



LATROBE CITY COUNCIL

MINUTES FOR THE ORDINARY COUNCIL

HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 6.00 PM ON
02 MARCH 2015

CM457

PRESENT:

Councillors:	Cr Dale Harriman, Mayor	East Ward
	Cr Peter Gibbons, Deputy Mayor	West Ward
	Cr Sharon Gibson	West Ward
	Cr Sandy Kam, Mayor	East Ward
	Cr Graeme Middlemiss	Central Ward
	Cr Kellie O'Callaghan	East Ward
	Cr Michael Rossiter	East Ward
	Cr Christine Sindt	Central Ward
	Cr Darrell White	South Ward
Officers:	Gary Van Driel	Chief Executive Officer
	Sara Rhodes-Ward	General Manager Community Liveability
	Phil Stone	General Manager Planning & Economic Sustainability
	Steven Piasente	General Manager Community Infrastructure & Recreation
	Sarah Cumming	Executive Manager
	Amy Phillips	Coordinator Governance
	Kylie Stockdale	Council Operations Administration Officer

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1. **OPENING PRAYER**
2. **ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**
3. **APOLOGIES AND LEAVE OF ABSENCE**
4. **DECLARATION OF CONFLICT OF INTEREST**
5. **ADOPTION OF MINUTES**

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 9 February 2015 be confirmed.

Moved: Cr Middlemiss
Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

6. **PUBLIC QUESTION TIME**

Suspension of Standing Orders

Moved: Cr Rossiter
Seconded: Cr Gibson

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 6:02pm.

Mr Mark D'Alterio addressed Council in relation to 9.1 Permit Application 2014/70 – 23 Lot Subdivision, Creation of Common Property and Associated Works at 94-110 Bridle Road, Morwell

Mr David Langmore & Ms Rosalie Hamilton addressed Council in relation to 10.1 Request for Latrobe City to Become a Refugee Welcome Zone

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Ms Jane Leslie addressed Council in relation to 13.2 Planning Permit Application 2014/202 – Use & Development of the Land for a Restaurant and Licensed Premises at 128 & 130 Argyle Street and 2 Riggall Rd, Traralgon

Ms Margaret Gibson addressed Council in relation to 13.2 Planning Permit Application 2014/202 – Use & Development of the Land for a Restaurant and Licensed Premises at 128 & 130 Argyle Street and 2 Riggall Rd, Traralgon

Ms Catherine Theodore Field addressed Council in relation to 13.2 Planning Permit Application 2014/202 – Use & Development of the Land for a Restaurant and Licensed Premises at 128 & 130 Argyle Street and 2 Riggall Rd, Traralgon

Mr Richard Ingle addressed Council in relation to 13.2 Planning Permit Application 2014/202 – Use & Development of the Land for a Restaurant and Licensed Premises at 128 & 130 Argyle Street and 2 Riggall Rd, Traralgon

Ms Jenny Donneeland addressed Council in relation to 13.2 Planning Permit Application 2014/202 – Use & Development of the Land for a Restaurant and Licensed Premises at 128 & 130 Argyle Street and 2 Riggall Rd, Traralgon

Ms Lisa Price addressed Council in relation to 13.2 Planning Permit Application 2014/202 – Use & Development of the Land for a Restaurant and Licensed Premises at 128 & 130 Argyle Street and 2 Riggall Rd, Traralgon

Mr Graham Dettrick addressed Council in relation to 15.1 Latrobe City Cultural Diversity Action Plan 2014-2018

Resumption of Standing Orders

Moved: Cr Rossiter

Seconded: Cr Gibbons

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 6:47pm

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

Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
19/09/11	Traralgon Activity Centre Plan Key Directions Report	<p>That having considered all submissions received in respect to the Stage 2 Key Directions Report September 2011, Council resolves the following:</p> <ol style="list-style-type: none"> 1. To defer the endorsement of the Stage 2 Key Directions Report September 2011 until: <ol style="list-style-type: none"> a) Council has been presented with the Traralgon Growth Area Review b) Council has received information on the results of the Latrobe Valley Bus Review 2. That Council writes to the State Government asking them what their commitment to Latrobe City in respect to providing an efficient public transport system and that the response be tabled at a Council Meeting. 3. That Council proceeds with the Parking Precinct Plan and investigate integrated public parking solutions. 4. That the Communication Strategy be amended to take into consideration that the November/December timelines are inappropriate to concerned stakeholders and that the revised Communication Strategy be presented to Council for approval. 5. That in recognition of community concern regarding car parking in Traralgon the Chief Executive Officer establish a Traralgon Parking Precinct Plan Working Party comprising key stakeholders and to be chaired by the Dunbar Ward Councillor. Activities of the Traralgon Parking Precinct Plan Working Party to be informed by the Communication Strategy for the Traralgon Activity Centre Plan Stage 2 Final Reports (Attachment 3). 	<ol style="list-style-type: none"> 1. <u>Status:</u> A review of Traralgon Activity Centre Plan project required to be undertaken by officers following adoption of Traralgon Growth Areas Review. Draft discussion paper currently being prepared. 2. <u>Status:</u> Letter sent 10 August 2010. Response received 24 August 2010. 3. <u>Status:</u> Letter sent 10 October 2011 No response received. 4. <u>Status:</u> Parking Strategy completed September 2013. Council resolved to proceed with car parking overlay Planning Scheme Amendment at Ordinary Council Meeting 9 February 2015. 5. <u>Status:</u> Adopted by Council 6 February 2012 6. <u>Status:</u> Working Party endorsed by Council, 20 February 2012 	General Manager Planning and Economic Sustainability

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Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
5/12/11	Investigation into Mechanisms Restricting the sale of Hubert Osborne Park Traralgon	That a draft policy be prepared relating to Hubert Osborne Park and be presented to Council for consideration.	Investigations continuing into a possible mechanism for this purpose.	Office of the Chief Executive
19/12/11	Traralgon Greyhound Racing Club – Proposed Development and Request for Alterations to Lease	That a further report be presented to Council following negotiations with the Latrobe Valley Racing Club, Robert Lont and the Traralgon Greyhound Club seeking Council approval to the new lease arrangements at Glenview Park.	Preparation underway to commence negotiations for a new lease. A further report to be presented to Council. Discussion has progressed with the leasing of the land to the Traralgon Greyhound Racing Club. A rental valuation is being obtained from independent valuer. A report will be presented to Council in 2015.	Office of the Chief Executive
18/02/13	Affordable Housing Project – Our future our place	<ol style="list-style-type: none"> 1. That Council proceeds to publically call for Expressions of Interest as a mechanism to assess the viability and interest in developing an affordable housing project on land known as the Kingsford Reserve in Moe. 2. That a further report be presented to Council for consideration on the outcome of the Expression of Interest process for the development of an affordable housing project on land known as the Kingsford Reserve in Moe. 	This project is currently under review, with a Council report to be presented to Council in 2015.	Community Liveability
6/05/13	Latrobe City International Relations Advisory Committee - Amended Terms of Reference	That the item be deferred pending further discussion by Councillors relating to the Terms of Reference.	Item on hold pending adoption of a Terms of Reference for Advisory Committees. A further report will be presented to Council once the Terms of Reference is adopted.	Planning & Economic Sustainability

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Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
6/11/13	Latrobe Regional Motorsport Complex	<ol style="list-style-type: none"> That Council requests the members of the Latrobe Regional Motorsports Complex Advisory Committee to investigate potential sites for the motorsports complex and to advise Council of any sites identified so that further investigation can be undertaken by Council officers. That Council officers meet with Energy Australia to discuss other possible sites for a motorsports complex on their land. That a further report be presented to Council at such time that site options have been investigated. 	<p>Initial advice from Energy Australia and HVP is that land is not currently available for this use. Officers continuing to work with both parties to identify potential sites for further investigation.</p> <p>An on-site meeting with Cr Middlemiss occurred in December 2014 to investigate further site options.</p> <p>Further evaluation will be undertaken of sites identified during on-site meeting.</p> <p>Further report to be presented to Council in 2015.</p>	Community, Infrastructure & Recreation
21/7/14	Cultural Diversity Action Plan 2014-2018	<ol style="list-style-type: none"> That the draft Cultural Diversity Action Plan 2014-2018 be released for community comment in accordance with the Community Engagement Plan 2010 – 2014 from 22 July 2014 to 23 September 2014. That following the community consultation process a further report on the Cultural Diversity Action Plan 2014-2018 be presented to Council for consideration. 	Report to be presented to Council at the Ordinary Council Meeting 02 March 2015.	Community Liveability
13/10/14	Draft Community Engagement Strategy And Action Plan 2015-2019 - Community Consultation	<ol style="list-style-type: none"> That Council approves the draft Community Engagement Strategy and Action Plan 2015-2019 be released for community consultation for four weeks from Monday, 20 October 2014 to Friday, 14 November 2014. That following the community consultation process a further report on the Community Engagement Strategy and Action Plan 2015-2019 be presented to Council for consideration. 	<p>The draft Strategy is being finalised following the community engagement period.</p> <p>A report will be presented to Council with the final Strategy in March 2015.</p>	Office of the Chief Executive

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Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
13/10/14	Churchill and District Community Hub Strategic Plan 2014 – 2018	Council release the draft Churchill and District Community Hub Strategic Plan 2014-2018 and, <ol style="list-style-type: none"> 1. Release the Plan for public comment for a period of 6 weeks. 2. A further report be presented to Council at the Ordinary Council meeting 15 December 2014 to consider any submissions to the draft Churchill and District Community Hub Strategic Plan 2014 – 2018. 	The Draft Churchill and District Community Hub Strategic Plan was released for public consultation in late January for a period of 6 weeks. A further report is scheduled to be considered at the Ordinary Council Meeting 23 March 2015 detailing the community feedback.	Community Liveability
24/11/14	Review Of Council Meeting Cycle	That Council: <ol style="list-style-type: none"> 1. Maintain a three-weekly Council Meeting cycle. 2. Begin Ordinary Council Meetings at 6:00pm. 3. Distribute the final Ordinary Council Meeting Agenda to the public, six (6) days prior, to the Ordinary Council Meeting. 4. Review the meeting cycle after an eight-month period and a further report be presented to Council in July 2015 with a review of the changes. 	Report to be prepared to Council in July 2015.	Executive Manager Office of the Chief Executive
09/02/15	Planning Permit Application 2014/70-23 Lot Subdivision, Creation Of Common Property And Associated Works At 94-110 Bridle Road, Morwell.	That Council defer consideration of this item to the next Ordinary Council Meeting 2 March 2015.	Council report to be presented at Ordinary Council Meeting 2 March 2015 for decision.	Planning & Economic Sustainability

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Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
09/02/15	Family Day Care Feasibility	<p>That Council maintain the Family Day Care program at the current level.</p> <p>That the Family Day Care Coordination team is adjusted as required and directly in relation to any reduction of Educators and/or Service Users.</p> <p>That a further review of the program occur within the first six months of the 2015/16 financial year, with a further report being presented to Council for endorsement at the Ordinary Council Meeting on 07 December 2015.</p> <p>That a report be developed demonstrating cost and funding options to grow other early education and care services as a transition plan from FDC into the future.</p>	Further report to be provided to Council on December 2015.	Community Liveability

NOTICES OF MOTION

8. NOTICES OF MOTION

Nil reports

ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR CONSIDERATION

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

**9.1 PLANNING PERMIT APPLICATION 2014/70-23 LOT
SUBDIVISION ,CREATION OF COMMON PROPERTY AND
ASSOCIATED WORKS AT 94-110 BRIDLE ROAD, MORWELL.**

General Manager

**Planning & Economic
Sustainability**

For Decision

PURPOSE

The purpose of this report is for Council to consider Planning Permit Application 2014/70 for a 23 lot subdivision, Creation of Common Property and associated works at 94-110 Bridle Road, Morwell.

The application is to be heard at an Ordinary Council Meeting under the current delegation process as twelve objections remain outstanding.

Council considered this matter at the Ordinary Council Meeting held on 9 February 2014. The recommendation to issue a Planning Permit was deferred and this matter has been resubmitted to this Council meeting.

EXECUTIVE SUMMARY

Having evaluated the proposal against the relevant provisions of Latrobe Planning Scheme (the Scheme), it is considered that the application is consistent with the relevant objectives and decision guidelines of the Scheme. It is therefore recommended that a notice of decision to grant a Planning Permit be issued for the reasons set out in this report subject to conditions. More specifically, it is considered that:

- The proposal is consistent with Clauses 11.02-1 (Supply of Urban Land) and 21.04-2 (Settlement Overview) of the Scheme by consolidating development within an existing residential area of Morwell.
- The proposal is consistent with the strategic direction outlined in Gippsland Regional Growth Plan.
- The proposal is consistent with Clause 21.05-2 (Main Towns Overview) of the Scheme in particular the proposal will lead to a well-designed, infill residential development in an existing urban area with appropriate access to a range of necessary services.
- The proposal is consistent with Clause 56 (Residential Subdivision) of the Scheme.
- The proposal is consistent with Clause 65.02 (Approval of an application to subdivide land).

RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit, for a 23 lot subdivision, creation of common property and associated works at 94-110 Bridle Road, Morwell being Lot 1 on Plan of Subdivision 204190W with the following conditions:

1. Amended Plans

Prior to the certification of the plan under the *Subdivision Act* 1988, amended plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) Access ways must have a minimum trafficable width of 5.5m, including kerb invert to invert as requested by the CFA.

When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.

Layout not Altered – Subdivision

2. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.

3. Detailed Landscape Plans

Prior to the commencement of any works associated with the subdivision, a landscape plan must be prepared by a person suitably qualified or experienced in landscape design and submitted to the Responsible Authority for its approval. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies and an electronic copy (PDF) must be provided. The landscape plan must show:

- a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- b) New plantings including their layout to be provided in any road reserves and municipal reserves.
- c) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- d) Details of any signage associated with the development,

- e) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls.
- f) Additional supporting information, such as certified structural designs or building forms.
- g) Design and construction layouts for equipment in playground areas.
- h) All proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.
- i) Location of public lighting.

Landscape Works to be Completed

4. Prior to the issue of Statement of Compliance or by such later date as is approved by the Responsible Authority in writing, the landscape works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. All areas to be landscaped, including open space, must:
 - a) Have bulk earthworks completed (where required) to ensure reserves are fit for intended purpose;
 - b) Be cleared of all rubbish and environmental weeds, top soiled and grassed;
 - c) All landscape planting works completed including drought resistant trees and other planting; and
 - d) Public lighting provided along paths.

5. The operator of this permit must maintain to the satisfaction of the responsible authority for a period of two (2) years, all landscaping constructed under this permit. The maintenance shall commence on the date the landscaping is certified by the Responsible Authority as practically complete. Any defects occurring during the maintenance period shall be repaired by the operator of this permit to the satisfaction of the responsible authority. During this period, any dead, diseased or damaged plants are to be replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

Design Guidelines

6. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, amended design guidelines must be submitted to and approved by the Responsible Authority. When approved, the design

guidelines will be endorsed and then form part of the permit. The design guidelines must be generally in accordance with the design guidelines submitted with the application but modified to show:

- Any fencing attached to the retaining wall must have a minimum transparency of 75%; and
- Fencing or a building must not be positioned forward of the building line of the dwelling on any lot addressing the road frontages of Lord Place or Bridle Road and the common property area apart from the retaining wall and attached semi-permeable fence and with a maximum height of 1.2 metre high with a minimum transparency 75%.

The guidelines must be submitted to and approved by the Responsible Authority. When approved, the guidelines will be endorsed and will then form part of the permit.

Section 173 Agreement

7. Prior to the issue of Statement of Compliance under the *Subdivision Act 1988*, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*, which provides that:

- Development of all lots must be in accordance with the design guidelines (as required under Condition 6 of this permit) approved by the Responsible Authority.

The owner/operator under this permit must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.

Within 3 months of the registration of the Section 173 agreement, the owner/operator of the permit must provide Council a copy of the dealing number issued by the Title Office. Once titles are issued, Council requires the owner/operator of the permit or its legal representative to provide either:

- a) a current title search; or
- b) a photocopy of the duplicate certificate of title as evidence of registration of the Section 173 agreement on title.

Public Open Space Contribution

8. Prior to the issue of Statement of Compliance under the *Subdivision Act 1988*, the applicant or owner must pay to the Responsible Authority:

- a) a sum equivalent to 5 per cent of the site value of all the land in the

- subdivision; and
- b) any costs associated with valuation of the land including valuers fees.

The permit holder must make a request to Council to commence the process involved with this condition.

Site Management Plan

9. Prior to the commencement of any works (including but not limited to road, drainage or landscaping works) associated with each stage of the subdivision, a Site Management Plan shall be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit. The Site Management Plan must include:
 - a) Traffic management measures - the plan must detail measures proposed to protect and maintain vehicle use of the existing road system and pedestrians using existing footpaths adjacent to the development, how site access will be obtained, how construction vehicles will access and egress the site and the management of public access to the site. The plan must include details of all signage on adjacent roads.
 - b) Construction management measures - the plan must outline how issues such as deliveries, noise, mud on roads, and dust generation will be managed onsite during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
 - c) An environmental management plan for the works detailing techniques for erosion prevention, temporary drainage and sediment control measures during the construction of the works and post construction. Reference should be made to the Environment Protection Authority's publication 960 'Doing it right on subdivisions'.
10. Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.
11. Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority.

Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.

12. All construction activities associated with the subdivision must be carried out in such a manner so as to not create nuisance to the satisfaction of the Responsible Authority.

Engineering Conditions

13. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, 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 will be drained to the legal point of discharge for a 1 in 5 year ARI storm event.
- b) An underground pipe drainage system conveying stormwater discharge from each lot and the common property to the legal point of discharge and 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

14. Plans submitted for certification under the Subdivision Act 1988 must show to the satisfaction of the Responsible Authority:
 - a) Road names for vehicle accessways within the common property compliant with the requirements of the Department of Sustainability and Environment's "*Guidelines for Geographic Names 2010*"
 - b) A restriction on the plan of subdivision, as required by the Responsible Authority, in relation to collection of refuse from bins placed on bin pads located within the common property area
15. Prior to certification of the plan of subdivision under the Subdivision Act 1988, the operator of this permit shall provide documentary evidence to the satisfaction of the Responsible Authority in support of all proposed new road names shown on the plan. All proposed new road names must comply with the naming principles described in the Department of Environment and Primary Industry's "*Guidelines for Geographic Names*"

2010”.

16. Before the commencement of any works hereby permitted, the following plans shall be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy (PDF) must be provided.
 - a) Detailed design plans for the construction of the internal vehicle accessway. The plans must be prepared in accordance with the requirements of Latrobe City Council’s Design Guidelines and include construction details demonstrating adequate strength to provide for the passage of waste collection and emergency service vehicles. The vehicle accessway must be designed for a vehicle target speed of 10 km/h, be surfaced with concrete, reinforced concrete, brick paving or hot mix asphalt and drained in accordance with the approved site drainage plan. Concrete paved areas on the internal vehicle accessway must be provided for the placement of bins for the collection of wastes and recyclables.
 - b) A plan for the installation of street lighting in accordance with Australian Standard AS1158, along all new vehicle accessways.
 - c) Detailed design plans for the construction of an opening in the median island opposite the accessway into the development from Bridle Road. The plans must be prepared in accordance with the requirements of Latrobe City Council’s Design Guidelines and include construction details demonstrating an appropriate road pavement design.
17. 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.
18. Prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the operator of this permit must complete the following works to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:
 - a) All drainage works must be constructed in accordance with the site drainage plan for the property approved by the Responsible Authority.
 - b) New vehicle crossings must be constructed to provide access to the common property, 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.

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- c) Areas for common property vehicle access within the land must be constructed in accordance with plans endorsed by the Responsible Authority.
 - d) Concrete footpaths within the land must be constructed in accordance with plans endorsed by the Responsible Authority, be constructed with a durable, non-skid surface and be of a quality and durability to ensure a minimum 20 year life span.
 - e) Redundant vehicle crossings must be removed and kerb and channel, footpath and naturestrip reinstated.
 - f) Concrete paved areas on the internal vehicle accessway for the placement of bins for the collection of wastes and recyclables must be constructed in accordance with plans submitted to the satisfaction of and approved by the Responsible Authority.
 - g) Installation of street lighting in accordance with Australian Standard AS1158, along all new vehicle accessways.
 - h) Installation of all street name signage.
 - i) The construction of an opening in the median island opposite the accessway into the development from Bridle Road.
19. Before a Statement of Compliance is issued for this subdivision under the Subdivision Act 1988, the operator of this permit must pay to Latrobe City Council:
- a) The sum of \$180 per lot frontage or side abuttal to Bridle Road and Lord Place, for the provision of street trees along Bridle Road and Lord Place where trees are not planted by the operator of this permit.
- Gippsland Water
20. The operator of this permit must meet the requirements of Gippsland Water in that, prior to the issues of Certification/Statement of Compliance, they:
- a) Pay New Customer Contributions to Gippsland Water for each service (water and/or wastewater) provided to each lot created by this development. These charges are based on Gippsland Water's rates at the time of payment and are associated with additional infrastructure that Gippsland Water will be required to operate and maintain to ensure ongoing servicing of this development.
 - b) Install water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
 - c) Install sewer services to the satisfaction of Gippsland Water. As

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Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.

- d) Create Reserves and/or Easements in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision. Easements are to be for Pipeline or Ancillary Purposes.
- e) Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.
- f) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

West Gippsland Catchment Authority

- 21. The operator of this permit must meet the requirements of West Gippsland Catchment Management Authority (WGCMA) in that, prior to the issues of Certification/Statement of Compliance, they:

- a) All lots must be wholly above 56.5m AHD.

Country Fire Authority

- 22. Fire Hydrants

1.1. Operable hydrants, above or below ground must be provided to the satisfaction of CFA.

1.2. The maximum distance between these hydrants and the rear of all lots must be 120m and hydrants; and

- i) may include a design where hydrants are located to the proposed dual public street entrances of the development, or
- ii) may include a design where hydrants are located at the two proposed internal intersections.

1.3. Hydrants must be identified as specified in "Identification of Street Hydrants for Firefighting purposes" available under publications on the Country Fire Authority website (www.cfa.vic.gov.au)

Access Ways

1.4. Access ways must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

1.5. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than 1 in 8 (12%) (7.1 degree) entry and exit angle.

1.6. Access ways must have a minimum trafficable width of 5.5m,

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including kerb invert to invert, or all minimal profile kerb.

Permit Expiry

23. This permit will expire if:

- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
- b) the registration of the subdivision is not completed within 5 years of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

Note: The commencement of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of the plan, and completion is regarded as the registration of the plan.

ALTERNATE MOTION

That Council issues a Notice of Refusal for Planning Permit Application 2014/70 for a 23 lot subdivision, creation of common property and associated works at 94-110 Bridle Road, Morwell being Lot 1 on Plan of Subdivision 204190W based on the following grounds:

1. **The proposed subdivision is inconsistent with the objectives of Clause 56 Residential Subdivision of the Latrobe Planning Scheme, in regard to neighbourhood character and density.**
2. **The proposal will be detrimental to the amenity of the area in terms of traffic management and safety issues.**
3. **The proposal is inconsistent with the decision guidelines of Clause 65 of the Latrobe Planning Scheme and will not result in orderly planning of the area.**

Moved: Cr Gibson
Seconded: Cr O'Callaghan

That the Motion be adopted.

For the Motion

Councillors Harriman, Sindt, White, Middlemiss, O'Callaghan, Gibson, Kam, Gibbons

Against the Motion

Councillor Rossiter

The Mayor confirmed that the Motion had been CARRIED.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley *Strategic Objectives – Built Environment*

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

Strategic Objectives – Economy

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

Strategic Objectives – Governance

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 1: Job Creation and Economic Sustainability

Strategic Direction - Job Creation and Economic Sustainability

Provide timely and targeted infrastructure to support economic growth and the marketability of Latrobe City to industry and investors.

Theme 2: Appropriate, Affordable and Sustainable Facilities, Services and Recreation

Strategic Direction - Appropriate, Affordable and Sustainable Facilities, Services and Recreation

Develop and maintain community infrastructure that meets the needs of our community

Promote and support opportunities for people to enhance their health and wellbeing.

Encourage and create opportunities for more community participation in sports, recreation, arts, culture and community activities.

Improve and link bicycle paths, footpaths and rail trail networks to encourage physical activity and promote liveability.

Continue to maintain and improve access to Latrobe City's parks, reserves and open space.

Theme 5: Planning for the future

Strategic Direction – Planning for the future

Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

Plan and coordinate the provision of key services and essential infrastructure to support new growth and developments.

Legislation

Local Government Act 1989

Planning and Environment Act 1987

BACKGROUND

SUMMARY

Land:	94-110 Bridle Road, Morwell known as Lot 1 on Plan of Subdivision 204190W.
Proponent:	Micsha Developments Pty Ltd
Zoning:	General Residential Zone
Overlay	Land Subject to Inundation Overlay

A planning permit is required for subdivision in accordance with Clause 32.08-2 of the General Residential Zone and also for subdivision pursuant to Clause 44.04-2 of the Land Subject to Inundation Overlay.

HISTORY OF THE APPLICATION

Council considered this matter at the Ordinary Council Meeting held on 9 February 2014. The recommendation to issue a Planning Permit was not supported and this matter has been resubmitted to this Council meeting.

PROPOSAL

The application is for a twenty-three lot subdivision, creation of common property and associated works. The lots will range in area from approximately 355m² to 715m². Each lot will be regular in shape with its long axis on a north/south or east/west axis to facilitate solar efficient housing development. Access to a number of lots will be provided by a common property accessway with an overall width of 8 metres, accommodating a 5.5 metre wide pavement with 1.25 metre wide nature strips on either side. The accessway will intersect with both Bridle Road and Lord Place on the site's west and north boundaries to allow for a distribution of traffic movements, as well as providing a safe alternative egress route during a flood event if the area becomes inundated.

An 'Owners Corporation' will manage the area of common property. The corporation will establish a set of rules and regulations regarding the use, management and on-going maintenance of this land, along with other requirements such as:

- Restrictions on external alterations and additions to future dwellings (to ensure that there is continuity of design within the estate);
- Minimum landscaping standards and maintenance requirements for front yard areas abutting the common property;
- Specific directions for each lot owner regarding the location of waste collection in designated areas within Bridle Road and Lord Place and the need to remove emptied bins on the same day of collection.

It is further noted that design guidelines will be secured via Section 173 Agreement to address concerns regarding orientation of buildings to Lord Place, visual design, fencing, floor areas and car parking as discussed with the applicant and concerned parties during the application process.

A copy of the proposed subdivision layout is included in attachment 1

SUBJECT LAND AND SURROUNDING AREA

The land is located at the south-east corner of the intersection of Bridle Road and Lord Place. It is rectangular in shape, with a total area of 1.247 hectares and the following dimensions:

- East and west boundaries each having a length of 91 metres; and
- North and south boundaries each having a length of 137 metres.

The land is vacant, covered in pasture grass and devoid of any other vegetation. Vehicular access to the site is currently obtained from Lord Place via a gravel driveway crossover. There is no constructed crossover along the Bridle Road abuttal. The site is located within an established

residential precinct approximately 4.5 kilometres north-east of Morwell's central activity district and 1.2 kilometres north of Mid Valley Shopping Centre. The site is surrounded by residential development within an area of Morwell locally known as 'The Bridle Estate'. The subject site is the largest remaining parcel of vacant residential land within the estate.

Lots sizes vary in the surrounding area from 600m² to 986m², with frontage widths of between 12 and 22.5 metres. Allotments opposite the site on the west side of Bridle Road are typically smaller, with an average area of approximately 600m². The predominant dwelling type in the area is single storey of brick construction with a pitched or hipped concrete tiled roof and garage incorporated under its roofline. There are a number of multi-dwelling developments of varying densities located within a 200 metre radius of the site, including five attached single storey units to the immediate south at 92 Bridle Road.

A site context plan is included as attachment 2 of this report.

LATROBE PLANNING SCHEME

State and Local Planning Policy Framework

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 are relevant clauses considered in the assessment of the application.

The objective of Clause 11.02-1 is to ensure a sufficient supply of land is available for, among other things, residential uses.

Strategies to achieve this include

- *Ensure that sufficient land is available to meet forecast demand.*
- *Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur.*
- *Restrict low-density rural residential development that would compromise future development at higher densities.*

The objective of Clause 11.05-1 Regional settlement networks is "to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan".

The Moe, Morwell and Traralgon cluster has been identified in the Regional Victoria Settlement Framework plan as one of the regional areas where urban growth should be directed.

Networks of high-quality settlements should be delivered by:

- *Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*

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- *Balancing strategic objectives to achieve improved land-use and development outcomes at a regional, catchment and local level.*
- *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
- *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs.*

Clause 13.02-1 Floodplain management is relevant to the consideration of the application as approximately 10% of the site area would be affected in 1 in 100 year flood event. The objective of this clause is 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.*
- *Floodplain areas of environmental significance or of importance to river health.*

The objective of Clause 15.01-1 Urban design is “*to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity*”. Strategies to achieve this include:

- *Promote good urban design to make the environment more liveable and attractive.*
- *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

Clause 15.01-3 Neighbourhood and Subdivision Design objective is to ensure that the design of subdivisions achieves attractive, pedestrian friendly, diverse and sustainable neighbourhoods. The strategies listed in this clause aim to have subdivisions designed so that they create liveable and sustainable communities. The strategies as relevant to this application are:

- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *A convenient and safe road network.*
- *Creating a strong sense of place because neighbourhood development emphasises existing cultural heritage values, well designed and attractive built form, and landscape character.*

Clause 15.01-5 Cultural identity and neighbourhood character has an outlined objective “*to recognise and protect cultural identity, neighbourhood character and sense of place.*” Relevant strategies in the assessment of this application include:

- *Ensure development responds and contributes to existing sense of place and cultural identity.*
- *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*

It is noted there is no specific neighbourhood character study in place within the Latrobe Planning Scheme.

Clause 19.03-2 refers to the provision of water supply, sewerage and drainage. The objective of this clause is ‘*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*’.

Clause 19.03-3 Stormwater aims to reduce the impact of stormwater on bays and catchments.

To achieve this, water-sensitive urban design techniques should be incorporated into developments to:

- *Protect and enhance natural water systems.*
- *Integrate stormwater treatment into the landscape.*
- *Protect quality of water.*
- *Reduce run-off and peak flows.*
- *Minimise drainage and infrastructure costs.*

Similar objectives are re-emphasised and elaborated under the LPPF of the Scheme. The MSS at Clause 21.05-5 identifies Morwell as one of the main towns within the municipality, where residential growth will continue and is encouraged. The Structure Plan for Morwell identifies the subject site as an ‘existing urban area’.

Zoning

The subject site is located within the General Residential Zone. The purpose of the zone, amongst other things is ‘*To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport*’. In accordance with the General Residential provisions, a permit is required to subdivide land.

In accordance with Clause 32.08-10 of the Scheme, Council must consider the relevant decision guidelines of the General. A discussion of the decision guidelines is included in the issues section of this report.

Overlay

The subject land is partially affected by the Land Subject to Inundation Overlay (44.04). Flood extent mapping from the Waterhole Creek Flood Study indicates that the north-west corner of the property would be subject to inundation in a 1% Annual Exceedance Probability (AEP) flood event on the Waterhole Creek and appears to constitute about 10% of the property

Pursuant to Clause 44.04-2 a permit is required to subdivide land.

A discussion of the decision guidelines of the overlay is included in the issues section of this report.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

Council's Public Open Space Strategy requires a contribution from the developer of 10% of the value of the net developable area of the land to be provided in either cash or land or a combination of both for public open space. This strategy has been adopted by Council but is not incorporated into the Latrobe Planning Scheme.

Therefore, in this instance, a cash contribution of 5% would be required in accordance with the Section 18 of the *Subdivision Act* 1988 as no provision of a land component has been provided onsite.

Clause 56 Residential Subdivision

An assessment against the provisions of Clause 56 of the Latrobe Planning Scheme has been conducted. It is generally considered the proposal is consistent the requirements of the objective and standards of this clause.

Decision Guidelines (Clause 65):

Clause 65 provides decision guidelines to consider when assessing applications to subdivide land and associated works. These guidelines are discussed in the Issues section of this report.

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised under Section 52(1)(a) and Section 52(1)(d) of the Act by sending notices to all adjoining and adjacent landowners and occupiers and by displaying an A3 sign on each site boundary adjoining a road the subject site for a minimum of 14 days.

External:

The application was referred under Section 55 of the Act to the following authorities:

- Gippsland Water;
- AusNet Electricity Services Pty Ltd;
- APA Group;
- West Gippsland Catchment Management Authority (WGCMA);

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All the above authorities gave consent to the granting of a Planning Permit for the proposal, subject to the inclusion of appropriate conditions and notes (where applicable).

The application was referred under Section 52(1)(d) to the CFA who gave consent to the granting of a Planning Permit for the proposal, subject to the inclusion of appropriate conditions

Internal:

Internal officer comments were sought from Council's Infrastructure Planning and Recreation Team.

All the relevant Council's internal departments gave consent to the granting of a planning permit in relation to their area of expertise. It is noted that their comments only relate to part of the assessment process and do not necessarily direct the final recommendation to Council.

Details of Community Consultation following Notification:

Following the referral and advertising of the application, 14 submissions in the form of objections were received. The following information was sent via letter to all objectors on 3 November 2014:

- Written response to objectors concerns;
- Draft design guidelines (that will be used to secure the type of residential development on the lots in the future as part of any permit issued)
- Proposed Plan of Subdivision
- Plans identifying controls that could be placed on subsequent development of the lots, images of the indicative streetscape elevation along the Lord Place frontage and 3D images of how the development could look like in the future when completed.

A stakeholder meeting was held on 19 November 2014 which was attended by the applicant and his representative, the objectors and Ward Councillor.

Subsequent information was provided to the objectors on 24 December 2014 as a result of points raised at the stakeholder meeting. As a result two objectors have withdrawn their objections, leaving 12 current outstanding objections.

A copy of outstanding objections is included in attachment 3.

KEY POINTS/ISSUES

Strategic Consideration for Subdivision of the Land

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 this application, and it is found that the provisions of the Scheme generally provide a strategic basis to support residential subdivision of the subject site.

The SPPF encourages new urban residential areas to be developed in a sustainable manner. Subdivisions should achieve attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. The Latrobe City Strategic Land Use Framework Plan found at Clause 21.02 identifies Morwell as one of the main towns, whereby housing diversity and lifestyle choice should be promoted. Clause 21.04-2 Settlement Overview states that development within and around existing towns should be consolidated and unnecessary urban and rural expansion should be avoided. The priorities in all main urban settlements are on realising opportunities for infill development, diversity of housing types, improving residential amenity, while maximising existing infrastructure and community facilities. Clause 21.04-2 of the Scheme further states that given the land use constraints around the major towns, there is an increasing need to reduce average residential property sizes so the remaining land is consumed at a more sustainable rate.

The proposal seeks to subdivide land located in the General Residential Zone for residential purposes, thereby assisting in the consolidation of urban settlement within urban zoned boundaries. The proposed lot sizes, ranging from 355m² to 715m² would increase diversity in residential allotment sizes within main towns, whilst having regard to the physical and environmental constraints of the land.

The purpose of the General Residential Zone, amongst other things, is '*To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport*' and '*To encourage development that respects the neighbourhood character of the area*'. The zoning of the site provides further strategic basis to support residential subdivision of the land.

Design Implications due to the Land Subject to Inundation Overlay affecting the Site

The Land Subject to Inundation Overlay affects 10% of the site. The site is presented with this development constraint in north-western portion where the land would be subject to inundation from Waterhole Creek during a 1% AEP flood event. Furthermore, floodwater depths within Lord Place and Bridle Road exceed acceptable standards for safe access and egress from the property during a 1% AEP flood event.

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As a consequence of this encumbrance, the following works will have to take place to address this concern:

- The flood prone portion of land in the north-west corner of the site must be filled to enable dwellings to be constructed with floor levels that meet the stipulated minimum requirements set by the West Gippsland Catchment Management Authority; and
- A low retaining wall will need to be constructed around the section of filled land. The wall will have a maximum height of 0.8 metre at the north-west corner of the site, tapering down to the existing ground level where the common property accessway intersects with Bridle Road and Lord Place; and

It is also noted that no direct vehicular access is permitted from either Bridle Road or Lord Place where floodwater depths exceed the standards for safe vehicular movements in a 1 in 100 year flood event as outlined by the West Gippsland Catchment Management Authority (WGCMA).

As required the application was formally referred to the WGCMA for comment and has reviewed the Flood Investigation completed by Water Technology in August 2012 in support of this application. The WGCMA have stated that it is satisfied that the import of fill to this site will not have any adverse impacts on flood characteristics on the site or the surrounding properties.

It is also noted that the proposed common property accessway allows for access from the subdivision onto the flood-free portion of Bridle Road. It is considered as a result that the requirement and decision guidelines of the Land Subject to Inundation have been adequately addressed and the considerations of the WGCMA have been fully considered in the design of the proposal.

Lot Yield and Density

Based on a net developable area (i.e. land available for development and includes lots and accessways) and a yield of 23 residential lots, the lot yield of the proposed subdivision is 18 lots per hectare.

Whilst the residential density of the proposal is higher than the preferred lot density of 11 lots per hectare of Council and the target of 15 lots per hectare in residential growth areas as specified under Clause 11.02-2 of the Scheme, this has to be balanced with the fact that the density of development of the wider area is less than the preferred target (as outlined under Clause 11.02-2). For instance, currently Lord Place (excluding the subject site) has a lot density of 9.4 lots per hectare. To the south of the subject site Fumina Court and Talbot Court have a combined lot density of 10.55 lots per ha. To the north of Lord Place, Hewatt Court has a lot density of 12 lots per hectare.

A balance must be struck between increasing residential density in residential areas and the protection of residential amenity and neighbourhood character. The Scheme generally envisages change in subdivision patterns within existing residential areas in order to achieve urban consolidation objectives, but it also seeks to manage the change so that neighbourhood features which are valued by residents are retained. The proposal addresses this concern by ensuring design guidelines are put in place (discussed in the subsequent section of this report) and that the number of lots with frontage orientated towards Lord Place (six) is the exact number of lots orientated towards Lord Place on the northern side of the street along the extent of the subject site frontage.

On this basis, it is considered that the proposed density of 18 lots per hectare for the proposed subdivision is reasonable.

Subdivision Layout and Design

Clause 32.08-2 in the General Residential Zone requires that a subdivision must meet the requirements of Clause 56 Residential Subdivision. The objectives and standards of Clause 56 relate to community, movement network, pedestrians and cyclists, lot size and orientation, street design, street construction, drainage systems and utilities provision.

The proposal has been assessed against the relevant provisions of the Scheme and it is considered that the subdivision generally meets the standards and purposes of Clause 56, subject to conditions that form part of the recommendations to this report. In particular, the proposed subdivision has been designed to appropriately respond to the constraints and opportunities of the site such as being partially impacted by the Land Subject to Inundation Overlay and that it has a frontage to both Bridle Road and Lord Place. The proposal provides for a similar number of lots with frontage along the Lord Place to the properties to the north of Lord Place providing an effective transition from these larger lots.

To ensure that passive surveillance is to be provided along Lord Place and Bridle Road, in particular where the retaining wall has to be located due to inundation issues, appropriate conditions are recommended to specify design controls. Any fencing erected next to the retaining wall adjacent to Lots 16, 17, 18, 19 and 20 must be at least 75% permeable and not exceed 1.2 metres in height. Added to this the applicant has responded to the objections by agreeing to design requirements which will be implemented through Section 173 to address the location and design of windows, screening of clothes lines, bin storage area and required car parking requirements both for residents and visitors of any future occupants.

