adopted budget. However, if Council decides not to authorise the nominated officer, it will impede their ability to fully execute their duties.

RISK IMPLICATIONS

If an officer is not authorised by Council under section 224, the officer will be unable to adequately perform their duties, as described in their position description. Further implications to this are as follows:

- Delays in processing decisions on planning applications.

- Development and subdivision projects within the Latrobe City Council having timely delays.
- Risk that developers will become frustrated with delays and appeal to VCAT.
- Planning officers that do not have the appropriate authorisation and delegation are unable to determine planning applications.
- A court or tribunal can declare any planning permit issued by the unauthorised officer invalid.

CONCLUSION

The *Planning and Environment Act 1987* requires direct authorisation from Council to council officers in order to perform certain statutory duties.

By authorising the nominated officer under the *Planning and Environment Act 1987* and under section 224 of the *Local Government Act 1989*, Council will ensure that the nominated officer will be able to perform their duties and fulfil their role as described in their position description.

SUPPORTING DOCUMENTS

Nil

Attachments

1↓ . Instrument of Appointment & Authorisation - Peter Whebell

17.1

Authorisation of Council Officer under the Planning and Environment Act 1987

- 1 Instrument of Appointment & Authorisation - Peter
Whebell 299**

Maddocks Delegations and Authorisations

*S11A. Instrument of Appointment and Authorisation (Planning and
Environment Act 1987)*



Latrobe City Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)

February 2017

Peter Whebell

**Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987*)**

In this instrument "**officer**" means -

Peter Whebell

By this instrument of appointment and authorisation Latrobe City Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.
3. Any planning application which has received one or more objection(s).

Any planning application recommended for refusal (including planning applications where Council has no discretion for approval).

Any application of strategic significance (at the discretion of the CEO).

Any matter relating to the signing and sealing of Section 173 Agreements.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked;
- (c) that any authority or appointment to the officer referred to in this Instrument is automatically revoked upon that officer ceasing employment with the Council.

This instrument is authorised by a resolution of the Council on 22 August 2016.

The Common Seal of **LATROBE CITY COUNCIL**
was affixed in accordance with Local Law No. 1
this day of 2017 in the presence of:

Gary Van Driel – Chief Executive Officer

17.2 Proposed name change - McPherson Road Newborough

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

Council has received correspondence from Mr Robert McPherson (no relation) advising of the incorrect spelling of McPherson Road in Newborough and he has requested Council correct the spelling to reflect the historical significance.

An investigation of this request has revealed that the current spelling of this road has changed over time from MacPherson to McPherson without explanation.

Based on research undertaken, officers believe the correct spelling of the road should be MacPherson and recommends that Council commence the renaming process in accordance with the *Guidelines for Geographic Place Names Victoria 2010*.

If the renaming was to occur five property owners would be affected.

MOTION

Moved: Cr Gibson

Seconded: Cr Law

That Council:

- 1. Authorises the Chief Executive Officer to commence the community consultation process required under the *Guidelines for Geographic Place Names Victoria 2010* and publish notices inviting written submissions concerning its intention to consider renaming McPherson Road Newborough to MacPherson Road Newborough to reflect the historical significance, and:**
- 2. If submissions are received, Council delegates to the Chief Executive Officer the authority:**
 - a) to fix the date of the Ordinary Council Meeting to consider submissions, and**
 - b) submitters wishing to be heard will be notified of the time and place of the Ordinary Council Meeting that Council will consider the submissions; or**
- 3. If no submissions are received, authorises the Chief Executive Officers to commence the administrative process to officially rename McPherson Road Newborough to MacPherson Road Newborough to reflect the historical significance; and**
- 4. Notifies Mr Robert McPherson of Council's decision.**

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

A request was received from Mr Robert McPherson (no relation) advising of the incorrect spelling of McPherson Road in Newborough. Mr Robert McPherson has advised that he “delivered newspapers down that road years ago and assures Council the original name was in fact MacPherson Road”. Mr Robert McPherson has requested Council correct the spelling to reflect the historical significance. In support of Mr Robert McPherson’s request, he provided an extract of the “Origin of Street Names” compiled by a local historian and published by the Moe & District Historical Society in 2005 which records the spelling as MacPherson Road. Mr Robert McPherson also advised Mr Harry Urquhart MacPherson was a well-known citizen of Moe and racing identity. The road to Mr Harry Urquhart MacPherson’s property was named MacPherson Road to reflect this significance. Mr Harry Urquhart MacPherson was heavily involved in the Moe Racing Club including serving as President, was on the Board of the Moe Co-operative Dairy Company including serving as Director and Chair, he was a dairy farmer, a horse trainer and keen member of the Moe community.

A review of Council’s road file and historical title searches revealed direct links to properties owned by Mr Harry Urquhart MacPherson and Mrs Lorna Marion MacPherson since 1948.

McPherson Road is shown as an unnamed road on Lodged Plan 15724 dated 1941.

McPherson Road (as currently sign posted) is located within the Lake Narracan Precinct Structure Plan and is referenced as MacPherson Road.

All the plans associated with the Lake Narracan Precinct Structure Plan including the Native Vegetation Precinct Plan and Development Contribution Plan refer to MacPherson Road. When submissions were invited as part of the Lake Narracan Precinct Structure Plan community consultation process, it was evident there was confusion as to the correct spelling of McPherson or MacPherson. The official renaming process will clarify the confusion.

If Council is to proceed with the name change there are five property owners which will be affected. These properties are identified on [Attachment 1](#).

Section 206 and Schedule 10 Clause 5 of the *Local Government Act 1989* empowers Council to name / rename roads and erect signs. As a naming authority Council is entitled to name / rename features and roads within the municipality, subject to satisfying the Guidelines for *Geographic Place Names Victoria 2010*.

When considering any naming / renaming proposal the *Guidelines for Geographic Place Names Victoria 2010* requires Council give consideration to the 16 general principles and seven other principles specific to roads.

A Table reviewing this request to correct the spelling of the road in accordance with the respective general and specific principles is provided in [Attachment 2](#). Officers are of the opinion that the proposed correction to spelling is in accordance with the *Guidelines for Geographic Place Names Victoria 2010*.

If Council is to commence the statutory process to correct the spelling of McPherson Road, Council will be required to give public notice and invite community comment concerning the proposal. Any written submissions received must be considered in accordance with Section 223 of the *Local Government Act 1989* at a future Council Meeting.

In the event McPherson Road Newborough is renamed to correct the spelling, officers will advise the statutory authorities and service providers of the change. Officers will also provide the residents with address notification slips for their future use.

A location Plan is provided for the information of Council refer Attachment 3.

Options

The following options are provided for Council's consideration:

- Commence the statutory process by giving notice of its intention to consider a request from Mr Robert McPherson to rename McPherson Road Newborough to MacPherson Road Newborough to reflect the historical significance.
- Resolve not to proceed with the proposal and notify Mr Robert McPherson of Council's decision.

FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with the statutory process are:

1. Officer resources in preparation of Council reports and historical searches of McPherson Road Newborough.
2. Public notices in the Latrobe Valley Express inviting submissions.
3. Manufacturing and erection of a new road sign.

The above costs are within existing budget allocations.

RISK IMPLICATIONS

There is a minor risk that effected residents will not support the renaming the road.

STAKEHOLDER CONSULTATION

Engagement Method Used:

It is proposed to seek public submissions via the following methods:

- Public notices in the Latrobe Valley Express.
- Notice displayed at Council's Corporate Headquarters and Moe Service Centre.
- Details placed on the Latrobe City Council website.
- Letters to the current McPherson Road Newborough residents.

CONCLUSION

Following an investigation, officers believe the correct spelling of the road is MacPherson. There is a confirmed historical link of the name MacPherson to the

locality and the renaming will acknowledge the extensive contribution Mr Harry Urquhart MacPherson made to the Moe community.

Officers recommend Council commence the statutory process to correct the spelling of McPherson Road Newborough to MacPherson Road Newborough to reflect the historical significance and invite community comment.

SUPPORTING DOCUMENTS

Nil

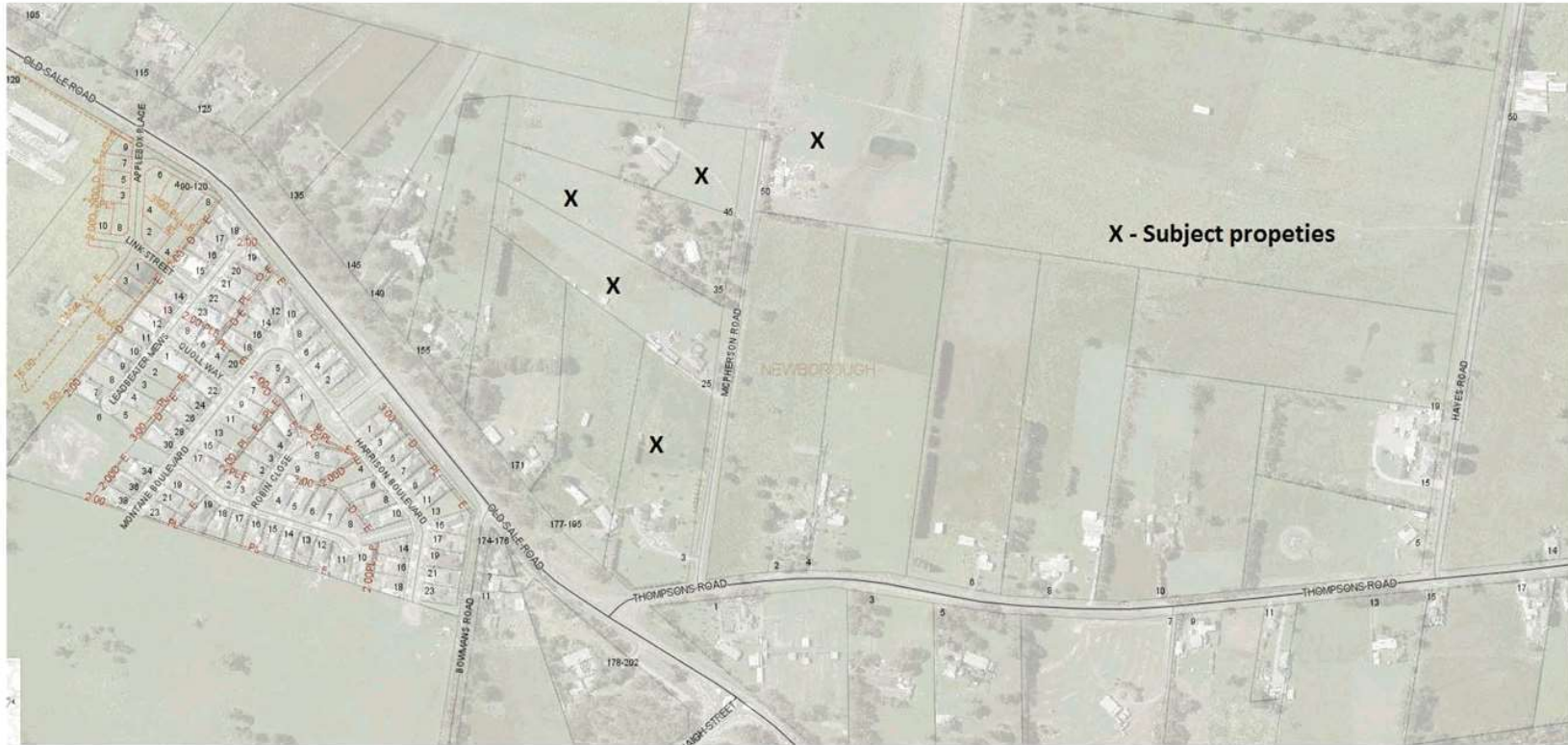
Attachments

- 1↓ . Aerial image
- 2↓ . Table of Office of Geographic Placec Names Victoria Guidelines 2010
- 3↓ . McPherson Road Newborough Locality Plan

17.2

Proposed name change - McPherson Road Newborough

1	Aerial image	307
2	Table of Office of Geographic Place Names Victoria Guidelines 2010	309
3	McPherson Road Newborough Locality Plan.....	313



The following principles must be used in conjunction with the relevant specific principles relating to the naming, renaming of features, localities and roads. They are designed to ensure that there can be no confusion, errors or discrimination caused by the naming, renaming or boundary change process.

Principles	Officer Comment
<p><i>Principle 1(A) Language</i></p> <p><i>The guidelines state that geographic names should be easy to pronounce, spell and write, and preferably not exceed three words (including feature or road type) and/or 25 characters.</i></p>	<p>The proposed correction to spelling is consistent with this principle.</p>
<p><i>Principle 1(B) Recognising the Public Interest</i></p> <p><i>The guidelines state that consideration needs to be given to the long-term consequences and effects upon the wider community of naming a feature.</i></p>	<p>The proposed correction to spelling is consistent with this principle.</p>
<p><i>Principle 1(C) Ensuring Public Safety</i></p> <p><i>Geographic names must not risk public and operational safety for emergency response or cause confusion for transport, communication and mail services.</i></p>	<p>By registering a road name the exact street location is recorded and linked to the Victorian Government spatial data set, VICMAP. This detail is beneficial for an emergency service agency when dispatched to an emergency at these locations.</p>
<p><i>Principle 1(D) Ensuring Names Are Not Duplicated</i></p> <p><i>Place names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity that have identical or similar spelling or pronunciation.</i></p>	<p>A search of the VICNAMES database has been undertaken and the name MacPherson Road is not recorded within the mandatory 30 kilometres radius applicable for rural and remote areas.</p>
<p><i>Principle 1(E) Directional names to be avoided</i></p> <p><i>Cardinal directions (north, south, east and west) must be avoided. A proposed name that uses a cardinal direction to distinguish itself from another similar name is considered to be a duplicate name. In these instances a different name should be chosen to allow for a clear distinction between the two or more</i></p>	<p>This principle is not applicable.</p>

<i>features, localities or roads.</i>	
<p><i>Principle 1(F) Assigning Extent to Feature, Locality or Road</i></p> <p><i>Council, as the naming authority, must define the area and/or extent to which the name will apply.</i></p>	<p>The existing road is easily identifiable.</p>
<p><i>Principle 1(G) Linking the Name to the Place</i></p> <p><i>Place names should be relevant to the local area with preference given to unofficial names that are used by the local community.</i></p>	<p>The proposed reference to the “MacPherson” name has a direct link with an earlier property owner.</p>
<p><i>Principle 1(H) Using Commemorative Names</i></p> <p><i>Naming often commemorates an event, person or place. A commemorative name applied to a feature can use the first or surname of a person although it is preferred that only the surname is used.</i></p>	<p>The proposed MacPherson Road Newborough name complies with this Principle.</p>
<p><i>Principle 1(I) Using commercial and business names</i></p> <p><i>For similar reasons to those outlined in Principle 1(H), naming authorities should not name places after:</i></p> <ul style="list-style-type: none"> • <i>commercial businesses;</i> • <i>trade names; and</i> • <i>non-profit organisations.</i> 	<p>This principle is not applicable</p>
<p><i>Principle 1(J) Names Must Not Be Discriminatory</i></p> <p><i>Place names must not cause offence on the basis of race, ethnicity, religion, disability, sexuality or gender.</i></p>	<p>The name proposal is unlikely to cause offence to any member of the public.</p>
<p><i>Principle 1(K) Recognition and use of Indigenous Australian names</i></p> <p><i>The use of traditional Indigenous Australian names is encouraged for features, localities</i></p>	<p>As the renaming proposal is to correct the spelling of the road name, this principle is not applicable.</p>

<p><i>and roads, subject to agreement from the relevant Indigenous communities. The identification of a name (or names) of Indigenous heritage is encouraged to be undertaken by Indigenous groups who form a consultative group to the naming authority (refer to procedures section below).</i></p>	
<p><i>Principle 1(L) Dual names</i></p> <p><i>Australian states and territories use dual names as a way of recognising the names given to places by different enduring cultural and language groups.</i></p> <p><i>In Victoria, the approach to giving simultaneous and joint recognition of two cultures through naming is to form a dual name with two distinct name parts, usually one part of non-Indigenous language origin and the other of Indigenous Australian language origin.</i></p>	<p>As the renaming proposal is to correct the spelling of the road name, this principle is not applicable.</p>
<p><i>Principle 1(M) Consulting With the Public</i></p> <p><i>Naming authorities must consult with the public on any naming proposal. The level and form of consultation can vary depending on the naming proposal.</i></p>	<p>Council will comply with this principle by giving public notice of proposed names and inviting public comment.</p>
<p><i>Principle 1(N) Lodging, considering and addressing objections</i></p> <ul style="list-style-type: none"> • <i>What is an objection?</i> • <i>Lodging objections</i> • <i>Considering objections</i> • <i>Addressing objections</i> 	<p>This Principle will only be applicable if Council gives public notice of the proposal and receives objections.</p>
<p><i>Principle 1(P) Signage</i></p> <p><i>Naming authorities must not erect or display signage prior to receiving advice from the Registrar that the naming proposal has been approved, gazetted and registered in VICNAMES.</i></p> <p><i>The existence of signage prior to lodging a naming proposal with the Registrar is not a</i></p>	<p>If Council completes the naming process for MacPherson Road Newborough, a replacement street sign will be erected after the proposed name has been registered.</p>

<i>valid argument for the name to be registered.</i>	
<i>Principle 1(O) Notification of a naming decision Only after a naming authority receives notification from the Registrar that an official naming, boundary or name change has been registered in VICNAMES can it notify affected members of the immediate and/or extended community and other interested stakeholders.</i>	This Principle will only be applicable if Council completes the renaming process.

In addition to the above general principles, there are specific feature naming principles applicable to this request:

<i>Principle 4(A) AS/NZS 4819 Geographic Information – Rural and Urban Addressing</i>	The road name proposal complies with the provisions of AS/NZS 4819 Geographic Information – Rural and Urban Addressing .
<i>Principle 4(B) Extent: road course, start and end points</i>	The proposed road name is not ambiguous and should not cause any confusion for road users. The extent of the road is clearly identifiable and has definable start and end points.
<i>Principle 4(C) Addresses and numbering</i>	No impact on street numbering, as the change will effect the spelling of the road name only.
<i>Principle 4(D) Road types</i>	Road is an acceptable road type that suitably describes the road's characteristics.
<i>Principle 4(E) Unacceptable road names</i>	The proposed road name does not include any elements that are listed as unacceptable in a road name
<i>Principle 4(F) Obstructed or altered roads</i>	This principle is not applicable as the entire length of the road is constructed.
<i>Principle 4(G) Signage</i>	The size, font and colour of road signs will be in accordance with the AS1742 Manual of uniform traffic control devices, AS1744 Forms of letter and numerals for road signs and AS/NZS 4819 Geographic Information – Rural and Urban Addressing.



Cr Law declared a direct and/or indirect interest under Section 78B of *The Local Government Act 1989* in respect to this item.

Cr Law left the meeting, the time being 07:50 pm

17.3 Moe Racing Club - request for a half-day public holiday 2017 Moe Cup

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

The Moe Racing Club (MRC) has written to Council requesting a half-day public holiday for the 2017 Moe Cup.

The *Public Holidays Act 1993* allows a non-metropolitan council to request a substitute public holiday in lieu of the Melbourne Cup public holiday. This public holiday can be either a full-day or two half-day public holidays and be applied in one or more parts of the municipality.

Council is required to determine whether to support the MRC request to make application for a half-day public holiday for the 2017 Moe Cup. If Council does support the request, Council will also need to determine whether to make application for the half day holiday for part or the whole of the municipality.

Should Council authorise the application to the relevant Minister to declare a half-day public holiday for the 2017 Moe Cup a notice will be published in the Government Gazette. The application to the Minister for a substitute half-day public holiday must be made at least 90 days before the Melbourne Cup Day (i.e. Wednesday, 9 August 2017). This application must also specify the day or 2 half-days of the substituted public holiday; specify the reasons for making the request and whether the public holiday is to apply to the whole or part of the municipality.

MOTION

Moved: Cr Gibson

Seconded: Cr White

That Council, having considered the request made by the Moe Racing Club:

- 1. Supports an application for a half-day afternoon public holiday for the 2017 Moe Cup; and**
- 2. Requests a half-day substitute public holiday for the 2017 Moe Cup for the following town and rural localities of Moe, Newborough, Yallourn, Moe South, Hernes Oak, Tanjil South and Yallourn North within the Latrobe City boundary; and**
- 3. Notifies the Moe Racing Club of Council's decision.**

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

Background

A letter was received from the MRC on 11 November 2016 requesting that Council make application for a half-day public holiday for the Moe Cup to be held on Thursday, 19 October 2017.

Council from 1998 through to 2008, declared one substitute full-day and a number of half-day public holidays for the respective Moe race meetings. The full-day public holiday was in 1998 Moe Cup and from 1999 to 2008 half-day public holidays were granted.

These previous full or half-day public holidays for the Moe Cup were declared for the towns and rural localities of Moe, Newborough, Yallourn, Moe South, Hernes Oak, Tanjil South and Yallourn North.

Between 2009 and 2014 Council did not submit an application to the relevant Minister to substitute a respective Melbourne Cup Public Holiday for another nominated full-day or two half-day public holidays.

In March 2015, the MRC submitted a request with accompanying petition (333 signatures) requesting Council make application for a half-day public holiday afternoon in lieu of a half-day Melbourne Cup public holiday.

Council determined to undertake extensive consultation with the community, business groups and major employers including:

- Public notices published in the Latrobe Valley Express.
- Public notice placed on the Latrobe City Council website.
- Post placed on the Latrobe City Facebook page.
- 285 letters sent/delivered to industrial and commercial premises in Moe, Newborough and Yallourn North.
- Letters sent to 14 schools within the subject area and the Department of Education.
- Letters sent to Narracan Gardens, Latrobe Valley Village and Querencia Latrobe City.
- Letters sent to Yallourn North Action Group, Committee for Moe, Moe Traders Association, Latrobe City Business Tourism Association, Regional Development Victoria, VECCI.

In response to the public notices and correspondence, 14 written submissions were received regarding the proposed half-day public holiday. Of these 14 submissions 8 supported the proposed half-day public holiday and 5 did not support the proposed half-day public holiday. The submission from Energy Australia Yallourn requested that the Yallourn Works Area be excised from the proposed half-day public holiday due to operational requirements.

In addition to the aforementioned submissions, 204 form letters were received supporting the proposed half-day public holiday. Of these form letters, 142 were from residents within the 3825 postcode area.

At its meeting held on 11 June 2015 Council resolved to support the request to have an afternoon half-day public holiday declared for the 2015 Moe Cup and the remainder half day public holiday to be declared for Melbourne Cup Day for the 3825 postcode area within Latrobe City, and write to the Minister requesting that it be declared accordingly. This half-day public holiday was formally declared by a notice in the Victoria Government Gazette published on 31 July 2015.

Prior to conducting the 2015 Moe Cup, the MRC advised that the cup race meeting could not be conducted. As a result, the half-day public holiday that had been declared was no longer required and Council requested the Minister reinstate the Melbourne Cup Day on Tuesday, 3 November 2015 as a full-day public holiday for the 3825 postcode area within Latrobe City.

Correspondence was sent to the Minister requesting that the Melbourne Cup Day on Tuesday, 3 November 2015 be reinstated as a full-day public holiday for this area by publication of a new notice in the Victorian Government Gazette.

In 2016 Council did not receive a request from the MRC to make application for a half-day public holiday for the 2016 Moe Cup.

Current request

The MRC has again requested Council make application for a half-day public holiday for the 2017 Moe Cup. The MRC's request does not clarify whether the half-day public holiday is to apply to all or part of the municipality.

In support of the MRC request, the MRC has provided the following information in "2013 a study by IER titled 'the size and copy of the Victorian Racing Industry' revealed Australian Bureau of Statistics data that showed in the 2009/10 year, 13.5% of Victorians attended at least one thoroughbred race meeting during the year, second in attendance only to Australian rules football. The data from the study shows that the Victorian Racing Industry contributes more than \$2.8 billion in real gross value added to the Victorian economy and that more than 114,100 Victorians are directly involved in the industry. The IER study details the economic activity generated by the Victorian Racing Industry compliments the social and environmental impacts, particularly in regional areas where racing events and facilities foster social cohesion and provide benefits for a broad range of individuals and community organisations".

It is acknowledged that the Moe three hour morning sale and Moe Cup is a major event within the municipality and does have significant benefits to the local community, both financially and socially. However the actual benefits derived from the Moe Cup Race Meeting are difficult to quantify and the details provided in the above 2013 IER Study relate to broader Victoria and take into account the Melbourne Spring Carnival of Racing, various other Metropolitan and Regional Race Meetings / carnivals however no specific cost benefit details have not been provided specific to Moe and its environs. Anecdotal evidence indicates that the Moe annual three morning sale is well supported whether an afternoon half-day public holiday has or has not been declared for the Moe Cup.

MRC further provided previous Moe Cup attendance figures that identified a reduction in attendance numbers when a half-day public holiday has not be declared, as detailed in the attendance table below:

Year	Attendance	Public Holiday Status
2008	9,187	Public holiday was declared
2009 – transferred due to bad weather		
2010	5,181	No public holiday was declared
2011	4,641	No public holiday was declared
2012 and 2013 – No Moe Cup race meeting held		No public holiday was declared
2014	2,335	No public holiday was declared

The above attendance table reveals a progressive decline in crowd attendances since the last designated public holiday. There can be a number of factors that can influence attendance numbers, such as weather on the day, regional economic climate, employment levels and the level of personal disposable income, etc.

Irrespective of whether a half-day holiday is or is not declared for the Moe Cup, many businesses within the designated area will choose whether to remain trading for the full day or close to allow staff the opportunity to attend the race meeting even when there has been no public holiday in place. It is therefore highly likely that such private arrangements would continue even if there is no public holiday declared for the afternoon. The multi-national chain stores will remain trading on both the Moe Cup and Melbourne Cup days, irrespective of a half-day public holiday being declared.

When considering to make application for a full-day or half-day public holiday, Council is required to determine the boundary that the public holiday applies e.g. whole or part of municipality, specific towns and rural localities or the postcode of 3825 within the boundary of Latrobe City and advise the Minister accordingly.

Previously, Council has made application for half-day public holidays parts of the municipality as follows:

- Specific town and rural localities of Moe, Newborough, Yallourn, Moe South, Hernes Oak, Tanjil South and Yallourn North refer [Attachment 2](#). (Note part of the Tanjil South rural locality extends beyond the Latrobe / Baw Baw municipal boundary.
- Postcode area for 3825, refer [Attachment 3](#). A significant part of the 3825 postcode is outside the Latrobe / Baw Baw municipal boundary.

(Any substitute public holidays declared will only apply to the areas with Latrobe City)

In accordance with legislation the half-day public holiday is only applicable to those in the community that are employees working within the Council designated public holiday area. This entitlement will be subject to individual negotiations between employers and employees, respective Enterprise Bargaining Agreements and Industry Awards which will determine if a half-day public holiday is taken for the Moe Cup or businesses/industries continue to observe the full-day Melbourne Cup Public Holiday. Accordingly businesses within the designated area will individually determine to open or close for the afternoon regardless of the declaration of a half-

day public holiday depending on factors such as the increased costs of remaining open or, conversely, the loss of trade if closed.

A number of schools have previously indicated that they do not support the proposal of two half-day public holidays as it has been disruptive and resulted in minimal attendance on both Moe and Melbourne Cup days.

There is also a need to recognise the confusion and inconvenience that may arise if a half-day public holiday is declared for only part of the municipality. The reason being those within the designated area if taking the Moe Cup half-day public holiday are only entitled to take a further half-day public holiday for the Melbourne Cup while the balance of Latrobe City would continue to observe a full-day public holiday for the Melbourne Cup on Tuesday, 7 November 2017.

The anticipated costs associated with making an application for a half-day public holiday include:

- advertising costs of the public notice if declared by the Minister for Innovation, Services and Small Business;
- Officer time in preparing a report to Council and responding to enquiries from the general public and employers (in the past these enquiries have been extensive and time consuming);
- Council business units within the designated area will responsible for determining whether their service will observe the two half-day public holidays or full day for the Melbourne Cup public holiday.

Options

Council has the following options:

1. Undertake community consultation prior to determining whether to support the MRC request to application to the Minister for Small Business, Innovation and Trade for a half-day public holiday. Submissions received would be considered at a future Council Meeting.
2. Support the request from the Moe Racing Club, determine that it is not necessary to undertake relevant community consultation and make application to the Minister for Small Business, Innovation and Trade in regards to this matter. If this is the preferred option it will be necessary to determine the designated public holiday area. If this is the preferred option Council is encouraged to delegate authority to the Chief Executive Officer in the event the 2017 Moe Cup is cancelled, to make application to the appropriate Minister to abolish the half-day Moe Cup public holiday and reinstate a full day Melbourne Cup public holiday for the designated area.
3. Not support the request from the MRC to make application for a half-day public holiday and advise the Moe Racing Club of Council's decision.

STAKEHOLDER CONSULTATION

In 2015, extensive consultation was undertaken with the community, business groups and major employers including:

- Public notices published in the Latrobe Valley Express.

- Public notice placed on the Latrobe City Council website.
- Post placed on the Latrobe City Facebook page.
- 285 letters sent/delivered to industrial and commercial premises in Moe, Newborough and Yallourn North.
- Letters sent to 14 schools within the subject area and the Department of Education.
- Letters sent to Narracan Gardens, Latrobe Valley Village and Querencia Latrobe City.
- Letters sent to Yallourn North Action Group, Committee for Moe, Moe Traders Association, Latrobe City Business Tourism Association, Regional Development Victoria, VECCI.