The application was also referred to all the utility authorities and the CFA for consideration. Subject to appropriate permit conditions, the subdivision layout is deemed satisfactory in terms of meeting the service requirements of the relevant authorities including waste service collection and emergency service access.

Submissions

The application received fourteen submissions in the form of objections originally, however two of those objections have been withdrawn subsequently. The issues raised were:

1. Design issues including concerns of the interface between the proposed subdivision and the existing properties of Lord Place.

Comment:

It is accepted that dwellings constructed on the lots with no vehicular access from Bridle Road or Lord Place must be carefully designed to ensure that an appropriate interface with the adjacent roads is provided. In response to this issue design guidelines are required to ensure that future development does not present as a continuous row of back fences and rear walls when viewed from either Bridle Road or Lord Place have been developed. These guidelines include restrictions on the height, type and location of fencing, location and design of windows, screening of clotheslines and bin storage areas. These guidelines will be enforced by way of a Section 173 Agreement (subject to minor modifications) as part of any permit issued and attached to the title of each proposed lot. See attachment four for a copy of the draft design guidelines and a indicative design of how the subdivision is envisaged to be developed.

2. Concern regarding emergency and waste service provision given the small internal access way.

The common property roadway has a width of 8m and will have sealed width of 5.5m. The common property area has been designed to comply with the CFA standards in particular; the roadway has been designed to allow for the safe passage of an 8.8 metre long truck. It is noted that the permit application was referred to the CFA for comment and the Authority has offered no objection to the proposal. Council's engineering department has also confirmed that the road has adequate geometry to safely accommodate emergency vehicles.

3. Devaluation of other properties in the area due to the proposed small lot size.

Devaluation of property values are not relevant planning considerations and therefore not sufficient grounds for refusing an application.

4. Management of the site itself and nature strips as a result of the subdivision

An Owners Corporation will manage and maintain all communal open space areas and control any alterations to the external design of each dwelling. This will also include the management of adjoining nature strips and requirements for bin collection.

5. Increased traffic congestion on Lord Place

Council's engineering department has confirmed that Lord Place has been designed with adequate capacity to accommodate the anticipated additional vehicular movements generated by the development. In any case the applicant has agreed to alter the break in the central median strip in Bridle Road as a result of discussions with objectors to enable vehicular traffic to make right-hand turns into and out of the site from Bridle Road, thus further reducing traffic movement on Lord Place. It should be noted that the engineering department did not formally request this amendment to support the approval of the application.

6. Not consistent with the prevailing character of the area.

This point is discussed previously in the report in the "lot yield and density". Considering existing planning policy, design amendments, as a result of discussion with objectors and council concerns, the design guidelines and support generally from external referral authorities that the proposal provides an appropriate design response noting the lack of any adopted neighbourhood character policy

7. Increased noise in the area and resultant reduction of amenity

The proposal is for a residential subdivision. It is considered that any increase in noise will be reasonable for the existing use of the area for residential purposes.

Following the stakeholder meeting, further confirmation on a number of issues was provided to the objectors. Please see attachment five for a copy of the letter that was sent to all objectors.

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 not considered to be any risks associated with this report.

FINANCIAL RESOURCES IMPLICATIONS

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

OPTIONS

Council has the following options in regard to this application:

1. Issue a Notice of Decision to Grant a Planning Permit: or
2. Refuse to Grant a Planning Permit.

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

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 the requirements of Clause 44.04 (Land Subject to Inundation Overlay);
- Consistent with Clause 56 (Residential Subdivision);
- Consistent with Clause 65 (Decision Guidelines); and
- The objectors concerns have been considered against the provisions of the Latrobe Planning Scheme and it has been determined that they do not form sufficient planning grounds on which the application should be refused.

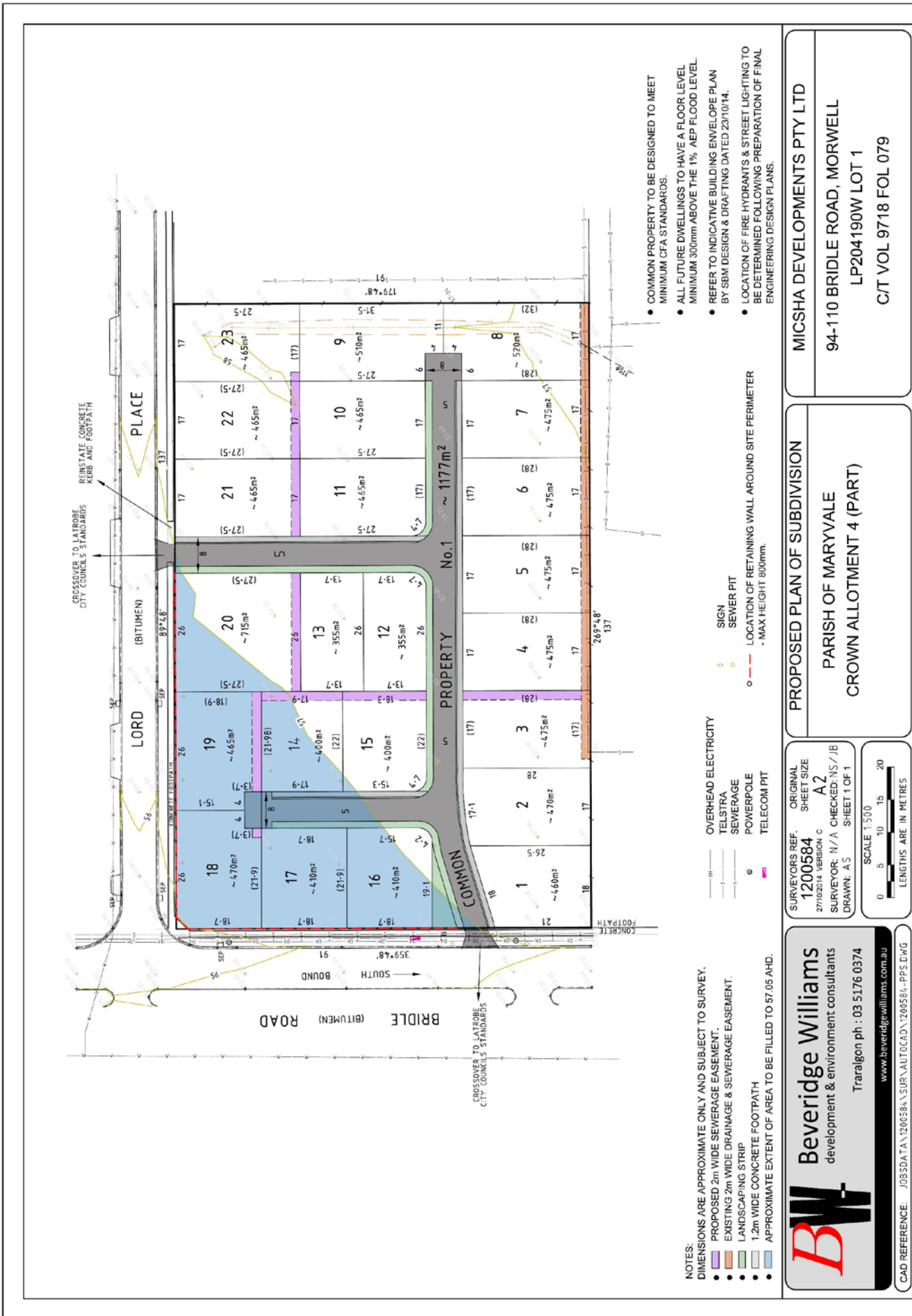
Attachments

1. Plan of Subdivision
2. Site Context
3. Outstanding Objections (Published Separately)
4. Draft design guidelines and indicative designs of future development
5. Copy of letter sent to objectors following stakeholder meeting

9.1

Planning Permit Application 2014/70-23 Lot Subdivision ,Creation of Common Property and associated works at 94-110 Bridle Road, Morwell.

1	Plan of Subdivision	39
2	Site Context.....	41
4	Draft design guidelines and indicative designs of future development	43
5	Copy of letter sent to objectors following stakeholder meeting.....	53



- NOTES:
- DIMENSIONS ARE APPROXIMATE ONLY AND SUBJECT TO SURVEY.
 - PROPOSED 2m WIDE DRAINAGE & SEWERAGE EASEMENT.
 - EXISTING 2m WIDE DRAINAGE & SEWERAGE EASEMENT.
 - LANDSCAPING STRIP
 - 1.2m WIDE CONCRETE FOOTPATH
 - APPROXIMATE EXTENT OF AREA TO BE FILLED TO 57.05 AHD.

- COMMON PROPERTY TO BE DESIGNED TO MEET MINIMUM CFA STANDARDS.
- ALL FUTURE DWELLINGS TO HAVE A FLOOR LEVEL MINIMUM 300mm ABOVE THE 1% AEP FLOOD LEVEL.
- REFER TO INDICATIVE BUILDING ENVELOPE PLAN BY SBM DESIGN & DRAFTING DATED 23/10/14.
- LOCATION OF FIRE HYDRANTS & STREET LIGHTING TO BE DETERMINED FOLLOWING PREPARATION OF FINAL ENGINEERING DESIGN PLANS.

- OVERHEAD ELECTRICITY
- TELSTRA
- SEWERAGE
- POWERPOLE
- TELECOM PIT
- SIGN
- SEWER PIT
- LOCATION OF RETAINING WALL AROUND SITE PERIMETER - MAX HEIGHT 800mm.

BW
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SURVEYORS REF. **1200584**
 ORIGINAL SHEET SIZE **A2**
 27/10/2014 VERSION C
 SURVEYOR: N/A CHECKED: NS/JB
 DRAWN: A.S SHEET 1 OF 1

SCALE 1:500
 0 5 10 15 20
 LENGTHS ARE IN METRES

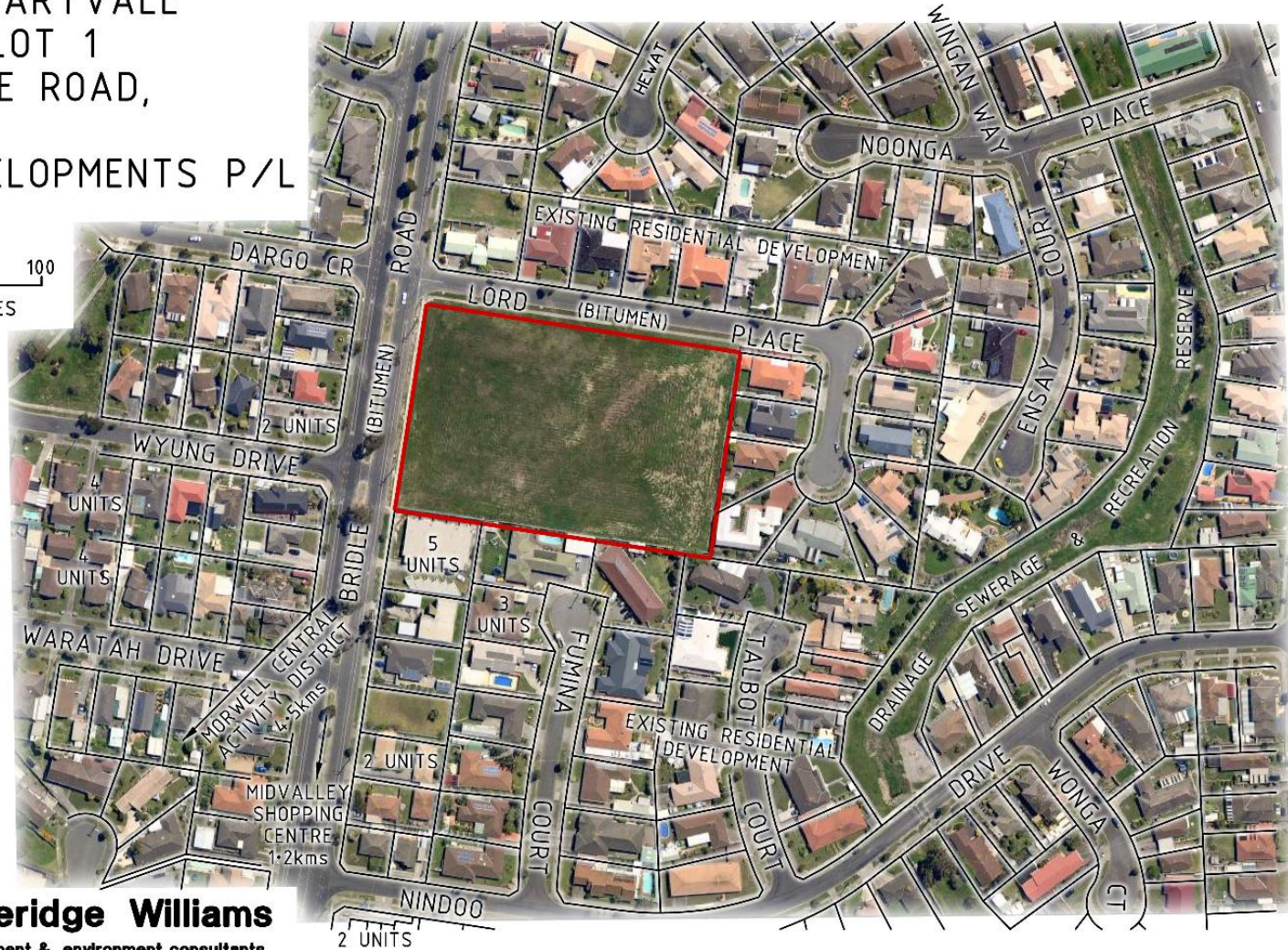
PROPOSED PLAN OF SUBDIVISION
 PARISH OF MARYVALE
 CROWN ALLOTMENT 4 (PART)

MICSHA DEVELOPMENTS PTY LTD
 94-110 BRIDLE ROAD, MORWELL
 LP204190W LOT 1
 C/I VOL 9718 FOL 079

SITE CONTEXT PLAN
PARISH OF MARYVALE
LP204190W LOT 1
94-110 BRIDLE ROAD,
MORWELL
MICSHA DEVELOPMENTS P/L

SCALE 1:2500
25 0 25 50 75 100
LENGTHS ARE IN METRES
(SHEET SIZE A4)

 SUBJECT SITE



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REF: 1200584

PLANNING PERMIT 2014/70**BRIDLE ROAD/LORD PLACE – DESIGN GUIDELINES**

To be read in conjunction with development plans prepared by SBM Design & Drafting Pty Ltd (Ref: 121174, sheets A-1 to A-7, dated 23/10/14)

Building Design

- On Lots 1, 16 and 17 the dwelling must be designed to address both Bridle Road and the common property road. At least two habitable room windows must be provided in each façade, each window having:
 - a maximum sill height of 600mm above floor level;
 - the minimum dimensions of 1.8 metres in width and 1.5 metres in depth, with an overall area of 2.7 square metres.
- On Lot 18 the dwelling must be designed to address both Bridle Road and Lord Place. At least two habitable room windows must be provided in each façade, each window having:
 - a maximum sill height of 600mm above floor level;
 - the minimum dimensions of 1.8 metres in width and 1.5 metres in depth, with an overall area of 2.7 square metres.
- On Lots 19 and 20 the dwelling must be designed to address both Lord Place and the common property road. At least two habitable room windows must be provided in each façade, each window having:
 - a maximum sill height of 600mm above floor level;
 - the minimum dimensions of 1.8 metres in width and 1.5 metres in depth, with an overall area of 2.7 square metres.
- On Lots 2 to 15, the dwelling must be provided with at least one habitable room window in each façade, each window having:
 - a maximum sill height of 600mm above floor level;
 - the minimum dimensions of 1.8 metres in width and 1.5 metres in depth, with an overall area of 2.7 square metres.
- There is no vehicular access to Lots 16, 17, 18, 19 and 20 permitted from Bridle Road or Lord Place, therefore garages must be located so they can be accessed from the common property road.
- On all Lots, no clotheslines or bin storage areas are to be located where they are directly visible from Bridle Road, Lord Place or the common property road.

Fencing

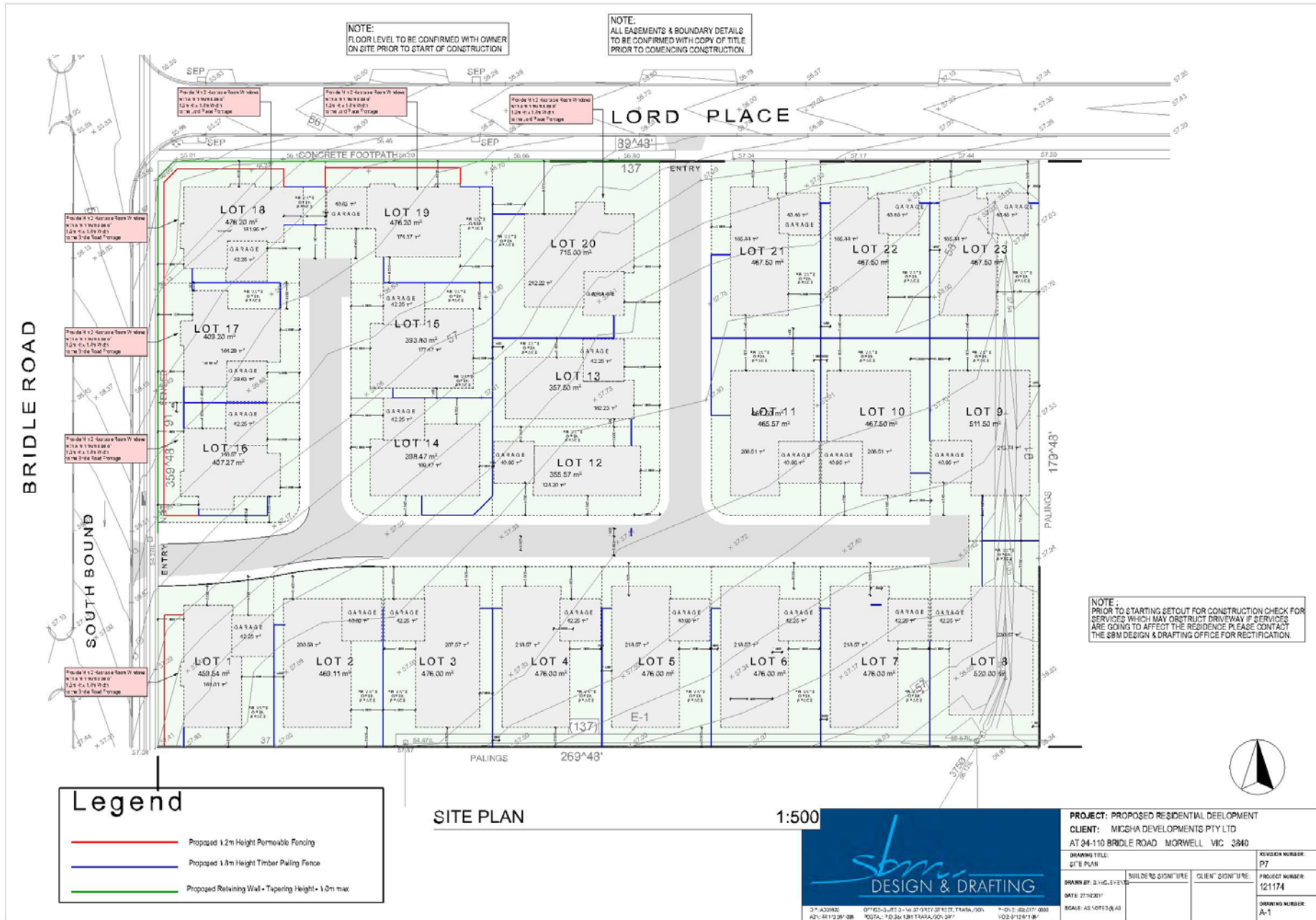
- Any fencing erected next to the retaining wall adjacent to Lots 16, 17, 18, 19 and 20 must be at least 50% permeable and not exceed 1.2 metres in height.
- On Lot 1:
 - Fencing must not exceed 1.2 metres in height for the entire boundary length to Bridle Road. It must achieve a minimum transparency of 50%, must not be timber paling and must be co-ordinated with the house colours and materials.
 - Any other fencing must not be positioned forward of the building line addressing either Bridle Road or the common property road.
- On Lot 16:
 - Fencing must not be positioned forward of the building line addressing Bridle Road, apart from the retaining wall and attached semi-permeable fence and abovementioned maximum 1.2 metre high fence.
 - Fencing must not be positioned forward of the façade in which the front entry door is situated;
 - Fencing must not exceed 1.2 metres in height for a minimum 50% of the side boundary length abutting the common property road. It must achieve a minimum transparency of 50%, must not be timber paling and must be co-ordinated with the house colours and materials.
- On Lot 17:
 - Fencing must not be positioned forward of the building line addressing either Bridle Road or the common property road, apart from the retaining wall and semi-permeable fence referred to previously.
- On Lot 18:
 - Fencing must not be positioned forward of the building line addressing either Bridle Road or Lord Place, apart from the retaining wall and semi-permeable fence referred to previously.
- On Lot 19:
 - Fencing must not be positioned forward of the building line addressing Lord Place, apart from the retaining wall and semi-permeable fence referred to previously.

- On Lot 20:
 - Fencing must not be positioned forward of the building line addressing either Lord Place or the common property road, apart from the retaining wall and semi-permeable fence referred to previously.
- On Lots 2, 3, 4, 5, 6, 7, 10, 13, 15, 22 and 23:
 - Fencing must not be positioned forward of the building line addressing either Lord Place or the common property road.
- On Lots 11, 12, 14 and 21:
 - Fencing must not be positioned forward of the façade in which the front entry door is situated;
 - Fencing must not exceed 1.2 metres in height for a minimum 50% of the side boundary length abutting the common property road. It must achieve a minimum transparency of 50%, must not be timber paling and must be co-ordinated with the house colours and materials.

Car parking

- For a two bedroom dwelling, a minimum of one on-site car parking space must be provided in a lock-up garage.
- For a three bedroom dwelling, two on-site car parking spaces must be provided in a lock-up garage.
- All garages must be set back a minimum of 5 metres from its respective lot frontage to enable a visitor vehicle to park in the adjoining driveway without overhanging the common property.

END GUIDELINES





Lord Place - Streetscape Elevation



		PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT CLIENT: MISHA DEVELOPMENTS PTY LTD AT 94-110 BRIDLE ROAD MORWELL VIC 3840	
		DRAWING TITLE: SITE & LANDSCAPE ARCHITECTURE - SHEET 1	REVISION NUMBER: 07
DRAWN BY: J. HIGGINS	SURVEYOR SIGNATURE	CLIENT SIGNATURE	PROJECT NUMBER: 121174
DATE: 27/12/17	SCALE: AS NOTED	DRAWING NUMBER: A-2	



Lord Place

		PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT CLIENT: MISHA DEVELOPMENTS PTY LTD AT 94-110 BRIDLE ROAD MORWELL VIC 3840	
		DRAWING TITLE: SITE & LANDSCAPE ARCHITECTURE - SHEET 2	REVISION NUMBER: P7
DRAWN BY: J. HIGGINS	SURVEYOR SIGNATURE	CLIENT SIGNATURE	PROJECT NUMBER: 121174
DATE: 27/12/17	SCALE: AS NOTED	DRAWING NUMBER: A-2	



		PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT CLIENT: MISHA DEVELOPMENTS PTY LTD AT 94-110 BRIDLE ROAD MORWELL VIC 3840	
		DRAWING TITLE: SITE & LANDSCAPE ARCHITECTURE - SHEET 3	REVISION NUMBER: P7
DRAWN BY: J. HIGGINS	SURVEYOR SIGNATURE	CLIENT SIGNATURE	PROJECT NUMBER: 121174
DATE: 27/10/17	SCALE: AS NOTED (1:40)	DRAWING NUMBER: A-4	



		PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT CLIENT: MISHA DEVELOPMENTS PTY LTD AT 24-110 BRIDLE ROAD MORWELL VIC 3840	
		DRAWING TITLE: STREET SCAPES IN LOTS - SHEET 4	REVISION NUMBER: P7
DRAWN BY: J. HIGGINS DATE: 27/12/17	BUILDER'S SIGNATURE CLIENT'S SIGNATURE	PROJECT NUMBER: 121174	DRAWING NUMBER: A-5
3" x 420MM A21/41/2/28/28	0" x 120MM A21/41/2/28/28	0" x 120MM A21/41/2/28/28	0" x 120MM A21/41/2/28/28



Lord Place

		PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT CLIENT: MICHHA DEVELOPMENTS PTY LTD AT 94-110 BRIDLE ROAD MORWELL VIC 3840	
		DRAWING TITLE: SITE TREE SCAPES INANCES - SHEET 5	REVISION NUMBER: P7
DRAWN BY: J. HIGGINS	SURVEYOR SIGNATURE	CLIENT SIGNATURE	PROJECT NUMBER: 121174
DATE: 27/10/2017	SCALE: AS NOTED (1:40)	DRAWING NUMBER: A-5	



		PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT CLIENT: MICHHA DEVELOPMENTS PTY LTD AT 94-110 BRIDLE ROAD MORWELL VIC 3800	
		DRAWING TITLE: SITE & SCAPES IMAGES - SHEET 8	REVISION NUMBER: P7
DRAWN BY: J. HIGGINS	SURVEYOR SIGNATURE	CLIENT SIGNATURE	PROJECT NUMBER: 121174
DATE: 27/12/17	SCALE: AS NOTED	DRAWING NUMBER: A-7	

Ref: 2014/70

24 December 2014



Dear 

APPLICATION NO: 2014/70
PROPOSAL: 23 LOT SUBDIVISION
PROPERTY: 94-110 BRIDLE ROAD, MORWELL
DESCRIPTION: L 1 LP 204190

I refer to your objection received concerning the above proposal and to the Planning Mediation Meeting held on 19 November 2014

A number of points were discussed at the meeting. The following is a response to the points raised:

1. Is the developer is looking to open up Bridle Road to allow access to the development directly rather than via Lord Place. This needs to be accepted by Council:

Officer Response- *Micsha Developments has agreed to pay the full cost of altering the break in the central median in Bridle Road to enable vehicular traffic to make right-hand turns into and out of the site. Please see attached written confirmation from the applicant.*

2. Developer to build all 23 buildings at same time:

Officer Response- *Micsha Developments is proposing to sell each proposed lot 'off the plan' with an approved dwelling design, which they will then construct for the purchaser. Lots will be sold and developed in a staged manner as dictated by market demand and will not occur at the same time.*

3. All properties to be landscaped and driveways to be done as part of the building process:

Officer Response- *Micsha Developments have agreed to this. All landscaping and driveways will be completed prior to the issue of a Certificate of Occupancy for each dwelling.*

4. Council to provide us with the flood report and the plans for the homes that face away from Lord Place:

Officer Response: *Please see attached.*

5. Owners Corporation to allow for regular lawn mowing of common ground areas:

Officer Response: *Micsha Developments have agreed to this and will be enforced via the Owners Corporation rules and regulations.*

6. Owners Corporation to make mention that homes cannot be sold to Government agencies such as Housing Commission.:

Officer Response: *The Owners Corporation is responsible for managing the rules and regulations relating to common areas and other relevant matters (i.e. external finishes of houses, landscaping within front setback areas, etc). It is not considered to the best of Councils knowledge that it can legally enforce restrictions relating to future transfers of land. Nevertheless, Micsha Developments have already stated in writing (via letter to Council dated 23 October 2014 and verbally at the information session at Council on 19 November 2014) that they have no intention of selling any part of the site to a government agency.*

7. No bins to be in Lord Place except for the home that face into Lord Place:

Officer Response- *Micsha Developments have agreed to this and will be enforced via the Owners Corporation rules and regulations.*

8. No parking allowed on the roads in the new development. Any illegal parking to be policed by Council Officer.

Officer Response: *The common property area will not be a public road and as a result will not be policed by Local Laws Officers. This will be enforced via the Owners Corporation rules and regulations.*

9. Majority of homes to be 20 square plus, all with double garages, and most dwellings will have 3 bedrooms.

Officer Response: *This has been demonstrated in the revised site plan containing indicative building envelopes, dated 27/10/14 by SBM Design and Drafting. If necessary, the requirement for provision of double garages can be included in the design guidelines. The applicant has also provided indicative floor plans for lots 17 to 23 that are orientated towards Lord Place. See attached.*

10. Issues regarding garbage collection (waste service vehicle movements) currently in the court of Lord Place:

Officer Response: *Currently under investigation and any findings and issues to be addressed will be outlined in any council report prepared for this application.*

11. Draft conditions to be provided to objectors so they can review and ask any questions if applicable:

Officer Response: *A council report will be prepared for the council meeting of 9 February 2015. When this is prepared, draft conditions will be made available to all interested parties.*

Also attached for your completion and return within 10 working days is a response to advise whether your objection is withdrawn or upheld.

If you require any further information in relation to this matter, please call Jody Riordan on 03 5128 6178.

Yours faithfully

JODY RIORDAN
Senior Statutory Planner

Enc.

Statutory Planning team
Latrobe City Council
PO Box 264
MORWELL VIC 3840

Attention Jody Riordan

Dear Sir/Madam

**OBJECTION TO PLANNING PERMIT 2014/70
94-110 Bridle Road, MORWELL
L 1 LP 204190
23 Lot Subdivision**

I refer to your correspondence of 24 December 2014
and wish to advise as follows:
(Please tick one)

We wish to withdraw our objection to planning permit 2014/70 subject to [any conditions](#).

We do not wish to withdraw our objection

Yours sincerely

.....
[Redacted Signature]
Printed Name and Signature
Date

.....
Date

CORRESPONDENCE

Cr Middlemiss left the Chamber at 7:01pm and returned at 7:03pm.

10. CORRESPONDENCE

**10.1 REQUEST FOR LATROBE CITY TO BECOME A REFUGEE
WELCOME ZONE**

General Manager

Community Liveability

For Decision

PURPOSE

The purpose of this report is to present to Council correspondence received from the Latrobe Valley Asylum Seeker Support Group seeking Council's consideration in becoming a Refugee Welcome Zone.

EXECUTIVE SUMMARY

Latrobe City Council has received a request from the Latrobe Valley Asylum Seeker Support Group to declare Latrobe City a Refugee Welcome Zone.

A Refugee Welcome Zone is a Local Government Area which has made a commitment in spirit to welcoming refugees into the community, upholding the human rights of refugees, demonstrating compassion for refugees and enhancing cultural and religious diversity in the community.

By declaring Latrobe City Council a Refugee Welcome Zone Council can commit to support people who have been forced to leave their country in order to escape war, persecution, or natural disaster.

There are currently 110 Refugee Welcome Zones in Australia, 36 of these are in Victoria.

A Refugee Welcome Zone Declaration does not confer any formal obligations, and Refugee Welcome Zones are not required to uphold any statutory responsibilities or financial commitments. The declaration is a simple way of demonstrating broad support for the principles it contains.

Such a Declaration would be complementary to Council's draft Cultural Diversity Action Plan 2014 – 2018 and our support of the '*Racism. It stops with me*' campaign.

RECOMMENDATION

That Council declare Latrobe City a Refugee Welcome Zone.

That the Mayor writes to the Latrobe Valley Asylum Seeker Support Group to advise of Council's decision to declare Latrobe City a Refugee Welcome Zone.

That the Mayor writes to the Refugee Council of Australia to advise of Council's decision to declare Latrobe City a Refugee Welcome Zone.

That Council's decision to declare Latrobe City a Refugee Welcome Zone is advertised in the next available Council Noticeboard.

Moved: Cr Gibbons

Seconded: Cr O'Callaghan

That the Recommendation be adopted.

For the Motion

Councillors Harriman, White, Middlemiss, O'Callaghan, Gibson, Kam, Rossiter, Gibbons

Against the Motion

Councillor Sindt

The Mayor confirmed that the Motion had been CARRIED.

DECLARATION OF INTEREST

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

STRATEGIC DIRECTION

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Liveability

In 2026, Latrobe Valley celebrates the diversity of heritage and cultures that shape our community, with activities and facilities that support the cultural vitality of the region.

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 4: Advocacy for and Consultation with our Community

**ORDINARY COUNCIL MEETING MINUTES
02 MARCH 2015 (CM457)**

Objective: To ensure effective two-way communication and consultation processes with the community in all that we do.

Strategic Direction – Actively encourage and support initiatives that promote social inclusion and diversity within our community.

OFFICER COMMENTS

Latrobe City Council has received a request from the Latrobe Valley Asylum Seeker Support Group to declare Latrobe City a Refugee Welcome Zone.

The Latrobe Valley Asylum Seeker Support Group is a network of approximately 60 people who meet on a monthly basis to discuss issues relating to Refugees and Asylum Seekers in our community. The group regularly meet with local federal politicians to discuss concerns relating to Refugees and Asylum Seekers.

Included in the attached correspondence is a copy of the Latrobe Valley Asylum Seeker Support Group Declaration, containing the support of 409 signatories. The majority of signatories are residents of Latrobe City.

The Refugee Welcome Zone initiative began in Australia in June 2002 as part of Refugee Week celebrations. At the time, 15 Local Government Authorities across Victoria, New South Wales and South Australia were declared Refugee Welcome Zones.

A Refugee Welcome Zone is a Local Government Area which has made a commitment in spirit to welcoming refugees into the community, upholding the human rights of refugees, demonstrating compassion for refugees and enhancing cultural and religious diversity in the community.

This public commitment is also an acknowledgment of the contributions refugees make to Australian society including in the fields of medicine, science, engineering, sport, education and the arts.

By declaring Latrobe City Council a Refugee Welcome Zone Council would clearly commit its support to the men, women and children who make the journey to Australia.

There are currently 110 Refugee Welcome Zones in Australia, 36 of these are in Victoria.

A Refugee Welcome Zone Declaration does not confer any formal obligations and Refugee Welcome Zones are not required to uphold any statutory responsibilities or financial commitments. The Declaration is simply a way of demonstrating broad support for the principles it contains.

Any actions or activities undertaken to implement the Declaration is voluntary.

However, while signatories to the Refugee Welcome Zone Declaration are not required to undertake any specific activities, initiatives which help to create a welcoming atmosphere and assist the settlement of refugees are welcomed and encouraged.

**ORDINARY COUNCIL MEETING MINUTES
02 MARCH 2015 (CM457)**

At the 8 December 2014 meeting of the Latrobe Settlement Network the group unanimously supported the request that Latrobe City become a Refugee Welcome Zone.

Such a declaration would also be complimentary to Council's draft Cultural Diversity Action Plan 2014 – 2018 and our support of the '*Racism. It stops with me*' campaign.

Attachments

1. Attachment 1 - Refugee Welcome Zone Email 211114 (Published Separately)
2. Attachment 2 - Refugee Welcome Zone Email 101114 (Published Separately)

PRESENTATION OF PETITIONS

11. PRESENTATION OF PETITIONS

Nil reports

OFFICE OF THE CHIEF EXECUTIVE

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

12. OFFICE OF THE CHIEF EXECUTIVE

12.1 ASSEMBLY OF COUNCILLORS

Executive Manager

Office of the Chief Executive

For Decision

PURPOSE

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 09 February 2015.

DECLARATION OF INTEREST

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

OFFICER COMMENTS

The following Assembly of Councillors took place:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
02 February 2015	Councillor Briefing (2) Session	<p>Councillors: Cr Kam, Cr Rossiter, Cr Gibbons, Cr O'Callaghan, Cr Sindt, Cr Gibson (left at 6.30pm), Cr Middlemiss, Cr White, Cr Harriman.</p> <p>Officers: Sara Rhodes-Ward, Sarah Cumming, Phil Stone, Steve Piasente, Alison Coe, Amy Phillips.</p>	<p>Cr Harriman declared a Conflict of Interest in TGAR and Traralgon City Band Tour of Remembrance – Invitation to Mayor</p> <p>Cr Kam declared a Conflict of Interest in item Moe Rail Precinct Revitalisation Project.</p> <p>Cr O'Callaghan declared a Conflict of Interest in TGAR</p>
03 February 2015	Budget Workshop	<p>Councillors: Cr Harriman, Cr White, Cr Middlemiss, Cr O'Callaghan (via phone link), Cr Gibbons, Cr Kam.</p> <p>Officers: Gary Van Driel, Phil Stone, Sara Rhodes-Ward, Sarah Cumming, Steven Piasente, Alison Coe, Matthew Rogers, Warrick Primrose.</p>	NIL

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

04 February 2015	Tourism Advisory Board	Councillors: Cr Sindt, Cr White. Officers: Geoff Hill, Linda Brock	NIL
09 February 2015	Briefing on McClure Court, Traralgon	Councillors: Cr Sindt, Cr Harriman, Cr White, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Gibbons, Cr Kam. Officers: Gary Van Driel, Phil Stone, Steven Piasente, Alison Coe, Sara Rhodes-Ward.	NIL
09 February 2015	Early Years Reference Committee bi-monthly meeting.	Councillors: Cr O'Callaghan, Cr Sindt. Officers: Jodie Pitkin, Sara Rhodes-Ward, Carole Ayres.	NIL
11 February 2015	Latrobe City Cultural Diversity Advisory Committee meeting	Councillors: Cr Gibbons. Officers: Steve Tong, Teresa Pugliese.	NIL
16 February 2015	Councillor Briefing (1) Session	Councillors: Cr Sindt, Cr Harriman, Cr White, Cr Middlemiss, Cr Rossiter, Cr Gibbons, Cr Kam, Cr Gibson (via phone link). Officers: Gary Van Driel, Sarah Cumming, Sara Rhodes-Ward, Phil Stone, Steven Piasente, Alison Coe, Amy Phillips, William Macpherson.	NIL

Attachments

1. Attachment 1 - Councillor Briefing (2) 020215
2. Attachment 2 - Budget Workshop 030215
3. Attachment 3 - Tourism Advisory Board
4. Attachment 4 - Budget Workshop 090215
5. Attachment 5 - Early Years Reference Committee - 090215
6. Attachment 6 - Latrobe City Cultural Diversity Advisory Committee meeting
7. Attachment 7 - Councillor Briefing (1) 160215

RECOMMENDATION

That Council note this report.

Moved: Cr Gibson

Seconded: Cr White

That the Recommendation be adopted.

For the Motion

Councillors Harriman, Sindt, White, Middlemiss, Gibson, Kam, Gibbons

Abstained

Councillor O'Callaghan

The Mayor confirmed that the Motion had been CARRIED.

12.1

Assembly of Councillors

1	Attachment 1 - Councillor Briefing (2) 020215	69
2	Attachment 2 - Budget Workshop 030215	71
3	Attachment 3 - Tourism Advisory Board	73
4	Attachment 4 - Briefing on McClure Court, Traralgon 090215.....	75
5	Attachment 5 - Early Years Reference Committee - 090215.....	76
6	Attachment 6 - Latrobe City Cultural Diversity Advisory Committee meeting	79
7	Attachment 7 - Councillor Briefing (1) 160215	81



Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing. {see over for Explanation/Guide Notes}.