In response to the public notices and correspondence, 14 written submissions were received regarding the proposed half-day public holiday. Of these 14 submissions, eight supported the proposed half-day public holiday and five did not support the proposed half-day public holiday and Energy Australia Yallourn requested that the Yallourn Works Area be excised from the proposed half-day public holiday due to operational requirements.

In addition to the aforementioned submissions, 204 form letters were received supporting the proposed half-day public holiday. Of these form letters, 142 were from residents within the 3825 postcode area.

Council subsequently resolved to make application for the substitute half-day public holidays for the Moe Cup and Melbourne Cup.

FINANCIAL AND RESOURCES IMPLICATIONS

The anticipated costs associated with making an application for a half-day public holiday include:

- advertising costs of the public notice if declared by the Minister for Innovation, Services and Small Business;
- Officer time in preparing a report to Council and responding to enquiries from the general public and employers (in the past these enquiries have been extensive and time consuming);
- Potential increase labour costs for Council business units that provide a service/ managed facilities within the designated area that remain operational and observe the two half-day public holidays opposed to closing for the full day Melbourne Cup public holiday.

The above costs are within existing budget allocations.

RISK IMPLICATIONS

Risk has been considered as part of the report and it is considered to be consistent with the Risk Management framework.

If Council agreed to the MRC's request, there are potential financial and resource risks for the broader community, in particular employers that operate businesses within the designated area.

There will also be an impact on Council operated services within the designated area.

There is also a risk to Council's reputation:

- (a) If Council *does* support MRC's application, this may affect the relationship with other employers/businesses that do not agree with the half-day public holiday proposal for example Energy Australia Yallourn, or
- (b) If Council *does not* support MRC's application, this may affect the relationship with the MRC and other employers/businesses that agree with the half-day public holiday proposal.

CONCLUSION

The MRC has requested that Council make application for a substitute half-day public holiday for the 2017 Moe Cup.

It is acknowledged that the Moe Cup, together with the preceding three hour morning sale is a major event within the municipality and does have significant benefits to the local community and MRC, both financially and socially.

If a half-day afternoon public holiday is declared, it will create issues and confusion amongst some employers/employees as whether or not observe the two half-day public holidays or the full day Melbourne Cup public holidays.

Council will need to determine if it supports the request from the MRC for a substitute afternoon half-day public holiday and if it does the area of the municipality that the substitute afternoon half-day public holiday should apply to.

SUPPORTING DOCUMENTS

Nil

Attachments

- 1↓ . Moe Racing Club Request for a Half Day Public Holiday - Thursday 19 October 2017
- 2↓ . Town and Rural Localities Map
- 3↓ . Postcode 3825 Map

17.3

Moe Racing Club - request for a half-day public holiday 2017 Moe Cup

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2	Town and Rural Localities Map	327
3	Postcode 3825 Map	329



MOE RACING CLUB
P.O. Box 5
Moe, Vic., 3825
ABN: 13 424 081 291
Telephone: (03) 5120-1333
Facsimile: (03) 5120-1355

11th November 2016

The Councillors
Latrobe City Council
PO Box 264
MORWELL 3840

Dear Councillors,

RE:- Moe Cup Day – Thursday 19th October 2017

On behalf of the Moe Racing Club, I would like to apply for a half day public holiday for the Moe Cup in 2017. As you would be aware the council approved the half day holiday for Moe Cup in 2015 and then reversed the decision after the cup was called off due to track renovations. The Moe Racing Club did not have sufficient time to apply for the public holiday in 2016 due to the return to racing which was delayed until April. The club has successfully negotiated a winter racing programme and delivered a Moe Cup in 2016 and would like to return to the traditional format of having a public holiday for half a day our cup day.

The Moe Cup half day is an important event as much for the local traders and community as for the raceclub. In 2012, a state government economic impact study into the spring racing carnival showed \$620.1 million gross economic benefit to the state with Total direct spending of \$329.7 million and attendance at country cups at 93,733.

In 2013 a study by IER titled "the size and scope of the Victorian Racing Industry" revealed Australian Bureau of Statistics data that showed that in the 2009/2010 year, 13.5% of Victorians attended an least one thoroughbred race meeting during the year, second in attendance only to Australian Rules Football. The data from the study shows that the Victorian Racing Industry contributes more than \$2.8billion in real gross value added to the Victorian economy and that more than 114,100 Victorians are directly involved in the industry.

To quote the 2013 IER study into the Victorian Racing Industry, "The economic activity generated by the Victorian Racing Industry compliments the social and

environmental impacts, particularly in regional areas where racing events and facilities foster social cohesion and provide benefits for a broad range of individuals and community organizations."

Moe has long held a half day holiday which gives the Moe Traders an opportunity in the morning to have their annual Moe Cup three hour sale. The reasoning behind the success of this sale is the fact that the traders have the ability to partner with an iconic event that focuses on many different aspects of retail such as fashion, jewellery, food, photography to name a few. The traders successfully promote this sale creating a carnival like atmosphere in the centre of Moe that works hand in hand with the promotion of the races on the day. The traders are also able to run their sale without the expense of public holiday wages making their efforts non viable. Over the past few years, many Moe traders have closed at midday to attend the cup in support of the town, only to be placed at a disadvantage with major national retailers remaining open in competition.

To quote some figures relevant to our industry and area from this research, in Gippsland in the 2010/2011 season, there was \$13.83 million of direct expenditure including \$720,000 on transport, \$600,000 on accommodation, \$760,000 on retail and \$1.77 million on fashion. The Independent report on Size and Scope of the Victorian Racing Industry show a decline in attendance from the 2006 report of 78,606 to the 2013 report at 68,977 with real gross value added declining from \$52m to 35.5m.

In 2008, the last year of the half day holiday, Moe had a crowd of 9187 at the Moe Cup. Since that day, the 2009 cup was transferred due to weather, 2010 had 5181, 2011 had 4641, the track was rebuilt and cup not run in 2012 & 2013 and we had 2335 in 2014. It is fair to say attendance has been significantly impacted by the lack of the half day holiday.

Let me talk briefly about some of the less quantifiable but no less important benefits that racing and in particular the Moe Cup bring to our community. In a 2006 published study performed by the Victoria University titled Economic and Social Contribution of Thoroughbred Horse Racing in Country Victoria, they speak not only of the economic benefits of the industry and major events, but also the social benefits. I will touch briefly on a few that are relevant specifically to our major day.

Key events – we all know and understand the reality that key events drive benefits to the wider community where the event is held. The Victorian major events company are often in the spotlight trying to attract major events to our state. The Moe Cup provides this event for our town albeit on a much smaller scale than the grand Prix or the Australian open tennis, however the tangible benefits to the community are the same.

Destination branding – and I quote from the IER study, "Destination branding refers to the promotion of a destination for longer term visitor gain. Having a strong destination brand can have significant social and economic benefits for regional areas. Events (including race meetings) play an important role in destination branding by profiling destinations in the media." The Moe Racing Club attracts significant media attention for the Cup both nationally and internationally, highlighting the strength and benefits of our local community.

Social cohesion – and again I quote from the study "racing has a positive impact on the community by providing a conduit for community interaction." – improved facilities

and offerings at both the 3 hour sale and the raceclub continue to provide this platform.

Community pride – again quoting from the study "The study found that in some cases racing has become firmly embedded in regional identity" also referred to in one of the submissions received by council, the Moe day of celebration, celebrates everything that is good in our community.

The study also looks at specific case studies one of them being Warmambool where they declare a public holiday for their racing carnival and again I quote from the study "The shire engages the local traders to link their activities to the event and create an atmosphere of celebration through street and shop window decoration."

The Moe Cup has long been an iconic and important local event and with the Moe Traders running the three hour sale in the morning it becomes a valuable and important date for the local community.

I have attached a letter of support from the Moe Traders for the declaration of a public holiday for the 2017 Moe Cup.

I would be delighted if you could commence proceedings to approve the half day holiday for the 2017 Moe Cup.

Yours truly,



David Mckinnon
Chief Executive Officer



Moe Traders Association
ABN NO 24365054248

PO BOX 406, MOE VIC 3825
PHONE 51 272099

PRESIDENT: CHRISTINE WATERHOUSE
VICE PRESIDENT: JEFF HITCHENS
SECRETARY: SUE BROADBENT
TREASURER: ANNE ALEXANDER

9th November 2016
Latrobe City Council
141 Commercial Rd
MORWELL

To Whom It May Concern

RE Moe Cup 19th October 2017

I write to council in support of the application by the Moe Racing Club for a half day public holiday for the Moe Cup on Thursday 19th October 2017.

The Moe Traders have long been associated with the Moe Racing Club on the Moe Cup Day and as council would be well aware, run the hugely successful Moe Cup 3 hour sale on the day. At midday, the local shops close their doors and attend the Moe Cup along with a vast cross section of the community. The half day holiday is essential in the promotion of the day and ensures local shopkeepers are not burdened with public holiday wages during the three hour sale.

The Moe Traders fully support the application for a half day public holiday as applied for by the Moe Racing Club and would welcome the council commencing the process to support our local community in the declaration of this holiday.

Yours faithfully

Susan Broadbent

Secretary

Moe Traders Association

0466060801 or 51278998







Cr Law returned to the meeting, the time being 07:53 pm

Cr Gibson left the meeting, the time being 07:53 pm

Cr Harriman declared an interest not being a Conflict of Interest in respect to this item.

17.4 Proposed sale of a portion of Council owned Recreation Reserve located north of Rangeview Drive Traralgon

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

Council has received a request from the Roman Catholic Trusts Corporation for the Diocese of Sale expressing an interest in purchasing part of a Council recreation reserve that abuts the northern boundary of St Gabriel's Primary School (School), located at 30-50 Rangeview Drive Traralgon refer Attachment 1.

The Diocese/School is seeking the additional land due to recent changes to the *Crimes Act 1958 (Victoria)* and a more recent Minister for Education, Ministerial Order No. 870 relating to *Child Safe Standard – Managing The Risk Of Child Abuse In Schools*. To comply with the legislation and Ministerial Order, the School has identified that there is a potential risk to students as the northern side of the school is unfenced.

At present the School's open space/sports field is part school land and part Council owned recreation reserve, refer Attachment 2.

MOTION

Moved: Cr Middlemiss

Seconded: Cr Clancey

That Council:

- 1. Authorises the Chief Executive Officer to commence the statutory process required under sections 189 and 223 of *the Local Government Act 1989* and publishes notices inviting written submissions concerning the potential sale of part of Council-owned recreation reserve (being an approximate area of 3,000 square metres) (subject land) that abuts the northern boundary of St Gabriel's Primary School, located at 30-50 Rangeview Drive Traralgon, and**
- 2. If submissions are received, delegates to the Chief Executive Officer the authority:**
 - a) to fix the date of the Ordinary Council Meeting to consider submissions, and**
 - b) notify submitters wishing to be heard of the time and place of the Ordinary Council Meeting that Council will consider the submissions; or**
- 3. If no submissions are received, Council forms the opinion that the land is surplus to Council and community requirements and delegates to the Chief Executive Officers authority to:**
 - a) Negotiate the terms and conditions of sale by private treaty including area with the Roman Catholic Trusts Corporation for the Diocese of Sale for that part of Council-owned recreation reserve (an approximate area of 3,000 square metres) that abuts the northern boundary of St Gabriel's Primary School, located at 30-50 Rangeview Drive Traralgon (the land will not be sold for less than the market value of the land), and**
 - b) Arrange for signing and sealing of all documentation associated with the sale of the land.**
- 4. Notifies the Roman Catholic Trusts Corporation for the Diocese of Sale of Council's decision.**

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

Council's recreation reserve with street frontage to Sandalwood Court, Merindah Court, Springfield Court and Stirling Avenue Traralgon, being a total area of 6,504

square metres was created as Reserve 1 on Plan of Subdivision 217700C approved March 1990. This land is contained in Certificate of Title Volume 9936 Folio 570 was registered in the name of Council in January 1991. The school's land and Council's reserve are zoned General Residential Zone – Schedule 1.

In June 2016, the Planning, Building and Finance Manager for the Catholic Education Office, Diocese of Sale approached officers to explore the possibility of purchasing part of the Council recreation reserve. The purpose for acquiring the land is to allow the School to erect a fence along the southern alignment of the constructed pedestrian foot path. This path connects Sandalwood Court, Merindah Court, Springfield Court and Stirling Avenue Traralgon and should Council determine to sell the pedestrian access will remain unaltered.

The reason for wishing to acquire the Council land is due to 2015 changes to the *Crimes Act 1958 (Victoria)* and a more recent Minister for Education, Ministerial Order No. 870 relating to *Child Safe Standard – Managing The Risk Of Child Abuse In Schools*, the School has identified that there is a potential risk to students etc. as the northern side of the school is unfenced.

The school currently uses part of the Council owned land during school hours as its sports field. If the School was to erect a fence on the School / Council property boundary this would impact on the size and usability of the sports field.

The area the School wishes to acquire equates to approximately 3,000 square metres and is shown on aerial image Attachment 3 as the area above the straight red dotted line through the school's sports field (property boundary) and below the blue line along the edge of footpath.

In accordance with the provision of Sections 189 and 223 of the *Local Government Act 1989*, Council is required to undertake community consultation by giving public notice of its intention to consider the potential sale of land, invite written submission, and consider submissions received.

Further, subject to the successful finalisation of the statutory process and pursuant to Section 24A(8) of the *Subdivision Act 1988*, the net proceeds from the sale of public open space must be used for recreational or cultural purpose referred to in item 5 of Schedule 1 of the *Local Government Act 1989*.

Alternative Option - Lease:

Council could enter into a long term lease with the School. The School was advised of this option but the School's preference is to purchase land.

If Councillors prefer this option a report will be prepared for Council to authorise the commencement of the statutory process and undertake community consultation in accordance with the provision of Sections 190 and 223 of the *Local Government Act 1989*.

STAKEHOLDER CONSULTATION

Engagement method used:

It is proposed to seek public submissions via the following methods:

- Public notices in the Latrobe Valley Express.

- Notice displayed at Council's Corporate Headquarters and Traralgon Service Centre.
- Details placed on the Latrobe City Council website.
- Letters to adjoining and nearby property owners.

The expression of interest has been considered by Council's Infrastructure Development, Infrastructure Operations and Waste and Recreational Liveability Teams and the proposal has not been opposed.

FINANCIAL AND RESOURCES IMPLICATIONS

As part of the School's evaluation process it was necessary to advise the School of the likely purchase price for the land. In accordance with the *Local Government Act 1989* and the Council's *Sale of Council Property Policy and Procedure* an independent valuation was obtained. The indicative purchase price was assessed at \$90,000 (exclusive of GST), subject to a final survey. The Diocese/School has indicated its preparedness to pay this amount plus additional costs associated with the sale of land.

A confidential copy of the independent valuation report ([Attachment 4](#)) is provided for information. This report details the *Valuation Methodology* the Valuer used which in part states:

- *"That the land has been valued having regard to Direct Comparison method of valuation, utilising as evidence sales of comparable zoned land parcels with the Traralgon residential environment.*
- *That the highest and best use of the land, if it's no longer required for a public purpose, would be for consolidation with the adjoining St Gabriel's School land parcel. The Council land, if considered in isolation, has very restricted development potential due to its configuration and lack of appropriate road frontage to facilitate the development.*
- *In formulating the valuation , there has been regard to the Case Law Precedent established in 'Morts Dock & Engineering Company Limited versus the Valuer General (1923)', which considered the issue of value in relation to land for which there is only one possible (or logical) purchaser. The case held that the benefit derived by such a sale be equally spilt between the purchaser and vendor."*

Cost

In accordance with the Council's *Sale of Council Property Policy and Procedure* costs associated with the School acquiring part of this Council owned property would include:

Council-

- Officer resources in the preparation of Council reports.
- Public notice in the Latrobe Valley Express inviting submissions.

The above costs are within existing budget allocations.

School-

- All legal and survey costs associated with the removal of the recreation reserve status, the transfer and consolidation of the land.
- The costs of manufacturing and erection of the fence pursuant to the *Fences Amendment Act 2014*.
- Independent valuation of the land which has already been obtained.

Advantages:

- The School will benefit from acquiring the portion of Council owned land as it will provide an opportunity to erect a fence for safety purposes to satisfy the recent changes to legislation and a Ministerial Order.
- Safer School environment for students.
- Council will have less land to maintain as well as ownership and liability over this piece of land being made clear going forward. Officers preferred location for the property boundary/fence line would be 1.5 metres off the concrete path to allow a 5 foot mower deck to cut the grass between the fence and path. It is understood that the school's preference is that the fence be erected on or as close as possible to the southern boundary of the path to maximise the use of the sports field. Accordingly, officers will undertake further consultation with the school including location, design and appearance of the fence.
- In the event of third party personal injury or property damage in the general vicinity, the fence will distinguish between Council's / School's property.

Disadvantages:

Reduction in public space available from 6,504 square metres down to 3,504 square metres may be seen as a disadvantage. However there are a number of nearby lineal parks and sporting ovals within very close proximity that the community has access to.

RISK IMPLICATIONS

Public disapproval of the potential sale of Council land has been identified as a minor risk.

CONCLUSION

The Roman Catholic Trusts Corporation for the Diocese of Sale / St Gabriel's Primary School wishes to purchase part of a Council recreation reserve that abuts the northern boundary of St Gabriel's Primary School, located at 30-50 Rangeview Drive Traralgon.

The School intends to fence the northern perimeter boundary to comply with recent legislative changes and a Ministerial Order. If the fence is erected on the existing School/Council property boundary, the size of the School's sports field will be significantly reduced.

Pursuant to legislative requirements of the *Local Government Act* 1989 it will be necessary for Council to give public notice of its intention to sell land and invite written submission.

SUPPORTING DOCUMENTS

Nil

Attachments

- 1↓ . Application to purchase Council land
- 2↓ . Aerial image St Gabriel's School
- 3↓ . Aerial image - sports field / Council Reserve
4. Valuation Report (Published Separately) (Confidential)

17.4

Proposed sale of a portion of Council owned Recreation Reserve located north of Rangeview Drive Traralgon

- 1 Application to purchase Council land 337**
- 2 Aerial image St Gabriel's School..... 339**
- 3 Aerial image - sports field / Council Reserve 341**



**Roman Catholic Trusts
Corporation for the
Diocese of Sale**

Business Office

PO Box 1410
6 Witton Street
WARRAGUL 3820

Ph: 5622 6690
Fax: 5623 3535

20161129:0007:L:RCTC

29 November 2016



(ACT NO.2100)

Mr Henry Morrison
Coordinator Property & Statutory Services
Latrobe City Council
Infrastructure Development
PO Box 26
MORWELL VIC 3840

Dear Mr Morrison

Re: Council Land Adjacent to St Gabriel's Catholic Primary School, Traralgon

I write to you with respect to the Council Land adjacent to St. Gabriel's Catholic Primary School, Traralgon. (Photograph attached).

As per the email received from Mr Kevan Delaney, Manager, Infrastructure Department, on 29 August 2016, I note that the indicative valuation on the above property has been set at \$90,000, subject to a subsequent proper survey being conducted.

Accordingly, I wish to confirm an offer by the Roman Catholic Trusts Corporation for the Diocese of Sale for the purchase of the above land at the indicative valuation price of \$90,000 (subject to a final survey) and our request to progress the purchase of this land.

Please liaise with Mr Michael Maye of the Catholic Education Office, Diocese of Sale via email mmaye@ceosale.catholic.edu.au or telephone (03) 5622 6613, in regard to the necessary steps going forward.

In Domino

Bishop Patrick O'Regan
Roman Catholic Trusts Corporation for the Diocese of Sale

Att.





17.5 Setting of Mayoral and Councillor Allowances 2016 to 2020

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

This report is to consider submissions received in relation to the 2016 to 2020 Mayoral and Councillor allowances and to set the level of Councillor and Mayoral allowances in accordance with the requirements of section 74 of the *Local Government Act 1989* (the Act).

In accordance with the Act, Council is required to determine the level of Mayoral and Councillor Allowances by 30 June 2017. Council is required to propose an allowance level within the limits set by the Minister for Local Government. The current limits include any value between the minimum and maximum level for a Category 2 Council which is currently set at Mayoral Allowance up to \$76,521 per annum, and Councillor Allowances between \$10,284 and \$24,730 per annum.

Members of the public have the right to make a submission to Council under section 223 of the Act in regards to the proposed level of allowances. At the close of the submission period no submissions had been received.

It is recommended that as no submissions have been received, that Council set the level of the Mayoral and Councillor Allowances in line with the resolution from 5 December 2016 Ordinary Council Meeting being the maximum allowable allowance as set by the Minister for Local Government for a Category 2 council.

MOTION

Moved: Cr White

Seconded: Cr Law

That Council in accordance with Section 74 of the *Local Government Act 1989*, effective from the date of this resolution, set the Mayoral and Councillor Allowances for the 2016 to 2020 term, to the maximum annual amount for a Category 2 Council, being;

Mayoral Allowance \$76,521 per annum

Councillor Allowance \$24,730 per annum.

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

On 5 December 2016, Council resolved that;

1. *In accordance with Section 74 of the Local Government Act 1989 give public notice of its intention to set the Mayoral and Councillor Allowances to the maximum annual amount for a Category 2 Council, being \$24,730 Councillor Allowance and \$76,521 Mayoral Allowance; and*
2. *Consider submissions received in accordance with Section 223 of the Act at an Ordinary Council Meeting to be held in February 2017.*

Public notice of Council's intention to set the annual allowances for the Mayor and Councillors was advertised in the Latrobe Valley Express on 15 December 2016 and 12 January 2017.

Members of the community had up until 20 January 2017 to lodge a submission.

In accordance with the Act 1989 section 74(1), a Council must review and determine the level of the Mayoral and Councillor allowances within the period of 6 months after a general election or by the next 30 June, whichever is later.

The Minister for Local Government is responsible for setting the maximum and minimum limits and ranges of Mayoral and Councillor Allowances. These limits are reviewed at least once every year and have regard to movements in the levels of remuneration of executives within the meaning of the *Public Administration Act 2004*.

Councils are classified into categories based on the number of residents in each municipal area and their total recurrent revenue. The current gazetted allowance limits and ranges effective from 1 December 2016 for a Category 2 council were Gazetted (G47) on the 24 November 2016.

The Mayoral and Councillor limits set by the Minister are, Mayoral Allowance up to \$76,521 per annum, and Councillor Allowances between \$10,284 and \$24,730 per annum.

In addition to this allowance, the Mayor and Councillors also receive an amount equivalent to the superannuation guarantee under Commonwealth taxation legislation which is currently 9.5% of the current set allowance.

The allowances determined by Council are payable from the date of the resolution of the Council determining the levels of allowances

The existing Mayoral and Councillor Allowances as at the 1 December 2016 are currently set at;

Mayoral	\$74,655.28
Councillors	\$24,128.25

STAKEHOLDER CONSULTATION

Public submissions were invited through two notices advertised in the Latrobe Valley Express on 15 December 2016 and 12 January 2017

FINANCIAL AND RESOURCES IMPLICATIONS

There are sufficient budget funds in the 2016/2017 budget to enable the Mayoral and Councillor allowances to be set at the maximum level.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

Failure to review Mayoral and Councillor Allowances by 30 June 2017 will result in the Council being in breach of the Act.

CONCLUSION

In accordance with the Act, Council is required to review and determine the level of Mayoral and Councillor Allowances by 30 June 2017.

Members of the public have had the opportunity to make a submission to council under section 223 of the Act in regards to the proposed level of allowances.

As there were no submissions received in relation to the review and setting of Mayoral and Councillor Allowances, it is recommended that the allowances are set at the maximum levels for a Category 2 council in line with the resolution of council on 5 December 2016.

SUPPORTING DOCUMENTS

Nil

Attachments

Nil

17.6 Quarterly Finance Report - December 2016

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

The December 2016 Quarterly Finance Report is presented for Council's consideration.

This report meets the requirements of the *Local Government Act 1989* to report to Council at least every three months comparing budget and actual revenue and expenditure for the financial year to date.

The report shows that Council overall is operating within the parameters of its adopted budget with most variances relate to carry forward funds from the previous year and the timing of revenue and expenditure within the current financial year.

The report is provided for Council's information.

MOTION

Moved: Cr McFarlane

Seconded: Cr White

That Council receives and notes the Quarterly Finance Report for the six months ended 31 December 2016, prepared in accordance with the requirements of the *Local Government Act 1989*.

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

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 for the financial year with the actual revenue and expenditure to date is presented to Council at a Council meeting which is open to the public. This report ensures compliance with this legislative requirement.

The attached report as at 31 December 2016 is provided for the information of Council and the community. The financial report compares budgeted income and expenditure with actual results for the first six months of the financial year.

The attached report provides the overall outcomes of the first six months of the 2016/2017 financial year together with forecasted year end results compared to budget. The key issues of note are:

- The “Income Statement” report forecasts a surplus result for the full financial year of \$6.4M which is an unfavourable variance of \$2.1M to the original budget. This is mainly due to expenditure relating to income which was received in the 2015/16 financial year where projects are ongoing or grants received relating to 2016/17 were advanced to Council earlier.
- The “Balance Sheet” shows that Council maintains a strong liquidity position with \$112.4M in current assets compared to \$20.7M in current liabilities.
- The “Statement of Cash Flows” shows that Council has \$56.6M in Cash and Financial assets (i.e. investments). The level is higher than anticipated in the budget due to carry forward funds from previous financial years including capital works, reserves funds and government grants advanced earlier than expected. The amount has decreased by \$4.9M over the first two quarters as overall outflows have exceeded inflows. This is largely due to expenditure of carry forward funds together with Council only receiving 36% of rates and charges to date whilst 48% of employee costs and materials and services cash flow budgets have been spent to date.
- The “Statement of Capital Works Statement” shows a forecast expenditure of \$36.3M compared to the budget of \$31.9M. This is mainly a result of carry forward works and additional unbudgeted grant funding to be received e.g. Road Rehabilitation, Heavy Industrial Park wetlands and Hazelwood Pondage projects.
- The “Financial Performance Ratios’ indicate that Council remains within the industry expected ranges.

Further details on these and other items are provided in the attached report including year to date and full year forecast income and expenditure variances and explanations, balance sheet and cash flow movements to date, capital works expenditure to date and full year forecasts, together with the financial performance ratios as per the Local Government Performance Reporting Framework (LGPRF).

STAKEHOLDER CONSULTATION

No consultation required.

FINANCIAL AND RESOURCES IMPLICATIONS

The attached report provides details of budget variances for the six months to 31 December 2016 and the forecasted full financial year.

RISK IMPLICATIONS

This report ensures legislative requirements are met and informs Council as to whether it is acting within the parameters of its Adopted Budget.

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 2016/2017 adopted budget. Variances arising from higher than expected carry

forward funds which led to a higher than expected 'cash' surplus in 2015/16 have resulted in a forecasted decreased operating surplus for the current financial year.

SUPPORTING DOCUMENTS

Nil

Attachments

1↓ . Quarterly Finance Report as at 31 December 2016

17.6

Quarterly Finance Report - December 2016

- 1 Quarterly Finance Report as at 31 December 2016 349**



Quarterly Finance Report

December 2016



In 2026 the Latrobe Valley is a liveable and sustainable region with collaborative and inclusive community leadership.

**Quarterly Finance Report
December 2016****Contents**

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- Statement of Cash Flows	13
- Statement of Capital Works	14
- Financial Performance Ratios	17

DECEMBER 2016 Quarterly Report Summary**KEY ISSUES**

The attached report provides the overall outcomes of the second quarter of the 2016/2017 financial year together with forecasted year end results compared to budget. The key issues of note are:

- The "Income Statement" report forecasts a surplus result for the full financial year of \$6.4M which is an unfavourable variance of \$2.1M to the original budget.
- The "Balance Sheet" shows that Council maintains a strong liquidity position with a \$112.4M in current assets compared to \$20.7M current liabilities.
- The "Statement of Cash Flows" shows that Council has \$56.6M in Cash and Financial assets (i.e. investments). The level is higher than anticipated due to carry forward funds from previous financial years including capital works, reserves funds and government grants advanced earlier than expected.
- The "Capital Works Statement" shows a forecast expenditure of \$36.3M compared to the budget of \$31.9M. This is mainly a result of carry forward works and additional unbudgeted grant funding to be expended e.g. Road Rehabilitation, Heavy Industrial Park wetlands and Hazelwood Pondage projects.
- The "Financial Performance Ratios" indicate that Council remains within the industry expected ranges.

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 for the financial year with the actual revenue and expenditure to date is presented to Council at a Council meeting which is open to the public. In addition the quarterly budget review process provides a key form of financial control and planning within the organisation.

INCOME STATEMENT ANALYSIS**Overview**

The surplus amounts shown in the Income Statement are required to be generated to enable Council to invest in new assets and to upgrade and expand our existing assets. They also enable Council to repay its borrowings. On a cash basis Council budgets for a break even result, with any cash remaining at year end required to meet current and future liabilities together with current commitments. Therefore any variances to budget in the operating result are generally caused by changes in non-cash items (e.g. depreciation), variances in grants and monetary contributions for capital works and expenditure that is funded from revenue that has been received in a previous financial year. In 2015/16 Council's held \$61.6M in cash and investments which was \$11.1M favourable to budget largely due to funds generated that had not yet been spent for ongoing projects and commitments. This larger than expected surplus in 2015/16 is currently expected to result in a \$2.1M reduced surplus in the current year due to the subsequent increase in employee costs and materials and services expenditure as Council completes the projects and meets the commitments that the prior year funding was generated for.