Assembly details:	Councillor Briefing (2) Session
Date:	02 February 2015
Time:	5.00pm – 9.30pm
Assembly Location:	NAMBUR WARIGA ROOM LATROBE CITY COUNCIL CORPORATE HEADQUARTERS COMMERCIAL ROAD, MORWELL

IN ATTENDANCE

Councillors:	<input checked="" type="checkbox"/> Cr Christine Sindt	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Sandy Kam
	<input checked="" type="checkbox"/> Cr Darrell White	<input checked="" type="checkbox"/> Cr Michael Rossiter	<input checked="" type="checkbox"/> Cr Sharon Gibson (left at 6.30pm)
Officer/s:	Sara Rhodes-Ward, Sarah Cumming, Phil Stone, Steve Piasente, Alison Coe, Amy Phillips.		
Matter/s and main topic/s discussed: <i>Provide dot points only, not the minutes of the meeting</i>	4.1 Tonight's Presentations 4.2 Future Presentations 7.1 Outstanding Issues 8.1 Correspondence from City of Greater Bendigo 11.1 Ted Summerton Reserve – 2010 Project Investigation 11.2 Service Memorial in Churchill Town Centre 14.1 Quarterly Performance Report – December 2014 Draft Agenda Review		
Confidential/ Not confidential	Are the matters considered confidential under the Local Government Act? <input type="checkbox"/> Yes <input type="checkbox"/> No		

CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

Councillors:	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:			
Times that Officers / Councillors left/returned to the room:	Cr Harriman declared a Conflict of Interest in TGAR and Traralgon City Band Tour of Remembrance – Invitation to Mayor Cr Kam declared a Conflict of Interest in item Moe Rail Precinct Revitalisation Project.		



	Cr O'Callaghan declared a Conflict of Interest in TGAR.
	Cr Gibson left the meeting at 6.30pm and did not return.

Completed by: Katrina Pizzi

Assembly of Councillors Record Explanation / Guide Notes
Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: Written Record to be made by Council staff member):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

"**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

Effectively it is probable, that any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.

Please note: an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: Conflict of Interest):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:



Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing. {see over for Explanation/Guide Notes}.

Assembly details:	Budget Workshop
Date:	3 February 2015
Time:	5:40pm – 10:23pm
Assembly Location:	Nambur Wariga

IN ATTENDANCE

Councillors:	<input type="checkbox"/> Cr Christine Sindt	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan (via phone link)	<input checked="" type="checkbox"/> Cr Sandy Kam
	<input checked="" type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Gary Van Driel, Phil Stone, Sara Rhodes-Ward, Sarah Cumming, Steven Piasente, Alison Coe, Matthew Rogers, Warrick Primrose.		
Matter/s and main topic/s discussed: <i>Provide dot points only, not the minutes of the meeting</i>	<ol style="list-style-type: none"> 1. CEO introduction – Gary Van Driel 2. Latrobe City Population & Economy snapshot – Nathan Misiurka 3. Response to Councils Budget Parameters in 2015/16 (identified in November 2014) – Matthew Rogers 4. Divisional Budget summaries – General Managers 5. Other Operating & Waste budget – Warrick Primrose 6. Next Steps – key dates – capital budget= responses to items raised & rates strategy & user fees and charges 		
Confidential/ Not confidential	<i>Are the matters considered confidential under the Local Government Act?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No		

CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

Councillors:	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:			
Times that Officers / Councillors left/returned to the room:	Dinner from 7.08pm – 7.30pm. Cr O'Callaghan re-phoned at 7.30pm.		



--	--

Completed by: *Alison Coe, General Manager Corporate Services.*
Assembly of Councillors Record Explanation / Guide Notes
 Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: Written Record to be made by Council staff member):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

“At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.”

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended or likely to be subject of a future decision by the Council **OR** an officer decision under delegated authority.

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- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: Conflict of Interest):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

“If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly.”



Assembly of Councillors Record

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Assembly details:	Tourism Advisory Board
Date:	4 February 2015
Time:	5.35pm
Assembly Location:	NAMBUR WARIGA ROOM LATROBE CITY COUNCIL CORPORATE HEADQUARTERS COMMERCIAL ROAD, MORWELL

IN ATTENDANCE

Councillors:	<input checked="" type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input checked="" type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Geoff Hill, Linda Brock		
Matter/s and main topic/s discussed: <i>Provide dot points only, not the minutes of the meeting</i>	Gippsland Tourism Conference Sep 2014 Gippsland Tourism Town Excellence Awards Draft Mine Fire Tourism Recovery Action Plan		
Confidential/ Not confidential	Are the matters considered confidential under the Local Government Act? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

Councillors:	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:			
Times that Officers / Councillors left/returned to the room:	Nil		



Completed by: Linda Brock

Assembly of Councillors Record Explanation / Guide Notes
Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: Written Record to be made by Council staff member):

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- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
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2. Section 76AA definition:

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Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
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Assembly of Councillors Record

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Assembly details:	Briefing on McClure Court, Traralgon
Date:	9 February 2015
Time:	8.30pm
Assembly Location:	NAMBUR WARIGA ROOM LATROBE CITY COUNCIL CORPORATE HEADQUARTERS COMMERCIAL ROAD, MORWELL

IN ATTENDANCE

Councillors:	<input checked="" type="checkbox"/> Cr Christine Sindt	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Sandy Kam
	<input checked="" type="checkbox"/> Cr Darrell White	<input checked="" type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Gary Van Driel, Phil Stone, Steven Piasente, Alison Coe, Sara Rhodes-Ward.		
Matter/s and main topic/s discussed: <i>Provide dot points only, not the minutes of the meeting</i>	Briefing on the process regarding extensions of time as it pertains to a decision to extend time on Planning Permit 2011/297, 4-9 McClure Ct, Traralgon.		
Confidential/ Not confidential	Are the matters considered confidential under the Local Government Act? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

Councillors:	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	NIL		
Times that Officers / Councillors left/returned to the room:			



Completed by: Matthew Rogers, Manager Finance.

Assembly of Councillors Record Explanation / Guide Notes
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1. Section 80A requirements (re: Written Record to be made by Council staff member):

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Assembly of Councillors Record

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Assembly details: Early Years Reference Committee bi-monthly meeting.

Date: Monday 9 February 2015

Time: 1.00pm to 2.50pm (Cr O'Callaghan arrived at 1.10pm)

Assembly Location: Meeting Room 6, Latrobe City Council Headquarters

In Attendance:

Councillors: Kellie O'Callaghan and Christine Sindt

Officer/s: Jodie Pitkin – Manager Child & Family Services
Sara Rhodes-Ward – General Manager Community Liveability
Carole Ayres – Administrative Support

Matter/s Discussed: Best Start Presentation - overview
Municipal Early Years Plan (under review)
2016 ratio changes
Family Day Care Coordination Funding Changes
Terms of Reference and committee composition

Are the matters considered confidential under the Local Government Act: NO

Conflict of Interest Disclosures: (refer 3. over page)

Councillors:

Officer/s:

Times that Officers / Councillors left/returned to the room:

Completed by: Jodie Pitkin, Manager Child & Family Services



Assembly of Councillors Record Explanation / Guide Notes

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Assembly of Councillors Record

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Assembly details:	Latrobe City Cultural Diversity Advisory Committee meeting
Date:	Wednesday 11 February 2015
Time:	5.00 pm
Assembly Location:	(e.g: Town Hall, <i>TOWN</i> , No. xx <i>ADDRESS</i> , Latrobe City Council Offices). Latrobe City Corporate Headquarters, 141 Commercial Road Morwell

IN ATTENDANCE

Councillors:	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Steve Tong, Teresa Pugliese		
Matter/s and main topic/s discussed: <i>Provide dot points only, not the minutes of the meeting</i>	<ul style="list-style-type: none"> • Endorsement of co-opted member, Noel Murray • Develop a list of committee member presentations (voluntary) once committee meeting dates are set for 2015 • Send information regarding the 'Racism. It Stops with Me' campaign to the Committee. • Send hard copy of Putting Locals First funding guidelines to Tanveer, Julian, Graham and Christalla and email the web link to the Committee. • Hold the Latrobe Settlement Network report over until 12 November 2014 Committee meeting. • Send the adopted Terms of Reference for the Latrobe Settlement Network to the Committee. • Send Citizenship Ceremony details to the Committee • Organise a special meeting of the Committee to consider feedback received during the Community consultation period for the draft Cultural Diversity Action Plan 2014 -2018. • Invite the CMY Youth Advisory Group to attend the 12 November 2014 Committee meeting as guest speakers. • Develop a list of possible guest speakers at the 12 November 2014 Committee meeting. • Send information regarding Population and Migration Statistics for Policy and Service Planning Forum to the Committee. • Develop 2015 meeting dates and present at the 12 November 2014 Committee meeting. • Update on the draft Cultural Diversity Action Plan 2014 – 2018 • Review Committee Terms of Reference, membership and member 		



	attendance <ul style="list-style-type: none"> • LCHS successful in tender for Settlement Grants Program, until November 2018 • Understanding Journey's workshop, 16 March • Emerging Communities Forum, 17 March
Confidential/ Not confidential	Are the matters considered confidential under the Local Government Act? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

Councillors:	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:			
Times that Officers / Councillors left/returned to the room:			

Completed by: (full name, title, date)

Assembly of Councillors Record Explanation / Guide Notes
 Required pursuant to the Local Government Act 1989 as amended.

- 1. Section 80A requirements (re: Written Record to be made by Council staff member):**
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Assembly of Councillors Record

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Assembly details:	Councillor Briefing (1) Session
Date:	16 February 2015
Time:	6.00pm – 7.39pm
Assembly Location:	NAMBUR WARIGA ROOM LATROBE CITY COUNCIL CORPORATE HEADQUARTERS COMMERCIAL ROAD, MORWELL

IN ATTENDANCE

Councillors:	<input checked="" type="checkbox"/> Cr Christine Sindt	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Sandy Kam
	<input checked="" type="checkbox"/> Cr Darrell White	<input checked="" type="checkbox"/> Cr Michael Rossiter	<input checked="" type="checkbox"/> Cr Sharon Gibson (via phone link)
Officer/s:	Gary Van Driel, Sarah Cumming, Sara Rhodes-Ward, Phil Stone, Steven Piasente, Alison Coe, Amy Phillips, William Macpherson.		
Matter/s and main topic/s discussed: <i>Provide dot points only, not the minutes of the meeting</i>	7.1 New Issues 7.2 Outstanding Issues 9.1 Global Carbon Capture And Storage Institute Membership 10.1 Latrobe Performing Arts And Conference Centre - Review Update 13.1 IBAC Review Of Protected Disclosure Procedures		
Confidential/ Not confidential	Are the matters considered confidential under the Local Government Act? <input type="checkbox"/> Yes <input type="checkbox"/> No		

CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

Councillors:	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
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	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:			
Times that Officers / Councillors left/returned to the room:	<ul style="list-style-type: none"> • Sarah Cumming left the room at 7.16pm and returned at 7.20pm • Steven Piasente left the room at 7.20pm and returned at 7.21pm • William Macpherson left the room at 7.25pm and did not return. • Phil Stone left the room at 7.25pm and returned at 7.30pm. 		



Completed by: Amy Phillips, Coordinator Governance.

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PLANNING & ECONOMIC SUSTAINABILITY

13. PLANNING & ECONOMIC SUSTAINABILITY

**13.1 LATROBE REGIONAL AIRPORT DECEMBER 2014 QUARTERLY
REPORT**

General Manager

Planning & Economic
Sustainability

For Information

PURPOSE

To provide Council with information on the operations of the Latrobe Regional Airport for the quarter ended 31 December 2014.

EXECUTIVE SUMMARY

This report provides information on the Latrobe Regional Airport operations for the quarter ended 30 December 2014.

It is required under Section 4(b) of the Deed of Delegation from Latrobe City Council to the Latrobe Regional Airport Board.

The report provides information on the significant activities that have taken place during the December quarter.

It is recommended that Council note the report.

RECOMMENDATION

That Council notes the report on Airport Operations for the quarter ended 31 December 2014.

Moved: Cr Middlemiss

Seconded: Cr Gibbons

That the recommendation be adopted.

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017, in that it provides information on the activities of the Latrobe Regional Airport which achieve the following objectives.

Latrobe 2026: The Community Vision for Latrobe Valley

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

Latrobe City Council Plan 2013 - 2017

Economic Sustainability Objectives

Actively pursue economic prosperity for Latrobe City, one of Victoria's four major regional cities.

Actively pursue further diversification of business and industry in the municipality.

Actively pursue and support long term job security and creation of new employment opportunities in Latrobe City.

Strategic Direction 1 – Provide incentives and work proactively to attract new business and industry to locate in Latrobe City.

Strategic Direction 2 – Assist existing small and medium enterprises to expand and sustain employment opportunities.

Strategic Direction 3 – Work in partnership with business, industry and government to create new jobs and investment in Latrobe City.

Service Provision – Maintain, develop and operate Latrobe Regional Airport in accordance with Civil Aviation Safety Authority regulations and the Latrobe Regional Airport Masterplan.

Major Initiatives - Implement the Latrobe Regional Airport Master Plan to effectively develop the airport and to facilitate investment and jobs growth.

Strategy – Latrobe Regional Airport Master Plan

Policy - Deed of Delegation

The Latrobe Regional Airport is wholly owned by the Latrobe City Council and operates under the management of the Latrobe Regional Airport Board. Under Section 4(b) of the Deed of Delegation from Latrobe City Council to the Latrobe Regional Airport Board, a progress report is to be provided to Council quarterly and annually.

BACKGROUND

This report provides information in relation to the performance of the Latrobe Regional Airport against plans and targets identified in the budget, the business plan and the Latrobe Regional Airport Master Plan 2009.

Under Section 4(b) of the Deed of Delegation from Latrobe City Council to the Latrobe Regional Airport Board, a progress report is to be provided to Council quarterly and annually.

KEY POINTS/ISSUES

The significant activities undertaken during the quarter are outlined below.

MASTER PLAN REVIEW

The Latrobe Regional Airport business plan requires that a Master Plan be developed for the Airport with a 20 year horizon and that it will be reviewed at five yearly intervals. This is the review of the 2009 Master Plan.

The Master Plan 2014 review is continuing and a draft land use plan for consideration and comment has been provided by the consultant. Consultation is continuing and an opportunity for discussion with the surrounding landholders was provided on Tuesday 16 December 2014.

The first DRAFT Master Plan was presented to the Board at its meeting on 2 February 2015 and further details will be presented in the quarterly report for the period ending 31 March 2015.

WORKS UPDATE

Completion of this infrastructure works upgrade project will provide the means of securing Mahindra/GippsAero's future at Latrobe Regional Airport, and fully realise the benefits of existing public investment to the local and regional community.

Council's Economic Sustainability Strategy 2011–2015 identifies Latrobe Regional Airport as one of three key "employment zones" for Latrobe City.

The project will also contribute to the retention of school leavers and younger people in the region who will have increased employment choices. Training providers, including Federation Training are currently delivering services to train staff and apprentices in aerospace skills which will continue to expand as employment increases at Latrobe Regional Airport.

**ORDINARY COUNCIL MEETING MINUTES
02 MARCH 2015 (CM457)****Works in the Valley Drive area**

Civil Construction Network Services have completed the drainage works around the Mahindra/GippsAero site and the piping of the main drain through the Valley Drive land. This will provide up to five hectares of industrial land with the availability of all services.

Runway, Taxiway and Apron sealing

These works are now complete. After having minor delays caused by pavement edge failures, these works were completed on 8 December 2014. During the works the airport remained operational at all times. The second coat seal on the north eastern apron area is to be done early in the new year.



(Pictured above: Sealing of the main runway 03/21)



(Pictured above – Main Apron Area Refurbishment)

Engine Run up and Compass Swing Bay

The design work for the engine run up and compass swing bay has been completed and the contractor appointed. This work commenced on 12 January 2015 and has now been completed.

Taxiway into Valley Drive Land

The new concrete taxiway into the Valley Drive land has now been completed.

ADDITIONAL WORKS – MAIN TAXIWAYS

During the current facilities upgrade program there have been some substantial savings achieved mainly in the areas of the new Non Directional Beacon (NDB) and the servicing of the Valley Drive Land. These savings have enabled the upgrading the two remaining taxiways which run from the Mahindra/GippsAero facility to the Airfield Road end of the main runway.

Regional Development Australia Fund (RDAF) has agreed that these works would fall under the current agreement and all that is required is an extension of time for the completion of the whole project until 31 May 2015. The same matter has been discussed with the Victorian Regional Airports Fund (RAF) senior officers who have also agreed to consider the proposed extension of completion date.

AVALON AIRSHOW PARTICIPATION

The Latrobe City Council and Latrobe Regional Airport are once again partnering with the Victorian Government with a presence on the Victorian Government pavilion at the Avalon International Airshow to be held from 24 February to 1 March 2015.

A pod on the Victorian Government's main pavilion space has been reserved for the Latrobe Regional Airport, and we will be liaising with Mahindra/GippsAero to ensure a cohesive presence at this important international event.

Every endeavour will be made to arrange high level meetings with some of the industry main players. These will be identified during discussions with Department of State Development and Business Innovation staff and Austrade.

**DEPARTMENT OF STATE DEVELOPMENT AND BUSINESS
INNOVATION (DSDBI) DIRECTOR OF AVIATION VISIT**

On 9 December 2014 Mr Matt Lynch Director of Aviation, Defence and Aerospace (DSDBI) Mr Anwar Gany, General Manager Aviation (DSDBI), visited with Council's Acting Chief Executive Officer and Council and Regional Development Victoria (RDV) Gippsland staff, to discuss the State Government position on Regional Aviation and the *Gippsland Aviation Industry Policies and Opportunities* paper involving RDV, Wellington Shire and Latrobe City.

This meeting enabled us to highlight the role and opportunities for Latrobe Regional Airport in the Gippsland region. A tour of the airport and Mahindra operations followed the meeting.

The following are the take out messages from the meeting.

- The drafting of a supporting document from both local and State Government's on encouraging the Commonwealth as part of it's procurement policy considering where practical using local content and highlight the advantages of Mahindra Aerospace and what it has to offer. Also where possible encourage the Federal Government to promote that Mahindra Aerospace products are being used in aspects of service delivery.
- Future Free Trade Agreement with India provides two key opportunities for the airport.

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

1. A change in legislation to allow light aircraft to go from five passengers to eight would directly benefit the Airvan 8 and
2. to allow better access of currency to come out of India.
 - Promote the benefits of a strategic alliance between Latrobe and Wellington in the Aviation space and where possible and practical consider a more integrated, collaborative approach in sharing of information, service and opportunities (ie; AIR 5428- the current proposal to consolidate all defence services ab initio flying training to one location, possibly East Sale)
 - The Regional Aviation Fund (RAF) will be more focussed on the best economic outcome and benefit to the region, rather than just general airfield upgrades.
 - The Aviation division of Department of Economic Development, Jobs, Transport and Resources will be developing a Green Paper on Defence and Aviation capability and a thorough "Root and Branch" review will be undertaken. Latrobe Regional Airport will be included as part of the stakeholder consultation process.
 - The 2015 Avalon Airshow will be an opportunity for key stakeholder engagement and the Aviation team will support key client meetings for Latrobe City Council as requested.

DEPARTMENT OF ENVIRONMENT AND PRIMARY INDUSTRY FIRE BASE EXPANSION LEASE

Following lengthy negotiations with the Department of Environment and Primary Industry (DEPI) management, a lease for lot H3 adjacent to the current fire base has been signed. This lease is for two years months months with two further options of five years which aligns it with the DEPI current lease. This effectively doubles the size of the fire base and provides the necessary room for the expansion of the current facility.

MAHINDRA/GIPPSAERO

Mahindra/GippsAero continues to grow its operations at Latrobe Regional Airport. The company is gearing up the plant to produce four aircraft per month in the coming year and is looking to employ more staff to enable the supply to keep up with the current and forecast demand for Airvan aircraft.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Council's Risk Framework. Because this is a retrospective report it is not considered to pose any risk to the organisation.

**ORDINARY COUNCIL MEETING MINUTES
02 MARCH 2015 (CM457)****FINANCIAL AND RESOURCES IMPLICATIONS**

The Airport operated in line with the 2014/15 budget allocation as detailed in the finance report attached.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

There is no consultation required as this is the December 2014 Quarterly Report on activities, as required by the Latrobe Regional Airport Deed of Delegation from Council.

OPTIONS

Council has the following options:

1. Note the Latrobe Regional Airport December quarterly report; or
2. Seek further clarification in respect to the Latrobe Regional Airport December quarterly report.

CONCLUSION

The 2014/2015 financial year is progressing to forecast and within budget. The Airport continues to be operated in a secure and safe manner, in accordance with Civil Aviation Safety Authority guidelines and regulations. A number of business development opportunities have been identified and are being progressed.

SUPPORTING DOCUMENTS

1. Latrobe Regional Airport December Quarterly Finance Report

Attachments

1. 2014 December Finance Report

13.1

Latrobe Regional Airport December 2014 Quarterly Report

1	2014 December Finance Report	93
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Monthly Operating Report

LATROBE REGIONAL AIRPORT DIVISION

Month: December 2014

Comment on Year to Date Result

Favourable balance relates predominately to delayed expenditure in materials & services particularly in Consultancy (\$31K) and General Maintenance (\$18K) offset partially by a shortfall in Commercial income.

Comment of Full Year Forecast

The full year result in in line with budget.

	Year to Date			Full Year Forecast		
	Actual	Budget	Variance (Fav)/Unfav	Forecast	Budget	Variance (Fav)/Unfav
Net Results by Cost Centre						
Latrobe Regional Airport Management	(5,847)	25,905	(31,752)	194,005	194,200	(195)
Latrobe Regional Airport - LANDSIDE	(201,377)	(198,523)	(2,854)	(304,596)	(309,800)	5,204
Latrobe Regional Airport - AIRSIDE	920	3,543	(2,623)	6,354	8,500	(2,146)
Latrobe Regional Airport - General Mainte	49,038	52,486	(3,449)	104,237	107,100	(2,863)
Net Result	(157,266)	(116,589)	(40,678)	0	0	0
Net Results by Account Group						
Income:						
Other	(131,914)	(132,804)	890	(145,286)	(147,847)	2,561
Residence	(7,000)	(6,500)	(500)	(13,000)	(13,000)	0
Commercial	(194,254)	(207,941)	13,687	(386,003)	(411,394)	25,391
Trading / Light Commercial	(18,864)	(21,864)	3,000	(24,864)	(27,864)	3,000
Recreational / Non-Trading	(41,432)	(41,432)	0	(41,432)	(41,432)	0
Community Group/Service	(150)	(150)	0	(150)	(150)	0
Farm / Agistment	(5,488)	(10,976)	5,488	(21,950)	(21,950)	0
Latrobe City Contribution				(50,000)	(50,000)	0
Total Income	(399,102)	(421,667)	22,565	(682,685)	(713,637)	30,952
Expenditure:						
Salaries Wages & Oncosts	96,955	96,887	68	197,207	197,317	(110)
Other Employee Costs	7,516	7,288	228	16,682	16,155	527
Materials & Contracts	42,516	107,152	(64,636)	280,195	312,668	(32,473)
Internal Charge Costs	94,850	93,750	1,100	188,600	187,500	1,100
Total Expenditure	241,837	305,077	(63,240)	682,684	713,640	(30,956)
Net Result - Recurrent	(157,265)	(116,590)	(40,676)	(1)	3	(4)

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

13.2 PLANNING PERMIT APPLICATION 2014/202-USE & DEVELOPMENT OF THE LAND FOR A RESTAURANT AND LICENSED PREMISES AT 128 & 130 ARGYLE STREET AND 2 RIGGALL ROAD, TRARALGON

General Manager

**Planning & Economic
Sustainability**

For Decision

PURPOSE

The purpose of this report is for Council to consider Planning Permit Application 2014/202 for the Use & Development of the land for a Restaurant and Licensed Premises, Display of Advertising Signage, Reduction in Car Parking, Alteration of Access to a Road Zone & Removal of Easement at 128 & 130 Argyle Street and 2 Riggall Road, Traralgon.

The application is to be heard at an Ordinary Council Meeting under the current delegation process as eight objections have been lodged against the proposal.

EXECUTIVE SUMMARY

Having evaluated the proposal against the relevant provisions of Latrobe Planning Scheme (the Scheme), it is considered that the application is consistent with the relevant objectives and decision guidelines of the Scheme. It is therefore recommended that a notice of decision to grant a Planning Permit be issued for the reasons set out in this report subject to conditions. More specifically, it is considered that:

- The proposal is consistent with Clauses 21.05-6 (Specific Main Town Strategies - Traralgon) and 21.07-6 Retailing Overview (Settlement Overview) of the Scheme by consolidating development within an existing urban area of Traralgon.
- The proposal is consistent with the strategic direction outlined in Gippsland Regional Growth Plan.
- The proposal is consistent with Clause 65.01 (Approval of an application or plan)

RECOMMENDATION

That Council issues a Notice of Decision to grant a Planning Permit, for the Use & Development of the land for a Restaurant and Licensed Premises , Display of Advertising Signage, Reduction in Car Parking, Alteration of Access to a Road Zone & Removal of Easement at 128 & 130 Argyle Street and 2 Riggall Road, Traralgon being Lot 1 on Plan of Subdivision 204190W with the following conditions:

1. Prior to the commencement of works, revised plans must be submitted to and approved by the Responsible Authority. The plans must be consistent with those provided but modified to show:
 - a) Design of the entry/exit driveway to direct vehicles to make a left-hand turn into the service road (Argyle Street) to satisfaction of VicRoads and the Responsible Authority;
 - b) The car parking layout must be amended to show all parking and loading areas and access lanes constructed with an all-weather sealed surface.
 - c) The provision of a 20 km/h speed reduction device on the vehicle accessway approximately three metres inside the property boundary to slow all vehicles exiting the site. Alternately the vehicle accessway may be modified to provide an area clear of visual obstructions between the vehicle accessway and the property side boundary in accordance with clause 52.06-8 of the Planning Scheme.
 - d) Placement of an appropriate 'Left-Turn Only' sign opposite the driveway;
 - e) Prohibition of any illumination of the advertising signage on the western wall of the building;
 - f) Specific detail for screening of the bin enclosure area from public view point;
 - g) Noise attenuation wall/fence along the northern boundary; and
 - h) Extension of the footpath from the subject site along the northern side of Argyle Street to the crossover at 144 Argyle Street.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
4. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
5. Prior to the commencement of any works, a landscape plan must be submitted to and approved by the Responsible Authority. The plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - c) details of surface finishes of pathways and driveways;

- d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
- e) landscaping and planting within all open areas of the site.

All species must be selected to the satisfaction of the Responsible Authority.

When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

- 6. 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.
- 7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- 8. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin;or otherwise, to the satisfaction of the Responsible Authority.
- 9. Before the development starts a Construction Management Plan must be submitted and approved detailing the construction activity proposed. The plans must include, but not limited to:
 - (a) The method for storage of material.
 - (b) Hours of operation.
 - (c) Dust management.
 - (d) Parking and traffic movement of all workers vehicles and construction vehicles.
 - (e) Works timetable.
 - (f) Any impacts upon adjacent roads and pedestrian walkways and providing for adequate movement and circulation of vehicles and pedestrians adjacent to the site during the construction phase.

- (g) Access routes for construction vehicles including that no construction traffic is permitted along Riggall except with the express written consent of the Responsible Authority.
 - (h) Proposed parking locations for construction vehicles and construction workers' vehicles.
 - (i) Temporary fencing works.
 - (j) Number of workers expected to work on the site at any time.
 - (k) Methods of limiting escape of dust and litter from the site.
10. Except with the written consent of the Responsible Authority, the maximum number of patrons allowed on the premises is 168 patrons.
11. Before the occupation of the development starts, a Venue Management Plan prepared to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following:
- (a) The area to be covered by the Venue Management Plan.
 - (b) A manager to be on the premises at all times.
 - (c) The maintenance of a complaints register.
 - (d) The publication of a complaints telephone number and email address to adjoining and nearby properties.
 - (e) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, or an 'authorised officer' of Council.
 - (f) The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner including car park patrols and security as required.
 - (g) The operators of the convenience restaurant must undertake a daily patrol to keep the site and surrounding road reserve areas within 50 metres of the site free from rubbish resulting from the use of the site, to the satisfaction of the Responsible Authority.
 - (h) Staff be authorised to make statements at any time on their own behalf to any officer of the Responsible Authority and/or to take action on behalf of the operator in accordance with a lawful direction by such officer.
 - (i) Information regarding the provision of CCTV cameras as part of the development proposal;
 - (j) The operator of the premises will participate in the Traralgon Liquor Accord;

- (k) Responsible serving of alcohol guidelines and staff responsibilities;
 - (l) The identification of all noise sources associated with the licensed premise (including, but not limited to, music noise, external areas allocated for smokers and queuing lines);
 - (m) Measures to be undertaken to address all noise sources identified, including any on and off-site noise attenuation measures; and
 - (n) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
12. At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the Manager').
- The Manager must be authorised by the operator of this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.
13. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.
14. The operator of this permit must comply with any conditions set by the Victorian Commission for Gambling and Liquor Regulation.
15. Except with the prior written consent of the Responsible Authority, the consumption on the licensed premises permitted by this permit must operate only between the following times:
- a) Sunday between 11.30 a.m. and 10 p.m.
 - b) Good Friday between 11.30 a.m. and 10 p.m.
 - c) Anzac Day (being Monday to Saturday) between 11.30am and 10pm
 - d) Friday and Saturday between 11.30 a.m. and 10 p.m; and
 - e) On any other day between 11.30 a.m. and 10 p.m.
16. Before the occupation of the development starts, a Litter Management Plan prepared to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The plan must show:

- (a) the location of all rubbish bins within the site accessible to the public.
- (b) signage within the restaurant and adjacent to the main entrance point encouraging patrons not to litter public areas and road/footpath areas; and
- (c) the conduct of a litter patrol to be undertaken on each day that the premises are open for trading to the public within a 50 metre radius of the site to the satisfaction of the responsible authority to collect and dispose of any litter emanating from the site.
17. The odour filters and kitchen exhaust system must be installed and maintained to the satisfaction of the Responsible Authority so as to prevent any odour nuisance beyond the site.
18. Provision must be made on site for storage of trade wastes and garbage and such areas must be screened from public view to the satisfaction of the Responsible Authority.
19. Before the use commences of the development hereby permitted, the land to which this permit applies must be consolidated to ensure that the lots comprising the car parking and vehicle access ways and the lots containing the buildings allowed by this permit are contained within a single title.
20. Before works commence on the development 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 plan must be drawn to scale with dimensions and an electronic copy (PDF) must be provided. 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 will be drained to the legal point of discharge for a 1 in 10 year ARI storm event.
- b) An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into 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.
21. Before the use commences of the building/development 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 including all necessary permits being obtained and inspections undertaken:

- a) All drainage systems must be constructed in accordance with the site drainage plan approved by the Responsible Authority.
 - b) The proposed new vehicle crossing must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307.
 - c) All redundant vehicle crossings must be removed and kerb and channel, footpath and nature strip reinstated.
 - d) The areas shown on the endorsed plans for vehicle access and car parking must be constructed to such levels that they can be used in accordance with the approved plans including surfacing with an all-weather sealed surface, drained, line marking to indicate each car space and all access lanes; and clearly marked to show the direction of traffic along access lanes and roadways.
 - e) The provision of speed reduction measures as shown on the endorsed plans.
22. Where proposed, all lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaires (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises to the satisfaction of the Responsible Authority.
23. The areas set aside for car parking, access lanes and driveways must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
24. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit and must not disrupt the circulation and parking of vehicles on the land.
25. Car spaces, vehicle access lanes and driveways must be kept available for these purposes at all times.
26. The location and details of the signage, including those of any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
27. The signage must be constructed and maintained to the satisfaction of the Responsible Authority.
28. Back lit illuminated business signage must not incorporate any

flashing or intermittent light unless with the prior written approval of the responsible authority.

- 29 The approval contained in this permit for the signage shown on the endorsed plans expires 15 years from the date of this permit.
(NOTE: This is a condition requirement of the State Government).
- 30.
- a) The owner must enter into an Owners Cost Agreement with Gippsland Water to decommission the 150mm RC Sewer Main as shown on submitted Drawing 141579 Revision TP-A in accordance with the National Sewerage Code of Australia and Gippsland Water's addendum.
 - b) The 225mm RC watermain, adjacent to the proposed customer entry to the new Proposed Restaurant in Argyle Street, may need to be lowered to comply with the standards of the Water Reticulation Code of Australia. Design and construction of the lowering must be undertaken by a Gippsland Water accredited consultant. The developer will employ a consultant to provide details of costs, undertake responsibility for design, supply materials and arrange construction of the works using accredited pipelayers, to Gippsland Water's standards and specifications.
 - c) The proposed sewer design for the above works must be submitted and a Gippsland Water Developer Works Deed entered into prior to the construction of any works taking place at the site.
 - d) Gippsland Water will require new Pipeline or Ancillary Purposes easements upon submission of the Design of the decommissioned sewer or alternatively via the Plan of Consolidation.
 - e) Provide water and sewer service layout plans showing how the proposed development will be serviced to the satisfaction of Gippsland Water.
 - f) The existing 20mm Water Meters 09AF028687 (128 Argyle Street), 02AF008110 (130 Argyle Street) and 10AF036673 (2 Riggall Road) must be capped and meters returned to Gippsland Water for a final read.
31. 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;
 - b) The development is not completed and the use has not commenced within four years of the date of this permit.

**ORDINARY COUNCIL MEETING MINUTES
02 MARCH 2015 (CM457)**

Moved: Cr Kam
Seconded: Cr Gibson

That the Recommendation be adopted.

For the Motion

Councillors Harriman, Sindt, White, Middlemiss, O'Callaghan, Gibson, Kam, Rossiter

Against the Motion

Cr Gibbons

The Mayor confirmed the Motion had been CARRIED

FORESHADOWED MOTION

1. That a report be presented at the next Council meeting with all possible traffic management options to address the Riggall Rd residents' concerns.
2. That Officers and Councillors meet with the residents to further discuss possible traffic management options prior to the Council meeting.

Moved: Cr Kam
Seconded: Cr Gibson

That the Motion be adopted.

For the Motion

Councillors Harriman, White, Middlemiss, O'Callaghan, Gibson, Kam, Rossiter, Gibbons

Against the Motion

Cr Sindt

The Mayor confirmed the Motion had been CARRIED

FORESHADOWED MOTION

1. That a report be presented at the next Council meeting with all possible options to mitigate the concerns of the local residents.
2. That Officers and Councillors meet with the residents to further discuss possible options prior to the Council meeting.

Moved: Cr Gibson

Seconded: Cr White

That the Motion be adopted.

CARRIED UNANIMOUSLY

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley
Strategic Objectives – Built Environment

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

Strategic Objectives – Economy

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

Strategic Objectives – Governance

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

Theme 1: Job Creation and Economic Sustainability

Strategic Direction - Job Creation and Economic Sustainability

Provide timely and targeted infrastructure to support economic growth and the marketability of Latrobe City to industry and investors.

Theme 2: Appropriate, Affordable and Sustainable Facilities, Services and Recreation

Strategic Direction - Appropriate, Affordable and Sustainable Facilities, Services and Recreation

Develop and maintain community infrastructure that meets the needs of our community

Promote and support opportunities for people to enhance their health and wellbeing.

Encourage and create opportunities for more community participation in sports, recreation, arts, culture and community activities.

Improve and link bicycle paths, footpaths and rail trail networks to encourage physical activity and promote liveability.

Continue to maintain and improve access to Latrobe City's parks, reserves and open space.

Theme 5: Planning for the future

Strategic Direction – Planning for the future

Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

Plan and coordinate the provision of key services and essential infrastructure to support new growth and developments.

Legislation

Local Government Act 1989

Planning and Environment Act 1987

BACKGROUND

SUMMARY

Land:	128 & 130 Argyle Street and 2 Riggall Road, Traralgon 94-110 known as Lot 26 & 28 Plan of Subdivision 23836 and Lot 1 and 2 on Title Plan 6638060.
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Proponent:	Andrew lane
Zoning:	General Residential Zone
Abuts:	Road Zone Category 1
Overlay	None

A planning permit is required for following reasons:

- Pursuant to Clause 32.08-1 a planning permit is required for the Use of land for a Restaurant (section 2 Use);
- Pursuant Clause 32.08-6, a permit is also required to construct a building or carry out works for a Section 2 use;
- Pursuant to Clause 52.05-9, permit is required to display business identification signage, internally-illuminated signage or pole signs within Category 3 – High amenity areas;
- Pursuant to Clause 52.06-3, a permit is required to reduce the requirement to provide the specified number of car parking spaces;
- Pursuant to Clause 52.27 a planning permit is required to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998;
- Pursuant to Clause 52.29 a permit is required to create or alter access to a road in a Road Zone, Category 1.

PROPOSAL

The proposal involves the following components:

- Use of land for a Restaurant & Licensed Premises;
- Construction of a building and associated works;
- Reduction in car parking;
- Display of advertising signage;
- Alteration of access onto a Road Zone; and
- Removal of a drainage easement.

Use of land for a Restaurant & Licensed Premises

It is proposed to use the land for the purpose of a Restaurant and Licensed Premises. The premises will be operated as a 'Hogs Breath Cafe'. The Business operating hours will be as follows:

- 9.00 am to 10.30pm seven days per week, allowing for food preparation, service, clean-up and deliveries.

Restaurant opening hours will be within the above business operating hours:

- Lunch service: 11.30am to 2.30pm
- Dinner service: 5.30pm to 10.00pm.

The applicant has detailed the restaurant will employ approximately 40 staff on both a part-time and full-time basis, with 25 in the restaurant and 15 in the kitchen. The number of staff working each shift will vary, but initially is estimated to be around 20 when the restaurant first opens.

The restaurant will be designed to accommodate a maximum of 168 patrons. Approximately 30% of daily customers are expected to attend during lunch time services.

Liquor licensing

It is proposed that the restaurant will be fully licensed, allowing for the sale and consumption of alcohol on the premises. No packaged liquor will be sold.

Deliveries and garbage collection

The supply of goods will be via small rigid vehicles, with all unloading carried out on the site and within the following hours:

- 9.00am to 11.30am
- 2.30pm to 5.30pm

The frequency of deliveries is as follows:

- Fruit, vegetables and milk - daily;
- Meat - fortnightly;
- Beverages - once a week; and
- Other food goods - twice a week.

All garbage will be collected via a private contractor.

Construction of building and associated works

It is proposed to construct a single storey building and undertake associated works. The existing buildings and all other improvements on the site will be demolished/dismantled/removed in order to facilitate the development. It is also proposed to consolidate the three existing titles.

The proposed building will have:

- An overall internal floor area of approximately 514m²;
- A verandah and deck along part of the Argyle Street facade;
- An east-facing entry door connecting to a concrete pedestrian path that extends around the perimeter of building to provide access to the on-site car park;
- An external door in the west section of its rear wall to allow for deliveries;
- An maximum building height of approximately 7.55 metres from ground level;
- A staggered setback distance of between zero and approximately 3.8 metres from the site frontage (Argyle Street);

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- A direct abuttal to Riggall Road along its western boundary for a distance of 23.95 metres;
- A side setback distance of approximately 7.8 metres from the eastern boundary; and
- A setback distance of over 33 metres from the rear (northern) boundary.

The floor plan will accommodate a dining area in the form of booths, tables, bar stools and ancillary bar area for preparation of refreshments. A commercial kitchen will be installed with cold rooms and walk in freezer. A staff office room and public amenities will also be provided. The building will be constructed in a combination of Scyon Linea weatherboards and feature stonework on all elevations to provide a contemporary commercial development. Extensive use of glazing has been provided on the south, east and west facades. Consideration has been given to the proximity of dwellings in Riggall Street and therefore only four fixed windows with residential proportions are located in the southern section of the western wall adjacent to the dining area. Eleven windows are provided along the Argyle Street facade and another six are provided along the eastern wall.

Vehicle access and car parking will be provided as follows:

- A two-way access arrangement from the Argyle Street service road (no provision has been made for vehicles to use Riggall Road for either access or egress);
- A new 6 metre wide crossover in Argyle Street at the south-east corner of the site;
- A total of 32 on-site car parking spaces, including one disabled bay;
- Fully sealed car park and accessways that are drained to the underground stormwater system;
- Appropriate line-marking to manage the circulation of vehicle movements within the car park in a one-way arrangement; and
- A loading bay that meets the required standards and allows for a rigid vehicle to reverse into it and exit the site in a forwards direction.