Year to date

The year to date result shows an operating position of \$45.2M surplus which is \$5.9M favourable to budget. The key items that make up this variance are as follows;

- Rates and charges (\$0.5M favourable) due to higher than expected growth in supplementary rates valuations.
- User Fees (\$0.8M favourable) mainly due to higher than anticipated Landfill, aged care, child care and subdivision supervision fees to date.
- Grants – Operating (\$0.9M favourable) mainly a result of higher State Government grants in Aged & Disability and Family Services.
- Other income (\$0.5M favourable) is due mainly to higher interest on investments, higher gaming charter contributions and additional local contributions for Sister Cities and Tobacco Education and Enforcement programs.
- Employee Costs (\$0.6M favourable) salary savings from vacant positions largely in City Development and Infrastructure & Recreation, combined with lower annual leave taken to date and conference and training expenditure to date.
- Materials and services (\$2.1M favourable) is due to savings in postage as part of the postal services review and the timing of expenditure including contractor, cleaning and electricity which will be incurred later than budgeted.

DECEMBER 2016 Quarterly Report Summary**Full year forecast**

The full year forecasted result shows an operating surplus of \$6.4M which is an \$2.1M unfavourable variance to the adopted budget. The key items that make up this variance are as follows;

- Employee costs (\$2.1M unfavourable) mainly due to higher long service leave provision requirements in line with 2015/16 actuals and low current discount rates used to calculate the provision together with increased salaries due to unexpended funds carried over from the 2015/16 financial year and additional grants and fees income mainly in Family Services and Aged & Disability Care.
- Materials and Services (\$4.9M unfavourable) mainly associated with unexpended funds carried over from the 2015/16 financial year to complete projects in 2016/17, combined with the allocation of surplus funds to undertake new projects. The major carry forwards include the development of Asset Management strategies, the Future Morwell Urban Design project and the Family Services Municipal Wide Infrastructure Planning project.
- Grants – Capital (\$2.5M favourable) mainly due to additional funding forecasted for the Hazelwood Pondage Caravan Park Wastewater Upgrade and Heavy Industrial Park Infrastructure Upgrade -Wetlands projects (\$1.7M) that were budgeted to be received in the 2015/16 financial year will now be received in 2016/17.
- Other income (\$0.6M favourable) reflects additional income forecast for interest on rates and investments, higher gaming charter contributions and additional local contributions for Sister Cities and Tobacco Education & Enforcement programs.

BALANCE SHEET

The significant movements in the balance sheet over the second quarter were as follows;

- Cash and Cash Equivalents (\$2.5M decrease) together with Other Financial Assets (i.e. investments) (\$2.3M decrease). The overall reduction is mainly due to Council spending more than it receives in the first half of the financial year as most of the rates income is received later in the financial year.
- Trade and Other receivables (\$48.2M increase) this is primarily due to the annual rates notices being raised in August and is part of the normal pattern. This amount will continue to reduce as rate payments are received over the year, with a further three quarterly instalments and the February annual payments.
- Other Assets (\$1.9M decrease) is primarily due to prepayments and accrued revenue as at 30 June 2016 having now been reversed/received in the current financial year.
- Property, plant and equipment (\$1.2M decrease) depreciation expense has exceeded capital expenditure for the second quarter.
- Payables (\$5.5M decrease) is primarily due to amounts that were outstanding to suppliers at 30 June 2016. These amounts have now been paid in the current financial year.
- Trust funds and deposits (\$1.4M increase) relates mainly to fire service property levy amounts received that are held in trust to be paid to the State Revenue Office by the next due date in February 2017.

STATEMENT OF CASH FLOWS

The budgeted cash & investments at the beginning of the year was \$50.5 million, the actual opening balance was \$61.6 million. The additional \$11.1 million was largely the result of higher than anticipated surplus funds and carry forward funding for capital and operational projects and programs. Total Cash and financial assets (investments) as at the end of December stand at \$56.6M.

DECEMBER 2016 Quarterly Report Summary**STATEMENT OF CAPITAL WORKS**

The statement of capital works includes all expenditure that is expected to be capitalised during the financial year, it excludes some amounts which for "Accounting" purposes are not capitalised e.g. Landfill Rehabilitation which is a reduction in a provision liability and other items which are included in operating expenditure e.g. Community Minor Capital Grants Program.

As at the 31 December 2016 Council had spent \$10.8M on capital works mostly on Infrastructure projects \$9.3M (including Roads projects \$5.0M) and Property (land & buildings) \$0.8M. Whilst the full year forecast shows an additional \$4.5M expenditure this is primarily associated with additional expenditure from funds carried forward for projects that commenced or that were budgeted to commence in the 2015/16 financial year and additional capital grants. e.g. road rehabilitation \$1.7M, Heavy Industrial Park Wetlands \$1.5M and Hazelwood Pondage Wastewater project \$1.2M.

FINANCIAL PERFORMANCE RATIOS

The final part of the report is the Financial Performance Ratios as per the *Local Government Performance Reporting Framework (LGPRF)*. The results of the second quarter of the financial year show that Council is expected to remain within the expected ranges by the end of the financial year. Some of the ratios when measured part way through the year will fall outside the ranges in the year to date figures purely because they are designed to look at an annual result.

INCOME STATEMENT
For The Quarter Ended 31 December 2016

	NOTE	YTD Actual \$'000	YTD Budget \$'000	Variance YTD Act/Bud \$'000	Full Year Forecast \$'000	Annual Budget \$'000	Variance Annual Budget /Forecast \$'000
INCOME							
Rates and charges	1	75,008	74,509	499	75,105	74,568	537
Statutory fees and fines	2	995	892	103	1,929	1,932	(3)
User fees	3	7,174	6,425	749	14,257	13,579	678
Grants - operating	4	12,322	11,349	973	23,604	22,756	847
Grants - capital	5	1,324	1,308	16	9,537	7,045	2,492
Contributions - monetary	6	273	20	252	372	41	331
Contributions - non monetary	7	0	0	0	3,000	3,000	0
Net gain (loss) on disposal of property, infrastructure, plant and equipment	8	291	(104)	395	11	0	11
Other income	9	2,127	1,644	483	4,025	3,406	619
TOTAL INCOME		99,513	96,045	3,469	131,839	126,327	5,512
EXPENSES							
Employee costs	10	24,360	24,946	586	54,218	52,159	(2,060)
Materials and services	11	15,628	17,781	2,153	42,254	37,343	(4,910)
Bad and doubtful debts	12	13	8	(6)	21	15	(6)
Depreciation and amortisation	13	12,347	12,135	(212)	24,657	24,271	(386)
Borrowing costs	14	462	427	(35)	882	918	35
Other expenses	15	1,467	1,371	(96)	3,393	3,137	(257)
TOTAL EXPENSES		54,278	56,668	2,390	125,425	117,842	(7,583)
SURPLUS (DEFICIT) FOR THE YEAR		45,235	39,376	5,859	6,414	8,485	(2,071)

NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances**1. Rates and charges****Year to Date - \$0.499M Favourable**

The favourable variance is primarily a result of higher than anticipated supplementary rates growth and additional waste charges generated from this growth..

Full Year - \$0.537M Favourable

The favourable variance is primarily a result of higher than anticipated supplementary rates growth and additional waste charges generated from this growth..

2. Statutory fees and fines**Year to Date - \$0.103M Favourable**

The favourable variance is due mainly to higher than expected building services fees, health registrations, parking fines and planning permit fees received to date..

Full Year - (\$0.003M) Unfavourable

Minor variance.

3. User fees**Year to Date - \$0.749M Favourable**

The favourable variance is mainly due to higher than expected landfill ,subdivision supervision, debt collection recovery and child care fees to date.

Full Year - \$0.678M Favourable

The favourable variance is mainly due to higher than expected landfill, subdivision supervision and child care fees to date.

4. Grants - operating**Year to Date - \$0.973M Favourable**

The favourable variance is due to higher than anticipated State Government grants in Aged & Disability and Family Services together with the receipt of outstanding funding in relation to the 2014 fires.

Full Year - \$0.847M Favourable

The favourable variance is due to higher than anticipated State Government grants in Aged & Disability and Family Services together with the receipt of outstanding funding in relation to the 2014 fires.

NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances**5. Grants - capital****Year to Date - \$0.016M Favourable**

Minor variance.

Full Year - \$2.492M Favourable

The additional funding forecasted is mainly for the Hazelwood Pondage Caravan Park Wastewater Upgrade (\$1.0M) and Heavy Industrial Park Infrastructure Upgrade -Wetlands projects (\$1.4M) that were budgeted to be received in the 2015/16 financial year will now be received in 2016/17.

6. Contributions - monetary**Year to Date - \$0.252M Favourable**

The favourable variance is due to unbudgeted Developer Contributions for Public Open Space, Native Vegetation offset, Drainage Headworks and Street Trees.

Full Year - \$0.331M Favourable

The favourable variance is due to unbudgeted Developer Contributions for Public Open Space, Native Vegetation offset, Drainage Headworks and Street Trees, as well as increased forecast special charge scheme contributions for Rural Gravel Road Sealing.

7. Contributions - non monetary**Year to Date - \$0.000M Nil Variance**

No variance.

Full Year - \$0.000M Nil Variance

No variance.

NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances**8. Net gain (loss) on disposal of property, infrastructure, plant and equipment****Year to Date - \$0.395M Favourable**

The favourable variance is due to proceeds from the sale of the old Moe Early Learning Centre (MELC), combined with a surplus to date associated with the trade-in of Fleet and Plant.

Full Year - \$0.011M Favourable

Minor variance.

9. Other income**Year to Date - \$0.483M Favourable**

The favourable variance is primarily due to higher interest on investments and general rates outstanding combined with earlier receipt than anticipated of gaming charter contributions.

Full Year - \$0.619M Favourable

The favourable variance reflects additional income forecast for interest on rates and investments, higher gaming charter contributions and additional local contributions for Sister Cities and Tobacco Education & Enforcement programs.

10. Employee costs**Year to Date - \$0.586M Favourable**

The favourable variance is mainly due to the timing of superannuation payments, together with savings related to vacant positions which are largely offset by increase contract staff costs from the use of temporary employment agencies to backfill positions.

Full Year - (\$2.060M) Unfavourable

The additional expenditure is due to increased salaries as a result of additional revenue mainly in Aged & Disability Care and Family services. There is also an anticipated increase in long service leave provision expense in line with 2015/16 actuals and low current discount rate used to calculate the provision.

NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances**11. Materials and services****Year to Date -****\$2.153M Favourable**

The favourable variance is due to savings in postage as part of the postal services review and the timing of expenditure including contractor, cleaning and electricity which will be incurred later than budgeted.

Full Year -**(\$4.910M) Unfavourable**

The additional expenditure is due to unexpended funds carried over from the 2015/16 financial year to complete projects in 2016/17, combined with the allocation of surplus funds to undertake new projects and additional government grant funding. The major carry forwards include the development of Asset Management strategies, the Future Morwell Urban Design project and the Family Services Municipal Wide Infrastructure Planning project.

12. Bad and doubtful debts**Year to Date -****(\$0.006M) Unfavourable**

Minor variance.

Full Year -**(\$0.006M) Unfavourable**

Minor variance.

13. Depreciation and amortisation**Year to Date -****(\$0.212M) Unfavourable**

The unfavourable variance is due to higher depreciation on buildings as a result of capitalisation of the Moe Rail Precinct building in June 2016 and an increase in the provision for landfill cell intangible asset.

Full Year -**(\$0.386M) Unfavourable**

The unfavourable variance is due to higher depreciation on buildings as a result of capitalisation of the Moe Rail Precinct building in June 2016 and an increase in the provision for landfill cell intangible asset.

NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances**14. Borrowing costs**

Year to Date - (\$0.035M) Unfavourable

The unfavourable variance is due to the timing of payments for interest on loans to date.

Full Year - \$0.035M Favourable

The favourable variance is due to a lower than budgeted interest rate received on Council's 2015/16 borrowings.

15. Other expenses

Year to Date - (\$0.096M) Unfavourable

The unfavourable variance is associated with the higher landfill operation levies.

Full Year - (\$0.257M) Unfavourable

The additional expenditure relates to higher landfill operation levies as a result of higher quantities of waste expected to be received and increased grants/contributions payments associated with unexpended funds carried over from the 2015/16 financial year.

RECONCILIATION OF INCOME STATEMENT TO CASH BUDGET
For The Quarter Ended 31 December 2016

NOTE	YTD Actual \$'000	YTD Budget \$'000	Variance YTD Act/Bud \$'000	Full Year Forecast \$'000	Annual Budget \$'000	Variance Annual Budget /Forecast \$'000
Operating Surplus (Deficit)	45,235	39,376	5,859	6,414	8,485	(2,071)
Reconciliation to Cash Budget						
Plus Depreciation	12,347	12,135	212	24,657	24,271	386
Plus Written Down Value of Assets Disposed	59	374	(315)	1,147	747	400
Less Developer Contributed assets	0	0	0	(3,000)	(3,000)	0
Less Capital Expenditure	(10,796)	(11,535)	739	(36,304)	(31,851)	(4,453)
Less Loan Principal Repayments	(931)	(803)	(127)	(1,884)	(1,883)	(1)
Less Landfill Rehabilitation Expenditure	(105)	0	(105)	(3,063)	(5,300)	2,237
Plus Internal Transfers	13,093	(931)	14,024	12,874	6,431	6,443
Plus Loan Proceeds	0	0	0	0	2,100	(2,100)
Net Other Non-Operating Items	0	(0)	0	(0)	(0)	(0)
Net Total Non-Operating items	(13,667)	761	(14,428)	5,572	8,485	(2,913)
Cash Budget Surplus (Deficit)	58,902	38,616	20,287	842	0	842

INCOME STATEMENT
For The Quarter Ended 31 December 2016 Compared To Previous Financial Year

	2016/17			2015/16		
	YTD Actuals	YTD Budgets	Variance YTD Act/Bud	YTD Actuals	YTD Budgets	Variance YTD Act/Bud
INCOME						
Rates and charges	75,008	74,509	499	72,460	71,873	587
Statutory fees and fines	995	892	103	867	814	53
User fees	7,174	6,425	749	7,289	6,625	664
Grants - operating	12,322	11,349	973	9,118	12,078	(2,960)
Grants - capital	1,324	1,308	16	3,352	2,948	404
Contributions - monetary	273	20	252	279	40	238
Net gain (loss) on disposal of property, infrastructure, plant and equipment	291	(104)	395	341	0	341
Other income	2,127	1,644	483	1,896	1,710	187
TOTAL INCOME	99,513	96,045	3,469	95,602	96,089	(487)
EXPENSES						
Employee costs	24,360	24,946	586	24,560	25,169	610
Materials and services	15,628	17,781	2,153	15,079	16,175	1,096
Bad and doubtful debts	13	8	(6)	5	8	3
Depreciation and amortisation	12,347	12,135	(212)	11,445	11,473	28
Borrowing costs	462	427	(35)	571	562	(10)
Other expenses	1,467	1,371	(96)	1,601	1,451	(150)
TOTAL EXPENSES	54,278	56,668	2,390	53,261	54,837	1,576
SURPLUS (DEFICIT) FOR THE YEAR	45,235	39,376	5,859	42,341	41,252	1,090