Landscaping will be provided along the side and rear boundaries of the site and within the eastern section of the car park. Landscaping will comprise of medium level shrubs and feature trees to provide an appropriate interface between the proposed car parking area and the adjacent residential properties. Additional landscaping comprising of feature trees and shrubs will be provided between the restaurant building and the site frontage.

Reduction in car parking

The proposal attracts a statutory requirement to provide 67 spaces based on the maximum number of patrons of 168 (peak occupancy). As detailed previously 32 spaces will be provided as a result a shortfall of 35 spaces exist. Cardno Victoria Pty Ltd has prepared a Traffic and Transport Assessment for the proposal.

Display of advertising signage

It is proposed to display the restaurant business name in the form of signs measuring 5 metres in width and 1.55 metres in height. These signs will be located in three strategically positioned locations on the parapet, as follows:

- Above the verandah, on the Argyle Street facade.
- On the western facade, between the windows and roofline; and
- On the eastern section of the Argyle Street facade, between the windows and roofline.

Two of the signs are proposed to be floodlit with external lights positioned on the building. None of the signage will be internally illuminated. No illumination of any form will be permitted on the sign of the western elevation. Additional corporate signage in the form of digitally printed composite panels will be provided on the balance of the parapet on all elevations, along with three circular digitally printed composite signs on the west, south and east elevations. None of this signage will be illuminated.

Alteration of access onto a Road Zone

One point of access and egress is proposed from Argyle Street at the south-east corner of the site. It is proposed that the existing 3 metre wide driveway crossover will be removed and replaced with a new 6 metre wide crossover in accordance with the requirements of both VicRoads and Latrobe City Council. Although positioned on land within the Road Zone, the crossover is located in the service road and will not allow for direct access onto or egress from the main carriageway of Argyle Street.

Removal of a drainage easement

The existing 1.83 metre wide drainage easement known as E-1 on Lodged Plan 23836 is proposed to be removed. As part of the proposed redevelopment of the site, the three existing land parcels will be consolidated to form a single allotment. As a result, the drainage easement will be rendered redundant and is therefore proposed to be removed.

See Attachment 1 for a copy of the proposed development.

SUBJECT LAND AND SURROUNDING AREA

The site is located at 128-130 Argyle Street and 2 Riggall Road, Traralgon. The overall site is irregular in shape with an area of approximately 1,976m² and the following approximate dimensions:

- An abuttal to Argyle Street service road along its southern boundary (frontage) measuring 33.5 metres;
- A 3.45 metre wide splayed abuttal in the south west corner of the site, facing the intersection of Argyle Street and Riggall Road;

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- An eastern (side) boundary measuring 54.81 metres;
- A northern (rear) boundary having a length of 32 metres; and
- An abuttal to Riggall Road along its western (side) boundary for a distance of 62.8 metres.

The land is used for residential purposes and developed with three single storey dwellings, ancillary structures (sheds, carports, etc), concrete paved areas and planted vegetation comprising mainly exotic shrubs and lawn. The permit applicant currently leases all three dwellings to tenants.

Vehicular access to the site is obtained via three concrete crossovers:

- Adjacent to the south east corner of the site, providing access from the Argyle Street service road to 130 Argyle Street;
- Adjacent to the western boundary of the site, providing access from Riggall Road to 128 Argyle Street; and
- Adjacent to the north west corner of the site, providing access from Riggall Road to 2 Riggall Road.

Various fencing materials delineate the boundaries of the site, including brick, powder coated steel pickets, timber palings and Colorbond steel. The site has a gentle fall from east to west. The land is connected to all available reticulated services, being sewerage, water, electricity, telecommunications and natural gas.

Existing land use and development surrounding the site is described as follows:

- Immediately to the west of the site on the opposite side of Riggall Road are three residential properties at 126 Argyle Street and 1 & 3 Riggall Road. To the west of 126 Argyle Street is a Hungry Jacks convenience restaurant with ancillary car park and drive through facility;
- To the north of the site at 4 Riggall Road is a residential property developed with three single storey attached units;
- To the immediate east of the site at 132-142 Argyle Street is the Reece plumbing supply showroom and trade outlet;
- To the south of the site, on the opposite side of Argyle Street, is a variety of other types of commercial businesses including:
 - Harvey Norman;
 - Snooze; and
 - Fantastic Furniture.

A site context plan is included as attachment 2 of this report

LATROBE PLANNING SCHEME

State Planning Policy Framework

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 are relevant clauses considered in the assessment of the application.

The objective of Clause 11.02-1 is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies to achieve this include

- *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development*
- *Ensure that sufficient land is available to meet forecast demand.*
- *Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur.*
- *Planning for urban growth should consider:*
 - *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
 - *Neighbourhood character and landscape considerations.*
 - *The limits of land capability and natural hazards and environmental quality.*
 - *Service limitations and the costs of providing infrastructure.*

The objective of Clause 11.05-1 Regional settlement networks is “to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan”.

The Moe, Morwell and Traralgon cluster has been identified in the Regional Victoria Settlement Framework plan as one of the regional areas where urban growth should be directed.

Networks of high-quality settlements should be delivered by:

- *Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*
- *Balancing strategic objectives to achieve improved land-use and development outcomes at a regional, catchment and local level.*
- *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
- *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs.*

Clause 13.02-1 Floodplain management is relevant to the consideration of the application as approximately 10% of the site area would be affected in

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1 in 100 year flood event. The objective of this clause is 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.*
- *Floodplain areas of environmental significance or of importance to river health.*

The objective of Clause 15.01-1 Urban design is “*to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity*”. Strategies to achieve this include:

- *Promote good urban design to make the environment more liveable and attractive.*
- *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

Clause 15.01-5 Cultural identity and neighbourhood character has an outlined objective “*to recognise and protect cultural identity, neighbourhood character and sense of place.*” Relevant strategies in the assessment of this application include:

- *Ensure development responds and contributes to existing sense of place and cultural identity.*
- *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*

It is noted there is no specific neighbourhood character study in place within the Latrobe Planning Scheme.

The objective of Clause 17.01-1 Business is “*to encourage development which meets 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*”. One strategy listed to achieve this is to “*locate commercial facilities in existing or planned activity centres*”.

Clause 19.03-2 refers to the provision of water supply, sewerage and drainage. The objective of this clause is “*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*”.

Clause 19.03-3 Stormwater aims to reduce the impact of stormwater on bays and catchments.

To achieve this, water-sensitive urban design techniques should be incorporated into developments to:

- *Protect and enhance natural water systems.*
- *Integrate stormwater treatment into the landscape.*
- *Protect quality of water.*
- *Reduce run-off and peak flows.*
- *Minimise drainage and infrastructure costs.*

Local Planning Policy Framework

Clause 21.04 Built Environment Sustainability recognises the towns of Moe, Morwell, Traralgon and Churchill as having their own unique characteristics which contribute to their local sense of place and provide diversity. Each town has developed its own role and function with Traralgon identified as being the commercial centre of Latrobe City.

Clause 21.04-5 Urban Design Overview has the objective *“to provide a visually attractive urban environment which displays a high level of civic pride and community satisfaction, and creates a positive image”*.

Strategies to achieve this include:

- *Promote and support high quality urban design within the built environment.*
- *Continue to improve the urban design elements of urban areas throughout the municipality and to upgrade degraded areas.*

Clause 21.05-2 has the stated objective *“to provide the flexibility for development to occur in each town to accommodate the needs of its population as well as to contribute to the municipal networked city”*.

Clause 21.05-6 Specific main town strategies – Traralgon shows the site located in an “existing urban area” on the Traralgon Structure Plan. The clause lists the following relevant strategies for commercial development:

- *Encourage the development of new retail, office and residential mixed use developments within Traralgon Primary Activity Centre (Area 4) and Argyle Street.*

Zoning

The subject site is located within the General Residential Zone. The purpose of the zone, amongst other things is as follows

- *To encourage development that respects the neighbourhood character of the area*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

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- *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*

In accordance with Clause 32.08-10 of the Scheme, Council must consider the relevant decision guidelines of the General Residential Zone as well as the zone purpose. A discussion of the proposal is included in the issues section of this report.

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves

The existing 1.83 metre wide drainage easement onsite known as E-1 on Lodged Plan 23836 is proposed to be removed. Councils Engineering Department have consented to its removal as it is deemed no longer required once the three existing titles have been consolidated.

Clause 52.05 Business Identification Signage

Pursuant to Clause 52.05-9, a permit is required to display business identification signage, internally-illuminated signage or pole signs within Category 3 – High amenity areas.

The type and number of advertising signs have been detailed previously in the “proposal” section of this report. No illumination of the signage on the western elevation will be permitted due to the sensitivity of interface issues with the residential properties along Riggall Road. This has been agreed upon by the applicant.

Clause 52.06 Car Parking

The proposal is for the use and development of the land for a residential hotel. Car parking for a particular use is set down at Table 1, Clause 52.06-5. The below table summarises the car parking reduction proposed as part of this permit:

Car parking summary:

Use (as per definition under Clause 74)	Restaurant
Clause 52.06 rate	0.4 per patron
Number of patrons	168
Number of Spaces required	67
Number of spaces provided onsite	32
Car parking reduction/waiver(if any)	35

The applicant has provided a traffic report to support the proposal and the provision of 32 spaces onsite. This will be discussed in greater detail in the key/points and issues section of this report.

Clause 52.07 Loading and Unloading of Vehicles

It is considered that the provisions of this particular provision have been appropriately addressed to Councils satisfaction.

Clause 52.27 Licenced Premises:

Pursuant to Clause 52.27 a planning permit is required for an on-premises liquor licence. It is proposed that the restaurant will be fully licensed, allowing for the sale and consumption of alcohol on the premises. No packaged liquor will be sold.

Clause 52.29 Land adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road

Clause 52.29 sets down the provisions for the creation or alteration of an access to land adjacent a Road Zone 1 (RDZ1). The service road is a VicRoads service road managed by Council. VicRoads have no objection to the proposal.

Clause 52.34 Bicycle Facilities

Clause 52.34 sets down the provision for bicycle facilities. The proposed number of bicycle facilities to be provided with the development meets the requirements of this clause as 5 bicycle spaces have been provided within the site. The restaurant amenities room can be used as a change room if required for employees as this will not occur during meal service times.

Decision Guidelines (Clause 65):

Clause 65 provides decision guidelines to consider when assessing applications to subdivide land and associated works. These guidelines are discussed in the Issues section of this report.

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised under Section 52(1)(a) and Section 52(1)(d) of the Act by sending notices to all adjoining and adjacent landowners and occupiers and by displaying an A3 sign on each site boundary adjoining a road the subject site for a minimum of 14 days.

External:

The application was referred under Section 55 of the Act to the following authorities:

- VicRoads

VicRoads had no objection to the proposal.

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The application was also referred under Section 52(1)(d) to Gippsland Water who gave consent to the granting of a Planning Permit for the proposal, subject to the inclusion of appropriate conditions

Internal:

Internal officer comments were sought from Council's Infrastructure Planning, Strategic Planning, Community Strengthening and Economic Development Team for consideration.

All the relevant Council's internal departments gave consent to the granting of a planning permit in relation to their area of expertise. It is noted that their comments only relate to part of the assessment process and do not necessarily direct the final recommendation to Council.

Details of Community Consultation following Notification:

Following the referral and advertising of the application, 8 submissions in the form of objections were received. The following information was sent via letter to all objectors on 3 November 2014:

A stakeholder meeting was held on 10 December 2014 which was attended by the applicant and his representative, objectors and Ward Councillor. A follow up meeting took place on 21 January 2015 to further discuss the proposal with all interested parties as per the previous stakeholder meeting.

Subsequent information was provided to the objectors both in written correspondence sent on 14 January 2015 and at the meeting of 21 January 2015 as a result of points raised at the stakeholder meeting. All objections still remain outstanding

A copy of outstanding objections is included in attachment 3.

KEY POINTS/ISSUES

The determinative issues in this application instead relate to the consistency of the proposal with the policy directions of the Scheme, visual impact, off- site amenity considerations, and parking and access.

Strategic consideration for use of the land for a restaurant

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 this application, and it is found that the provisions of the Scheme generally provide a strategic basis to support the proposal.

One of the main points of concerns from the submissions received in objection to the proposal was that a restaurant was not appropriate use within the General Residential Zone as it would not serve local needs

(consistent with the purpose of the General Residential Zone), but rather trade from passing traffic along the highway and the wider area. There is no doubt that the proposed use will serve a broader catchment that could include the immediate local community (however narrowly "local" may be defined) as well as persons who specifically drive to the location. That is not, however, automatically fatal to this application. Rather, it may be one reasons why the provisions of the General Residential Zone dictate that the use of the land for a restaurant is a section 2 permit required discretionary use.

Retail Objective 1 of Clause 21.07-6 states that it is to "*identify appropriate locations for retailing activities*".

The following relevant Strategies apply:

- Encourage shops that do not significantly detract from the function of the existing major retail centres.
- 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.
- Discourage 'out of centre' retail developments.
- Provide for localised convenience retailing.

Although the proposal is not for a "new centre", it does propose to create out of centre retail development which has the potential to detract from the function of the existing major retail centre of Traralgon. Having said that the following are relevant commercial strategies apply to Traralgon, at Clause 21.05-6 of the Scheme:

- Encourage the development of new retail, office and residential mixed use developments within Traralgon Primary Activity Centre (Area 4) and Argyle Street.
- Discourage significant new retail and office development outside of areas Area 4, Argyle Street and Princes Highway and Stammers Road (Area 14).
- Encourage Restricted Retailing to locate within Argyle Street and Princes Highway and Stammers Road (Area 14).

It is noted that the subject site abuts Argyle Street and despite its zoning, this area is encouraged for retail development. Essentially the policy provisions of the scheme do not overly support or reject the proposal when taken as a whole. It is concluded that there is sufficient local planning policy support for the proposal at the subject site location despite the general intent for core retailing to be located within the Primary Activity Centre.

It is apparent that there is a 'strategic gap' in the LPPF in relation to the lack of a retail demand and supply strategy to clearly outline councils

vision in relation to type of retail activities supported both within this location and the wider urban area of the municipality.

Location of the proposed use of a restaurant within a residential area

Concerns have been raised of the appropriateness of the use of a commercial restaurant within an established residential area. The residential zone allows a wide range of non-residential land uses subject to a planning permit. The wider context of the site needs to be considered in the assessment of the merits of the proposal. While the immediate properties to the north and west are used for residential purposes, the overall feel on the ground surrounding the subject site is of a mix of residential and commercial. This can be seen from the submitted site context description in Attachment 2.

The site is located in the middle of an established highway commercial precinct and comprises two of the four remaining residential properties that enjoy a direct abuttal to Argyle Street within the approximately 750 metre section of this road that extends between Park Lane/Liddiard Road in the west and Traralgon-Maffra Road in the east. It is also noted that Riggall Road is abutted to north by McMahon Street which is predominantly an industrial precinct. As a result it is considered that Riggall Road enjoys a lower level of amenity than a conventional residential area due to its close proximity to both commercial and industrial uses, along with the significant levels of traffic noise generated by vehicular movements along nearby Argyle Street.

Amenity impact on the adjoining residential properties

Any development on this site will create a noticeable change in the present residential amenity. Objectors have submitted that the use would have an unacceptable amenity impact on the adjoining residential properties. Restaurants do have the potential to contribute to adverse off site amenity impacts as a consequence of the combination of traffic movements onto and out of the site, operation hours, lighting, the congregation and movement of people on the site, the generation of noise and litter.

It is considered that the proposal satisfactorily addresses amenity concerns in relation to this proposal as follows:

- The development is a low profile building and is positioned as close to the Argyle Street as possible;
- Permeable fencing and landscaping is also proposed along the western boundary of the site to provide an appropriate interface with the adjacent residential land uses;
- Minimal use of window openings along the western and northern walls which reduces the potential transference of noise from within the restaurant to the nearby dwellings;
- The proposed hours of operation are considered an appropriate balance between the operational needs of the business and minimise impact of the amenity of the occupants of dwellings along Riggall Road;

- There are no overshadowing impacts;
- The proposed boundary fencing to north will be acoustically treated to reduce any noise impacts to the residential units to the north;
- Lighting can be designed to avoid spill to neighbouring properties. No external lighting will be permitted on the signage on the western elevation;
- Patron and litter management is considered a key issue in the submitted objections, however this can be suitably addressed by conditions of any permit issued;
- Noise levels can be appropriately managed through permit conditions to comply with EPA guidelines;
- No “take-away” service is permitted;
- Odour from cooking is managed through other legislation; (*Environment Protection Act*);
- No vehicular or pedestrian access is permitted directly onto Riggall Road; and
- The pedestrian access to the premises will be located on the south east corner of the site away from residential use facing onto Argyle Street.

Traffic and Car parking

As a result of the proposal there will be an increase in traffic movements in the area including along Argyle Street and Riggall Road. With respect to the proposed restaurant, the Planning Scheme specifies a requirement of 0.4 spaces to each patron permitted. Considering the 168 patron capacity of the proposed restaurant, this amounts to a requirement of 67 spaces. 32 spaces are to be provided onsite. As a result a reduction in the car parking requirement of 35 spaces is required. It is noted however that there is an existing credit of 6 spaces due to the existing three dwellings onsite.

As per the submitted traffic report, patronage data supplied by Hog's Breath café identifies that car parking demands for restaurants during the lunchtime period typically amount to approximately 0.2 spaces per patron. On this basis the proposed restaurant would be expected to generate demand for 34 spaces during the lunchtime period. It is also detailed that the evening trade is twice the turnover of the lunchtime period. It is therefore considered that the adopted rates of 0.2 spaces per patron during lunchtime and 0.4 spaces per patron in the evening are appropriate.

To ascertain the availability of public car parking in the vicinity of the site, car parking occupancy surveys took place on Friday 13 and Saturday 14 June 2014. The survey area extended approximately 320m (less than 5 minutes) away from the subject site. It is noted that the car parking survey did not include Riggall Road in this survey only Argyle Street. Argyle Street facilitates eastbound traffic movements only and features parallel parking provisions along both sides. Peak car parking occupancy during

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the Friday survey period was recorded at 3:00 PM when 21 spaces were occupied leaving 63 spaces available along the Service Road. It is noted that parking occupancy in the evening was lower with no fewer than 78 spaces available along the service road from 6:00 PM through to 8:00 PM when the survey concluded.

There is no doubt that there is a sufficient level available car spaces available along Argyle Street to accommodate the proposed reduction, however driver behaviour also has to be considered. The following are key points:

- The applicant is willing to extend the concrete pedestrian path along the northern side of Argyle Street service road as far as the eastern boundary of the Reeces Plumbing property at 132-142 Argyle Street, Traralgon to provide for increased pedestrian connectivity to the premises;
- Design of the entry/exit driveway to physically direct vehicles to make a left-hand turn only into the service road will be requested as a condition on any permit issued; and
- Placement of an appropriate 'Left-Turn Only' sign opposite the driveway to advise patrons leaving the car park of the premises that conducting a right turn on existing the site is a traffic violation.

It is further noted Riggall Road is a local road, facilitating two way traffic movements and kerbside parallel parking is permitted on both sides of the road where access to individual properties is not restricted. It is noted that patrons of the restaurant could park along Riggall Road.

Submissions

The application received 8 submissions in the form of objections originally; however two of those objections have been withdrawn subsequently. The issues raised were:

1. Proposed development is not in keeping with the General Residential Zoning

This issue has been discussed previously in this report.

2. The proposal would demonstrably harm the amenities enjoyed by local residents, in particular safe and available on-road parking, privacy and the right to enjoy a quiet and safe residential environment.

The issue of amenity impact has been discussed previously in the report. During discussions with objectors a number of points were raised/requested including:

- Could bollards be placed on Riggall Road to restrict access from 1 direction;

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- Could signage be put in place to detail that Riggall Road is for local traffic only; and
- Can permit parking be put in place in Riggall Road.

In consultation with relevant parties including members of the public, residential permit parking could technically be put in place along Riggall Road. It is noted that this is not in place in any other residential street currently given there is not such substantial demand for on-street parking in residential areas that would warrant it. Additionally, the likely times for patrons parking here would be outside the regular patrol times of local laws, meaning enforcement of these restrictions would be limited.

In relation to the placement of bollards to restrict access, it is considered that there would need to be something more substantial than bollards constructed in Riggall Road to effectively give it a half road closure. Substantial community engagement would also need to be undertaken to ensure it has the “buy-in” of residents in the area, and this would also need to assess the impact of traffic on surrounding streets given Argyle Street is also one way. The installation of a 'Local Traffic Only' sign is certainly able to occur but it needs to be recognised that this signage has no regulatory significance and would be put in place as a discouragement only.

As part of the proposal redundant vehicle crossings onto Riggall Road will be removed. This will as a result increase the level of parking on the western boundary of the site. It is noted that any other residents or visitors to Riggall Road can also park at this location or elsewhere along Riggall Road. It is noted that when patrons leave the premises there will be a level of noise associated with these movements including motor vehicle and car doors closing. As detailed previously it is considered that proposed business hours, patron and litter management plans required as condition of any permit issued and proposed design of the building are considered necessary based on the interface issues associated with the proposal.

3. Inadequate provision of car parking;

This issue has been discussed in detail previously in this report.

4. Potential encouragement of anti-social behaviour

It is generally considered that issues in relation to venue management plan be suitably addressed as a condition of any permit issued. Please see condition 11 in relation to this point. It is also recognised that the liquor licence is associated with the use of the land for a restaurant as opposed to a standalone entity. A condition will be put in place that the predominant activity carried out on the premises, must be the preparation and serving of meals for consumption on the premises

5. Devaluation of other properties in the area due to the proposed small lot size.

Devaluation of property values are not relevant planning considerations and therefore not sufficient grounds for refusing an application.

6. Concerns regarding the existing premises along Argyle Street (Hungry Jacks) and that this proposal will further affect Riggall Road residents with increased car parking issues.

Councils Planning Enforcement Officer is currently investigating the operation of Hungry Jacks on the corner of Riggall Road in relation to compliance with all relevant planning permit conditions of the associated permit. Car parking issues have been discussed previously in this report.

7. Concerns regarding traffic movements in the area and Riggall Road in particular.

Traffic counts are currently being conducted along Riggall Road. It is noted that only 30 vehicle movements (inbound and outbound movements) per hour are expected at peak levels to the subject site as a result of the proposed use and development. It is considered that the existing capacity of the surrounding road network can suitably accommodate the proposed use and development.

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 not considered to be any risks associated with this report.

FINANCIAL RESOURCES IMPLICATIONS

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

OPTIONS

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant a Planning Permit: or
- 2 Refuse to Grant a Planning Permit.

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

CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;

**ORDINARY COUNCIL MEETING MINUTES
02 MARCH 2015 (CM457)**

- Generally Consistent with the 'Purpose' and 'Decision Guidelines' of the General Residential Zone;
- Consistent with Clause 65 (Decision Guidelines); and
- The objectors concerns have been considered against the provisions of the Latrobe Planning Scheme and it has been determined that they do not form sufficient planning grounds on which the application should be refused.

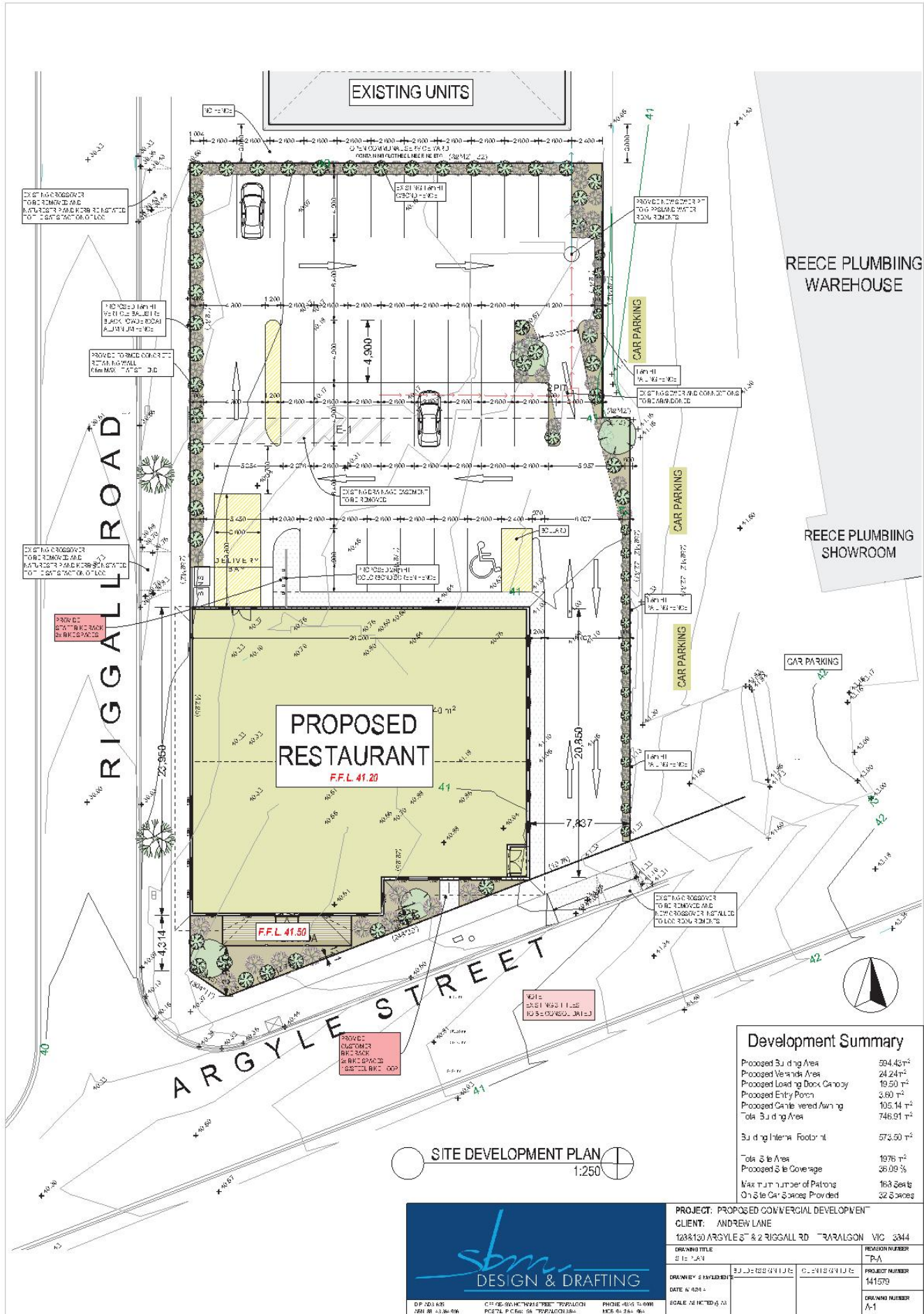
Attachments

1. Development plans
2. Site Context
3. Outstanding Objections (confidential) (Published Separately)

13.2

Planning Permit Application 2014/202-Use & Development of the land for a Restaurant and Licensed Premises at 128 & 130 Argyle Street and 2 Riggall Road, Traralgon

1	Development plans.....	125
2	Site Context.....	137



Development Summary

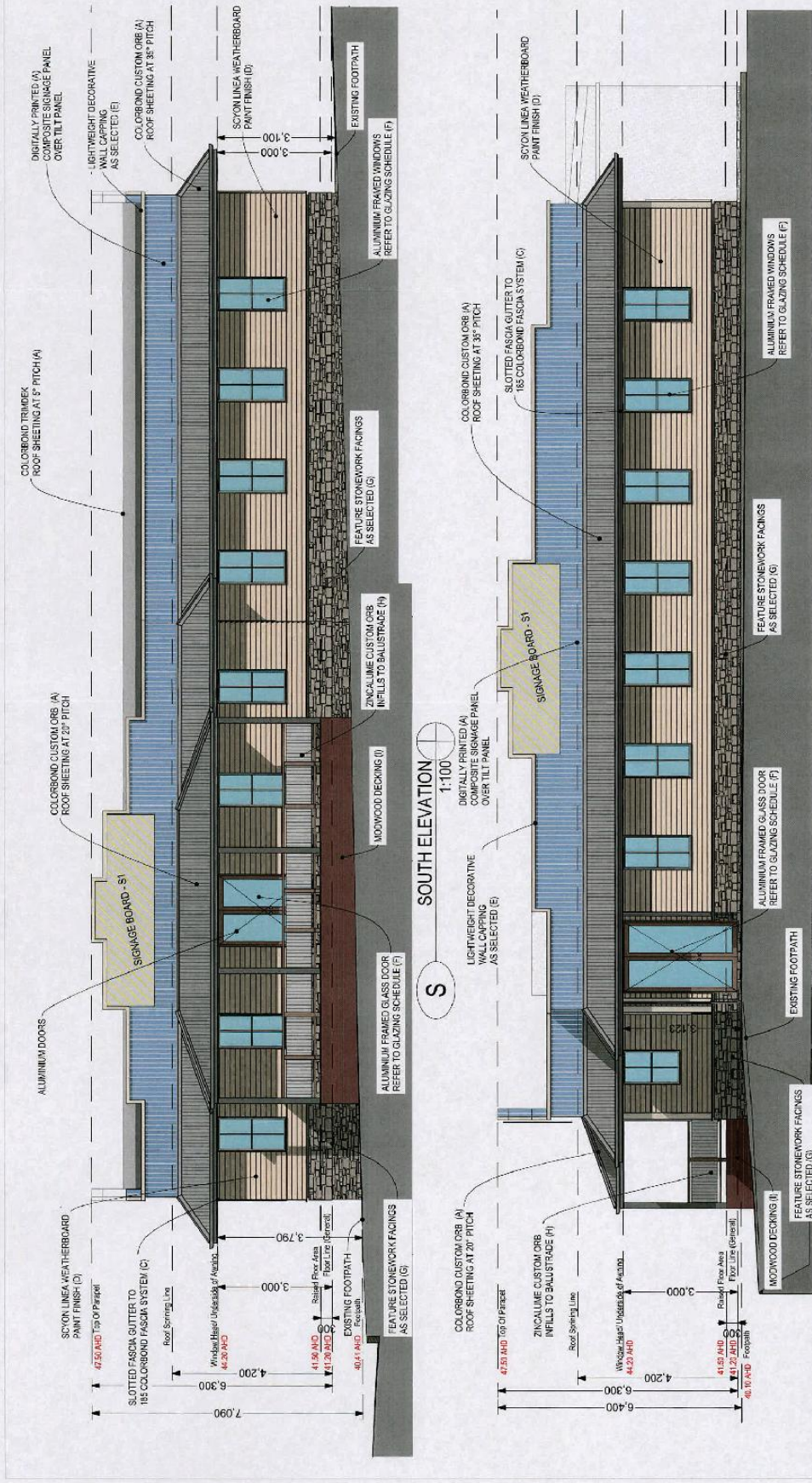
Proposed Building Area	594.43 m ²
Proposed Veranda Area	24.24 m ²
Proposed Loading Dock Canopy	19.50 m ²
Proposed Entry Porch	3.60 m ²
Proposed Covered Awning	105.14 m ²
Total Building Area	746.91 m ²
Building Internal Footprint	572.50 m ²
Total Site Area	1976 m ²
Proposed Site Coverage	36.09 %
Maximum Number of Patrons	163 Seats
On Site Car Spaces Provided	22 Spaces

sbm DESIGN & DRAFTING

128 & 130 ARGYLE STREET TRARALGON
 2 RIGGALL ROAD TRARALGON

PHONE: 03 51 41 1125
 MOB: 04 284 9646

PROJECT: PROPOSED COMMERCIAL DEVELOPMENT	
CLIENT: ANDREW LANE	
128&130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3844	
DRAWING TITLE	REVISION NUMBER
SITE PLAN	P-1
DRAWN BY & ESTABLISHED BY	PROJECT NUMBER
DATE: 4/2/14	141579
SCALE: AS NOTED @ 1:250	DRAWING NUMBER
	A-1

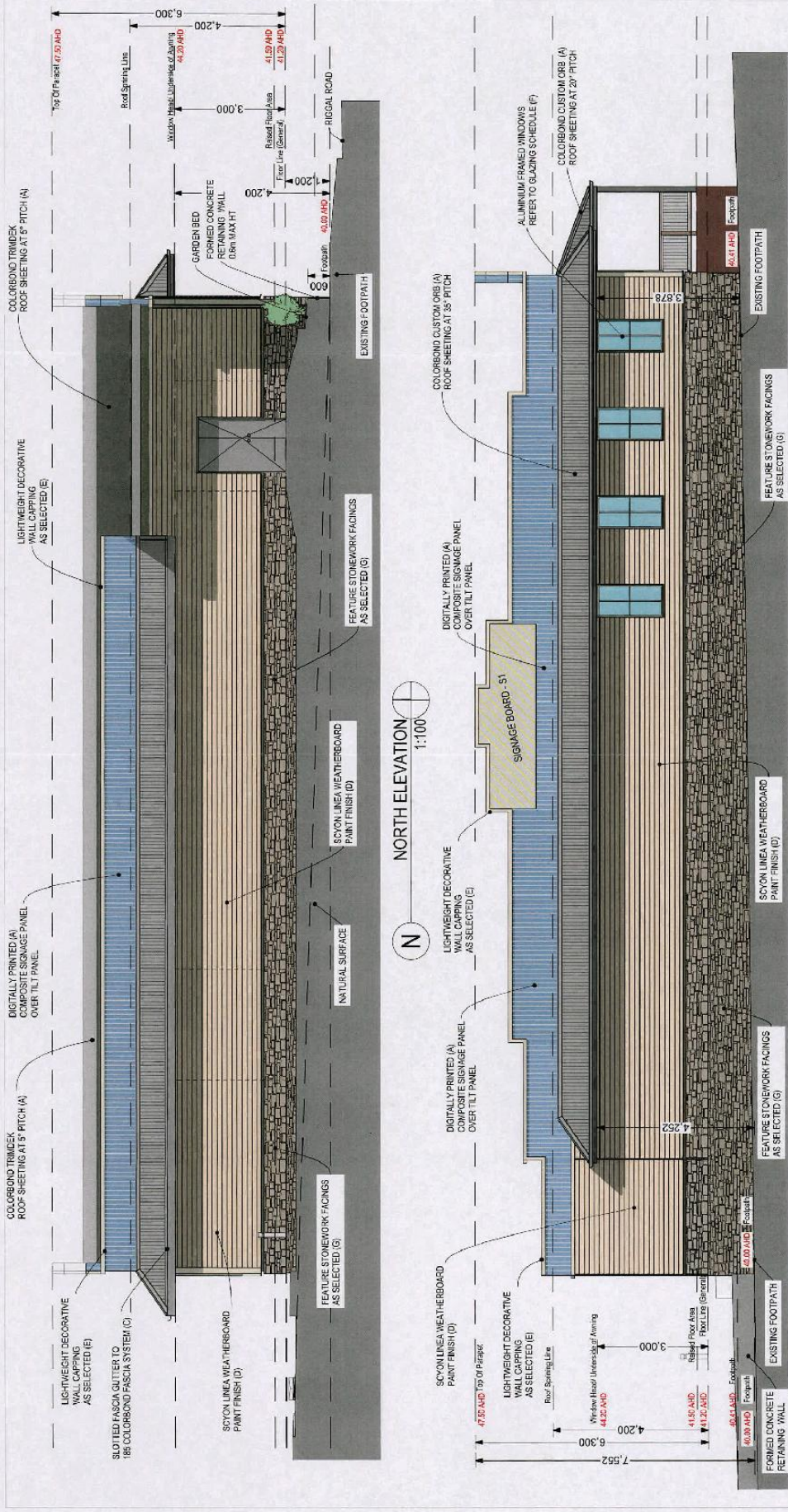


MATERIAL SCHEDULE

(A)	DIGITALLY PRINTED COMPOSITE PANEL OVER CONCRETE TILT PANEL REFER TO SIGNAGE MONTAGE	(F)	ALUMINIUM WINDOWS POWDERCOAT 'BASALT', SATIN
(B)	COLORBOND ROOF WOODLAND GREY	(G)	BASE FEATURE STONE BORAL-SOUTHWEST 'LEDGESTONE 'ASPEN'
(C)	COLORBOND GUTTERS & FASCIA 'BASALT'	(H)	BALUSTRADE INFILL ZINCALIME - CUSTOM ORB
(D)	SCYON LINEA WEATHERBOARDS PAINT FINISH DULUX 'SAGO' (633)	(I)	DECKING MODWOOD 'JARRAH'
(E)	PARAMET WALL & WINDOW TRIMS PAINT FINISH DULUX 'WHITE WATSONIA' (B4)		

PROJECT: PROPOSED COMMERCIAL DEVELOPMENT
CLIENT: ANDREW LANE
 128&130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3844
 DRAWING TITLE: ELEVATIONS - SHEET 1
 DRAWN BY: CHAC LANGRISH
 DATE: 10/02/2014
 SCALE: AS NOTED (G)
 PROJECT NUMBER: 141579
 DRAWING NUMBER: A-3

DESIGN & DRAFTING
 OFFICE: 200 RIGGALL STREET, TRARALGON
 PHONE: 03 5193 9100
 FAX: 03 5193 9108
 EMAIL: info@ddi.com.au



NORTH ELEVATION 1:100
WEST ELEVATION 1:100

MATERIAL SCHEDULE

A	DIGITALLY PRINTED COMPOSITE PANEL OVER CONCRETE TILT PANEL REFER TO SIGNAGE MONTAGE	F	ALUMINIUM WINDOWS POWDERCOAT 'BASALT', SATIN
B	COLORBOND ROOF WOODLAND GREY	G	BASE FEATURE STONE BORAL-SOUTHWEST LEDGESTONE 'ASPEN'
C	COLORBOND GUTTERS & FASCIA 'BASALT'	H	BALUSTRADE INFILL ZINCALUME - CUSTOM ORB
D	SCYON LINEA WEATHERBOARDS PAINT FINISH DULUX 'SAGO' (G33)	I	DECKING MCDWOOD 'JARRAH'
E	PARAMET/ WALL & WINDOW TRIMS PAINT FINISH DULUX 'WHITE WATSONIA' (B4)		

PROJECT: PROPOSED COMMERCIAL DEVELOPMENT
CLIENT: ANDREW JANE
 128&130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3844

DRAWING TITLE: ELEVATIONS - SHEET 2
DRAWN: SACHIN K
DATE: 20/04/14
SCALE: AS SHOWN

PROJECT NUMBER: 14-1579
DRAWING NUMBER: A-4

OFFICE: 80 WYNDHAM STREET TRARALGON VIC 3844 (03) 522 1111
PHONE: (03) 522 1111
FAX: (03) 522 1111

DESIGN & DRAFTING

SULLIVAN SIGNATURE
 CLIENT SIGNATURE



PROJECT: PROPOSED COMMERCIAL DEVELOPMENT		CLIENT: ANDREW LANE		128&130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3644	
DRAWING TITLE:	3D PERSPECTIVE VIEW - SHEET 1	BUILDER SIGNATURE:	CLIENT SIGNATURE:	PROJECT NUMBER:	141579
DRAWN BY:	SUSAN BARR	DATE:	28/04/14	SCALE:	AS SHOWN
DATE:	28/04/14	SCALE:	AS SHOWN	DRAWING NUMBER:	A-3