BALANCE SHEET
As at 31 December 2016

	Current Balance \$'000s	Opening Balance 1/07/2016 \$'000s	Movement for Year to Date \$'000s	Balance as at 31/12/2015 \$'000s
CURRENT ASSETS				
Cash and Cash Equivalents	6,106	8,680	(2,574)	8,258
Other Financial Assets	50,518	52,884	(2,366)	40,260
Other Assets	348	2,205	(1,857)	1,025
Trade and Other Receivables	55,246	7,037	48,209	52,310
Non-Current Assets Held for Sale	175	175	0	0
Total Current Assets	112,393	70,981	41,412	101,853
NON CURRENT ASSETS				
Property, Plant and Equipment	1,162,331	1,163,533	(1,202)	1,156,888
Intangible Assets	1,210	1,618	(408)	262
Trade and Other Receivables	0	0	0	7
Financial Assets	2	2	0	2
Total Non-Current Assets	1,163,544	1,165,154	(1,610)	1,157,159
TOTAL ASSETS	1,275,937	1,236,135	39,802	1,259,012
CURRENT LIABILITIES				
Payables	742	6,220	(5,478)	740
Interest-bearing Liabilities	953	1,883	(931)	4,552
Provisions - Employee Benefits	11,625	11,974	(349)	10,805
Provisions - Landfill	3,256	3,361	(105)	2,261
Trust Funds and Deposits	4,162	2,732	1,430	5,258
Total Current Liabilities	20,737	26,171	(5,433)	23,616
NON CURRENT LIABILITIES				
Interest-bearing Liabilities	16,150	16,150	0	14,684
Provisions - Employee Benefits	1,948	1,948	0	1,553
Provisions - Landfill	19,987	19,987	0	17,224
Total Non-Current Liabilities	38,085	38,085	0	33,460
TOTAL LIABILITIES	58,823	64,256	(5,433)	57,076
NET ASSETS	1,217,114	1,171,879	45,235	1,201,936
EQUITY				
Current Year Surplus/(Deficit)	45,235	12,188	33,047	42,341
Accumulated Surplus	662,039	650,124	11,915	650,252
Reserves	509,840	509,567	273	509,343
TOTAL EQUITY	1,217,114	1,171,879	45,235	1,201,936

STATEMENT OF CASH FLOWS
For the Quarter ended 31 December 2016

	NOTE	YTD Cash Flow	Adopted Budget Annual Cashflow	Cash Flow 2015/16
		\$'000s	\$'000s	\$'000s
		Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES				
Rates and charges		27,084	74,435	72,208
Statutory Fees & Fines		930	1,929	1,851
User fees		7,160	13,555	16,052
Grants - operating		12,352	22,657	20,714
Grants - capital		2,213	7,032	12,467
Contributions - monetary		273	41	952
Interest received		1,087	1,412	2,103
Trust funds and deposits taken		1,430	65	123
Other receipts		976	2,046	2,030
Net GST refund/(payment)		374	0	2,881
Employee costs		(25,370)	(52,639)	(51,389)
Materials & services		(19,858)	(41,424)	(41,886)
Other Payments		(1,467)	(3,126)	(3,872)
Net cash from operating activities		7,184	25,983	34,234
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from Property, Plant & Equipment		350	747	1,878
Proceeds from Investments		72,884	0	124,558
Payments for Property, Plant & Equipment		(11,079)	(31,851)	(33,726)
Payments for Investments		(70,518)		(133,144)
Net Cash Flows used in investing activities		(8,364)	(31,104)	(40,434)
CASH FLOWS FROM FINANCING ACTIVITIES				
Finance costs		(464)	(918)	(1,002)
Proceeds from borrowings		0	2,100	3,350
Repayment of borrowings		(931)	(1,883)	(5,710)
Net Cash Flows from Financing Activities		(1,395)	(701)	(3,362)
Net Increase/(Decrease) in cash held		(2,574)	(5,822)	(9,562)
Cash & cash equivalents at beginning of year		8,680	20,469	18,242
Cash & cash equivalents at end of period		6,106	14,647	8,680
Summary of Cash & Investments				
		Current Balance	Current year Movement	Opening Balance
Cash & Cash Equivalents		6,106	(2,574)	8,680
Other Financial Assets (Investments)		50,518	(2,366)	52,884
Total Cash & Investments	1	56,624	(4,940)	61,564
Budgeted Opening Balance of Cash & Investments				50,469
Variance in Opening Balance				11,095

NOTES

1. The budgeted cash & investments at the beginning of the year was \$50.5 million, the actual opening balance was \$61.6 million. The additional \$11.1 million was largely the result of higher than anticipated surplus funds and carry forward funding for capital and operational projects and programs.

STATEMENT OF CAPITAL WORKS
For The Quarter Ended 31 December 2016

	NOTE	YTD Actuals \$'000	Full Year Forecast \$'000	Annual Budget \$'000	Variance Annual Budget /Forecast \$'000
Property					
Land	1	0	0	0	0
Buildings	2	828	5,432	7,559	2,127
Heritage buildings	3	5	73	0	(73)
Total Property		833	5,505	7,559	2,054
Plant and Equipment					
Plant, machinery & equipment	4	548	2,402	1,672	(730)
Fixtures, fittings & furniture	5	0	9	10	1
Computers & telecommunications	6	101	697	624	(73)
Artwork collection	7	9	15	15	0
Total Plant and Equipment		657	3,122	2,321	(801)
Infrastructure					
Roads	8	5,011	16,368	14,743	(1,625)
Bridges & culverts	9	315	762	391	(371)
Footpaths & cycleways	10	1,123	1,671	1,461	(210)
Drainage	11	1,084	2,789	1,389	(1,399)
Waste management	12	87	2,173	2,150	(23)
Parks, open space and streetscapes	13	215	645	494	(151)
Recreational, leisure & community facilities	14	1,468	1,913	1,237	(676)
Aerodromes	15	0	0	0	0
Offstreet carparks	16	2	186	105	(81)
Other infrastructure	17	1	1,169	0	(1,169)
Total Infrastructure		9,306	27,676	21,971	(5,706)
Total Capital Works expenditure		10,796	36,304	31,851	(4,453)
REPRESENTED BY;					
New asset expenditure	18	2,061	4,157	5,294	1,137
Asset renewal expenditure	19	7,599	24,678	19,620	(5,059)
Asset expansion expenditure	20	677	1,245	1,222	(23)
Asset upgrade expenditure	21	459	6,223	5,715	(508)
Total Capital Works expenditure		10,796	36,304	31,851	(4,453)

NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances

1. Land \$0.000M Nil Variance

No variance

2. Buildings \$2.127M Favourable

The favourable variance is due to funds for the Latrobe Creative Precinct, Latrobe Leisure Stadiums Evaporative Cooling and Moe Depot Relocation projects not being required this financial year, this is partially offset by forecast additional expenditure relating to unexpended funds carried over from the 2015/16 financial year for the Traralgon Star Hotel Outdoor Kitchen, Moe Rail Precinct Revitalisation and Latrobe Leisure Renewal projects.

3. Heritage buildings (\$0.073M) Unfavourable

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year for the Traralgon Court House upgrade project.

4. Plant, machinery & equipment **(\$0.730M) Unfavourable**

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year for the Fleet & Plant replacement programs.

5. Fixtures, fittings & furniture **\$0.001M Favourable**

Minor variance.

6. Computers & telecommunications **(\$0.073M) Unfavourable**

The forecast additional expenditure relates to IT items funded out of the operating budget.

7. Artwork Collection **\$0.000M Nil Variance**

No variance.

8. Roads **(\$1.625M) Unfavourable**

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year for the Road Rehabilitation program, National Blackspot program and the Rural Gravel Road Sealing program. This is partially offset by a delay in construction of the Signalised Intersection at Marshalls/Maffra Rd until at least 2017/18.

9. Bridges & culverts **(\$0.371M) Unfavourable**

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year for the Kenyon Lane Bridge project.

10. Footpaths & cycleways **(\$0.210M) Unfavourable**

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year for the Footpath Rehabilitation program as well as shared paths and bicycle plan projects.

11. Drainage **(\$1.399M) Unfavourable**

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year mainly for the Heavy Industrial Park - Wetlands project.

12. Waste management **(\$0.023M) Unfavourable**

The forecast minor additional expenditure relates to the purchase of required landfill software.

13. Parks, open space and streetscapes **(\$0.151M) Unfavourable**

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year for the Playground Equipment Renewal program.

14. Recreational, leisure & community facilities **(\$0.676M) Unfavourable**

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year for the Traralgon Tennis Show Court project and the addition of the Hazelwood Pondage Boat Ramp project, which is partially funded by a grant.

15. Aerodromes **\$0.000M Nil Variance**

No variance.

16. Offstreet carparks **(\$0.081M) Unfavourable**

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year for the Mathison Park Offstreet Carpark project.

17. Other infrastructure **(\$1.169M) Unfavourable**

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year for the Hazelwood Pondage Caravan Park Wastewater upgrade project.

18. New asset expenditure **\$1.137M Favourable**

The favourable variance is due to funds for the Latrobe Creative Precinct and Latrobe Leisure Stadiums Evaporative Cooling projects not being required this financial year. This is partially offset by forecast additional expenditure relating to unexpended funds carried over from the 2015/16 financial year for the Traralgon Tennis Show Court and Moe Rail Precinct Revitalisation projects.

19. Asset renewal expenditure **(\$5.059M) Unfavourable**

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year which is largely relating to the Heavy Industrial Park -Wetlands project and the Road Rehabilitation program.

20. Asset expansion expenditure **(\$0.023M) Unfavourable**

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year for the Mathison Park Offstreet Carpark and Howitt Street Shared Path Link projects.

21. Asset upgrade expenditure **(\$0.508M) Unfavourable**

The forecast additional expenditure relates to unexpended funds carried over from the 2015/16 financial year largely for the Hazelwood Pondage Caravan Park Wastewater upgrade project plus smaller amounts for the National Blackspot program, Traralgon Court House upgrade and Rural Gravel Road Sealing program. The unfavourable variances are partially offset by a delay in expenditure for construction of the Signalised Intersection at Marshalls/Maffra Rd until at least 2017/18.

FINANCIAL PERFORMANCE RATIOS

As at 31 December 2016

	Year to Date Ratios			Forecast at 30/06/17	Budget at 30/06/17	Expected Range
	\$'000s	Ratio at 31/12/16	Ratio at 31/12/15			
OPERATING POSITION						
Adjusted Underlying Result Indicator						
(Indicator of the broad objective that an adjusted underlying surplus should be generated in the ordinary course of business. A surplus or increasing surplus suggests an improvement in the operating position)						
Adjusted underlying surplus (or deficit)						
<u>Adjusted net Surplus/(Deficit)</u>	43,638	44.6%	42.3%	(2.1%)	2.0%	-20% - +20%
<u>Adjusted underlying revenue</u>	97,917					
The ratio takes out the effect of once off capital grants & developer contributions.						
Note: The forecasted negative ratio of 2.1% reflects the reduced operating surplus that is now projected in the 'Income Statement' and is mainly a result of unspent 2015/2016 recurrent project and program expenditure which led to a greater than expected 'cash' surplus result at the end of the 2015/2016 financial year.						
LIQUIDITY						
Working Capital Indicator						
(Indicator of the broad objective that sufficient working capital is available to pay bills as and when they fall due. High or increasing level of working capital suggests an improvement in liquidity)						
Current assets compared to current liabilities						
<u>Current Assets</u>	112,393	542.0%	431.3%	202.9%	158.8%	100% - 300%
<u>Current Liabilities</u>	20,737					
Unrestricted Cash Indicator						
(Indicator that sufficient cash which is free of restrictions is available to pay bills as and when they fall due. High or increasing level of cash suggests an improvement in liquidity)						
<u>Unrestricted Cash</u>	44,187	213.1%	149.8%	97.1%	27.6%	0.0% - 200%
<u>Current Liabilities</u>	20,737					
Note: This ratio is expected to decrease as Council spends the funding that has been carried forward from the 2015/16 financial year, however it is forecasted to be higher than budgeted due to the budget calculation excluding investments over 90 days. The recalculated budget ratio including these amounts is 99.1%.						

	Year to Date Ratios			Forecast at 30/06/17	Budget at 30/06/17	Expected Range
	\$'000s	Ratio at 31/12/16	Ratio at 31/12/15			
OPERATING POSITION						
OBLIGATIONS						
Loans and borrowings Indicator						
(Indicator of the broad objective that the level of interest bearing loans and borrowings should be appropriate to the size and nature of a council's activities. Low or decreasing level of loans and borrowings suggests an improvement in the capacity to meet long term obligations)						
Loans and borrowings compared to rates						
<u>Interest Bearing loans and borrowings</u>	17,103	22.8%	26.5%	24.0%	24.5%	0% - 50%
Rate Revenue	75,008					
Note: This ratio is expected to be slightly lower than budgeted due to the favourable increase in rates income from supplementary growth.						
Loans and borrowings repayments compared to rates						
<u>Interest & principal repayments</u>	1,393	1.9%	2.4%	3.7%	3.8%	0% - 10%
Rate Revenue	75,008					
Note: This ratio is expected to be in line with the budgeted result.						
Indebtedness Indicator						
(Indicator of the broad objective that the level of long term liabilities should be appropriate to the size and nature of a Council's activities. Low or decreasing level of long term liabilities suggests an improvement in the capacity to meet long term obligations)						
Non-current liabilities compared to own source revenue						
(to ensure Council has the ability to pay its long term debts & provisions)						
<u>Non Current Liabilities</u>	38,085	27.4%	40.4%	33.1%	30.8%	0% - 50%
Own Source Revenue	138,990					
Own Source Revenue is adjusted underlying revenue excluding revenue which is not under the control of council (including government grants)						
Asset Renewal Indicator						
(Indicator of the broad objective that assets should be renewed as planned. High or increasing level of planned asset renewal being met suggests an improvement in the capacity to meet long term obligations)						
<u>Asset Renewal Expenditure</u>	7,599	63.9%	64.1%	104.0%	83.1%	50%-100%
Depreciation	11,886					
Note: This ratio is forecasted to be higher due to carry forward asset renewal works mainly for road rehabilitation projects.						

	Year to Date Ratios				Forecast at 30/06/17	Budget at 30/06/17	Expected Range
	\$'000s	Ratio at 31/12/16	Ratio at 31/12/15				
OPERATING POSITION							
STABILITY							
Rates Concentration Indicator (Indicator of the broad objective that revenue should be generated from a range of sources. High or increasing range of revenue sources suggests an improvement in stability)							
Rates compared to adjusted underlying revenue							
	<u>Rate Revenue</u>	75,008	76.6%	78.5%	61.1%	62.0%	40% - 80%
	Adjusted underlying revenue	97,917					
Rates Effort Indicator (Indicator of the broad objective that the rating level should be set based on the community's capacity to pay. Low or decreasing level of rates suggests an improvement in the rating burden)							
Rates compared to property values							
	<u>Rate Revenue</u>	75,008	0.7%	0.7%	0.7%	0.7%	0.2% to 0.7%
	property values (CIV)	10,718,801					
EFFICIENCY							
Expenditure Level Indicator (Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of expenditure suggests an improvement in organisational efficiency)							
Expenses per property assessment							
	<u>Total expenses</u>	54,278	\$ 1,425	\$ 1,405	\$ 3,292	\$ 3,139	\$2000 - \$4000
	Number of property assessments	38					
Note: The forecasted increase in expenses per assessment is mainly related to employee costs and materials and services expenditure funded from additional government funding and carry forward funds.							
Revenue Level Indicator (Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of rates suggests an improvement in organisational efficiency)							
Average residential rate per residential property assessment							
	<u>Residential Rate Revenue</u>	53,952	\$ 1,582	\$ 1,535	\$ 1,582	\$ 1,582	\$800 - \$1,800
	Number of residential property assessments	34					

**17.7 Contract Variations and Contracts Awarded by the Chief Executive Officer
Report for the Period 1 July 2016 to 31 December 2016**

General Manager

Corporate Services

For Information

EXECUTIVE SUMMARY

In accordance with Latrobe City Council's *Procurement Policy 15 POL-9* section 2.12 Contract Management, there is a requirement for contract variations to be reported to Council on a quarterly basis.

All contract variations by approving delegate and contracts awarded by the Chief Executive Officer under delegation are detailed in the attachment.

MOTION

Moved: Cr McFarlane

Seconded: Cr Harriman

That Council receives and notes this report on contract variations and contracts awarded by the Chief Executive Officer during the period 1 July 2016 to 31 December 2016.

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Attachments

- 1↓ . Variation Details and Contracts Awarded by CEO(Confidential) (Published Separately)
- 2↓ . Variation Details and Contracts Awarded by CEO

17.7

Contract Variations and Contracts Awarded by the Chief Executive Officer Report for the Period 1 July 2016 to 31 December 2016

2	Variation Details and Contracts Awarded by CEO.....	372
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Contract No. and Title:		LCC-291 Design and Reconstruction of Saunders Crescent, Griffiths Court and Stage 1 of Garibaldi Street at Traralgon								
Contractor:		ACE Earthmoving Pty Ltd								
Date Contract Awarded:		16/11/2015	Contract Awarded by:			Council		Original Contract Value:		\$824,648.16
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
11	1. Replacement of failed pavement areas with 150mm deep asphalt - Increase of Variation 10. 2. Installation of TX-G and 40mm Class 3 FCR. 3. Negative Variation for Line Item 3 in Variation 8	8/07/2016	CEO	\$7,510.00	0.91%	\$111,076.91	\$118,586.91	14.38%	\$943,235.07	
12	Construct concrete kerb from LM to barrier hen taper over an approximate 10m section. Drill starter bars, apply bondcrete and then pour kerb to protect fire plug. \$160 per metre.	15/11/2016	CEO	\$1,600.00	0.19%	\$118,586.91	\$120,186.91	14.57%	\$944,835.07	

Contract No. and Title:		LCC-293 Design and Reconstruction of Fowler Street and Hampton Street at Moe							
Contractor:		Quality Roads Pty Ltd							
Date Contract Awarded:		16/11/2015	Contract Awarded by:		Council		Original Contract Value:		\$621,919.18
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value
3	Construction of drainage infrastructure including reinforced concrete pipes, box culverts and pits not allowed for in the original tender documents	13/07/2016	CEO	\$176,799.43	28.43%	\$90,062.00	\$266,861.43	42.91%	\$888,780.61
4	Rectification of soft areas of pavement: Removal of unsuitable material around telecommunications asset (26m ³). Removal of asbestos pipe discovered onsite. Additional binder required to rectify soft areas of pavement between chainages 260 - 303.88 and 60 - 160 (19 tonnes). Alteration made to pits 1, 2 and existing side entry pits 3 and 6. Removal of unsuitable material (13m ³). Extra concrete for pedestrian path.	7/10/2016	CEO	\$12,713.51	2.04%	\$266,861.43	\$279,574.94	44.95%	\$901,494.12
5	Rectification of soft areas of pavement: demolish existing pits 7, 8 & 9, construct new SEP's to replace existing pits 7, 8 & 9, deduct cost of reconstruction of existing pits 7, 8 & 9 to have type A2 cover and lintel.	28/10/2016	CEO	\$2,529.00	0.41%	\$279,574.94	\$282,103.94	45.36%	\$904,023.12
6	Rectification of soft areas of pavement adjacent to limit of works: replace soft subgrade with stabilised sand beyond limit of works	9/12/2016	CEO	\$472.00	0.08%	\$282,103.94	\$282,575.94	45.44%	\$904,495.12

Contract No. and Title:		LCC-295 Construction of Open Drain and Wetland at Fourth Road, Hazelwood North								
Contractor:		ACE Earthmoving Pty Ltd								
Date Contract Awarded:		7/12/2015	Contract Awarded by:			Council		Original Contract Value:		\$1,582,355.73
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
7	Supply materials, plant and labour to construct the pedestrian boardwalk bridge abutments as per the design obtained from GR design and construct. Supply materials, plant and labour to construct the changes to drainage structure 5 due to the boardwalk bridge design. \$44,650.16 NOT APPROVED by the CEO due to a change to the scope of works; this variation was deemed as not required.	N/A	N/A	\$0.00	0.00%	\$57,357.78	\$57,357.78	3.62%	\$1,639,713.51	
8	Removal and isposal of temporary farm fence around the wetland site and for the farm fence along the concrete open drain for CH 400 to CH 600.	3/10/2016	GM	\$2,880.00	0.18%	\$57,357.78	\$60,237.78	3.81%	\$1,642,593.51	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
1	Relocation of existing fire service - the design consultant did not overlay the existing services drawings with the architectural layouts. This has resulted in a clash. The current location of the existing fire service runs directly in line with the location for piers to be bored for the seating and ramped walkway and will run directly underneath the new show courts. As per the tender documents, the contractor has allowed for a fire service main extension (this amount has been credited back as part of this variation) and booster cabinet, but had not allowed to re-run the entire fire service. It is a better outcome to have the fire service removed from under the new courts. This work is additional to the contract specifications.	9/08/2016	GM	\$16,401.00	1.03%	\$0.00	\$16,401.00	1.03%	\$1,611,281.00	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts							
Contractor:		Waltcon Constructions Pty Ltd							
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value
2	Gas heater flue - the existing gas heater is located underneath the clubhouse and the heater flue exits the underfloor where the new deck is to be constructed. The consultant had thought that the flue was a 'sewer vent' and had expected that it could be redirected (a credit has been provided for the mini-vent allowance as per tender documents). As the flue is from the gas heater and the flue exits where the new deck is to be constructed, the heater will need to be relocated 6m to the west of the building to meet gas code AS5601 (cannot be located greater than 10m from an external wall). A new platform will need to be installed for the heater to sit on, the heater will need to be dismantled then extend/re-connect the gas and duct work and connect the new flue.	10/08/2016	GM	\$2,068.00	0.13%	\$16,401.00	\$18,469.00	1.16%	\$1,613,349.00

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts							
Contractor:		Waltcon Constructions Pty Ltd							
Date Contract Awarded:		20/06/2016	Contract Awarded by:		Council		Original Contract Value:		\$1,594,880.00
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value
3	CREDIT - Concrete stump changes. The contractor identified cost savings through the reduction in size on the concrete stumps to be installed for the new viewing deck (125 x 125 had previously been specified, 100 x 100 to be used). Approval for the reduction was sought from the architect and approved in AI 8 (as attached).	8/09/2016	GM	-\$2,271.00	-0.14%	\$18,469.00	\$16,198.00	1.02%	\$1,611,078.00

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
4	Additional temporary fencing - when tendering the contractor had allowed to supply a single layer of temporary fencing for the worksite with pedestrian access around the perimeter of the site. During construction works to the car park, the entire site is required to be blocked off and during this period there is not enough room for pedestrians to walk/cycle around the perimeter as the car park works push out towards the creek bank. To allow for and maintain safe access to the pedestrian bridge and skate park during these works, a double layer of fencing is required to separate the pedestrians from the vehicles. Supply, installation and hire of 130lm of additional fencing is required whilst the car park works are underway at Traralgon Tennis Complex with the fencing needing to be relocated on site as required by the contractor throughout construction.	8/09/2016	GM	\$1,287.00	0.08%	\$16,198.00	\$17,485.00	1.10%	\$1,612,365.00	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
5	Additional pits and pit changes - the tender drawings received from the architect showed incorrect ground levels for the proposed courts which in turn required a re-design of the civil drawings, resulting in the contractor tendering for pit sizes that were no longer an option for use. Once the architect revised the drawings to adjust the ground levels, the size and requirement for some of the pits needed adjusting. Some pit sizes were increased in size and depth which resulted in an increase in the pipe diameter along with additional excavation, labour and soil removal. The description of works outlines all areas of changes to pit sizes along with credit/additional amounts.	8/09/2016	GM	\$6,233.70	0.39%	\$17,485.00	\$23,718.70	1.49%	\$1,618,598.70	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
6	Soft spot replacement - once the contractor had cleared and scraped the site to remove the top soil, a soft spot was identified during the proof rolling. This soft spot is in the location of the proposed court construction. The soft spot needs to be excavated to remove the affected ground and imported clay fill placed and compacted to rectify the area identified prior to construction works progressing. Area to reinstated in 28m long x .55 x 1.5 wide.	8/09/2016	GM	\$1,239.70	0.08%	\$23,718.70	\$24,958.40	1.56%	\$1,619,838.40	
7	Re-survey the car park to ensure the proposed layout will fit without going over the bank towards the creek. Site surveying conducted from original civil drawings indicates that the proposed car park will encroach on the creek banks. The civil consultant has revised the drawings, which has resulted in additional surveying to suit the new layout provided.	15/09/2016	GM	\$1,474.00	0.09%	\$24,958.40	\$26,432.40	1.66%	\$1,621,312.40	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
8	Remove existing concrete footing to enable new bored concrete pier to be excavated and poured. Design documentation indicated a new bored pier was required in the vicinity of the existing building. Once building set out was completed and excavation works commenced, it was discovered the bored pier clashed with the existing concrete footing. The additional cost includes concrete saw cutting of the footing in-situ, removal of footing and disposal of concrete.	15/09/2016	GM	\$1,260.60	0.08%	\$26,432.40	\$27,693.00	1.74%	\$1,622,573.00	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
9	Relocate existing electrical conduits found in the ground. When service locating was undertaken, it was discovered previously installed lighting wires were not at minimum depth (only 250mm from ground surface instead of the required minimum 500mm) and impacted some of the bored piers. To provide a safe electrical installation that doesn't clash with the bored piers the lighting wires need to be relocated at the correct depth. Costs include trench excavation, conduit, electrical cabling, testing and commissioning.	15/09/2016	GM	\$3,036.00	0.19%	\$27,693.00	\$30,729.00	1.93%	\$1,625,609.00	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts							
Contractor:		Waltcon Constructions Pty Ltd							
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value
10	Sealing of subgrade to asphalt: supply and installation of 7mm primer seal coat to the subgrade of the asphalt car park. A primer seal/emulsion layer was not documented to be applied over the top of the prepared subgrade. Although not essential in a carpark, after consultation with the civil engineers, it was decided it would be preferred for the long term durability of the pavement to include a primer seal to bind the asphalt to the subgrade and protect the subgrade from water ingress. The contractor has priced the works on agreed unit rates \$7.60 x 900m2.	10/10/2016	GM	\$5,874.00	0.37%	\$30,729.00	\$36,603.00	2.30%	\$1,631,483.00

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
11	Blinding concrete: placement of blinding concrete - 25.4m ³ x \$320m ³ . The soil report provided spot checks on the founding material on site. When beams were excavated the material was found to be softer than the soil report predicted in several areas. The Geotechnical Engineer visited the site to review and a revised excavation depth to get to the founding levels for edge beams and internal beams was agreed. Internal ribs were able to stay as designed.	13/10/2016	GM	\$8,940.80	0.56%	\$36,603.00	\$45,543.80	2.86%	\$1,640,423.80	
12	Installation of 57 lineal meters of concrete kerb in lieu of edge strip: install 57 lineal meters of new concrete kerb in lieu of flat edge strip. Due to the close proximity of the car park to the creek embankment, the parking layout required a re-design to bring the edge back from the bank as much as possible whilst retaining the same number of car parking spaces. In the interest of public safety, a barrier kerb is to be installed in lieu of a flat concrete strip. The barrier kerb is required as a wheel stop.	13/10/2016	GM	\$1,567.50	0.10%	\$45,543.80	\$47,111.30	2.95%	\$1,641,991.30	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
13	New concrete spoon drain: construct a new concrete spoon drain along the eastern edge of the tennis show courts. After the tender period had closed, a discrepancy was found between the Architectural and Civil drawings which revealed inconsistent levels and required a drawing change. The tender drawings showed the court having cross fall in both directions with storm water collected via grated stormwater pits in the paving. The revised Civil drawings have east/west cross fall only, thus requiring an additional concrete spoon drain, storm water line and pits to the eastern side of the show courts that excess water run-off from the courts is collected. These additional works were not priced during the tender period.	20/10/2016	GM	\$8,504.10	0.53%	\$47,111.30	\$55,615.40	3.49%	\$1,650,495.40	
14	An alternative stair nosing has been identified as a cost saving. The alternative product meets compliance and aesthetics and is cheaper to supply than the original product specified.	9/11/2016	GM	-\$1,477.00	-0.09%	\$55,615.40	\$54,138.40	3.39%	\$1,649,018.40	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts							
Contractor:		Waltcon Constructions Pty Ltd							
Date Contract Awarded:		20/06/2016	Contract Awarded by:		Council		Original Contract Value:		\$1,594,880.00
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value
15	The addition of a concrete walkway from the clubhouse has meant that the inclusion of a small section of grated drain and a stormwater catch pit required to ensure any excess water in the area will be removed. It is important that this area does not collect water as it is the main path of travel for wheelchair access to the first floor function area.	9/11/2016	GM	\$1,144.00	0.07%	\$54,138.40	\$55,282.40	3.47%	\$1,650,162.40
16	Supply and installation of 13 galvanised steel bollards to provide separation between vehicles and pedestrians. To comply with planning permit conditions, the project needs to provide safe pedestrian access through the car park. Galvanised steel bollards will provide a barrier between vehicles and pedestrians. These works are a variation as changes to the drawings were made after the tender had closed which meant that the contractor had made no allowance for the works.	17/11/2016	GM	\$4,658.50	0.29%	\$55,282.40	\$59,940.90	3.76%	\$1,654,820.90