DESIGN & DRAFTING

OFFICE: 88A NOTWELL STREET TRARALGON
 PHONE: (03) 7511 1000
 FAX: (03) 7511 1001
 WWW: WWW.SUSANBARR.COM.AU



PROJECT: PROPOSED COMMERCIAL DEVELOPMENT	
CLIENT: ANDREW LANE	
128& 130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3844	
DRAWING TITLE	REVISION NUMBER
3D PERSPECTIVE VIEW - SHEET 2	1P
DRAWN BY: BAC BART	PROJECT NUMBER:
DATE: 10/20/14	141579
SCALE: AS SHOWN @ 1:1	DRAWING NUMBER:
	A-B



DESIGN & DRAFTING

 150 GLENVIEW ROAD, TRARALGON VIC 3844



<p>DESIGN & DRAFTING</p> <p>13/4 ROBINSON STREET TRARALGON VIC 3844 PHONE: 03 5141 4200 WWW.DESIGNANDDRAFTING.COM.AU</p>		<p>PROJECT: PROPOSED COMMERCIAL DEVELOPMENT CLIENT: ANDREW JANE 128&130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3844</p>	
<p>DRAWING TITLE</p>	<p>3D PERSPECTIVE VIEW - SHEET 3</p>	<p>BUILDERS DRAWING NO</p>	<p>CLIENT SIGNATURE</p>
<p>DATE: 20/04/14</p>	<p>SCALE: AS NOTED @ 1:1</p>	<p>PROJECT NUMBER</p>	<p>DRAWING NUMBER</p>
		<p>14/2579</p>	<p>A/7</p>



		PROJECT: PROPOSED COMMERCIAL DEVELOPMENT CLIENT: ANDREW LANE 128&130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3844	
DRAWING TITLE: 3D PERSPECTIVE VIEW - SHEET 4	DRAWN BY: S.M.C. (S.M.C.)	CLIENT SIGNATURE:	PROJECT NUMBER: 141579
DATE: 2022/04	BUILDERS SIGNATURE:	CLIENT SIGNATURE:	DRAWING NUMBER: A-B
SCALE AS NOTED @ A1			



PROJECT: PROPOSED COMMERCIAL DEVELOPMENT	
CLIENT: ANDREW LANE	
128&130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3844	
DRAWING TITLE:	REVISION NUMBER:
3D PERSPECTIVE VIEW - SHEET 5	TP
DRAWN BY: S.M.C. LANE	BUILDING SIGNATURE:
DATE: 10/02/14	CLIENT SIGNATURE:
SCALE: AS SHOWN @ 0.1	PROJECT NUMBER:
	141579
	DRAWING NUMBER:
	A-9

DESIGN & DRAFTING
OFFICE: 504 BATHMAN STREET, TRARALGON
PHONE: 052 979 4000
FAX: 052 979 4001
WWW.D&D.VIC.AU



PROJECT: PROPOSED COMMERCIAL DEVELOPMENT		CLIENT: ANDREW JANE	128&130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3844
DRAWING TITLE	3D PERSPECTIVE VIEW - SHEET 5	BUILDERS SIGNATURE	CLIENT SIGNATURE
DATE: 16/06/14	SCALE: AS NOTED @ 1:1	PROJECT NUMBER: 14/0519	DRAWING NUMBER: A-10
DESIGN & DRAFTING OFFICE: 300 NORTH STREET, TRARALGON PHONE: 03 5231 1111 FAX: 03 5231 1111 WWW.D&D.VIC.AU	PROJECT: PROPOSED COMMERCIAL DEVELOPMENT CLIENT: ANDREW JANE 128&130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3844 DRAWING TITLE: 3D PERSPECTIVE VIEW - SHEET 5 DATE: 16/06/14 SCALE: AS NOTED @ 1:1 BUILDERS SIGNATURE: _____ CLIENT SIGNATURE: _____ PROJECT NUMBER: 14/0519 DRAWING NUMBER: A-10		

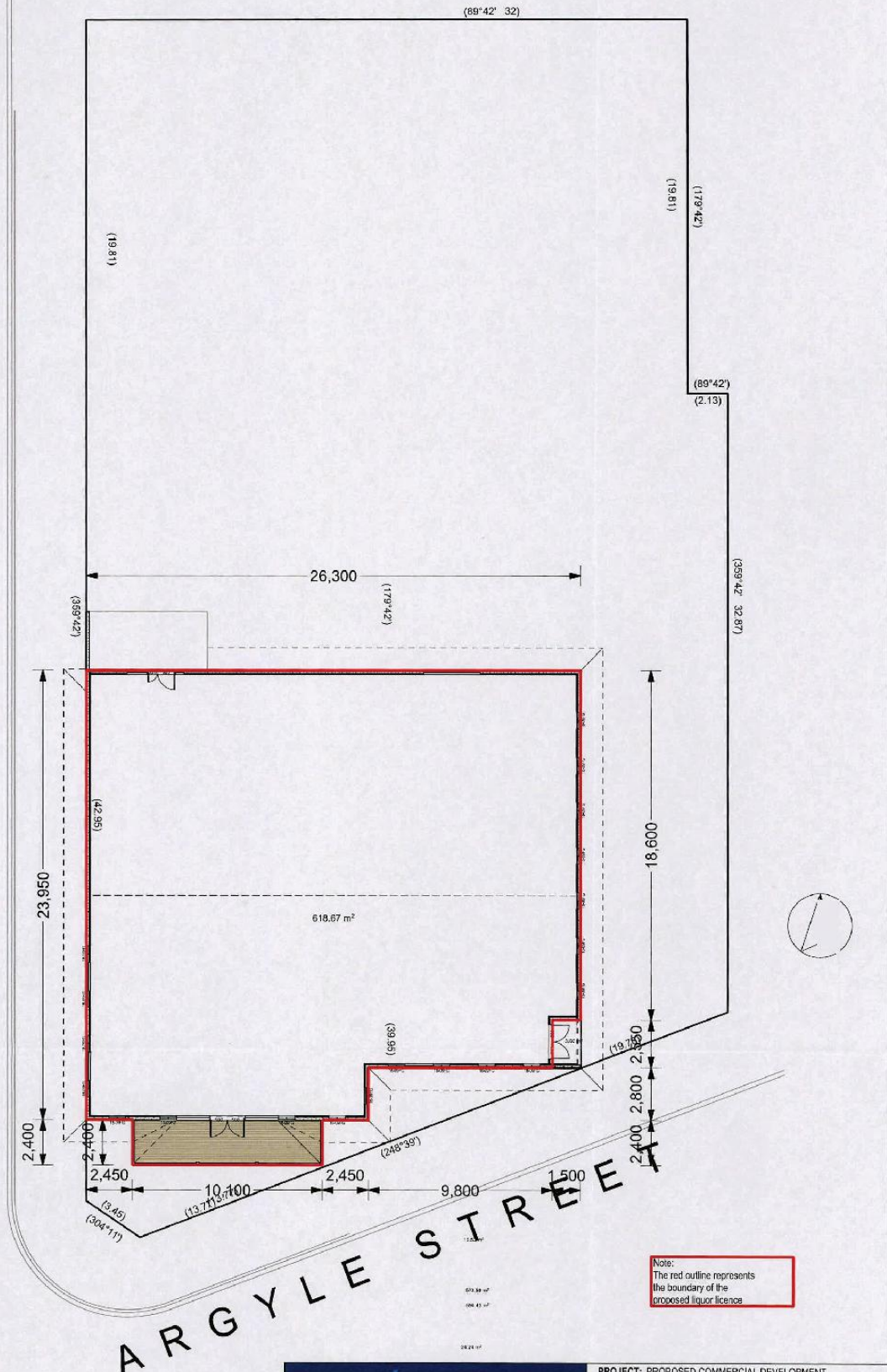


PROJECT: PROPOSED COMMERCIAL DEVELOPMENT
CLIENT: ANDREW LANE
 128&130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3944

DRAWING TITLE	3D PERSPECTIVE VIEW	SHEET 7	REVISION NUMBER	TP
DRAWN BY: SARA LINDSAY	CLIENT SIGNATURE		PROJECT NUMBER	141519
DATE: 10/07/14	SCALE: AS NOTED (1:50)		DRAWING NUMBER	A-11

DESIGN & DRAFTING
 OFFICE: 88-90 WALSLEY STREET, TRARALGON VIC 3944
 PHONE: 03 5123 1000
 FAX: 03 5123 1001
 WWW: WWW.D&D.VIC.AU

RIGGALL ROAD



LIQUOR LICENSING PLAN
1:200

sbm
DESIGN & DRAFTING

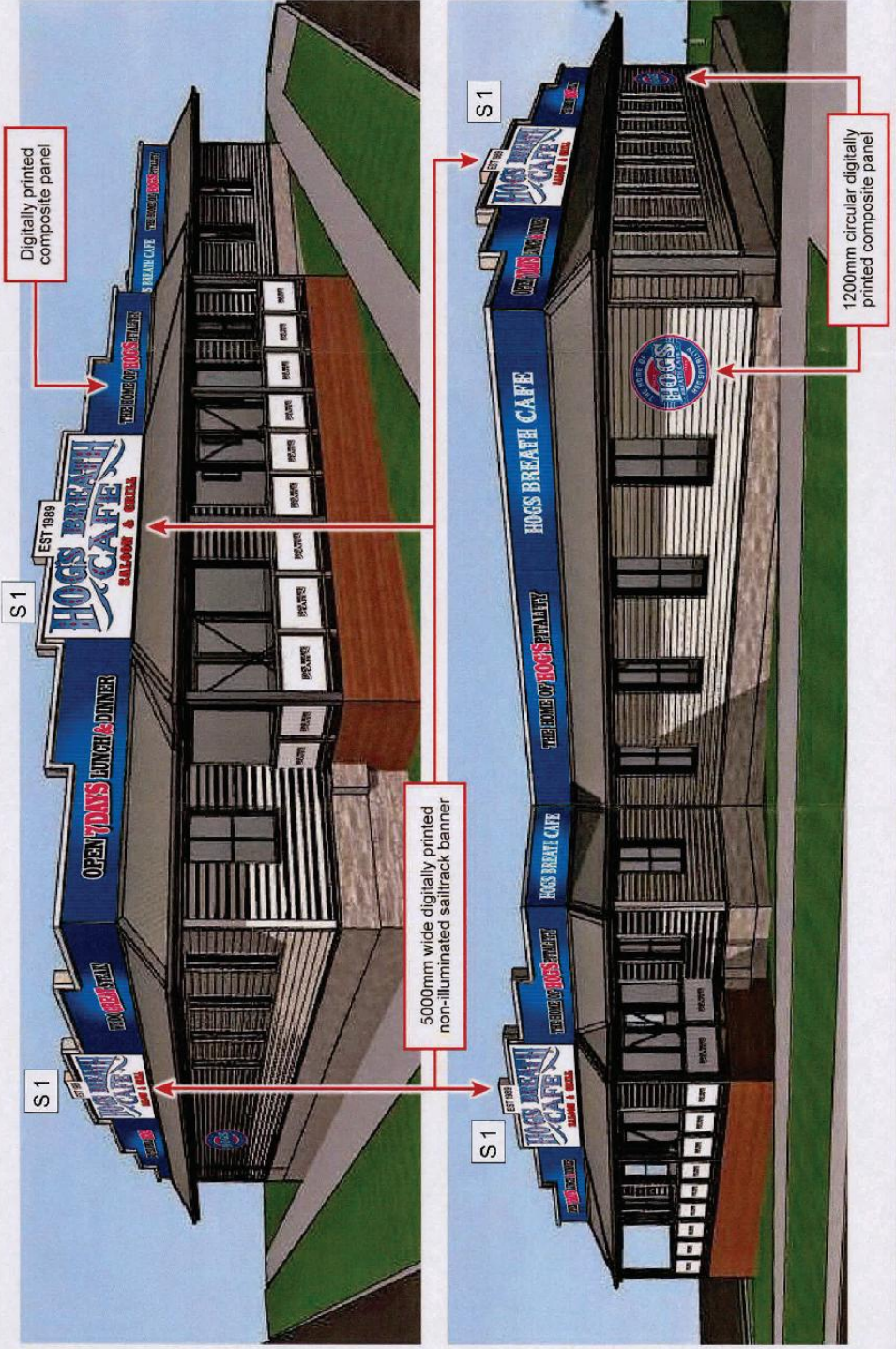
D.P. ADRIAN
ARN. 65-12-364 086

OFFICE: 81A WINDHAM STREET, TRARALGON
POSTAL: P.O. BOX 1381 TRARALGON 3644

PHONE: 030 5174 0000
MOB: 0412 541 591

PROJECT: PROPOSED COMMERCIAL DEVELOPMENT			
CLIENT: ANDREW LANE			
128&130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3644			
DRAWING TITLE: LIQUOR LICENSING PLAN	BUILDERS SIGNATURE	CLIENT SIGNATURE	REVISION NUMBER: TP
DRAWN BY: S.MCLEVERN			PROJECT NUMBER: 141579
DATE: 28/02/14			DRAWING NUMBER: A-13
SCALE: AS NOTED Q.13			

Hog's Breath Cafe Traralgon Corporate Signage 2014 Proposal



Note:
S1-Signage to be illuminated by external flood lighting

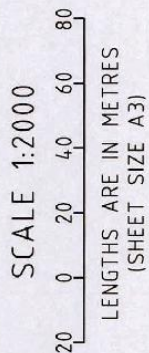
PROJECT: PROPOSED COMMERCIAL DEVELOPMENT		CLIENT: ANDREW LANE	
DRAWING TITLE: SIGNAGE PROPOSAL - SHEET 1		128&130 ARGYLE ST & 2 RIGGALL RD TRARALGON VIC 3844	
REVISION NUMBER: TP	DRAWN BY: SASHA SMITH	CLIENT'S SIGNATURE:	PROJECT NUMBER: 14-1579
DATE: 5/9/2014	DRAWER'S SIGNATURE:	SCALE: AS NOTED (A)	DRAWING NUMBER: A-14






DESIGN & DRAFTING

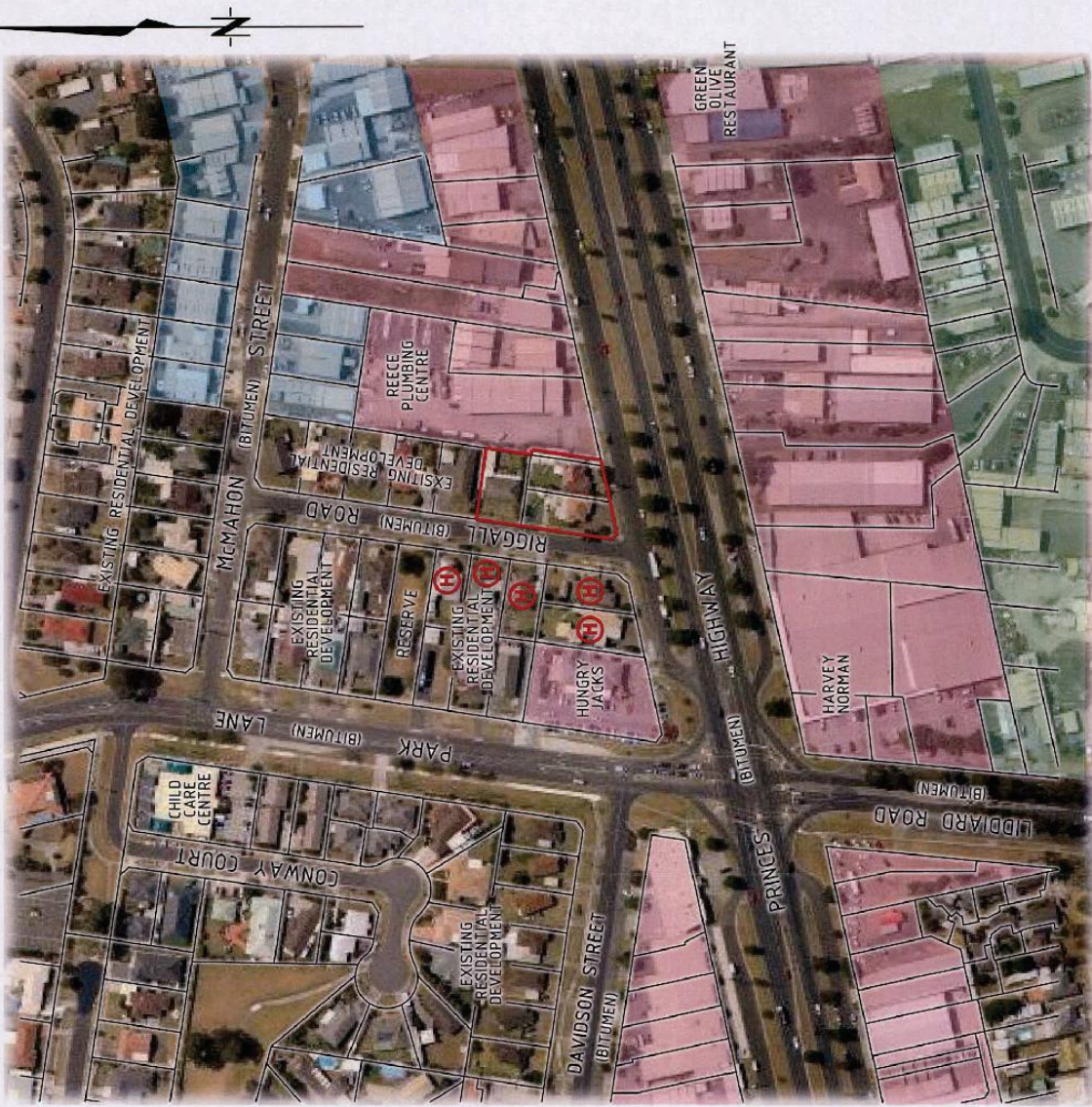
OFFICE: 38 HANCOCK STREET TRARALGON VIC 3844
PHONE: 03 5122 4488

REF: 1400214

SITE CONTEXT PLAN
 PARISH OF TRARALGON
 TP663806Q LOTS 1 & 2
 LP23836 LOTS 26 & 28
 128 & 130 ARGYLE STREET
 & 2 RIGGALL ROAD
 TRARALGON
 A. LANE



-  SUBJECT SITE
-  McMAHON STREET INDUSTRIAL ESTATE
-  HEAD STREET INDUSTRIAL ESTATE
-  EXISTING COMMERCIAL 2 ZONE 'HIGHWAY COMMERCIAL PRECINCT'
-  EXISTING DWELLINGS




Beveridge Williams
 development & environment consultants
 Traralgon ph : 03 5176 0374

www.beveridgewilliams.com.au



The Mayor called for a 10 minute break at 7:57pm.

Meeting resumed at 8:07pm.

**13.3 PLANNING PERMIT APPLICATION 2014/236 - CONSTRUCTION
OF FIVE SINGLE DWELLINGS AND A FIVE LOT SUBDIVISION
AT 145 RIVERSLEA BOULEVARD, TRARALGON.**

General Manager

Planning & Economic
Sustainability

For Decision

PURPOSE

The purpose of this report is for Council to consider Planning Permit Application 2014/236 for the construction of five single dwellings and a five lot subdivision at 145 Riverslea Boulevard, Traralgon (Lot 12 PS 531365).

The application is to be heard at an Ordinary Council Meeting under the current delegation process whereas six objections have been received to the proposal. Council considered this matter at the Ordinary Council Meeting held on 9 February 2015. The recommendation to issue a Planning Permit was not supported, no decision was made, and therefore this matter has been resubmitted to this Council meeting.

It should be noted that the applicant has indicated that they will be lodging an appeal for "Failure to Determine" at the Victorian Civil and Administrative Tribunal.

EXECUTIVE SUMMARY

Having evaluated the proposal against the relevant provisions of the Latrobe Planning Scheme (the Scheme), it is considered that the application is consistent with the relevant objectives and decision guidelines of the Scheme. It is therefore recommended that a Notice of Decision be issued for the following reasons:

- The proposal will provide for five new dwellings in an established residential area of Traralgon, thereby allowing for additional residential development in keeping with the objectives of Clause 11.02-1 (Supply of urban land), Clause 16.01-1 (Integrated housing) and Clause 16.01-2 (Location of residential development) of the Scheme.
- The design of the dwellings and the subdivision is considered appropriate for the area and the proposal is considered to be consistent with the objectives of Clause 15.01-1 (Urban design), Clause 15.01-2 (Urban design principles), Clause 15.01-3 (Neighbourhood and subdivision design), Clause 15.01-5 (Cultural identity and neighbourhood character).
- The proposal will provide for five smaller lots within the urban area, thereby providing more affordable housing options in keeping with

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the objectives of Clause 16.01-4 (Housing diversity) and Clause 16.01-5 (Housing affordability) of the Scheme.

- The proposal is consistent with Clause 55 (Two of more dwellings on a lot).
- The proposal is consistent with Clause 65 (Decision Guidelines).

RECOMMENDATION

That Council issues a Notice of Decision to grant a planning permit, for the construction of five single dwellings and a five lot subdivision at 145 Riverslea Boulevard, Traralgon (Lot 12 PS 531365), with the following conditions:

Subdivision conditions

- 1 The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.

- 2 Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), 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 will be drained for a 1 in 5 year ARI storm event.
 - b) An underground pipe drainage system conveying stormwater to the legal point of discharge.
 - 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 0.45.
 - d) No part of any above ground stormwater detention system is to be located within a stormwater drainage easement.

- 3 The plan of subdivision submitted for certification under the Subdivision Act 1988 must show appropriate easements set aside for drainage purposes to the satisfaction of the Responsible

Authority.

- 4 Before an Occupancy Permit is issued for the dwellings hereby permitted or prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988 (whichever is earlier), the operator of this permit must complete the following works to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:
 - a) All drainage works must be constructed in accordance with the approved site drainage plan.
 - b) The construction of all on-site stormwater detention works in accordance with the site drainage plan approved by the Responsible Authority.
 - c) A new vehicle crossing must be constructed, in accordance with the endorsed plans, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307.
 - d) The areas shown on the endorsed plans for vehicle access within the property must be constructed in accordance with the endorsed plans and be surfaced with concrete, reinforced concrete, brick paving or hot mix asphalt and drained in accordance with the approved site drainage plan.
 - e) Installation of street lighting in accordance with Australian Standard AS1158, along all new vehicle accessways.
- 5 The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- c) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the

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02 MARCH 2015 (CM457)**

provider's requirements and relevant legislation at the time;
and

- d) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

6 Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the owner must either:

- a) Commence the development to completion of footings (if on stumps) or completion of slab to the satisfaction of the Responsible Authority;

or

- b) enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987 which provides that the subsequent development of the land will accord with the plans endorsed to Planning Permit 2014/236 and
- c) make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act; and
- d) pay the reasonable costs of preparation, review, execution and registration of the agreement; and
- e) provide Council with a copy of the dealing number issued by the Titles Office; and
- f) upon registration of the Agreement provide either:
 - i) a current title search; or
 - ii) a photocopy of the duplicate certificate of Title as evidence of registration of the section 173 agreement on title.

7 Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the owner must:

- a) Pay New Customer Contributions to Gippsland Water for each service (water and/or wastewater) provided to each lot created by this development. These charges are based on Gippsland Water's rates at the time of payment and are associated with additional infrastructure that Gippsland Water will be required to operate and maintain to ensure ongoing

servicing of this development.

- b) Install water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
- c) Install separate internal sewer services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
- d) There is an existing sewer connection point located in this property. Construction adjacent to an asset requires a minimum clearance of 1.0 metre from the outside edge of the sewermain and sewer connection point (includes assets below the ground as per the Water Act). The Site Development Plan ref Project No: 141600, Revision No: P2; included as part of this planning permit application, does not provide the location of the existing sewer connection point. As such, we cannot ascertain that this clearance will be achieved. In this instance, the existing sewer point (copy of plans provided), may require to be capped and in this instance a new sewer connection point will be required.
- e) As constructed details showing the location of the installed internal combined sewer drain services are required to be submitted to Casey Services via facsimile on 9835 5515 and a copy to Gippsland Water on facsimile 5174 5174.
- f) Create Reserves and/or Easements in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision. Easements are to be for Pipeline or Ancillary Purposes.
- g) Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.
- h) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

DESIGN AND CONSTRUCTION OF WORKS WITHIN THE REGIONAL OUTFALL SEWER (ROS) EASEMENT

Prior to the commencement of any construction works the owner/developer must provide the following:

- i) A Detailed Structural Design Drawing for the proposed Vehicle Slab over the Critical Asset (Regional Outfall Sewer) including excavation depths, proposed construction / surface details and location of the Gippsland Water Asset. The design of the driveway must be for the use of Heavy Vehicles and approved by Gippsland Water prior to any works

- commencing.
- ii) The Structural Design Drawing must also incorporate all infrastructure such as water, sewer, gas, stormwater pipes, Telstra and electricity. Location of services must be submitted to Gippsland Water for approval prior to any works commencing.
 - iii) The Detailed Design Drawing must have a notation outlining that no heavy plant equipment is allowed to move across or over the ROS pipeline within the ROS Reserve and no plant, spoil or machinery is allowed to sit over the top of any Gippsland Water assets within the Regional Outfall Sewer Easement during construction of any works to the satisfaction of Gippsland Water.
 - iv) A Gippsland Water representative is to be contacted at least 2 working days prior to works commencing to allow Gippsland Water representative(s) to be onsite during construction works.
- 8 Prior to the issue of certification under the Subdivision Act 1988, the applicant must
- a) Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
 - b) Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.
- 9 This permit will expire if:
- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
 - b) the registration of the subdivision is not completed within 5 years of certification.
The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

Development conditions

- 10 The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 11 Once building works have commenced they must be completed to

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

the satisfaction of the Responsible Authority.

- 12 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 13 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.
- 14 The landscaping as 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.
- 15 The exterior colour and cladding of the building(s) must be of a non-reflective nature to the satisfaction of the Responsible Authority.
- 16 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.
- 17 This permit will expire if:
 - a) The development is not commenced 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.
The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit. An extension of time to complete the development or a stage of the development may be requested if—
 - the request for an extension of time is made within 12 months after the permit expires; and
 - the development or stage started lawfully before the permit expired.

ALTERNATE MOTION

That Council advise VCAT that had a “Failure to Determine within the Prescribed Time” appeal not been lodged, Council would have issued a Refusal to Grant a Permit for a planning permit application for the construction of five dwellings and a five lot subdivision at 145 Riverslea Boulevard, Traralgon (lot 12 on Plan of Subdivision 531365) for the following reasons:

1. The proposal is inconsistent with Clause 32.08 of the

- Planning Scheme, more particularly the purpose of the General Residential Zone.
2. The proposal is inconsistent with Clause 32.08 of the Planning Scheme, more particularly the decision guidelines of the General Residential Zone.
 3. The proposal is inconsistent with the strategic direction of the State Planning Policy Framework, namely Clause 15.01-3 (Neighbourhood and Subdivision Design), Clause 15.01-5 (Cultural identity and neighbourhood character) and Clause 16.01-1 (Integrated housing).
 4. The proposal is inconsistent with the decision guidelines of Clause 65 of the Latrobe Planning Scheme.

Moved: Cr White
Seconded: Cr Gibbons

That the Motion be adopted.

For the Motion

Councillors Harriman, Sindt, White, Middlemiss, O'Callaghan, Gibson, Kam, Gibbons

Against the Motion

Cr Rossiter

The Mayor confirmed that the Motion had been CARRIED.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Strategic Objectives – Economy

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 1: Job creation and economic sustainability

Strategic Direction

Provide timely and targeted infrastructure to support economic growth and the marketability of Latrobe City to industry and investors.

Theme 2: affordable and sustainable facilities, services and recreation

Strategic Directions

Development and maintain community infrastructure that meets the needs of our community.

Promote and support opportunities for people to enhance their health and wellbeing.

Enhance and develop the physical amenity and visual appearance of Latrobe City.

Continue to maintain and improve access to Latrobe City's parks, reserves and open spaces.

Theme 5: Planning for the future

Strategic Directions

Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

Plan and coordinate the provision of key services and essential infrastructure to support new growth and developments.

Legislation

Local Government Act 1989

Planning and Environment Act 1987

Subdivision Act 1988

BACKGROUND

SUMMARY

Land:	145 Riverslea Boulevard, Traralgon known as Lot 12 on PS 531365.
Proponent:	Salmar Developments P/L C/- Beveridge Williams P/L
Zoning:	General Residential Zone

Overlay

N/A

A Planning Permit is required for the subdivision of land in the General Residential Zone in accordance with Clause 32.08-2 of the Scheme. A permit is also required for the development of two or more dwellings on a lot in accordance with Clause 32.08-4 of the Scheme. A site context plan is included as Attachment 1 of this report.

HISTORY OF THE APPLICATION

Council considered this matter at the Ordinary Council Meeting held on 9 February 2015. The recommendation to issue a Planning Permit was not supported and this matter has been resubmitted to this Council meeting.

PROPOSAL

The application is for the construction of five single dwellings and a five lot subdivision. The site area is 2057 sq m and is a vacant allotment created as part of the original subdivision of the area.

Lots 1, 3 and 4 are 250 sq m in size, lot 2 is 245 sq m and lot 5 is 260 sq m. The remainder of the site is the access driveway which is designated as common property.

Each dwelling is proposed to be single storey (maximum height of 5.5m), have three bedrooms and a secure double integral garage. Dwellings 3-5 have the same internal layout and almost the same external appearance, the difference being in the detailing of the porch roof.

Dwellings 1 and 2 are proposed to be located on the northern part of the site, separated from dwellings 3-5 which are proposed along the southern section. There would be an access area in between, designated as common property. The boundary around the entire site is to comprise of 1.8m high timber fencing.

A copy of the proposed plans, including the proposed plan of subdivision is included as Attachment 2 of this report.

Subject Land:

The site is 2057 sq m in size and is battle axe shaped, with the accessway coming off Riverslea Boulevard. The full length of the western boundary is 78.37m, the southern boundary is 52.07m, the eastern boundary 37.87m and the northern boundary 41.59m. The area slopes gently up to the east, but the application site is generally flat.

The main part of the site is rectangular in shape and is currently vacant and laid to grass. The application site is flat and there are two easements on the site; a 3m wide drainage easement running across part of the narrow accessway to the site and a 20.12m wide sewerage easement

which protects the Regional Outfall Sewer main and also incorporates a standard sewer main (3m wide).

Surrounding Land Use:

The site is located in the General Residential Zone to the north-west of Traralgon in an established residential area. Residential dwellings lie immediately to the west and south of the site and to the east is a public reserve. Immediately to the north is a vacant lot which fronts onto Riverslea Boulevard. The wider surrounding area comprises residential properties and public reserves and St Paul's Anglican Grammar School lies just over 200m to the east.

LATROBE PLANNING SCHEME

State Planning Policy Framework

The proposal has been considered against the relevant clauses under the State Planning Policy Framework.

Clause 11.02-1 (Supply of urban land) seeks to ensure that there is a sufficient supply of land available for a variety of uses, including residential. Strategies include ensuring that sufficient land is available to meet forecast demand and that there is an ongoing provision of land and supporting infrastructure to support sustainable urban development.

Clause 15.01 relates to the urban environment. It sets out a number of objectives that seek to:

- achieve high quality urban design and architecture
- create safe and functional urban environments and provide good quality environments with a sense of place and cultural identity
- enhance the liveability, diversity, amenity and safety of the public realm

Strategies include requiring development that responds to its context, providing a diverse range of housing types and sizes in sustainable locations. Good urban design should be promoted contributing to community and cultural life and making the environment more liveable and attractive whilst providing safe and secure communities. Clause 55 of the Planning Scheme contains a series of design principles for a proposal of two or more dwellings on a lot that the application has been assessed against.

Clause 15.02-1 relates to Energy and resource efficiency encouraging land use and development that are consistent with the efficient use of energy and the minimisations of greenhouse gas emissions. To achieve this, buildings and subdivision design should improve efficiency in energy use and promote consolidation of urban development and integration of land use and transport.

Clause 16 relates to Residential development. The objective of clause 16.01-1 (Integrated housing) is to promote a housing market that meets

community needs. One strategy to achieve this is to increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Ensuring that new housing is located in accessible locations, close to activity centres and employment corridors is the objective of Clause 16.01-2 (Location of residential development). Higher density housing development should be encouraged on sites that are well located in relation to activity centres, employment corridors and public transport and opportunities should be identified for increased residential densities to help consolidate urban areas.

The objective of Clause 16.01-4 (Housing diversity) is to provide for a range of housing types to meet increasingly diverse needs. Strategies include ensuring housing stock matches changing demand by widening housing choice, particularly in established residential areas and supporting opportunities for a wide range of income groups to choose housing in well-serviced locations.

Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services. This can be achieved by, amongst other things, ensuring land supply continues to be sufficient to meet demand and increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.04-2 relates to Settlement Overview. Objective 1 seeks to build upon the existing structure of the towns and settlements to create an integrated network of urban areas. This can be achieved by consolidating development within and around existing towns and avoiding unnecessary urban expansion and rural subdivision is one strategy to help achieve this objective. The aim of objective 3 is to encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing housing needs of the community. Strategies to achieve this include encouraging diversity of dwelling types to provide greater choice and affordability and encouraging infill and renewal at a variety of housing densities.

Clause 21.05-2 relates to Main Towns Overview. The aim of objective 1 is to provide the flexibility for development to occur in each town to accommodate the needs of its population as well as to contribute to the municipal networked city. Encouraging 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 will help to achieve this objective. Objective 2 seeks to facilitate development in accordance with the specific Town Structure Plan attached to this clause. Strategies include encouraging the

consolidation of urban settlement within the urban zoned boundaries in accordance with the adopted structure plans and continuing new residential subdivision within residential areas shown on the local structure plans.

Zoning

The site is located within the General Residential Zone where the purpose includes:

- 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.

In accordance with the provisions of the General Residential Zone, a permit is required to subdivide land and also where two or more dwellings are proposed on a lot. In accordance with Clause 32.08-2 an application to subdivide land must meet the requirements of Clause 56. In accordance with Clause 32.08-4 a development of two or more dwellings on a lot must meet the requirements of Clause 55. In accordance with Clause 32.08-10 of the Scheme, Council must consider the relevant decision guidelines of the General Residential Zone. A discussion of the decision guidelines is considered in the relevant section below of this report.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

Council's Public Open Space Strategy requires a contribution from the developer of 10% of the value of the net developable area of the land to be provided in either cash or land or a combination of both for public open space. Public open space was provided under the original subdivision (planning permit reference 03020) and is therefore not required under this current application.

Rescode Assessment Clause 55 Two or More Dwellings on a Lot and Clause 56 Residential Subdivision

The proposal has been assessed against Clauses 55 and 56 of the Scheme and is deemed to satisfy the relevant objectives and standards of both Clauses in relation to neighbourhood character, site layout and building massing, amenity impacts, on-site amenity and facilities and detailed design.

Decision Guidelines (Clause 65):

Clause 65.01 sets out the decision guidelines to consider before deciding on an application or approval of a plan. Clause 65.02 sets out the decision guidelines to consider before deciding on an application to

subdivide land. These guidelines are discussed in the Key Points/Issues section of this report.

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987. Notices were sent to all adjoining and adjacent landowners and occupiers and a site notice was displayed on the site frontage for 14 days.

Six submissions in the form of written objections were received. A copy of these objections can be viewed at Attachment 3 of this report. The fundamental concern of the objections was the level of development on the site and following discussions between the officer and the objectors, it was apparent that they wished to see the number of dwellings proposed on the site to be reduced. The applicant was unwilling to undertake this and it was therefore concluded that there would be no benefit in holding a stakeholder meeting as it was clear that the fundamental issues would not be overcome.

The issues raised in the objections are discussed in the Key Points/Issues sections of this report.

External:

In accordance with the referral requirements of Section 55 of the Act, the application was referred to Gippsland Water, SP Ausnet and APA Group for consideration. All three authorities did not object to the proposal.

Internal:

The application was referred internally to Council's Engineering team for consideration. There was no objection to the granting of a planning permit subject to the inclusion of appropriate conditions.

KEY POINTS/ISSUES

The application received six submissions in the form of objections. The issues raised were:

- 1 The proposal would result in a high density development of small lots that is out of keeping with the character of the area, and with limited tree cover and soft landscaping. The site was not subdivided under the original application
Comment:

Council's Local Planning Policy Framework, which includes the Municipal Strategic Statement, sets out that the priorities in all the main urban settlements are on realising opportunities for infill developments, providing diversity of housing types and improving residential amenity. The objective of clause 21.04-2 is 'to encourage a wider variety of housing types, especially smaller and more compact housing.'

Planning permission was granted in 2003 for a 204 lot subdivision on land which now comprises Riverslea Boulevard and associated cul-de-sacs. The density for this subdivision was 7.22 lots per hectare. Taking into account the proposed five lot subdivision, as well as other subdivisions approved within the original area only results in a small increase in density, to 7.71 lots per hectare. It is therefore considered that the proposed development is still in keeping with the residential character of the area. The fact that the application site was not part of the original subdivision is not considered to be a relevant planning consideration. It is common that individual lots are further subdivided at a later stage once the original subdivision has been approved.

Concerns were also raised about the proposed development being out of keeping with the character of the area, providing smaller lots with less amenity space and soft landscaping. Council's Planning Scheme has no neighbourhood character policy, objectives or standards. The proposal will provide five single storey dwellings on an infill site and meets the Rescode requirements, in terms of providing adequate amenity space. A landscaping plan has been submitted as part of the proposal, which is considered to provide a reasonable level of soft landscaping, including some trees. If the proposal is approved, conditions will be placed on the permit to require landscaping of the site in accordance with the plan.

- 2 There is insufficient car parking provided.

Comment

Two parking spaces are provided for each dwelling consistent with the requirements set out in Clause 52.06. There is also parking for two visitor spaces within the site; the mandatory requirement under the clause is one space. Sufficient room is provided within the site for vehicles to manoeuvre so as to be able to exit the site in a forward direction. Concern has been raised that if every unit gets visitors at the same time, then there will be parking on the street near a bend.

There are no restrictions on on-street parking within the area. It is therefore not considered that this concern can be used as a justification to refuse the application.

- 3 Traffic safety concerns

Comment

The applicant submits that the development will generate on average 10 additional vehicle movements per day, per dwelling, which would

equate to a total of 50 vehicle movements per day. As per Council's Design Guidelines, Riverslea Boulevard is classified as a major access street, meaning it has been designed to carry up to 2000 vehicles per day. According to Council's most recent data, the average traffic count for Riverslea Boulevard is approximately 630 vehicles per day. Conservatively, the addition of a five lot subdivision, with a total of 50 vehicle movements per day would still be within the design capacity of the road and as such will not negatively impact on the existing road network.

- 4 There is a limited kerb frontage to the application site and concern is raised about placing bins on the street.

Comment:

The site has an existing accessway off Riverslea Boulevard which is 5.46m wide. This will remain the same irrespective of the number of dwellings proposed on the main section of the site. The proposal will generate more bins to be accommodated along the road front. This is one side effect when achieving urban consolidation. The temporary annoyance caused by the line up of bins does not warrant the refusal of the proposal.

- 5 The development is not in close proximity to activity centres.

Comment:

The application site is located within an established residential area in close proximity to a public bus route (approximately 200m) that provides a direct connection to the CBD.

- 6 Proposal clearly targeted at rental market when surrounding properties are predominantly owner occupier.

Comment:

The tenure of the dwellings, whether for sale or rent is not a relevant planning consideration. This objection therefore is outside the realms of matters to be considered by the Responsible Authority.

- 7 Noise disruption from vehicles.

Comment:

Additional noise associated with a new development is to be expected within an urban environment. Given the scale and residential nature of the development, it is considered that any noise will be typical of that generated within an urban area and as a result the proposal will not result in any material detriment to the surrounding area.