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
17	Relocate light pole and pit: relocation of the existing sports lighting tower due to an omission in both the architectural and electrical drawings at tender time, no allowance was made to re-locate an existing sports lighting tower. This tower requires moving so it doesn't clash with the new grade stand structure. Additionally a new bored concrete pier also clashes directly with the light tower footing. Additional costs include excavation, supply and placement of concrete and bolt cage for new light tower footing. Removal and disposal of existing concrete footing, cabling, crane hire and re-instatement of concrete foot path upon completion.	17/11/2016	GM	\$9,467.52	0.59%	\$59,940.90	\$69,408.42	4.35%	\$1,664,288.42	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
18	Supply and install 20mm recycled concrete: works are required to fill the low lying area under the western concrete seating, thus preventing a potential area for water and rubbish to collect. Works are required due to altering surrounding paving levels to suit existing conditions, which in turn created an area lower than initially indicated on the drawings. Due to budget constraints, recycled concrete infill was utilised as the most cost effective means of rectification. The drawings provided at tender time showed no detail in the area under the seating to enable the contractor to include this work in their price.	23/11/2016	GM	\$3,525.50	0.22%	\$69,408.42	\$72,933.92	4.57%	\$1,667,813.92	

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Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
19	Works are required to prevent a potential area for water and rubbish to collect under the eastern pavillion seating and along the edge of the path. The recycled concrete will be feathered back underneath the ramped walkway for aesthetic appeal and to lessen weeds and an area for rubbish collection. Due to budget constraints, recycled concrete infill is to be utilised as the most cost effective means of rectification. The drawings provided at tender time showed no details in this area to enable the contractor to include this work in their price.	1/12/2016	GM	\$4,301.00	0.27%	\$72,933.92	\$77,234.92	4.84%	\$1,672,114.92	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
20	Car park rectification works are required to merge the new tennis court construction with the existing car park surface levels. Post tender, the tennis court levels were adjusted to suit the existing car park to ensure correct water drainage. As the gradient in the in the car park is variable, two sections of the car park required re-building/re-surfacing. The levels could not be determined at tender time which meant that no allowance was made for these works. Unfortunately, due to budget constraints, there is insufficient budget to replace the entire car park as part of the show court works. It is hoped that the car park can be replaced in its entirety in the near future.	16/12/2016	CEO	\$27,213.10	1.71%	\$77,234.92	\$104,448.02	6.55%	\$1,699,328.02	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
21	Supply and installation of bollards: to align with planning permit conditions, two additional yellow proprietary parking bollards are required in the pedestrian zone to obstruct cars from parking in designated pedestrian access areas and help assist with pedestrian safety whilst at the complex. The two additional bollards will match the disabled parking pay bollard and were not able to be priced at tender time as they were included post tender by request as part of the planning permit process.	16/12/2016	CEO	\$1,419.00	0.09%	\$104,448.02	\$105,867.02	6.64%	\$1,700,747.02	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
22	Supply and install alternate and additional tactiles. During construction period it was revealed that the ceramic style tactile indicators would not be most appropriate in all the locations specified. It is proposed to change them all to the same style as specified in the disabled parking bay pram crossing to provide continuity across the project. Additionally, the alternative flexible rubber style will provide a better maintenance solution long term. Additional tactiles are required on the two step ramps which come off the ramped walkway to adhere with DDA compliance.	16/12/2016	CEO	\$1,848.00	0.12%	\$105,867.02	\$107,715.02	6.75%	\$1,702,595.02	

Contract No. and Title:		LCC-317 Traralgon Tennis Show Courts							
Contractor:		Waltcon Constructions Pty Ltd							
Date Contract Awarded:		20/06/2016	Contract Awarded by:			Council	Original Contract Value:		\$1,594,880.00
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value
23	Once the concrete path was poured the ramped walkway, it was decided that an additional stormwater catch pit would be required to ensure adequate drainage of any water caught in the low spot between the existing and new paths and to prevent water banking up and running onto existing courts. Works include; supply & installation of stormwater pit, labour and excavation by plumbing contractor. The footpath levels had previously been adjusted when the court levels had been raised after tender time therefore, no allowance for the additional drainage had been included. As the tennis complex is in a flood overlay zone, it is important to provide multiple opportunities for drainage.	21/12/2016	Acting CEO	\$748.00	0.05%	\$107,715.02	\$108,463.02	6.80%	\$1,703,343.02

Contract No. and Title:		LCC-319 Reconstruction of the Moe Tennis Courts at the Moe Tennis Club off Botanic Drive, Moe								
Contractor:		HCM Constructions Vic Pty Ltd								
Date Contract Awarded:		22/08/2016	Contract Awarded by:			Council		Original Contract Value:		\$1,416,792.35
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
1	Lime stabilisation of subgrade 3% Quicklime at 250mm depth, approximately 7900m ² @ \$7.88/m ² - required to stabilise the unsuitable subgrade which is saturated and will likely cause issues with the concrete pavement if not treated.	17/10/2016	GM	\$62,252.00	4.39%	\$0.00	\$62,252.00	4.39%	\$1,479,044.35	
2	Supply of water service - installation of 25mm water service line and 2 taps to provide water to the court complex - required to provide a water service/supply to the court complex along with low taps for cleaning the courts and possible installation of other feature for the club to connect.	26/10/2016	GM	\$1,480.00	0.10%	\$62,252.00	\$63,732.00	4.50%	\$1,480,524.35	
3	Stump Grinding, stump excavation and removal, root barrier installation - 152 meters at \$10 per metre - required for the removal of tree stumps etc and installation of root barrier to prevent roots damaging the new concrete pavement to be constructed.	7/11/2016	GM	\$3,170.00	0.22%	\$63,732.00	\$66,902.00	4.72%	\$1,483,694.35	

Cr Gibson returned to the meeting, the time being 07:56 pm

17.8 Assemblies of Councillors

General Manager

Corporate Services

For Information

EXECUTIVE SUMMARY

Section 80(A)2 of the *Local Government Act 1989* requires:

The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable - (a) reported at an ordinary meeting of the Council; and (b) incorporated in the minutes of that Council meeting.

Since the Ordinary Council Meeting on 05 December 2016, the following Assembly of Councillor forms have been submitted to be presented to Council:

Date	Assembly Details	In Attendance	Confidential	Declarations of Interest
21 November 2016	Councillor Briefing	<p>Councillors: Cr Macfarlane, Cr Middlemiss, Cr White, Cr Harriman, Cr O’Callaghan, Cr Howe, Cr Law, Cr Gibson</p> <p>Officers: Sarah Cumming, Gail Gatt, Susan Gillett, Amy Phillips, Deanne Smith, Nathan Misiurka, Jason Pullman, Gary Van Driel, Michael Bloyce, Steve Piasente, Sara Rhodes-Ward</p>	Confidential under section 89(2)(h) a matter which the Council or Special Committee considers would prejudice the Council or any person	Manager Planning Services
28 November 2016	Councillor Briefing	<p>Councillors: Cr McFarlane, Cr Middlemiss, Cr White, Cr Harriman, Cr O’Callaghan, Cr Howe, Cr Clancey, Cr Law, Cr Gibson</p> <p>Officers: Sarah Cumming, Sara Rhodes-Ward, Steve Piasente, Phil Stone, Angelo Saridis, Susan Gillett, Amy Phillips, Gail Gatt, Michael Bloyce, Leah Pollard</p>	Confidential under section 89(2)(h) a matter which the Council or Special Committee considers would prejudice the Council or any person	Cr Harriman (Interest, not being a conflict of interest)

MOTION

Moved: Cr Harriman
Seconded: Cr Middlemiss

That Council receives and notes the Assemblies of Councillors records submitted which have been held within the period 21 November 2016 to 28 November 2016.

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Attachments

- 1↓ . Councillor Briefing 21 November 2016
- 2↓ . Councillor Briefing 28 November 2016

17.8

Assemblies of Councillors

1	Councillor Briefing 21 November 2016	399
2	Councillor Briefing 28 November 2016	401



Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Councillor Briefing
Date:	21 November 2016
Time:	4:38pm-8:47pm
Assembly Location:	Nambur Wariga, Corporate Headquarters, Morwelll

In Attendance

Councillors:	<input checked="" type="checkbox"/> Cr Alan McFarlane	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Darrell White
	<input checked="" type="checkbox"/> Cr Dale Harriman from 5:02pm	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan from 5:00pm	<input checked="" type="checkbox"/> Cr Darren Howe
	<input type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Bradley Law	<input checked="" type="checkbox"/> Cr Sharon Gibson from 4:58pm
Officer/s:	Sarah Cumming, Gail Gatt, Susan Gillett, Amy Phillips, Deanne Smith (from 4:38pm-5:03pm, Nathan Misiurka (from 4:38pm - 5:22pm), Jason Pullman (from 4:38pm - 5:22pm), Gary Van Driel (from 4:50pm), Michael Bloyce (from 4:50pm -6:53pm), Steve Piasente (from 5:02pm), Sara Rhodes-Ward (from 6pm)		
Matters discussed:	Tonight's Presentations Future Presentations Matters Arising from Presentations Mayor update CEO update Public Open Space Strategy 2013 - Proposed Planning Scheme Amendment Amendment C90 - Glendonald Road, Churchill (Planning Panel Recommendations) Philip Parade Development Plan - Outcome of Community Exhibition Period Latrobe Creative Precinct - Governance and Procurement Plans Review of Council Policies Committee Review Project Fair Go Rates System Overview		



	<p>Proposed Sale Of Land - Short Street, Traralgon</p> <p>Quarterly Performance Report</p> <p>Council Meeting Cycles</p> <p>Outstanding Issues - confidential under section 89(2)(h) a matter which the Council or Special Committee considers would prejudice the Council or any person</p> <p>Strategic Issues for Future Briefings - confidential under section 89(2)(h) a matter which the Council or Special Committee considers would prejudice the Council or any person</p>
<p>Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>	

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
Gail Gatt	Yes

Record Completed by: Amy Phillips, Coordinator Governance





Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Councillor Briefing
Date:	28 November 2016
Time:	4:45 pm - 9:05 pm
Assembly Location:	Nambur Wariga, Corporate Headquarters, 141 Commercial Road Morwell

In Attendance

Councillors:	<input checked="" type="checkbox"/> Cr Alan McFarlane	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Darrell White
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Darren Howe
	<input checked="" type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Bradley Law	<input checked="" type="checkbox"/> Cr Sharon Gibson
Arrival / Departure Time:			
Officer/s:	Sarah Cumming, Sara Rhodes-Ward, Steve Piasente, Phil Stone, Angelo Saridis, Susan Gillett, Amy Phillips, Gail Gatt (until 6:53pm), Michael Bloyce (until 6:53pm), Leah Pollard (until 6pm)		
Matters discussed:	<p>Mayor Update</p> <p>Tonight's Presentations</p> <p>Future Presentations</p> <p>Notice of Motion Requests</p> <p>Alternative Motion Requests</p> <p>West Gippsland Catchment Management Authority Invitation</p> <p>Request for Assistance - 'The Rise' Development 145 Traralgon - Maffra Road, Traralgon</p> <p>Initiation Of Refurbishment Program - Latrobe Regional Gallery</p> <p>Electric Vehicle (Tesla) Charging Points</p> <p>Review of The Traralgon Tyers United Football Netball Club Project</p> <p>2016/17 Capital Project Status Report</p> <p>Review of The Meeting Procedure Local Law</p> <p>Outstanding Issues - confidential under section 89(2)(h) a matter which the Council or special committee considers would prejudice the Council or any</p>		



	<p>person.</p> <p>Strategic Issues for Future Briefings - confidential under section 89(2)(h) a matter which the Council or special committee considers would prejudice the Council or any person.</p>
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Are any of the matters discussed, considered confidential under the *Local Government Act 1989*?

Yes **No**

Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
Cr Harriman (Interest, not being a Conflict of Interest)	No

Record Completed by: Amy Phillips, Coordinator Governance



URGENT BUSINESS

18. URGENT BUSINESS

Nil.

MEETING CLOSED TO THE PUBLIC

19. MEETING CLOSED TO THE PUBLIC

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.

MOTION

Moved: Cr White

Seconded: Cr Gibson

That Council closes this Ordinary Meeting of Council to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the *Local Government Act 1989* for the reasons indicated:

- 19.1 PURCHASE OF LATROBE CITY SPORTS AND ENTERTAINMENT STADIUM**
Agenda item 19.1 *Purchase of Latrobe City Sports and Entertainment Stadium* is designated as confidential as it relates to contractual matters (s89 2d)
- 19.2 PRESENTATION OF THE AUDIT AND RISK COMMITTEE MINUTES**
Agenda item 19.2 *Presentation of the Audit and Risk Committee Minutes* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)
- 19.3 BAD DEBTS REPORT - NOVEMBER 2016**
Agenda item 19.3 *Bad Debts Report - November 2016* is designated as confidential as it relates to personal hardship of any resident or ratepayer (s89 2b)
- 19.4 LCC-343 DESIGN AND CONSTRUCT - SPORTS LIGHTING AT TRARALGON RECREATION RESERVE**
Agenda item 19.4 *LCC-343 Design and Construct - Sports Lighting at Traralgon Recreation Reserve* is designated as confidential as it relates to contractual matters (s89 2d)

19.5 LCC-347 HYLAND HIGHWAY LANDFILL - CELL 5 EXCAVATION, FENCING AND ACCESS ROAD

Agenda item 19.5 *LCC-347 Hyland Highway Landfill - Cell 5 Excavation, Fencing and Access Road* is designated as confidential as it relates to contractual matters (s89 2d)

19.6 CHIEF EXECUTIVE OFFICER DELEGATION FOR CONTRACT AWARD FOR BLACKSPOT FUNDED PROGRAM AND LATROBE REGIONAL GALLERY

Agenda item 19.6 *Chief Executive Officer Delegation for Contract Award for Blackspot Funded Program and Latrobe Regional Gallery* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)


CARRIED UNANIMOUSLY

The Meeting closed to the public at 7:56 pm.

The meeting re-opened to the public at 8:33 pm.

There being no further business the meeting was declared closed at 8:33 pm.

I certify that these minutes have been confirmed.

Mayor:  _____

Date:  _____