- 8 Devaluation of surrounding properties.

Comment:

Property values are not relevant planning considerations and therefore not grounds for refusing an application. This has been upheld at VCAT hearings and so is not a matter for consideration by the Responsible Authority.

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 not considered to be any risks associated with this report.

FINANCIAL RESOURCES IMPLICATIONS

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

OPTIONS

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant a Planning Permit: or
- 2 Refuse to Grant a Planning Permit.

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

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 objectors concerns have been considered against the provisions of the Latrobe Planning Scheme. Some concerns can be addressed by planning conditions and some of the concerns are not relevant planning considerations. It has been determined that they do not form planning grounds on which the application should be refused.

Attachments

1. Site context plan
2. Plans, elevations and subdivision plan
3. Objection Letters (Published Separately)

13.3

Planning Permit Application 2014/236 - Construction of five single dwellings and a five lot subdivision at 145 Riverslea Boulevard, Traralgon.

- 1 Site context plan 157**
- 2 Plans, elevations and subdivision plan 159**

Design Response

The existing neighbourhood consists of a newer subdivision completed approximately 2005 with the construction of dwelling in the mid to late 2000's.

These buildings within the neighbourhood are constructed utilising a wide variety of building elements including face brickwork, render, metal and fibre cement lightweight claddings.

The roof construction is generally hipped and gable roof forms, however there are also a Parapeted roofs and skillion roof shapes in the vicinity of the subject site.

The roof cladding is a combination of tile and sheet roofing. Front fencing the surrounding area is generally no fencing, however some dwellings have a hedge screening forming a fence and another a 1.2h permeable pool type fence.

The landscaping in Riverslea Boulevard is varied with the majority of residences having quite basic landscaping within the front setback of dwelling include low level shrubs and grassed lawns.

The subject site is close to amenities such as IGA supermarket and service station on the corner of Grey Street and Grub Avenue approx 900m from the site.

The CBD is approximately 2.05km from the site which has good access via public transport with the bus network having a bus stop approximately 50m from the south boundary on Cross's road

Public open space is ample and near to the site with a large reserve to the east boundary and also a large park with playground approximately 120m away opposite the Cross's Road / Riverslea Boulevard intersection. Access to schools is very handy from the site with a number of schools within walking distance, the closest of which is the St Pauls Anglican Grammar which is 250m to the east of the subject site.

The pattern of development is generally single storey dwellings with single dwellings per allotment with multi-residential developments however are present with a two dwellings on an allotment under construction on No. 153 Riverslea Boulevard and also a 3 two storey dwelling development approved on No. 80 Cross's road which is over the south fence of the subject site.

The proposed development has been designed to best utilise the attributes of the site.

The subject site is a large battleaxe shaped allotment of 2058m². The site falls at approximately 1 in 50 grade from the north east corner to the south west corner with 1.24m fall over the 60 meters.

The access to the allotment off Riverslea Boulevard is a 5 meter wide driveway access which is on the southern side of Riverslea boulevard. The rear section of open land available for development is approximately 52 meters wide by 35 meters deep.

The proposed dwellings have been designed to suit the site orientation with the living area's to the northerly aspect with a 450 wide eave included to shelter the dwellings from the hot summer sun.

Undercover outdoor area's have been provided accessed off the living area's of each dwelling to the east or north east to allow protection from the wind and weather which is generally from the west south westerly direction.

The proposed development facades has been designed to reflect the present neighbourhood character while presenting to current market demands.

The design is to blend with the existing built form in the surrounding area's by utilising some of the features already present, such as hipped roof forms, face brickwork, render and low lying vegetation within mulched garden beds.



SITE CONTEXT / ANALYSIS PLAN
1:1000

sbm
DESIGN & DRAFTING

S.P. 4031425 ABN 88 143 364 096 OFFICE: 566 HITCHAM STREET TRARALGON POSTAL: P.O. BOX 1561 TRARALGON 3844 PHONE: (053) 874 0000 MOB: 0412 841 064

PROJECT: PROPOSED MULT-RESIDENTIAL DEVELOPMENT	
CLIENT: SALMAR DEVELOPMENTS Pty Ltd	
145 RIVERSLEA BOULEVARD TRARALGON VIC 3844	
DRAWING TITLE: SITE CONTEXT/ANALYSIS PLAN	REVISION NUMBER: P1
DRAWN BY: S.AACLEMENY	PROJECT NUMBER: 141600
DATE: 19/10/2014	DRAWING NUMBER: A-15
SCALE: AS NOTED @ A3	

ENERGY RATING REQUIREMENTS

REFER TO FIRSTRATE5 ENERGY RATING FOR FURTHER DETAILS

GENERAL
 ALL EXTERNAL DOORS TO BE SEALED
 ALL DOORS TO UNCONDITIONED ROOMS TO BE WEATHER STRIPED
 ALL EXHAUST FANS TO BE SEALED
 ALL CONSTRUCTION GAPS & CRACKS TO BE SEALED

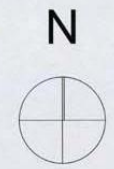
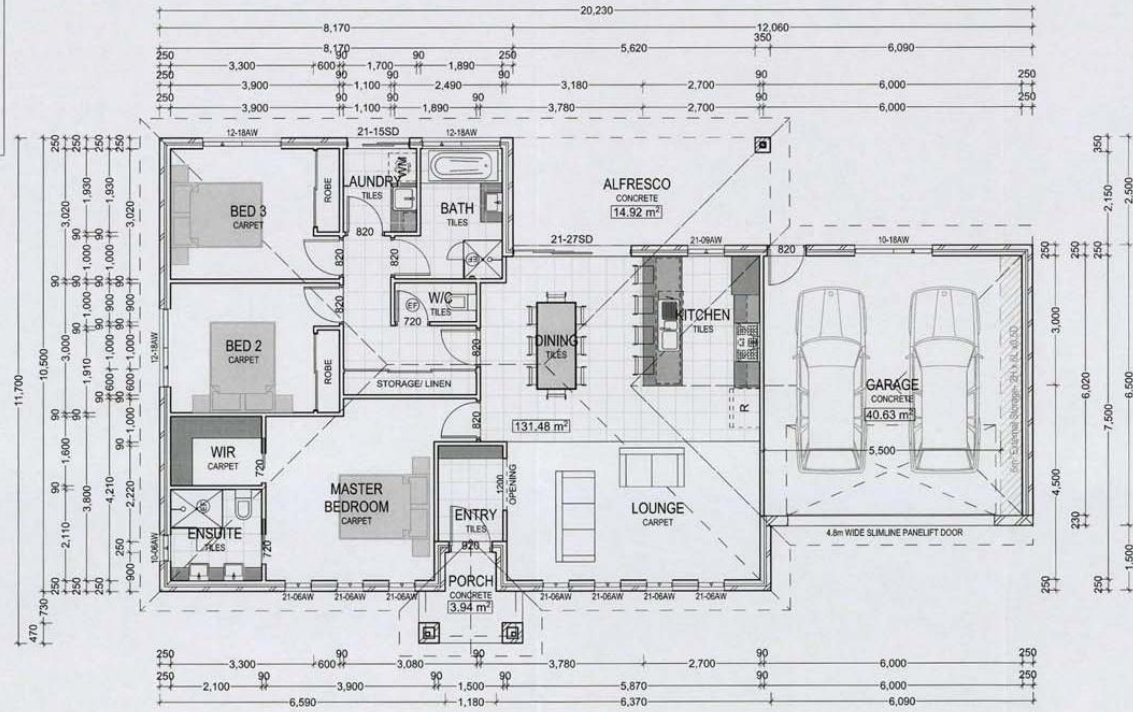
FLOOR
 CONCRETE RAFT SLAB ON GROUND

EXTERNAL WALLS
 BRICK VENEER CONSTRUCTION
 DOUBLE SIDED VAPOUR PERMEABLE REFLECTIVE FOIL
 FIXED TO EXTERNAL FACE OF STUDS,
 R2.0 BATTS BETWEEN STUDS, LINED INTERNALLY

WINDOWS
 ALUMINIUM IMPROVED FRAME AND DOUBLE GLAZING
 WITH U VALUE 3.95 AND SHGF 0.88

ROOF / CEILING
 SHEET ROOF. FOIL SARKING OVER RAFTERS
 R3.5 BULK INSULATION BETWEEN CEILING JOISTS

DWELLING ONE



LEGEND

230 DOUBLE BRICK	
250 BRICK VENEER	
110 SINGLE BRICK	
90 TIMBER STUD	
SMOKE DETECTOR	
EXHAUST FAN	
ARTICULATION JOINT	
ELEC. SUB-BOARD	
HOT WATER SYSTEM	
DOWN PIPE	

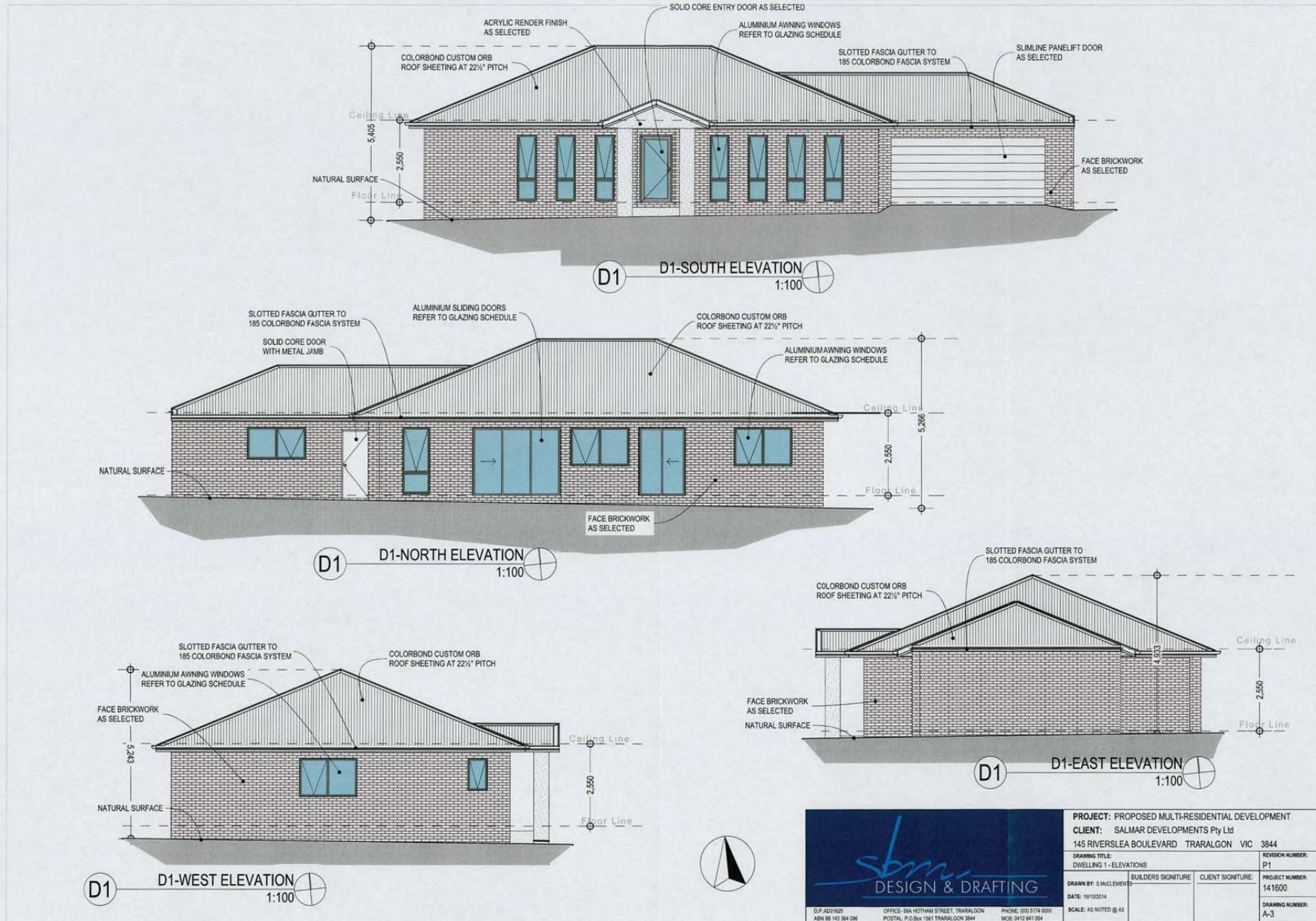
Dwelling 1 - Area Summary

Zone	m2	Sqr
Living Area	131.48	14.15
Garage Area	40.63	4.37
Porch Area	3.94	0.42
Alfresco Area	14.92	1.61
Total Area	190.97	20.56

D1 FLOOR PLAN 1:100



PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT	
CLIENT: SALMAR DEVELOPMENTS Pty Ltd	
145 RIVERSLEA BOULEVARD TRARALGON VIC 3844	
DRAWING TITLE: DWELLING 1- FLOOR PLAN	REVISION NUMBER: P1
DRAWN BY: S.MCLEMENTS	BUILDERS SIGNATURE:
DATE: 18/10/2014	CLIENT SIGNATURE:
SCALE: AS NOTED @ A3	PROJECT NUMBER: 141600
	DRAWING NUMBER: A-2



sbm
DESIGN & DRAFTING

D.P. 401428
ABN 88 143 364 286

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PHONE: (03) 9174 0000
MOB: 0412 641 054

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT		REVISION NUMBER:
CLIENT: SALMAR DEVELOPMENTS Pty Ltd		P1
145 RIVERSLEA BOULEVARD TRARALGON VIC 3844		PROJECT NUMBER:
DRAWING TITLE: DWELLING 1 - ELEVATIONS		141600
DRAWN BY: S.McCLEMENS	BUILDERS SIGNATURE:	CLIENT SIGNATURE:
DATE: 19/10/2014		
SCALE: AS NOTED @ A3		DRAWING NUMBER:
		A-3

ENERGY RATING REQUIREMENTS

REFER TO FIRSTSTAR'S ENERGY RATING FOR FURTHER DETAILS

GENERAL

- ALL EXTERNAL DOORS TO BE SEALED
- ALL DOORS TO UNCONDITIONED ROOMS TO BE WEATHER STRIPED
- ALL EXHAUST FANS TO BE SEALED
- ALL CONSTRUCTION GAPS & CRACKS TO BE SEALED

FLOOR

CONCRETE RAFT SLAB ON GROUND

EXTERNAL WALLS

- BRICK VENEER CONSTRUCTION
- DOUBLE SIDED VAPOUR PERMEABLE REFLECTIVE FOIL FIXED TO EXTERNAL FACE OF STUDS.
- R2.0 BATTS BETWEEN STUDS, LINED INTERNALLY

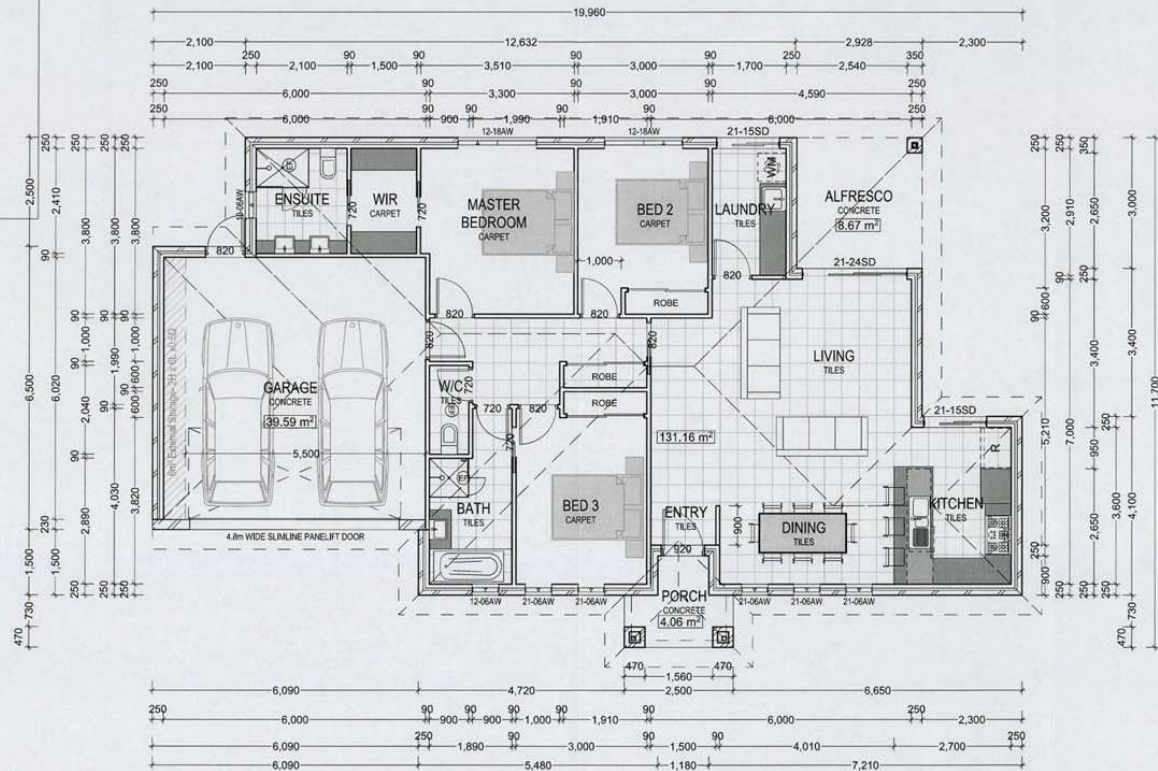
WINDOWS

ALUMINIUM IMPROVED FRAME AND DOUBLE GLAZING WITH U VALUE 3.95 AND SHGF 0.68

ROOF / CEILING

SHEET ROOF, FOIL SARKING OVER RAFTERS
R3.5 BULK INSULATION BETWEEN CEILING JOISTS

DWELLING TWO



LEGEND

- 230 DOUBLE BRICK
- 250 BRICK VENEER
- 110 SINGLE BRICK
- 90 TIMBER STUD
- SMOKE DETECTOR
- EXHAUST FAN
- ARTICULATION JOINT
- ELEC. SUB-BOARD
- HOT WATER SYSTEM
- DOWN PIPE

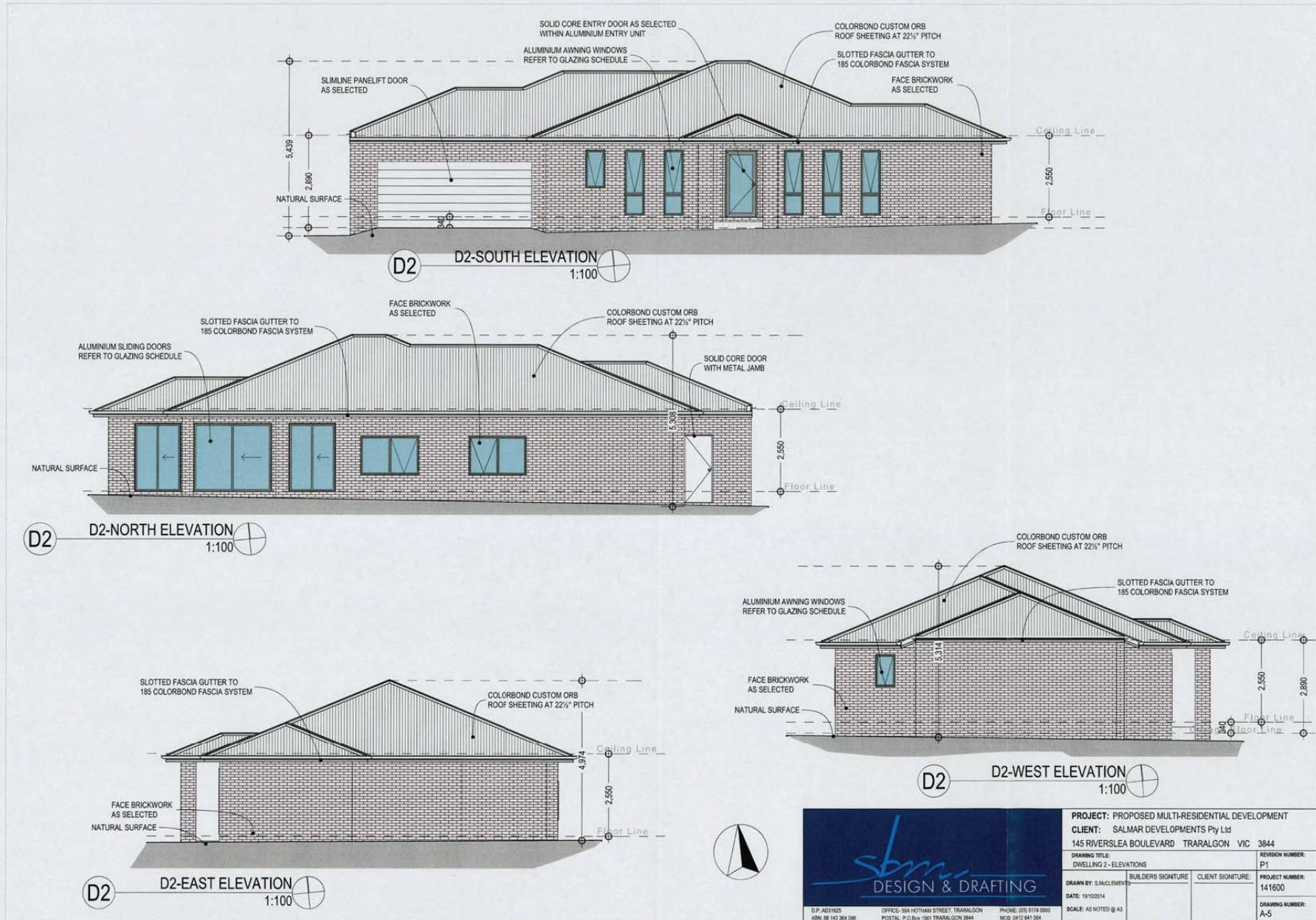
Dwelling 2 - Area Summary

Zone	m2	Sqr
Living Area	131.16	14.12
Garage Area	39.59	4.26
Porch Area	4.06	0.44
Alfresco Area	8.67	0.93
Total Area	183.48	19.75

D2 FLOOR PLAN 1:100

sbm DESIGN & DRAFTING
 D.P. 421425 OFFICE: 58A HOCHAM STREET, TRARALGON PHONE: (03) 9174 0000
 ABN 88 143 384 096 POSTAL: P.O. Box 1561 TRARALGON 3844 MOB: 0412 641 064

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT	
CLIENT: SALMAR DEVELOPMENTS Pty Ltd 145 RIVERSLEA BOULEVARD TRARALGON VIC 3844	
DRAWING TITLE DWELLING 2 - FLOOR PLAN	REVISION NUMBER P1
DRAWN BY: S.MACLENNAN	PROJECT NUMBER: 141600
DATE: 19/10/2014	DRAWING NUMBER: A-4
BUILDERS SIGNATURE	CLIENT SIGNATURE
SCALE: AS NOTED @ A1	



sbm DESIGN & DRAFTING

S.P. 4031425 OFFICE: 564 HITCHAM STREET TRARALGON PHONE: (053) 974 0000
 A.B.N. 38 143 364 096 POSTAL P.O. BOX 1561 TRARALGON 3844 MOB: 0412 841 264

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT		CLIENT: SALMAR DEVELOPMENTS Pty Ltd	
145 RIVERSLEA BOULEVARD TRARALGON VIC 3844		REVISION NUMBER: P1	
DRAWING TITLE: DWELLING 2 - ELEVATIONS	BUILDERS SIGNATURE:	CLIENT SIGNATURE:	PROJECT NUMBER: 141600
DRAWN BY: S.JACCLEMETS	DATE: 19/10/2014	SCALE: AS NOTED @ A3	DRAWING NUMBER: A-5

ENERGY RATING REQUIREMENTS

REFER TO FIRSTRATES ENERGY RATING FOR FURTHER DETAILS

GENERAL

ALL EXTERNAL DOORS TO BE SEALED
 ALL DOORS TO UNCONDITIONED ROOMS TO BE WEATHER STRIPED
 ALL EXHAUST FANS TO BE SEALED
 ALL CONSTRUCTION GAPS & CRACKS TO BE SEALED

FLOOR

CONCRETE RAFT SLAB ON GROUND

EXTERNAL WALLS

BRICK VENEER CONSTRUCTION
 DOUBLE SIDED VAPOUR PERMEABLE REFLECTIVE FOIL
 FIXED TO EXTERNAL FACE OF STUDS,
 R2.0 BATTS BETWEEN STUDS, LINED INTERNALLY

WINDOWS

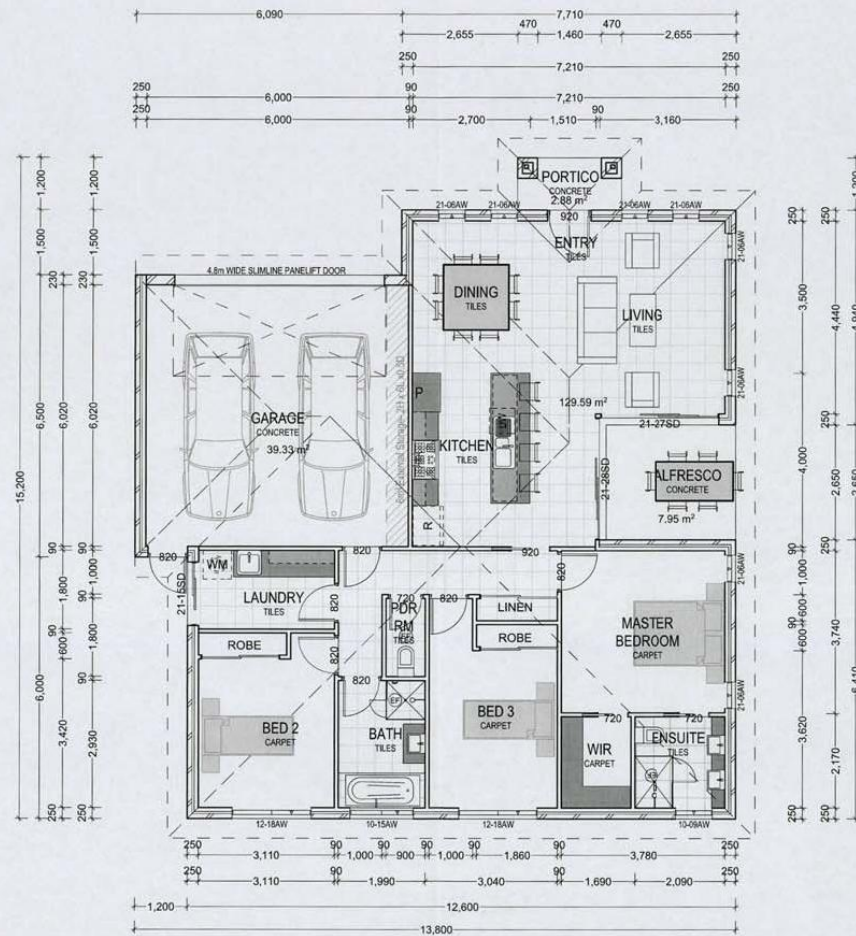
ALUMINIUM IMPROVED FRAME AND DOUBLE GLAZING
 WITH U VALUE 3.95 AND SHGF 0.68

ROOF / CEILING

SHEET ROOF, FOIL SARKING OVER RAFTERS
 R3.5 BULK INSULATION BETWEEN CEILING JOISTS

LEGEND

- 230 DOUBLE BRICK
- 250 BRICK VENEER
- 110 SINGLE BRICK
- 90 TIMBER STUD
- SMOKE DETECTOR
- EXHAUST FAN
- ARTICULATION JOINT
- ELEC. SUB-BOARD
- HOT WATER SYSTEM
- DOWN PIPE



DWELLING THREE

Area Summary		
Zone	m2	Sqr
Living Area	129.59	13.95
Garage	39.33	4.23
Porco	2.88	0.31
Alfresco	7.95	0.85
Total Area	179.75	19.35

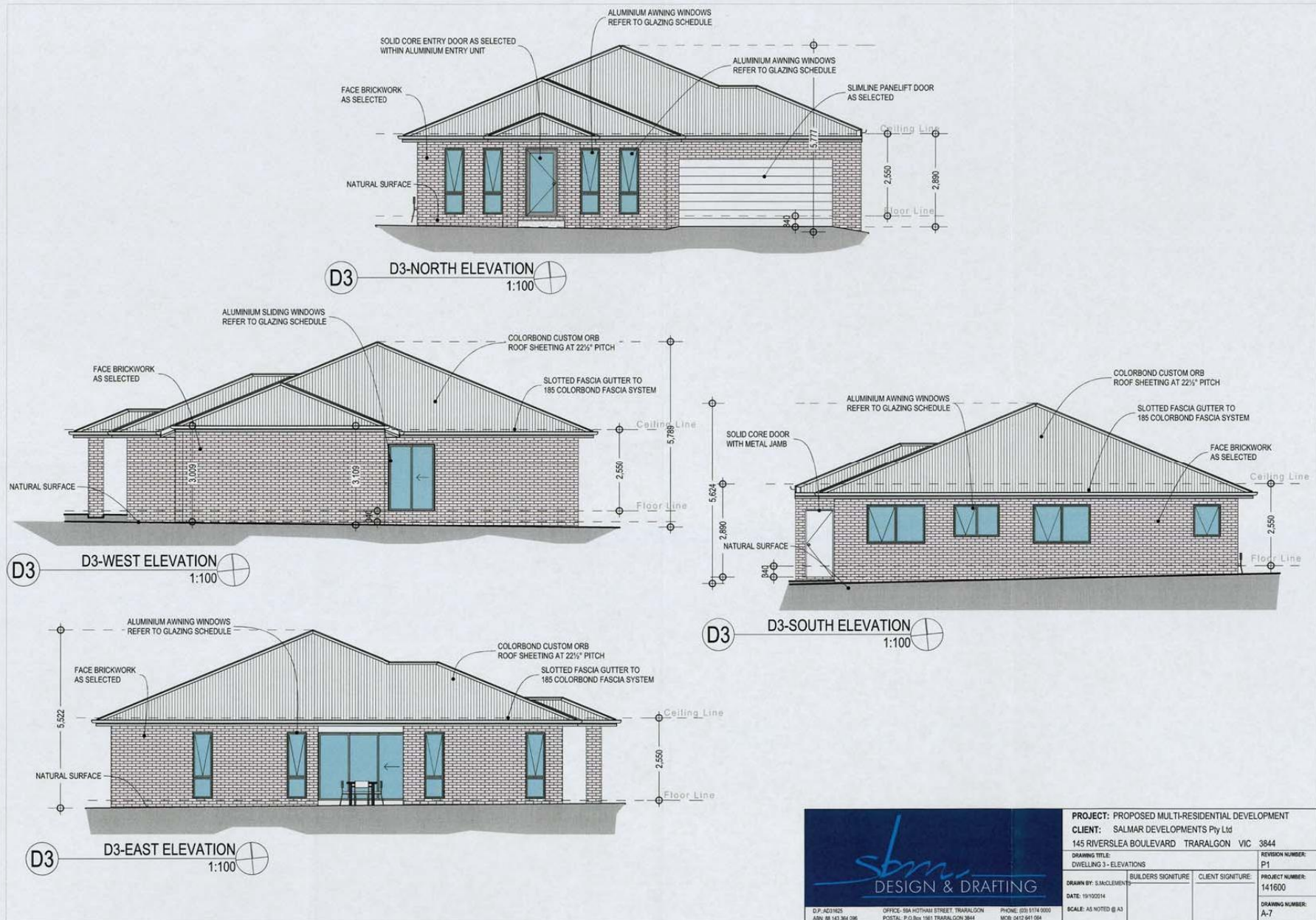
D3 FLOOR PLAN 1:100



sbm DESIGN & DRAFTING

D.P. 4021425 OFFICE: 55A HITCHAM STREET TRARALGON PHONE: (03) 5174 0000
 ABN 88 143 364 106 POSTAL: P.O. Box 1361 TRARALGON 3844 MOB: 0412 641 064

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT			
CLIENT: SALMAR DEVELOPMENTS Pty Ltd			
145 RIVERSLEA BOULEVARD TRARALGON VIC 3844			
DRAWING TITLE:	DWELLING 3- FLOOR PLAN	REVISION NUMBER:	P1
DRAWN BY: ELMACLEMENTS	BUILDERS SIGNATURE	CLIENT SIGNATURE:	PROJECT NUMBER: 141600
DATE: 19/10/2014			DRAWING NUMBER: A-6
SCALE: AS NOTED @ A3			



		PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT CLIENT: SALMAR DEVELOPMENTS Pty Ltd 145 RIVERSLEA BOULEVARD TRARALGON VIC 3844	
		DRAWING TITLE: DWELLING 3 - ELEVATIONS	BUILDERS SIGNATURE:
DRAWN BY: S.MACLEMENTS	DATE: 19/10/2014	SCALE: AS NOTED @ A3	PROJECT NUMBER: 141600
D.P. A231625 ABN 88 143 364 096	OFFICE: 58A HOYHAM STREET TRARALGON POSTAL: P.O.Box 1561 TRARALGON 3844	PHONE: (03) 9174 0000 MOB: 0412 641 094	DRAWING NUMBER: A-7

ENERGY RATING REQUIREMENTS

REFER TO FIRSTRATES ENERGY RATING FOR FURTHER DETAILS

GENERAL

- ALL EXTERNAL DOORS TO BE SEALED
- ALL DOORS TO UNCONDITIONED ROOMS TO BE WEATHER STRIPED
- ALL EXHAUST FANS TO BE SEALED
- ALL CONSTRUCTION GAPS & CRACKS TO BE SEALED

FLOOR

CONCRETE RAFT SLAB ON GROUND

EXTERNAL WALLS

- BRICK VENEER CONSTRUCTION
- DOUBLE SIDED VAPOUR PERMEABLE REFLECTIVE FOIL
- FIXED TO EXTERNAL FACE OF STUDS
- R2.0 BATTS BETWEEN STUDS, LINED INTERNALLY

WINDOWS

ALUMINIUM IMPROVED FRAME AND DOUBLE GLAZING WITH U VALUE 3.95 AND SHGF 6.68

ROOF / CEILING

SHEET ROOF, FOIL SARKING OVER RAFTERS
R3.5 BULK INSULATION BETWEEN CEILING JOISTS

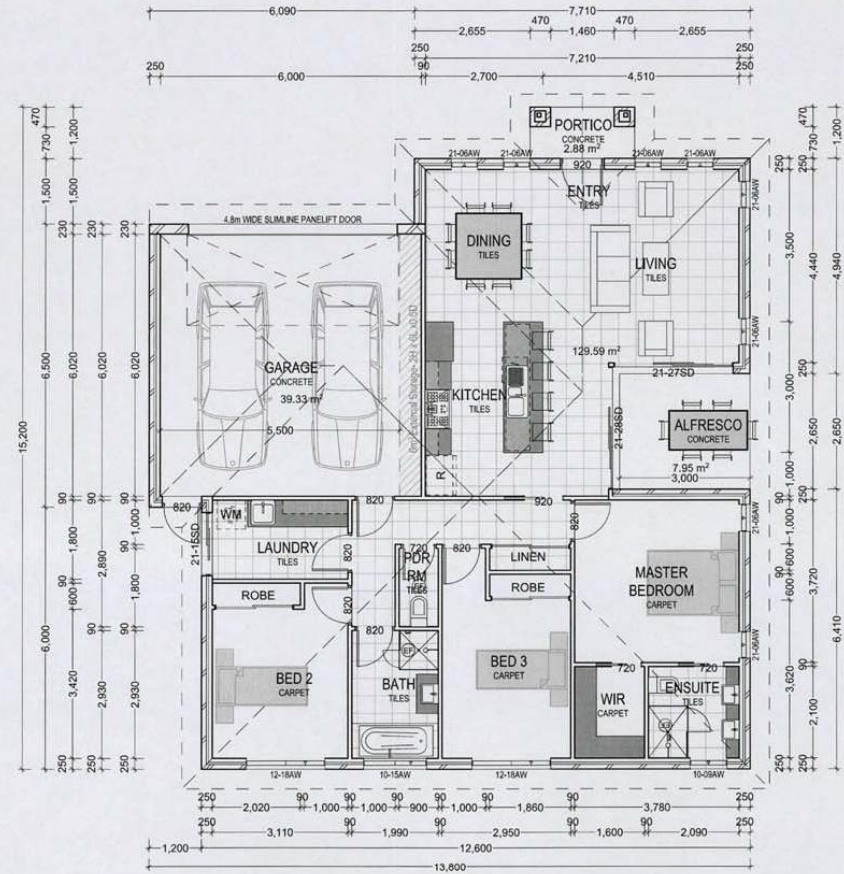
Area Summary

Zone	m2	Sqr
Living Area	129.59	13.95
Garage	39.33	4.23
Porco	2.88	0.31
Alfresco	7.95	0.85
Total Area	179.75	19.35

LEGEND

- 230 DOUBLE BRICK
- 250 BRICK VENEER
- 110 SINGLE BRICK
- 90 TIMBER STUD
- SMOKE DETECTOR
- EXHAUST FAN
- ARTICULATION JOINT
- ELEC. SUB-BOARD
- HOT WATER SYSTEM
- DOWN PIPE

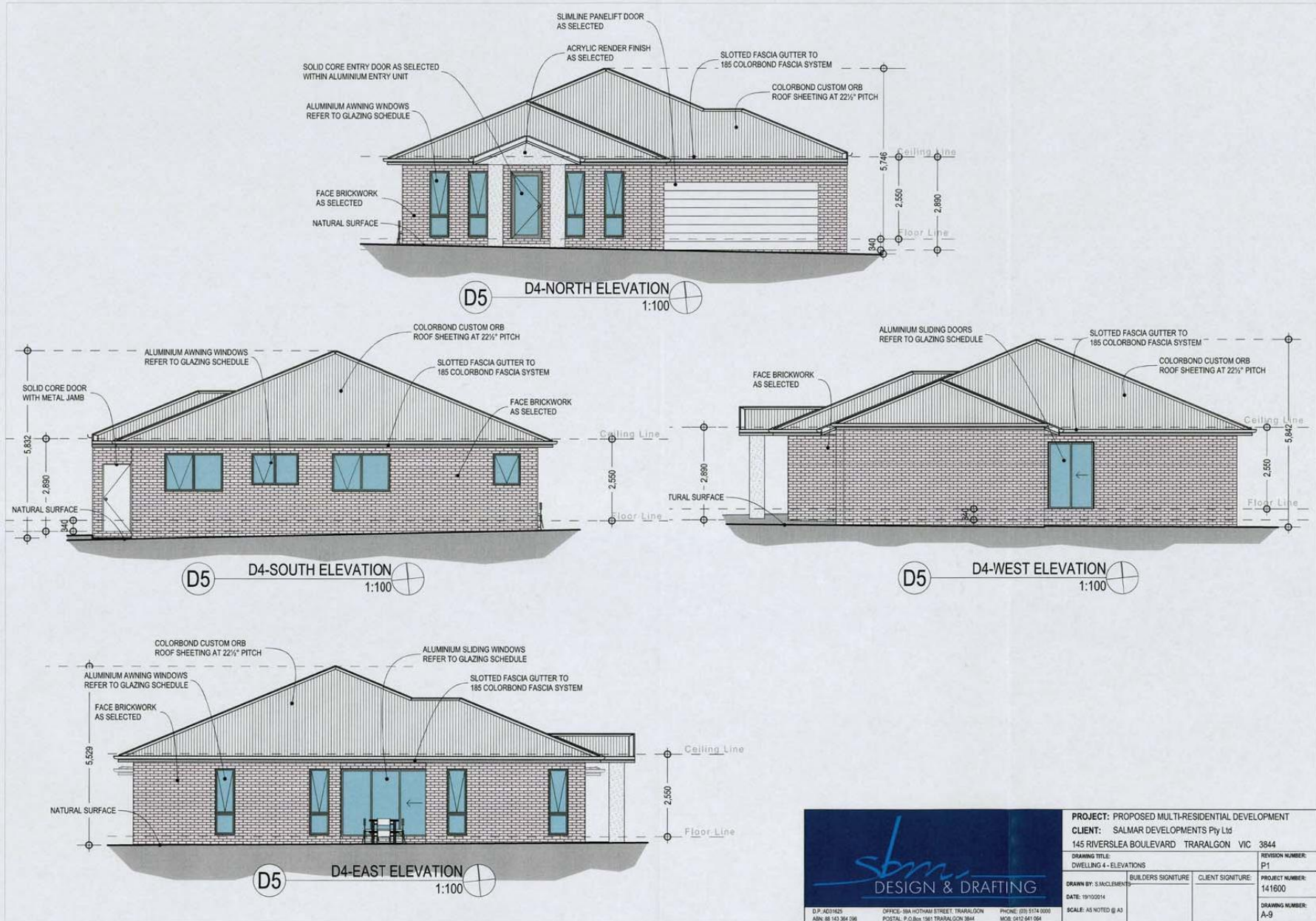
DWELLING FOUR



D4 FLOOR PLAN
1:100



PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT		REVISION NUMBER:
CLIENT: SALMAR DEVELOPMENTS Pty Ltd		P1
145 RIVERSLEA BOULEVARD TRARALGON VIC 3844		PROJECT NUMBER:
DRAWING TITLE: DWELLING 4- FLOOR PLAN		141600
DRAWN BY: S. MACLEMENTS	BUILDERS SIGNATURE:	CLIENT SIGNATURE:
DATE: 19/10/2014		
SCALE: AS NOTED @ A3		DRAWING NUMBER:
		A-5



		PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT	
		CLIENT: SALMAR DEVELOPMENTS Pty Ltd 145 RIVERSLEA BOULEVARD TRARALGON VIC 3844	
DRAWING TITLE	DWELLING 4 - ELEVATIONS	REVISION NUMBER:	P1
DRAWN BY: S MACLEMBERT	BUILDERS SIGNATURE	CLIENT SIGNATURE:	PROJECT NUMBER: 141600
DATE: 19/10/2014	SCALE: AS NOTED @ A3	DRAWING NUMBER: A-9	
<small>D.P. A011425 OFFICE: 18A HOYMAN STREET TRARALGON PHONE: (03) 9174 0000 ABN: 88 143 364 036 POSTAL: P.O.Box 1561 TRARALGON 3844 MOB: 0412 641 064</small>			

ENERGY RATING REQUIREMENTS

REFER TO FIRSTSTAR'S ENERGY RATING FOR FURTHER DETAILS

GENERAL

- ALL EXTERNAL DOORS TO BE SEALED
- ALL DOORS TO UNCONDITIONED ROOMS TO BE WEATHER STRIPED
- ALL EXHAUST FANS TO BE SEALED
- ALL CONSTRUCTION GAPS & CRACKS TO BE SEALED

FLOOR

CONCRETE RAFT SLAB ON GROUND

EXTERNAL WALLS

- BRICK VENEER CONSTRUCTION
- DOUBLE SIDED VAPOUR PERMEABLE REFLECTIVE FOIL
- FIXED TO EXTERNAL FACE OF STUDS.
- R2.0 BATTS BETWEEN STUDS, LINED INTERNALLY

WINDOWS

ALUMINIUM IMPROVED FRAME AND DOUBLE GLAZING WITH U VALUE 3.95 AND SHGF 0.66

ROOF / CEILING

SHEET ROOF, FOIL SARKING OVER RAFTERS
R3.5 BULK INSULATION BETWEEN CEILING JOISTS

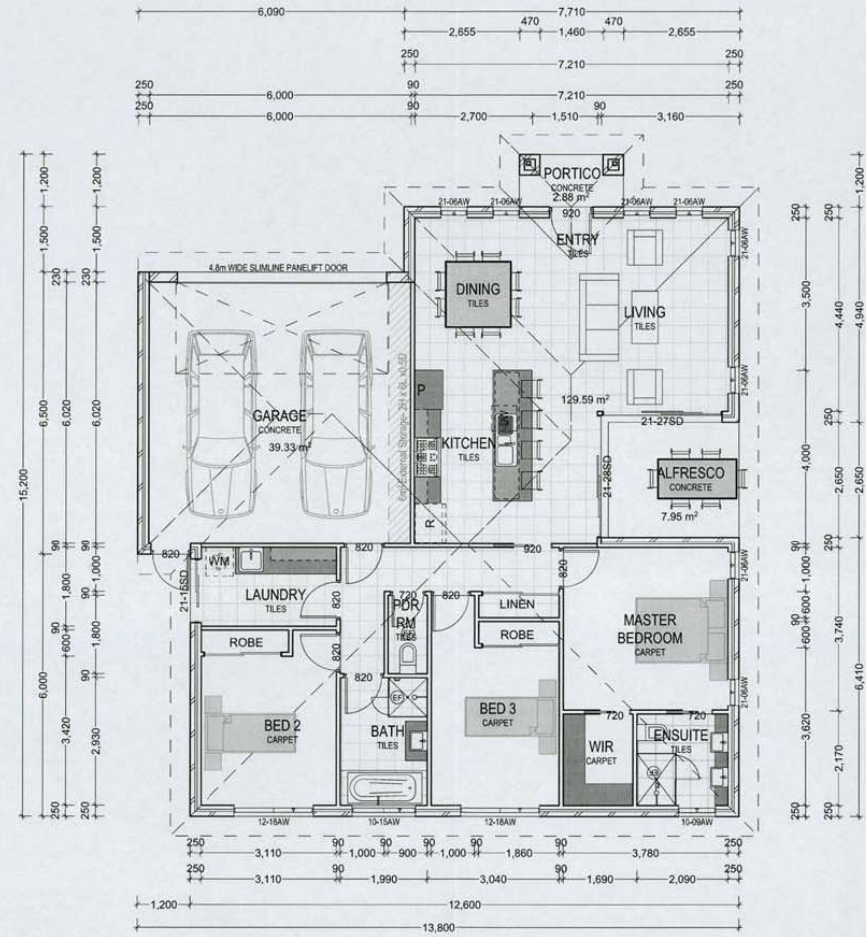
Area Summary

Zone	m2	Sqr
Living Area	129.59	13.95
Garage	39.33	4.23
Porco	2.88	0.31
Alfresco	7.95	0.85
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LEGEND

- 230 DOUBLE BRICK
- 250 BRICK VENEER
- 110 SINGLE BRICK
- 90 TIMBER STUD
- SMOKE DETECTOR
- EXHAUST FAN
- ARTICULATION JOINT
- ELEC. SUB-BOARD
- HOT WATER SYSTEM
- DOWN PIPE

DWELLING FIVE

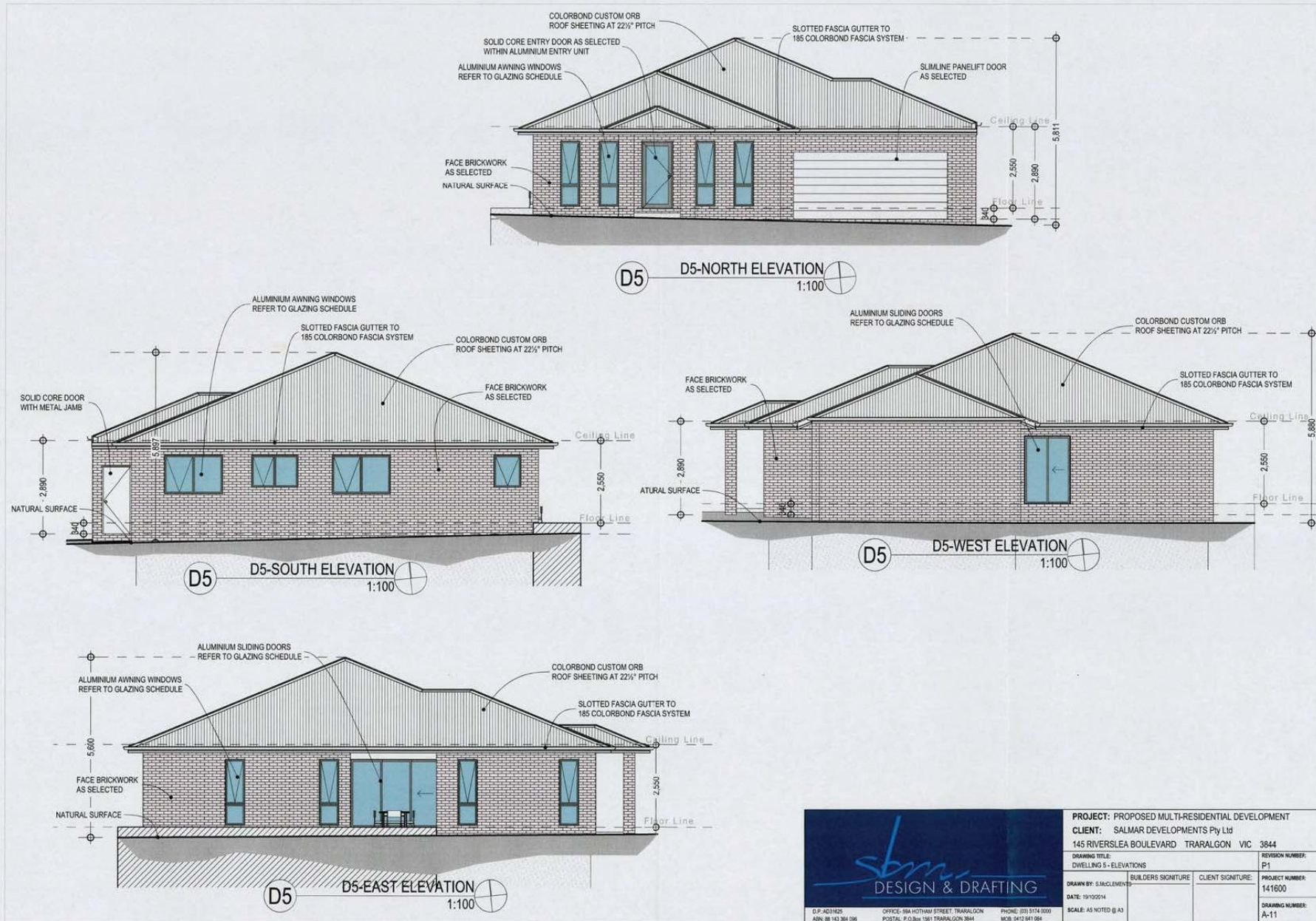


D5 FLOOR PLAN 1:100



sbm DESIGN & DRAFTING
 D.P. A271625 OFFICE: 50A HOCHAM STREET, TRARALGON PHONE: (03) 8714 0000
 ANK 88 143 364 006 POSTAL: P.O.Box 1561 TRARALGON 3844 MOB: 0412 641 064

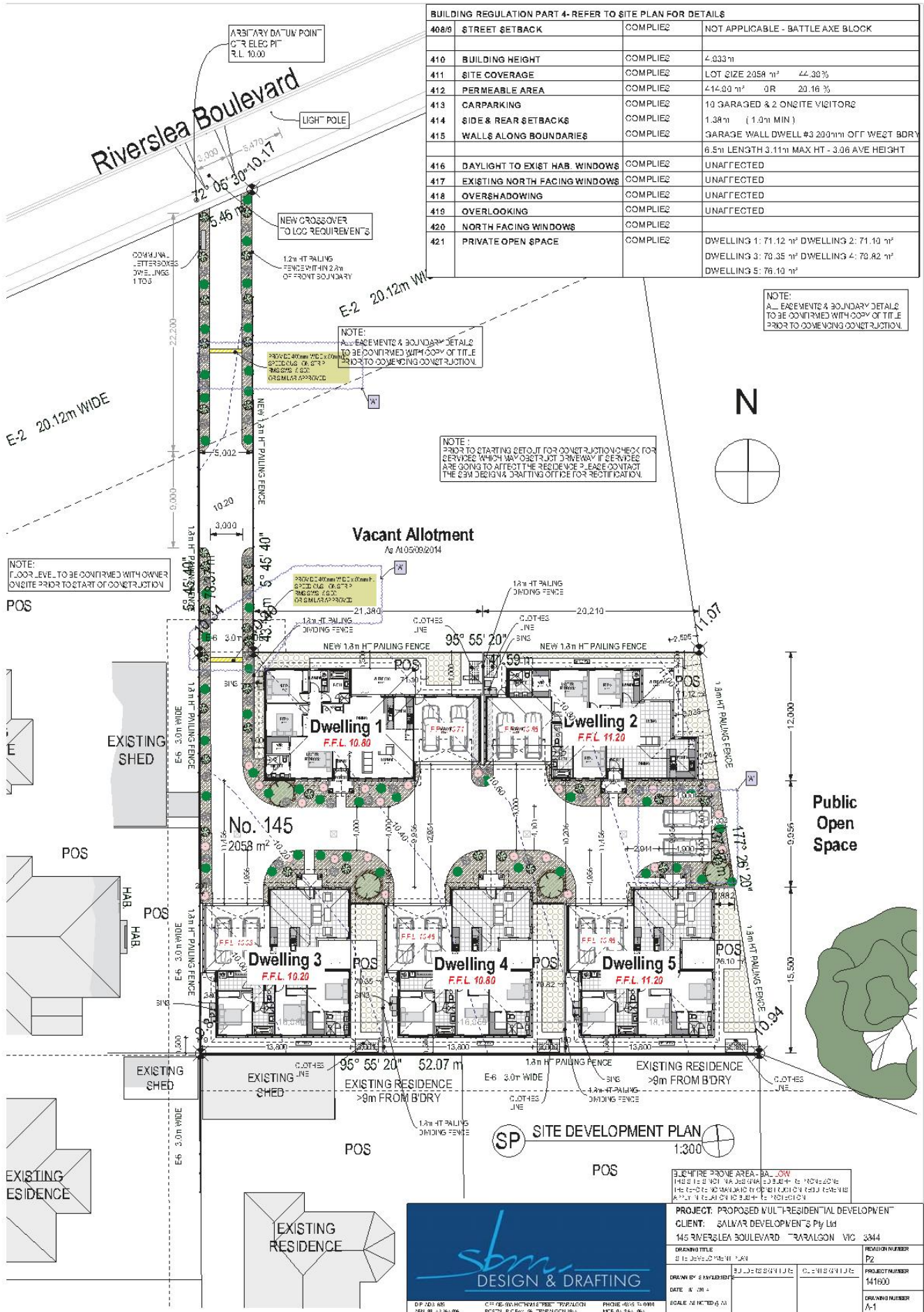
PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT			
CLIENT: SALMAR DEVELOPMENTS Pty Ltd			
145 RIVERSLEA BOULEVARD TRARALGON VIC 3844			
DRAWING TITLE:	DWELLING 5- FLOOR PLAN	REVISION NUMBER:	P1
DRAWN BY: S MACLEMENTS	BUILDERS SIGNATURE:	CLIENT SIGNATURE:	PROJECT NUMBER: 141600
DATE: 19/10/2014			DRAWING NUMBER: A-10
SCALE: AS NOTED @ A3			



sbm DESIGN & DRAFTING

D.P. 401425 OFFICE: 88A HOYHAM STREET TRARALGON PHONE: (03) 9174 0000
 ABN: 88 143 384 036 POSTAL: P.O. BOX 1561 TRARALGON 3844 MOB: 0412 641 064

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT		
CLIENT: SALMAR DEVELOPMENTS Pty Ltd		
145 RIVERSLEA BOULEVARD TRARALGON VIC 3844		
DRAWING TITLE	BUILDERS SIGNATURE	REVISION NUMBER
DWELLING 5 - ELEVATIONS	CLIENT SIGNATURE	P1
DRAWN BY: S.MACLEMENTS	PROJECT NUMBER:	141600
DATE: 19/10/2014	SCALE: AS NOTED @ A3	DRAWING NUMBER:
		A-11





NOTATIONS:

- BUILDING ENVELOPES TO MATCH DEVELOPMENT PLANS PREPARED BY SBM DESIGNS & DRAFTING REF: 141600, DATE: 19/10/14.

- PRIVATE OPEN SPACE
- COMMON PROPERTY

- ALL DIMENSIONS ARE SUBJECT TO SURVEY & FINAL COMPUTATIONS
- PHOTO SOURCE - NEARMAP

BW Beveridge Williams
development & environment consultants
Traralgon ph : 03 5176 0374
www.beveridgewilliams.com.au

CAD REFERENCE: S:\JOBS DATA\1401199\SUR\CAD\1401199-PPS.dgn

SURVEYORS REF. ORIGINAL SHEET SIZE
1401199 A3
23/09/2014 VERSION A
DRAWN: AS CHECKED: NS
SHEET 1 OF 1

SCALE 1:300
0 3 6 9 12
LENGTHS ARE IN METRES

PROPOSED PLAN OF SUBDIVISION
SALMAR DEVELOPMENTS P/L
145 RIVERSLEA BOULEVARD,
TRARALGON
PS531365V LOT 12
C/T VOL 10872 FOL 653

COMMUNITY INFRASTRUCTURE & RECREATION

14. COMMUNITY INFRASTRUCTURE & RECREATION

**14.1 DECLARATION OF A SPECIAL CHARGE SCHEME FOR THE
SEALING WILGA CRESCENT, TRARALGON.**

General Manager

Community Infrastructure &
Recreation

For Decision

PURPOSE

The purpose of this report is for Council to consider the declaration of a Special Charge Scheme in accordance with section 163 of the *Local Government Act 1989* and the Councils previous Contributory Scheme Policy 11 POL-3 for the sealing of Wilga Crescent, Traralgon.

The Special Charge Scheme will facilitate contributions from property owners that will derive a special benefit from the sealing of the existing unsealed roadway.

EXECUTIVE SUMMARY

This report is presented to Council in relation to the process to declare a Special Charge Scheme for the sealing of Wilga Crescent. Wilga Crescent is an unsealed road on the western boundary of Traralgon that services twenty one (21) Residential/Rural Lifestyle properties.

The request for the sealing of Wilga Crescent was initially put forward to Council in 2011. Since the original request the prevailing Contributory Scheme Policy 11 POL-3 has been reviewed and replaced by the Special Charge Scheme Policy 13 POL-2 which if implemented would require property owners contribute to the Sealing/upgrade of unsealed roads at the contribution of 25% of the cost of the works.

It is recommended that since original request to seal Wilga Crescent was lodged before the review of the policy that the petition to seal Wilga Crescent be administered under the Contributory Scheme Policy 11 POL-3 that was current at the time of the original request. This policy caps landowner contributions to \$5,000 indexed by CPI being a cap of \$5,250 in 2015 dollars.

Following the Council Resolution of 15 December 2014 the intention to declare a Special Charge scheme was advertised and letters were sent to the residents to seek their agreement or otherwise to the declaration of a special charge scheme to seal Wilga Crescent, Traralgon.

Wilga Crescent is a road on the western boundary of Traralgon which services Residential/Rural Lifestyle properties. Wilga Crescent services twenty one properties, six of these properties have existing development contributions of \$108,000 held in future road works reserve and \$21,000 held in drainage head-works reserve.

**ORDINARY COUNCIL MEETING MINUTES
02 MARCH 2015 (CM457)**

The six properties owners resulting from the two sub-divisions are not required to contribute leaving fifteen property owners to contribute to this scheme.

For the Special Charge Scheme to progress a majority of fifteen contributing property owners need to be in agreement with the declaration of the scheme, that being eight or more property owners in favour.

A public notice was advertised in the Latrobe City Express and letters sent to property owners seeking their agreement/disagreement to the declaration of a Special Charge Scheme. The regulation 28 days has passed since the public notice and no submissions have been received from the general public. Twelve of the fifteen property owners responded to the letters sent.

Nine of the respondents confirmed their agreement with the declaration of a Special Charge Scheme. This represents a clear majority of the fifteen property that are in favour of the declaration of the Special Charge Scheme.

It should be noted that a property owner that responded in the negative due to inability to pay may apply for relief under the Latrobe City Council Financial Hardship Policy POL 11.2.

It is recommended that Council declares a Special Charge Scheme for the sealing of Wilga Crescent.

RECOMMENDATION

That Council, having given notice of its intention to declare a special charge scheme on 15 December 2014, having considered submissions in accordance with Section 223 of the Act and considered all other matters now resolves to:

- a) **Declare a Special Charge Scheme for the purpose of recovering costs of \$78,750 for the sealing Wilga Crescent, Traralgon in accordance with the attached declaration.**
- b) **Authorise the Chief Executive Office to levy the special charge by sending notices to those persons liable to pay the special charge in accordance with Section 163 of the Act.**
- c) **Confirm its decision to implement the scheme and provide notices in writing of Council's decision and reasons to the persons who have lodged submissions in accordance with Section 223 of the Local Government Act and advising that objections to the scheme maybe lodged with Victorian Civil & Administrative Tribunal within 28 days of the date of the notice.**

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

Moved: Cr Kam
Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

SUBSEQUENT MOTION

That Council in its correspondence to the Wilga Crescent property owners include the Latrobe City Council financial hardship policy.

Moved: Cr Kam
Seconded: Cr Rossiter

That the Motion be adopted.

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 2: affordable and sustainable facilities, services and recreation

To enhance the visual attractiveness and liveability of Latrobe City.

Theme 5: Planning for the future

To provide a well-planned, connected and liveable community.

Strategic Direction –

Develop and maintain community infrastructure that meets the needs of our community.

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

Ensure Latrobe City Council's infrastructure and assets are maintained and managed sustainably.

BACKGROUND

Wilga Crescent, Traralgon is an unsealed access road servicing rural residential properties. The section of road that is subject of this report is currently maintained by Council in accordance with the Road Management Plan.

A letter was received from Russell Northe MLA on behalf of Paula Siddle on the 24 September 2008 seeking Council's consideration to seal Wilga Crescent.

Further correspondence was received from Paula Siddle in June 2010 in relation to the condition of the road, again requesting the road to be sealed.

The requests from Paula Siddle and Adrian & Dianne Fairley have initiated the Special Charge Scheme process. The section of road to be sealed comprises the entire length of Wilga Crescent.

In November 2011 letters and feedback forms were sent to the property owners of Wilga Crescent to provide them with the opportunity to comment.

Six property owners are not required to contribute to the proposed Special Charge Scheme, as previous contributions have already been received on their behalf at time of sub-division.

There are 15 property owners in Wilga Crescent, Traralgon that would derive a benefit from the road being sealed, and would be required to make a contribution to the works in accordance with Council's policy. Of these 15, responses to the feedback forms at that time were as follows:

<i>Response</i>	Number
In favour	8
Not in favour	3
Did not respond	4
<i>Total</i>	15

As there was a majority of property owners indicating support to contribute to a Special Charge Scheme to seal Wilga Crescent, a meeting of property owners was held on 23 February 2012 to progress this matter.

At the original consideration by Council, Council resolved that the consideration of the Special Charge Scheme to be deferred until the completion of the Traralgon Grow Area Review was completed.

This decision was reviewed on 7 April 2014 and Council adopted an alternative motion:

1 That Council not lay the petition on the table and that this item be referred to 2014/15 capital budget process.

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

Petition and Council report includes (attachment 3).

As it had been over two years since the original meeting and letters to property owners new letters were sent to the fifteen property owners to seek their updated position with respect to the declaration of a Special Charge Scheme.

The updated responses are as follows:

<i>Response</i>	Number
In favour	9
Not in favour	3
Did not respond	3
<i>Total</i>	15

There is a clear majority of property owners indicating support to contribute to a Special Charge Scheme to seal Wilga Crescent.

KEY POINTS/ISSUES

There is clear support from the majority of property owners of Wilga Crescent for the declaration of a Special Charge Scheme for the sealing of the road.

Further to the 9 favourable responses there are six additional property owners that have contributions held in reserve for sealing of Wilga Crescent.

Though the process to declare this special charge scheme has been ongoing since 2012 the residents support for the scheme has been consistently in favour of the declaration of the Special Charge scheme.

The Local Government Act requires that Council calculate the maximum amount that may be levied on landowners as part of the Special Charge Scheme as detailed in the Act and ministerial guidelines.

In this particular scheme the maximum amount that may be levied is 100% of the project costs. However under Council's previous policy only an amount of \$5,250 from each landowner will be recovered.

RISK IMPLICATIONS

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

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

FINANCIAL AND RESOURCES IMPLICATIONS

This project has been referred to the 2014-15 budget process. The total cost to Council to deliver this project would be \$457,000 of which \$129,000 is held in reserves and \$78,750 would be contributed by property owners. The net cost to the capital works budget would be \$267,250.

These funds are available in the current capital works budget.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

There has been past meeting with residents and letters seeking agreement to the declaration of a special charge scheme for the sealing of Wilga Crescent.

A Public Notice has been placed in the Latrobe City Express and a period of 28 days has been made available for the receipt of public submissions.

Details of Community Consultation / Results of Engagement:

Past and current consultation with the property owners has confirmed that the majority of property owners that would have to contribute to the special charge scheme are in favour of the declaration of the scheme.

<i>Response</i>	Number
In favour	9
Not in favour	3
Did not respond	3
<i>Total</i>	15

The following table presents the responses received from the property owners.

Agree to contribute to the SCS	Comment
Yes	There is a drainage problem on the south west corner of the block. When there is a lot of rain it lays in the corner. When the original road was constructed it cut off the natural drain that went to the gully that runs from Kay street area. This could be resolved by taking the drain around the corner of the road.
Yes	No comment
Yes	No comment
Yes	No comment

**ORDINARY COUNCIL MEETING MINUTES
02 MARCH 2015 (CM457)**

Yes	<p>We desperately need our road sealed. Having lived here for over 18 years and paying rates we feel that sealing should be mandatory. Why has it taken so long? We have already had a good majority in 2012 for the sealing and cannot understand why we are back at the start again. We live in a perpetual state of dust in the summer and mud in the winter. We cannot open windows in summer due to neighbours, garbage trucks that “ plant the foot “ and hoons skidding all over the road and causing this dust. We fell that the sealing of the road is well overdue. Please seal our dirty, dusty road.</p>
Yes	<p>We agree to participate providing, there is no increase in rates (as they are currently for more than they should be). That roadside drainage is made functional, that the large pine trees on shire land be removed from the front of our property. The mentioned pine tree have, over the years caused damage to our property by causing internal water damage due to consistently blocking the house guttering. The roots have damaged stormwater pipes. Tile on the roof have been damaged by debris during storms. And it is impossible for a normal lawn or garden to exist in their shadow. Plus I believe they are actually regarded as a weed.</p>
Yes	<p>In regard to the statement that the majority rules, we feel that at least 10 residents (families) have already paid for the cost of the Special Charge Scheme within the guidelines set out believe in the subdivision clause. With that we feel they should be included in the number of acceptances, as technically they have agreed to the scheme. The road needs to be sealed as it has become quite busy in recent years due to the subdivisions of the above land. With the increase in traffic the road becomes very corrugated in a short period after it has been graded. These corrugations are causing severe damage to the suspension on our cars. Thus causing extra expense and services on the vehicles. The roads in summer are dusty and in winter sludge causes slippery and dangerous conditions. This road has attracted a huge number of hoons over the years. We have called the police on numerous occasions due to dangerous driving on the gravel road. The hoons use the corners to drift and quite often have ended up in the drain or bogged in the nature strip. We have had to spend money on these repairs to the gutter and the nature-strip as we keep the area mowed. We have had numerous hoons trapped in the drains and it is annoying when they need to be towed out in the wee small hours of the night. When they do go around, the noise from the screaming wheels and tyres disturb our sleep and also the neighbour’s dogs. Hoping you see that this road sealing is vital to the residents of Wilga Cres.</p>

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

Yes	Dear Sir/Madam, Thankyou for this opportunity to vote on this very important issue amongst the residents in Wilga Crescent. Being the only unsealed road in the near vicinity of the Traralgon township (Freemans Road, Negoura Court and Scrubby Lane are further out and all have been sealed) and therefore an unfortunate attraction to young hoons in their vehicles. I hope that sanity will prevail and this road is sealed accordingly.
Yes	No comment
No	I am a widow on a low income and struggling financially and cannot afford to outlay the amount of \$5,250 dollars. Also I was under the impression that a public road was the responsibility of the Council and or VicRoads.
No	No Comment
No	When our property is able to be subdivided which has been an ongoing saga for years I will agree to seal the road.

No submissions with respect to the declaration of the Special Charge Scheme were received from the general public.

The submissions from landowners are attached for Council's information.

OPTIONS

Council has the following options:

- 1) To declare a Special Charge Scheme for the sealing Wilga Crescent, Traralgon.
- 2) Not to declare a Special Charge Scheme for the sealing Wilga Crescent, Traralgon.

CONCLUSION

There is a clear majority of property owners in favour of the declaration of a Special Charge scheme for the sealing of Wilga Crescent and therefore it is recommended that the declaration of the scheme proceeds.

The next step in the process is for Council to formally declare the scheme and advise landowners accordingly. Landowners then have the ability to appeal to VCAT in relation to Council's decision.

SUPPORTING DOCUMENTS

- Public Notice attachment - Proposed Declaration of a Special Charge Scheme for the Sealing of Wilga Crescent, Traralgon

Attachments

1. Proposed Declaration of a Special Charge Scheme for the Sealing of Wilga Crescent, Traralgon
2. Property Owner Submissions - Feedback Forms (Published Separately)

14.1

Declaration of a Special Charge Scheme for the Sealing Wilga Crescent, Traralgon.

- 1 Proposed Declaration of a Special Charge Scheme for
the Sealing of Wilga Crescent, Traralgon..... 183**

Proposed Declaration of a Special Charge Scheme: For the Sealing of Wilga Crescent, Traralgon.

PURPOSE

That a Special Charge Scheme to be declared to ensure Council can recover reasonable contributions from property owners of Wilga Crescent, Traralgon who will derive a special benefit from the sealing of the existing unsealed roadway.

COUNCIL RESOLUTION (15 DECEMBER 2014)

ITEM 9.1 - ADOPTED

PETITION TO SEAL WILGA CRESCENT, TRARALGON

RECOMMENDATION

1. That Council advertise the intention to declare a Special Charge Scheme consistent with the previous policy (Contributory Scheme Policy 11 POL-3) for the sealing of the existing unsealed roadway in Wilga Crescent.
2. That Council write to the residents of Wilga Crescent to seek their agreement or otherwise to the declaration of a Special Charge Scheme to seal Wilga Crescent.

PROPOSED DECLARATION OF A SPECIAL CHARGE SCHEME

Proposed Declaration:

1. That in accordance with section 163 of the *Local Government Act 1989*:
 - (a) Council declares its intentions to levy a Special Charge Scheme at the Ordinary Council Meeting on 2nd March 2015 for funding expenses for the construction of a sealed roadway in Wilga Crescent, Traralgon; and
 - (b) Council gives public notice of its intention to make a declaration of a Special Charge Scheme; and
 - (c) Council notifies persons liable to pay the \$5250 special charge by sending a notice.
2. That Council, in accordance with section 223 of the *Local Government Act 1989* consider any submissions received in relation to the declaration of its intention to levy a Special Charge Scheme to seal Wilga Crescent, Traralgon at the Ordinary Council Meeting on 2nd March 2015.

Proposed Works:

The works to include the preparation and strengthening of the existing pavement, minor realignment of the existing system of open drains and the sealing of the pavement to a width similar to the existing gravel pavement. These works will improve the amenity of the abutting property owners through dust control and a smoother running surface.

Date of Declaration:

Community feedback will be considered and given positive feedback and the agreement of the majority of property owners of the abutting property owners that will be required to contribute, the declaration of the Special Charge Scheme will be considered by Council at its Ordinary Council meeting of the 2nd March 2015.

Total Cost of proposed sealing works:

The project cost is \$457,000.

Proposed Declaration of a Special Charge Scheme: For the Sealing of Wilga Crescent, Traralgon.

Special Charges to be levied:

Fifteen properties will be required to contribute a combined sum of \$78,750.

Seven properties receiving a benefit from the sealing of Wilga Crescent will not be required to contribute as development levies were contributed by the developer of those properties at the time of sub-division.

Maximum permissible Charges under the Local Government Act:

This Special Charge Scheme will be administered under the previous Latrobe City Policy as it was first initiated when that policy was current. That policy caps individual contributions to \$5,250 per rateable property.

Properties excluded from the Special Charge Scheme:

Properties that will benefit for the sealing of Wilga Crescent that have been subject to development levies at time of subdivision, and hence not included in the Special Charge Scheme are:

Property Address	Property Legal Description
6 Wilga Crescent	L 2 PS 623144
10 Wilga Crescent	L 4 PS 623144
15 Wilga Crescent	L 1 PS 540155
19 Wilga Crescent	L 2 PS 540155
23 Wilga Crescent	L 4 PS 540155
25 Wilga Crescent	L 5 PS 540155
27 Wilga Crescent	L 3 PS 540155

Properties included in the Special Charge Scheme:

Properties that will benefit for the sealing of Wilga Crescent that will be subject to a charge under the Special Charge Scheme are:

Property Address	Property Legal Description
115 Wilga Crescent	L A LP 93053
105 Wilga Crescent	L B LP 93053
95 Wilga Crescent	L 2 LP 86260
79 Wilga Crescent	L 1 PS 512364
77 Wilga Crescent	L 2 PS 537828
75 Wilga Crescent	L 1 PS 537828
65 Wilga Crescent	L 4 LP 93437
300 Old Melbourne Road	L 5 LP 93437
35 Wilga Crescent	L 6 LP 93437
5 Traralgon West Road	L 8 LP 93437
Wilga Crescent	L 2 LP 93437
40 Wilga Crescent	L 3 LP 93437
70 Wilga Crescent	L 4 LP 86260
100 Wilga Crescent	L 5 LP 86260
Wilga Crescent	L 6 LP 86260

Period of the Special Charge:

Charges levied under Special Charge Scheme may be paid in a lump sum immediately following completion of the works or by 20 equal quarterly instalments over a five year period. Current interest rates will apply to the latter method of payment.

COMMUNITY LIVEABILITY

15. COMMUNITY LIVEABILITY

15.1 LATROBE CITY CULTURAL DIVERSITY ACTION PLAN 2014 - 2018

General Manager

Community Liveability

For Decision

PURPOSE

The purpose of this report is to seek Council's approval to adopt the Cultural Diversity Action Plan 2014-2018.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's approval to adopt the Cultural Diversity Action Plan 2014-2018.

The original Cultural and Linguistic Diversity Action Plan was adopted by Council in 2004 and revised in 2006 and 2010. This is the third revision of the Action Plan and will cover the period from 2014 to 2018.

The Action Plan has been developed with an emphasis on collaboration with the Latrobe City Cultural Diversity Advisory Committee and Latrobe City staff.

The Latrobe City Cultural Diversity Advisory Committee has recommended that the Action Plan is presented to Council for consideration.

Once adopted, the Action Plan will be widely distributed through various channels including peak bodies, social groups and ethnic associations and more broadly within the community. It is also proposed that it be promoted during Harmony Week in March 2015.

Moved: Cr Rossiter

Seconded: Cr Gibson

That Cr Kam be granted an extension of speaking time.

CARRIED UNANIMOUSLY

RECOMMENDATION

That the Cultural Diversity Action Plan 2014-2018 be adopted.

Moved: Cr Gibbons

Seconded: Cr White

That the Recommendation be adopted.

For the Motion

Councillors Harriman, Sindt, White, Middlemiss, O'Callaghan, and Gibbons

Against the Motion

Councillors Gibson, Kam and Rossiter

The Mayor confirmed that the Motion had been CARRIED

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Liveability

In 2026, Latrobe Valley celebrates the diversity of heritage and cultures that shape our community, with activities and facilities that support the cultural vitality of the region.

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 4: Advocacy for and Consultation with our Community

Objective: To ensure effective two-way communication and consultation processes with the community in all that we do.

Theme 2: Appropriate, Affordable & Sustainable Facilities, Services & Recreation

Objective: To provide facilities and services that are accessible and meet the needs of our diverse community.

Strategic Direction – Actively encourage and support initiatives that promote social inclusion and diversity within our community.

BACKGROUND

The key purpose of the Cultural Diversity Action Plan is to provide a focus on Latrobe City Council services, information and facilities being inclusive of people from diverse backgrounds.

The original Cultural and Linguistic Diversity Action Plan was adopted by Council in 2004 and revised in 2006 and 2010. This is the third revision of this Action Plan and will cover the period from 2014 until 2018.

This four year Action Plan will guide Council's response to cultural diversity and as such, will evolve over time to reflect socio-demographic changes in the population profile of Latrobe City.

Council has a strong commitment to building an inclusive and cohesive community. The Cultural Diversity Action Plan 2014-2018 describes Council's commitment to recognising, valuing and supporting cultural and linguistic diversity in Latrobe City and promotes participation of people from culturally diverse communities in community life.

This Action Plan uses a strategic approach to ensure that Council meets the needs of our diverse Latrobe City community and that cultural and linguistic diverse members of the community have knowledge of, and access to, all services provided by Council.

The Action Plan has been developed with an emphasis on collaboration with Latrobe City Cultural Diversity Advisory Committee and Latrobe City staff.

KEY POINTS/ISSUES

The Action Plan has been developed following an extensive process of engagement with key internal and external stakeholders. The plan is a whole-of-council approach to provision of inclusive and culturally appropriate services, programs, resources and facilities by Latrobe City Council.

The Action Plan sets out a detailed four year action plan based on four objectives that were identified to frame Council's commitment to culturally diverse communities. They are:

1. Equal access to services, resources and facilities for all our residents.
2. Active community consultation and participation.
3. Celebrating and valuing community diversity and cultural expression.
4. Leadership and Advocacy.

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

The focus of the Cultural Diversity Action Plan 2014-2018 includes existing Council activities, improvements to Council services and new initiatives including to ensure that images in the Latrobe City Council photo library are representative of the diverse nature of residents in Latrobe City are regularly published, supporting the promotion of Immigration park to residents and visitors and to investigate options for individuals to wear their National costumes at Citizenship ceremonies.

RISK IMPLICATIONS

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

There are no risks associated with this report.

FINANCIAL AND RESOURCES IMPLICATIONS

Any financial implications relating to the implementation of the Cultural Diversity Action Plan will be met within the relevant departmental budgets.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Development of the Cultural Diversity Action Plan 2014-2018 involved two phases of consultation. Phase one included engagement with the Latrobe City Cultural Diversity Advisory Committee and Latrobe City staff. Phase two of the consultation process involved the Action Plan being released for community comment.

Two subcommittee meetings of the Latrobe City Cultural Diversity Advisory Committee were held on 25 June 2013 and 17 July 2013 with interested members from the Latrobe City Cultural Diversity Advisory Committee.

The first draft of the Action Plan was presented to the Latrobe City Cultural Diversity Advisory Committee on 22 August 2013, and feedback was requested by 5 September 2013. Further revisions of the draft Action Plan have resulted from subsequent Latrobe City Cultural Diversity Advisory Committee meetings during 2013 and 2014.

In addition an Executive Summary of the draft Action Plan was created through this process and included the background, objectives and actions.

The development of the Executive Summary is consistent with feedback received from the Latrobe City Cultural Diversity Advisory Committee, where it was suggested that many residents were not likely to read a lengthy document.

The Executive Summary and full length version of the draft Action Plan were made available through the Latrobe City website, advertised in Council's Noticeboard, through Council's Sounding Board and at Council's Service Centres. The Executive Summary was sent to the Latrobe City Cultural Diversity Advisory Committee members and key stakeholders for distribution to their networks and for their comment.

**ORDINARY COUNCIL MEETING MINUTES
02 MARCH 2015 (CM457)**

The draft Action Plan and community consultation process was promoted through Gippsland FM Radio on 9 August 2014. The Draft Action Plan was translated into Greek at the request of a community member. The Greek language version of the draft Action Plan was made available on the Latrobe City webpage and Council's Service Centres and Libraries in hard copy.

Details of Community Consultation / Results of Engagement:

Feedback received during phase one indicated that the draft Action Plan was well supported and was viewed as a positive mechanism to achieve its stated purpose.

Phase two of the community consultation process extended from 22 July 2014 to 23 September 2014. Written feedback was received from the following:

- Jill Beck, Friends of Latrobe City Libraries
- Soula Kanellopoulos, Greek Seniors Group
- Debbie Knight, Interchange Gippsland
- Dieter Melzer, Club Astoria
- Ann Lovison, LV Palliative Care Fundraisers
- Christine Lee, Gippsland Ethnic Communities Council
- Jack Gunawan, Gippsland Indonesian Australian Association
- John Buhagiar, Maltese Australian Community Centre Latrobe Valley Inc.
- Jocelyn Pilmore, Traralgon Bridge Club

A special meeting of the Latrobe City Cultural Diversity Advisory Committee was held on 8 October 2014 to consider community feedback received through the community consultation process (see feedback summary table attached).

Agreed changes were incorporated into the revised Action Plan.

At its meeting on Wednesday 11 February 2015, the Latrobe City Cultural Diversity Advisory Committee recommended that the Action Plan is presented to Council for consideration.

Once adopted, the Action Plan will be widely distributed through various channels including peak bodies, social groups and ethnic associations and more broadly within the community. It is also proposed that it be promoted during Harmony Week in March 2015.

OPTIONS

Council has the following options available;

1. Adopt the Cultural Diversity Action Plan 2014-2018;
2. Amend and adopt the Cultural Diversity Action Plan 2014-2018;
3. Not adopt the Cultural Diversity Action Plan 2014-2018.

CONCLUSION

The provision of culturally sensitive and appropriate services for the diverse Latrobe City community is a key priority for Council. The Latrobe City Cultural Diversity Action Plan 2014-2018 highlights Council's commitment to recognising, valuing and supporting our cultural diversity and promoting an inclusive community.

The Action Plan has been developed through extensive engagement with the Cultural Diversity Advisory Committee, Latrobe City staff, peak bodies, social groups and ethnic associations and the broader Latrobe City Community.

The Cultural Diversity Action Plan 2014-2018 includes existing Council activities, improvements to Council services as well as a range of new initiatives.

SUPPORTING DOCUMENTS

Attachment 1. Latrobe City Cultural Diversity Action Plan 2014-2018 – feedback table.

Attachment 2. Latrobe City Cultural Diversity Action Plan 2014 – 2018

Attachments

1. Latrobe City Cultural Diversity Action Plan 2014 - 2018 Feedback table
2. Latrobe City Cultural Diversity Action Plan 2014 - 2018

15.1

Latrobe City Cultural Diversity Action Plan 2014 - 2018

- 1 Latrobe City Cultural Diversity Action Plan 2014 – 2018
Feedback table 193**
- 2 Latrobe City Cultural Diversity Action Plan 2014 - 2018 199**

Attachment 1. Latrobe City Cultural Diversity Action Plan 2014 – 2018 Feedback table – Final

Feedback received	Feedback received from	Section/action Page	Officer Comments	Amendment made to the plan (Yes/No)
On page 8 it was thought that it would be appropriate to update the CDAC membership to 2013.	Jill Beck, Friends of Latrobe City Libraries	Contextual Background - Page 6	Cannot update membership to 2013; Committee appointed in 2012 and in place for three years.	No
The language should say – comprises 13 NOT comprises of 13.	Jill Beck, Friends of Latrobe City Libraries	Contextual Background - Page 6	Change made as suggested.	Yes
If there is follow up and assessments to the Cultural Diversity Action Plan and which way is the assessments going to be made? By visiting cultural groups for feedback or what other way will be beneficial to a great outcome?	Soula Kanellopoulos, Greek Seniors Group	Putting the Plan into Action - Page 10	<i>Extract from the Plan</i> The Cultural Diversity Advisory Committee will monitor the Plan using a set of indicators gauging the effectiveness of actions taken by Council to align services and cultural competence with the objectives of the Plan. An annual report on progress made against each of the actions will be presented to Council and the Cultural Diversity Advisory Committee each year. The Plan will be subject to annual review.	No
Sounds great if information can be implemented correctly and addressed as to effectiveness of each person's responsibilities and outcome in each area.	Soula Kanellopoulos, Greek Seniors Group	Putting the Plan into Action - Page 10	<i>Extract from the Plan</i> The Cultural Diversity Advisory Committee will monitor the Plan using a set of indicators gauging the effectiveness of actions taken by Council to align services and cultural competence with the objectives of the Plan.	No

			An annual report on progress made against each of the actions will be presented to Council and the Cultural Diversity Advisory Committee each year.	
Review and update when and if actions have been implemented – 6 monthly?	Soula Kanellopoulos, Greek Seniors Group	Putting the Plan into Action - Page 10	The Plan will be subject to annual review.	No
Annual report to include if actions not done or failed or need to be changed?	Soula Kanellopoulos, Greek Seniors Group	Putting the Plan into Action - Page 10	<i>Extract from the Plan</i> An annual report on progress made against each of the actions will be presented to Council and the Cultural Diversity Advisory Committee each year. The Plan will be subject to annual review.	No
As well as having statement if require information in other language. Also have the interpreter symbol (blue and white logo).	Debbie Knight, Interchange Gippsland	Action 1.3 - Page 11	Noted. This is more relevant to the Disability Action Plan.	No
Particularly like 1.6 – financial support is a tangible demonstration of support (“putting money where your mouth is”).	Dieter Melzer, Club Astoria	Action 1.6 - Page 11	Noted.	No
Safety/hazard awareness information needed relating to things like deep water, surf, bushfires, venomous wildlife etc.	Dieter Melzer, Club Astoria	Action 2.1 - Page 12	Noted.	No
Include family planning and aged care.	Dieter Melzer, Club Astoria	Action 2.2 - Page 12	Noted.	No
We would be very interested in 2.2	Ann Lovison, LV Palliative Care Fundraisers	Action 2.2 - Page 12	Noted.	No
The group’s main concern - how they could	Soula Kanellopoulos, Greek Seniors Group	Action 2.2 - Page 12	Cultural Diversity Advisory Committee	No

cope if they end up in a Nursing Home eg. activities, nutrition etc.			will have opportunities to discuss/raise issues with service providers.	
Actively support significant cultural events and celebrations.	Dieter Melzer, Club Astoria	Action 3.2 - Page 13	Noted.	No
The Gippsland Ethnic Communities Council is already doing this, not the Immigration Park Committee of management.	Christine Lee, Gippsland Ethnic Communities Council	Action 3.3 - Page 13	Change made to this action as advised at the Special Committee meeting of the Latrobe City Cultural Diversity Advisory Committee on 8 October 2014.	Yes
The Immigration Park Committee of Management doesn't promote the Immigration Park, it's not their role.	Christine Lee, Gippsland Ethnic Communities Council	Action 3.4 - Page 13	Change made to this action as advised at the Special Committee meeting of the Latrobe City Cultural Diversity Advisory Committee on 8 October 2014.	Yes
We would be very interested in 4.1.	Ann Lovison, LV Palliative Care Fundraisers	Action 4.1 - Page 14	Noted.	No
Particularly like 4.1 – there are many benefits to the individual volunteering, particularly enhancing the feeling of being part of a community if one helps in it.	Dieter Melzer, Club Astoria.	Action 4.1 - Page 14	Noted.	No
Delete Action 4.4 <i>Cultural Diversity Advisory Committee to meet with English as a Second Language service providers.</i>	Latrobe City Cultural Diversity Advisory Committee members	Action 4.4 - Page 14	Proposed action 4.4 has been deleted as recommended at the Special Committee meeting of the Latrobe City Cultural Diversity Advisory Committee on 8 October 2014. The intent of this action has been incorporated into action 2.2.	Yes

As a concept or Plan it is comprehensive enough and need not be enlarged in scope at present. I commend Latrobe City Council for the initiative.	Jack Gunawan, Gippsland Indonesian Australian Association		Noted.	No
A detailed implementation of the Plan in real time embracing CALD groups in engaging, networking and exchanging information (like in forums, workshops). A suggestion: How about naming the new roads and streets in the Latrobe City with the capital cities of the world? In this way people will automatically think, perceive and be familiar with the global environment, diversity in one unity of our world.	Jack Gunawan, Gippsland Indonesian Australian Association		Latrobe City follows the Department of Environment, Land, Water and Planning's Guidelines for Geographic Names.	No
A good initiative by the Council. Press on with Confidence.	Jack Gunawan, Gippsland Indonesian Australian Association		Noted.	No
Clear and easy to understand. All seem achievable goals and outcomes.	Debbie Knight, Interchange Gippsland		Noted.	No
The draft plan is very detailed and covers everything.	John Buhagiar, Maltese Australian Community Centre Latrobe Valley Inc.		Noted.	No
Latrobe City does a magnificent job providing services and grants to our community groups considering how challenging times are.	John Buhagiar, Maltese Australian Community Centre Latrobe Valley Inc.		Noted.	No
The document seems to cover all whole range of Council areas. The	Jill Beck, Friends of Latrobe City Libraries		Noted.	No

library target of a multicultural audience event per year is noted.				
Why is there no purchase of resources to support multi lingual groups?	Jill Beck, Friends of Latrobe City Libraries		Please refer to the Libraries Collection Development Guidelines 2012 which outline Latrobe City's ongoing commitment to a LOTE collection.	No
Need to have people to be interpreters so they can explain the work we do and how to contact us – to be the “key contacts”.	Ann Lovison, LV Palliative Care Fundraisers		Noted.	No
A good draft. You are to be commended. Needs to be actively promoted.	Dieter Melzer, Club Astoria		Noted.	No
This draft policy does not impact on the Traralgon Bridge Club to a large extent. However, I thank you for including the Club in your correspondence.	Jocelyn Pilmore, Traralgon Bridge Club		Noted.	No
We treasure our social harmony and our culturally diverse and cohesive society as diversity defines our identity, as a community. We all have responsibilities and values to share and uphold as citizens of this great LC.	Soula Kanellopoulos, Greek Seniors Group		Noted.	No

Cultural Diversity Action Plan

2014 – 2018



To obtain this information in languages other than English, or in other formats (including audio, electronic, Braille or larger print), please contact Latrobe City Council on 1300 367 700.

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Why a Cultural Diversity Action Plan

Introduction

Latrobe City recognises the Gunai Kurnai indigenous people as the traditional custodians of the land, and values their ongoing cultural and community contribution. The City also celebrates and recognises the considerable contributions made by successive generations of migrants and refugees who have chosen to call Latrobe City home. These migrants and refugees have brought a broad range of skills, experiences, language and cultures to our municipality.

Latrobe City has a proud history of welcoming people from diverse backgrounds and cultures into the community. Their arrival has enriched our culture, strengthened our industry, added a diverse range of businesses, and made Latrobe City a more exciting, interesting and vibrant place to live. More than 30% of our community has a cultural heritage that reflects the fact that either they, or one or both of their parents, were born overseas.

Latrobe City has a vibrant social and culturally diverse community comprised of people from many different nations across the world. A total of 9,930 or 13.7% of Latrobe City residents were born overseas and 6.9% of people in Latrobe City speak a language other than English at home.¹

Council has a strong commitment to building an inclusive, harmonious community that acknowledges diversity, engages and communicates with citizens and nurtures neighbourhoods. The development of the Latrobe City Cultural Diversity Action Plan (the Plan) demonstrates Council's commitment to address the cultural and linguistic barriers facing many of its citizens. Council recognises the need to ensure strategies are in place to capitalise on our proud and diverse multicultural history, while setting the scene for future economic, social and cultural development.

Recognising and valuing cultural diversity within the context of a harmonious community has major social and economic benefits. It creates an environment where all individuals, regardless of their cultural background, can positively contribute to society and play a constructive role in building a strong and vibrant community.

Many of the businesses within Latrobe City have international links as a direct result of our diverse and highly skilled workforce. There has also been considerable economic investment by large-scale international industry within the Latrobe City municipality.

Our Sister City relationships with Takasago in Japan and Taizhou in China are key drivers for economic, educational and cultural exchange. Our cultural diversity is also evident in regular annual high profile cultural celebrations such as our Sister Cities Festival which replaced both the Japanese Day and the Chinese Festival celebrations.

The former Monash University Gippsland Campus has attracted a large number of international students to Latrobe City, many of whom elect to make Australia their home after completing their studies.

The Plan has been prepared as part of Council's ongoing commitment to the cultural and linguistic diverse population in Latrobe City and outlines a strategic approach to meet the needs of our culturally diverse community. It is important that culturally diverse members of the community have access to culturally relevant and sensitive services provided by Latrobe City in accordance with the Accessible Government Services for all, a revised framework for access and equity reporting.

¹ Australian Bureau of Statistics 2011 Census results

Scope and Purpose

The Plan describes Council's commitment to recognising, valuing and supporting cultural diversity within Latrobe City. It is intended to be a long-term Plan that guides and strengthens Council's ability to embrace cultural and linguistic diversity. It is anticipated that the Plan is likely to evolve over time to better align with socio-demographic changes and community priorities.

Role of Local Government

All levels of government have the responsibility of engaging with and responding to the needs of culturally diverse communities; Responding to community diversity is a "whole-of-government" and "whole-of-community" responsibility.

The Federal Government is responsible for providing settlement and support services, income support, and employment advice to meet the needs of new and emerging communities.

The State Government is responsible for the provision of public housing, public transport, and funding community agencies which provide services.

The role of Local Government is to address cultural and linguistic diversity issues according to local needs. Latrobe City Council is not a direct provider of settlement services, yet it does support our diverse community by providing responsive and appropriate Council services, planning for their health and wellbeing, advocating on behalf of the community and working closely with settlement and other service providers.

Council strives to work in partnership with other levels of government, agencies and the broader community to ensure that Latrobe City is an inclusive and welcoming municipality that celebrates cultural and linguistic diversity.

Cultural Diversity and its Impact

Article 1 of the UNESCO Universal Declaration of Cultural Diversity describes 'cultural diversity' as:

"...taking diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognised and affirmed for the benefit of present and future generations."

Article 3 of this declaration describes the impact of cultural diversity as:

"...broadens the range of options open to everyone; it is one of the roots of development, understood not simply in terms of economic growth, but also as a means to achieve a more satisfactory intellectual, emotional, moral and spiritual existence."

It is upon these broad internationally accepted definitions of cultural diversity and its impact that the Plan is founded.

Council's Values

Council is committed to strengthening our role as one of Victoria's four major regional cities and Gippsland's commercial centre, while ensuring that quality education, health, community services and facilities are provided to our community. In working with and for the Latrobe City community, Council is committed to six values:

- Providing affordable people-focused community services.
- Planning strategically and acting responsibly, in the best interests of the whole community.
- Accountability, transparency and honesty.
- Listening to and working with the community.
- Respect, fairness and equity.
- Open to and embracing new opportunities.

Objectives

In order for these values to be put into practice, and to continuously measure our progress, the Plan has four objectives:

1. Equal access to services, resources and facilities for all our residents.
2. Active community consultation and participation.
3. Celebrating and valuing community diversity and cultural expression.
4. Leadership and advocacy.

Further details on these objectives can be found on page 10.

Contextual Background

Cultural Diversity Advisory Committee

Following adoption of the initial Cultural and Linguistic Diversity Action Plan in 2004, Council established a Cultural Diversity Reference Committee (the Committee) with broad community membership.

The role of the Committee is:

- To provide advice to Council on issues for people from culturally diverse backgrounds accessing information, services and facilities.
- To provide advice to Council on issues relating to cultural diversity within the Latrobe City community.
- To receive reports on progress of the development and implementation of the Latrobe City Cultural and Linguistic Diversity Action Plan.
- To review the Cultural and Linguistic Diversity Action Plan and make recommendations to Council.
- To promote cultural diversity within the Latrobe City community.
- To provide networking, information sharing and partnership opportunities for committee members and invited guests.

The Cultural Diversity Advisory Committee (formerly known as the Cultural Diversity Reference Committee) comprises 13 members:

Cultural Diversity Advisory Committee as at February 2012

- Up to two elected Councillors of Latrobe City
- Up to five representatives from culturally diverse social groups or ethnic associations within Latrobe City
 - International Women's Group
 - Latrobe Community Health
 - Centre for Multicultural Youth
 - Greek Orthodox Community, Ladies Auxiliary
 - Gippsland Australian Muslim Community Inc., Monash University Islamic Society, Gippsland

Representatives are to be nominated by the social groups or ethnic associations on an annual basis to serve on the Committee.

- Two community members (individuals) with an interest in cultural diversity
- Two representatives from peak/major organisations who service and support Latrobe City's culturally diverse communities.
 - Gippsland Ethnic communities Council
 - Gippsland Multicultural Services
- Up to two co-opted members
- Latrobe City officers to be ex-officio non-voting members
 - Manager Community Development
 - Coordinator Community Strengthening

Period of Appointment

All members are appointed to the Committee by Council for a three year period. Co-opted members are appointed for a period of up to 12 months.

Relationship to Legislation

There is a range of legislation that underpins the Plan. This includes:

- *Racial Discrimination Act 1975* (Commonwealth)
Under the Act, it is against the law to treat someone unfairly or harass them because of their race, colour, descent or national or ethnic background.
- *Equal Opportunity Act 1995* (Victoria)
Objectives under the Act include promotion, recognition and acceptance of everyone's right to equal opportunity and elimination of discrimination on the basis of various attributes.
- *Racial and Religious Tolerance Act 2001* (Victoria)
The purpose of the Act is to promote racial and religious acceptance by prohibiting certain conduct involving the vilification of persons on the grounds of race or religious belief or activity.
- *Multicultural Victoria Act 2004* (Victoria)
The Act legislates that strengthening multiculturalism is to be a core goal for every Victorian Government department. To support this mandate, the Act enshrines the following principles of multiculturalism:
 - an entitlement to mutual respect and understanding regardless of background;
 - a duty on all Victorians to promote and preserve diversity within the context of shared laws, values, aspirations and responsibilities;
 - a demonstrated ability of all Victorians to work together to build a positive and progressive future; and
 - a responsibility for all Victorians to abide by the state's laws and respect democratic processes.
- *The Charter of Human Rights and Responsibilities Act 2006* (Victoria)
The Charter protects 20 key civil and social rights of all Victorians, strengthening multiculturalism by providing a broader human rights agenda. The Charter reflects four basic principles – freedom, respect, equality and dignity. This aims to ensure that many basic and important human rights have clear legal protection. It also introduces standards to ensure that human rights are a priority for government when making laws and decisions and providing service. The Charter aims to ensure human rights are valued and protected within government and the community.

The most recent Victorian Government multicultural policy titled "All of Us" was released in 2008 to build upon the principles of the *Multicultural Victoria Act 2004*. This policy affirms that multiculturalism:

- Advances equality by supporting the human rights of all Victorians, irrespective of their cultural, linguistic or religious background, and by ensuring equitable access to better and more responsive services throughout the state.
- Supports our cultural, linguistic and religious diversity by recognising the value of our cultural heritage and protecting and supporting the diversity of our people and their communities.

- Fosters unity and promotes community harmony by promoting the benefits of diversity to all Victorians, and sustaining Victoria as a united, cohesive community with shared laws, values, aspirations and responsibilities, within which people from a diversity of backgrounds have the freedom and opportunity to preserve, express, celebrate and practice their cultural heritage, as well as sharing their cultural heritage with the broader community.
- Boosts our economic advantage by providing the state with a competitive edge through our diverse, innovative, highly skilled and internationally connected workforce, in areas such as tourism, small business and industry, research and development, employment and education.

Relationship to Strategy

The Plan is linked to Latrobe 2026, The Vision for Latrobe Valley and reflects the corporate values of Latrobe City Council. Latrobe 2026, The Vision for Latrobe Valley provides a key guide for Council activities including programs, services and resource allocations. This is designed to assist the economic and social development of Latrobe City, as well as environmental initiatives taking into account the need to balance Council's ongoing commitments with new priorities that will shape the future of our community.

The Vision for Latrobe Valley states: "In 2026 the Latrobe Valley is a liveable and sustainable region with collaborative and inclusive community leadership".

Latrobe 2026 outlines a series of themes that will help to ensure that Council and the broader community remain focussed on the actions that need to be delivered to make the Latrobe 2026 Vision a reality. These themes are broken down into a range of objectives. Strategic directions then describe the detailed road-map of how the overarching objectives, themes, and ultimately the Latrobe 2026 vision will be achieved.



Council Plan 2013 - 2017

The Council Plan 2013 – 2017 outlines Latrobe City Council’s vision and direction for the community. It guides Council’s decisions making and resource allocation to deliver outcomes and services to the community. The Council Plan is reviewed annually and is a requirement of the Local Government Act 1989.

The Council Plan focuses on five key themes with supporting Objectives, Strategic Directions and Strategies and Plans. Performance Indicators are listed which align to each Strategic Direction to monitor achievements, changes and trends.

The Cultural Diversity Action Plan forms part of the supporting Strategies and Plans and is aligned to theme four:

- **Theme 4**
Advocacy for & consultation with our community.
- **Objective**
To ensure effective two-way communication and consultation processes with the community in all that we do.
- **Strategic Direction**
Actively encourage and support initiatives that promote social inclusion and diversity within our community.

Latrobe City Municipal Public Health and Wellbeing Plan 2013 - 2017

The Plan is closely linked to the Latrobe City Municipal Public Health and Wellbeing Plan 2013 – 2017 (MPHWP) through the key strategic direction of ‘Staying Connected’.

The aim of the MPHWP is to build positive health and wellbeing outcomes for all residents who live, learn, work and play in Latrobe City. The key strategic direction of ‘Staying Connected’ encourages an active, diverse and connected community within Latrobe by ensuring access and equity for all groups in the community.

The strategies and actions within the Plan contribute to achieving this key strategic direction of the MPHWP and supporting our community to live healthy, active and connected lives.

Objectives in Detail

In order for this commitment to be put into practice, and to continuously measure our progress, the Plan has four Objectives:

1. Equal access to services, resources and facilities for all our residents

All services, resources and facilities for residents will be non-discriminatory and accessible to all members of the community. Council is committed to ensuring that access and equity principles are clearly demonstrated through our service delivery and the provision of facilities for the general community and ensure all members of the community are provided with the opportunities to access culturally relevant and sensitive services, facilities and resources.

2. Active community consultation and participation

Every person living, working, studying or visiting the municipality can contribute to the life of the broader community. The range of skills, abilities and experiences provided by community members contribute to the rich diversity and vibrancy of the Latrobe City municipality.

All residents of the municipality will be provided with the opportunity to play an active role in decision making processes. Through community development activities, all community members, regardless of their cultural or linguistic background, will be consulted and engaged on key issues, policies, strategies and actions.

3. Celebrating and valuing community diversity and cultural expression

The vibrancy and vitality that is drawn from having a large number of residents who were born outside Australia and bring a diverse mix of skills, cultures, languages and religions to the area is valued and celebrated. The harmony resulting from a multicultural society where there is acceptance and celebration of diversity is also valued.

4. Leadership and advocacy

Council must strengthen its capacity as a culturally competent organisation by embedding the philosophy of each Plan Objective into relevant Council Plans and Strategies.

There are a number of Latrobe City corporate strategies and action plans linked closely to this Plan. These include:

- Latrobe 2026, The Vision for Latrobe Valley.
- Council Plan 2013 – 2017.
- Municipal Strategic Statement.
- Municipal Public Health and Wellbeing Plan, 2013 – 2017.
- Community Engagement Plan, 2010 – 2014.
- International Relations Plan, 2011 – 2014.
- Disability Action Plan.
- Positive Ageing Plan, 2009 – 2012.
- Events Strategy and Action Plan, 2013 -2017.
- Municipal Early Years Plan, 2011 – 2015.
- Library Plan, 2011-2017.

Community development and capacity building also requires a conscious intent to look beyond the physical borders of the municipality. Council delivers a broad range of services and facilities but many issues facing local communities are the responsibility of State or Federal Governments.

Council plays a key role in advocating to State and Federal Government on behalf of the Latrobe City community to better inform policy-makers and ensure community needs are considered across all levels of Government.

Council also aims to improve community leadership by seeking to build the capacity of community members to advocate for themselves and seek to effect change through community-based programs.

Putting the Plan into Action

Following Council's adoption of the Plan, a number of steps will be taken to ensure that the actions are implemented and reviewed. A detailed Action Plan has been developed to accompany this document that itemises individual actions and responsibilities.

As noted in the Plan, the Cultural Diversity Advisory Committee meets quarterly to provide input to Council on cultural diversity issues. Its role is to monitor the Plan using a set of indicators gauging the effectiveness of actions taken by Council to align services and cultural competence with the Objectives of the Plan. The Committee will also provide advice to Council on possible new items to be considered in future Action Plans.

An annual report on progress made against each of the actions within the Plan will be presented to Council and the Cultural Diversity Advisory Committee each year.

The Plan will be subject to annual review and Actions will be revised and updated as part of Council's commitment to culturally diverse communities.

Latrobe City Cultural Diversity Action Plan 2014 - 2018 Actions

The following actions have been identified as integral to the success of the Latrobe City Council Cultural Diversity Action Plan 2014 - 2018.

Objective 1: Equal access to services, resources and facilities for all our residents

Actions

- 1.1** Feature cultural diversity in Latrobe City LINK.
Responsibility: Office of the Chief Executive - Community Relations
Measure: One article per year.
Outcome: Increased awareness of the diverse cultural nature of the residents of Latrobe City.
When: Annually
- 1.2** Investigate and implement programs to targeted groups such as Culturally and Linguistically Diverse community members to support their needs.
Responsibility: Community Liveability - Libraries
Measure: One targeted program delivered per year.
Outcome: Increased usage of library services by culturally diverse communities groups.
When: Annually
- 1.3** Ensure the Latrobe City website has the line: "If you require this information in languages other than English, or in other formats, please contact Latrobe City on 1300 367 700".
Responsibility: Office of the Chief Executive - Community Relations
Measure: Presence of information on Latrobe City website.
Outcome: Latrobe City publications are more accessible to culturally diverse residents.
When: Annually
- 1.4** Review Departmental email and mail out lists to identify and include culturally diverse interests.
Responsibility: All Divisions
Measure: Two intranet notices per year requesting that Departments update email and mail out lists.
Outcome: Greater communication with culturally diverse communities.
When: Bi-annually
- 1.5** Promote the Latrobe City Community Directory to service providers through Community Development networks.
Responsibility: Community Liveability - Community Strengthening
Measure: Promotion of Community Directory at Community Groups Forums.
Outcome: Greater communication with culturally diverse communities.
When: Quarterly
- 1.6** Promote the Latrobe City Community Grants program and individual assistance available to culturally diverse communities.
Responsibility: Community Liveability - Community Strengthening
Measure: Promote the annual Community Grants to culturally diverse communities.
Outcome: Strengthen the ability of culturally diverse communities to access Community Grants.

When: Annually

- 1.7** Include information for culturally diverse communities in Latrobe City New Residents Packs for distribution through Gippsland Multicultural Services and other appropriate Agencies

Responsibility: Planning and Economic Sustainability – Tourism

Measure: Information is included in New Residents packs and provided to Gippsland Multicultural Services and other appropriate agencies for distribution.

Outcome: Increased awareness of the diverse cultural nature of the residents of Latrobe City.

When: Quarterly

Objective 2: Active community consultation and participation

Actions

- 2.1** Identify community safety issues relevant to people from culturally diverse backgrounds (evidence based) and consider how these could be incorporated into Latrobe City community safety activities.
Responsibility: Community Liveability - Community Strengthening
Measure: Number of issues identified and incorporated in community safety activities.
Outcome: Positive perceptions of safety for people from culturally diverse backgrounds.
When: Annually
- 2.2** Invite representatives from service providers to a Cultural Diversity Advisory Committee meeting to discuss service needs of culturally diverse communities.
Responsibility: Community Liveability - Community Strengthening
Measure: Services providers identified and invited to attend a Cultural Diversity Advisory Committee Meeting.
Outcome: Increased awareness of service issues for people from culturally diverse backgrounds.
When: Annually
- 2.3** Identify culturally specific services and invite participation on the Latrobe City Service Providers Network.
Responsibility: Community Liveability - Community Strengthening
Measure: Culturally specific services identified and invited to attend the Latrobe City Service Providers Network.
Outcome: Increased awareness of the diverse cultural nature of the residents of Latrobe City.
When: Annually
- 2.4** Promote community consultations offered by the Victorian Multicultural Commission to gain an understanding of issues facing culturally diverse communities.
Responsibility: Community Liveability - Community Strengthening
Measure: Community consultation sessions promoted.
Outcome: Increased awareness of community consultations and provide a voice to State Government.
When: As they occur.

Objective 3: Celebrating and valuing community diversity and cultural expression**Actions**

- 3.1** Ensure images in the Latrobe City Council photo library are representative of the diverse nature of residents in Latrobe City and are regularly published.
Responsibility: Office of the Chief Executive - Community Relations
Measure: Publications reflect the diverse nature of our community.
Outcome: Increased awareness of the diverse cultural nature of the residents of Latrobe City.
When: Annually
- 3.2** Develop a list of significant cultural days for culturally diverse communities and place on the Latrobe City website.
Responsibility: Community Liveability - Community Development
Measure: List of significant cultural days for culturally diverse communities is published on the Latrobe City website.
Outcome: Increased awareness of the diverse cultural nature of the residents of Latrobe City.
When: Annually
- 3.3** Support National/Cultural days activities at Immigration Park by supplying National Flags when requested.
Responsibility: Planning and Economic Sustainability – Events & International Relations
Measure: National flags displayed on days of cultural significance.
Outcome: Increased awareness of the diverse cultural nature of the residents of Latrobe City.
When: Annually
- 3.4** Support the promotion of Immigration Park to the community and visitors.
Responsibility: Planning and Economic Sustainability - Tourism
Measure: Immigration Park is actively promoted to the community and visitors.
Outcome: Increased awareness of the diverse cultural nature of the residents of Latrobe City.
When: Annually
- 3.5** Promotion of Citizenship Ceremonies via Latrobe City Council's Twitter and Facebook accounts to build greater community awareness of our cultural diversity.
Responsibility: Office of the Chief Executive - Community Relations
Measure: Citizenship Ceremonies promoted on Latrobe City social media channels.
Outcome: Increased awareness of the diverse cultural nature of the residents of Latrobe City.
When: Annually
- 3.6** Utilise networks to promote Australia Day celebrations.
Responsibility: Planning and Economic Sustainability – Events & International Relations

Measure: Australia Day celebrations promoted to networks.
Outcome: Greater community awareness of our cultural diversity.
When: Annually

3.7 Cultural Diversity Advisory Committee members are invited to attend Latrobe City Citizenship Ceremonies.

Responsibility: Community Liveability - Community Strengthening
Measure: Develop roster for Cultural Diversity Advisory Committee members' attendance at Citizenship Ceremonies.
Outcome: Increased awareness of the diverse cultural nature of the residents of Latrobe City.
When: As they occur.

3.8 Investigate options for individuals to wear their National costumes at Citizenship Ceremonies.

Responsibility: Office of the Chief Executive - Mayoral and Council Support
Measure: Candidates are encouraged to wear National costumes at Citizenship Ceremonies.
Outcome: Increased awareness of the diverse cultural nature of the residents of Latrobe City.
When: As they occur

3.9 Provide information regarding Australia Day awards to the Cultural Diversity Advisory Committee for distribution to networks.

Responsibility: Community Liveability - Community Strengthening
Measure: Information provided to Cultural Diversity Advisory Committee members to promote to their networks.
Outcome: Increased awareness of Australia Day Awards and encourage nominations from our culturally diverse communities and residents.
When: Annually

Objective 4: Leadership and advocacy

Actions

- 4.1** Promote Latrobe City Social Support volunteer programs to culturally diverse communities.
Responsibility: Community Liveability – Social Support
Measure: Social Support volunteer programs promoted to culturally diverse communities.
Outcome: Increased participation and access by residents from culturally diverse backgrounds in Latrobe City Social Support volunteer programs.
When: Annually
- 4.2** Gather information about how other Local Government Authorities in Gippsland are working with culturally diverse communities.
Responsibility: Community Liveability - Community Strengthening
Measure: Information gathered and presented to Cultural Diversity Advisory Committee.
Outcome: The Cultural Diversity Advisory Committee is informed of activities.
When: Annually
- 4.3** Identify opportunities to promote activities of the Latrobe City Cultural Diversity Advisory Committee in the local media.
Responsibility: Community Liveability - Community Strengthening
Measure: Activities promoted through local media.
Outcome: Increased awareness of the activities of the Cultural Diversity Advisory Committee.
When: As appropriate.
- 4.4** Develop and deliver a cultural competency training program for Latrobe City staff.
Responsibility: Corporate Strategy - Learning and Development
Measure: Cultural competency training program developed and delivered.
Outcome: Council Officers have increased skills in working with culturally diverse clients. Latrobe City has increased skills in understanding and working with diversity. Council officers have the skills and knowledge to embed cultural diversity into plans, strategies and projects.
When: Annually.
- 4.5** Encourage stronger links between culturally diverse communities and Neighbourhood Houses and Universities of the Third Age.
Responsibility: Community Liveability - Community Strengthening
Measure: Neighbourhood Houses Coordinators and University of the Third Age representatives invited to a Cultural Diversity Advisory Committee Meeting.
Outcome: Increased awareness of educational opportunities and mutual support programs for culturally diverse communities.
When: 2014 - 2015

Appendix

Latrobe City in Profile

Latrobe City has a culturally diverse community comprised of people from many different nations across the world. The profile data in this section relates to the 2011 Census unless otherwise indicated. Usual Residence data will be used and is sourced from the Australian Bureau of Statistics.

In 2011, there were 9,930 Latrobe City residents who were reported as born overseas, accounting for 13.7% of the total population. This proportion had increased marginally since 2006 when 13.2% of the Latrobe City population was reported as born overseas. Data from the 2011 Census indicated that a total of 4,992 Latrobe City residents speak a language other than English at home, accounting for 6.9% of the total population.

Birthplaces and Ancestry

The three largest ancestries in Latrobe City are Australian, English, and Scottish. 8% of people in Latrobe City come from countries where English is not the first language.

Country of Birth data identifies where people were born and is indicative of the level of cultural diversity in Latrobe City. The mix of Country of Birth groups is also indicative of historical settlement patterns, as source countries for Australia's immigration program have varied significantly over time.

Table 1.0**Birthplaces and Ancestry – Change in Number of Residents from 2006 to 2011 – Numerical value**

Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011. Compiled and presented in profile.id. Excludes languages with less than 0.2% of the total population (Usual residence data).

Country	Number of Residents 2006	Number of Residents 2011	Change 2006 to 2011
United Kingdom	3,194	3,112	-82
Netherlands	841	784	-57
Italy	752	716	-36
New Zealand	520	654	+134
Germany	574	552	-22
Malta	449	407	-42
Philippines	288	361	+73
China	124	270	+146
India	100	252	+152
Sudan	0	198	+198
South Africa	90	134	+44
Ireland	139	132	-7
Greece	135	132	-3
Poland	161	129	-32
Malaysia	97	113	+16
United States of America	101	112	+11

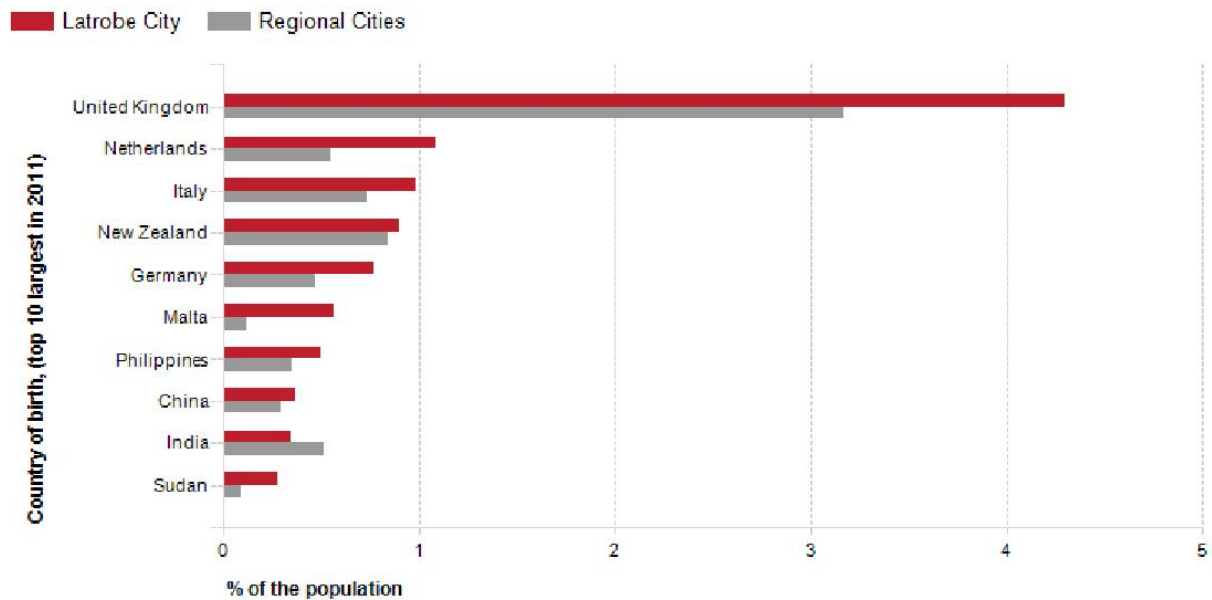
Table 1.1**Birthplaces and Ancestry – Change in Number of Residents from 2006 to 2011 – Percentage value**

Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011. Compiled and presented in profile.id. Excludes languages with less than 0.2% of the total population (Usual residence data).

Country	% of Residents 2006	% of Residents 2011	Change 2006 to 2011
United Kingdom	3.5	3.5	-82
Netherlands	0.6	0.6	-57
Italy	0.7	0.6	-36
New Zealand	0.9	1.0	+134
Germany	0.5	0.5	-22
Malta	0.1	0.1	-42
Philippines	0.2	0.3	+73
China	0.1	0.2	+146
India	0.2	0.4	+152
Sudan	0.0	0.1	+198
South Africa	0.2	0.2	+44
Ireland	0.1	0.2	-7
Greece	0.1	0.1	-3
Poland	0.1	0.1	-32
Malaysia	0.1	0.1	+16
United States of America	0.2	0.2	+11

Image 1.1 Country of Birth 2011

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 (Usual residence data).
Compiled and presented in profile.id.



The most common birthplace for overseas born Latrobe City residents is the United Kingdom with 3,112 persons, followed by the Netherlands with 784 persons, Italy with 716 persons, New Zealand with 654 persons and Germany with 552 persons. Other common birthplaces for Latrobe City residents include Malta (407), Philippines (361), China (270) India, (252) and Sudan (198).

The largest non-English speaking country of birth in Latrobe City was Netherlands, where 1.1% of the population, or 784 people, were born. The largest changes in birthplace countries of the population in this area between 2006 and 2011 were for those born in Sudan (+198 persons), India (+152 persons), China (+146 persons), and New Zealand (+134 persons).

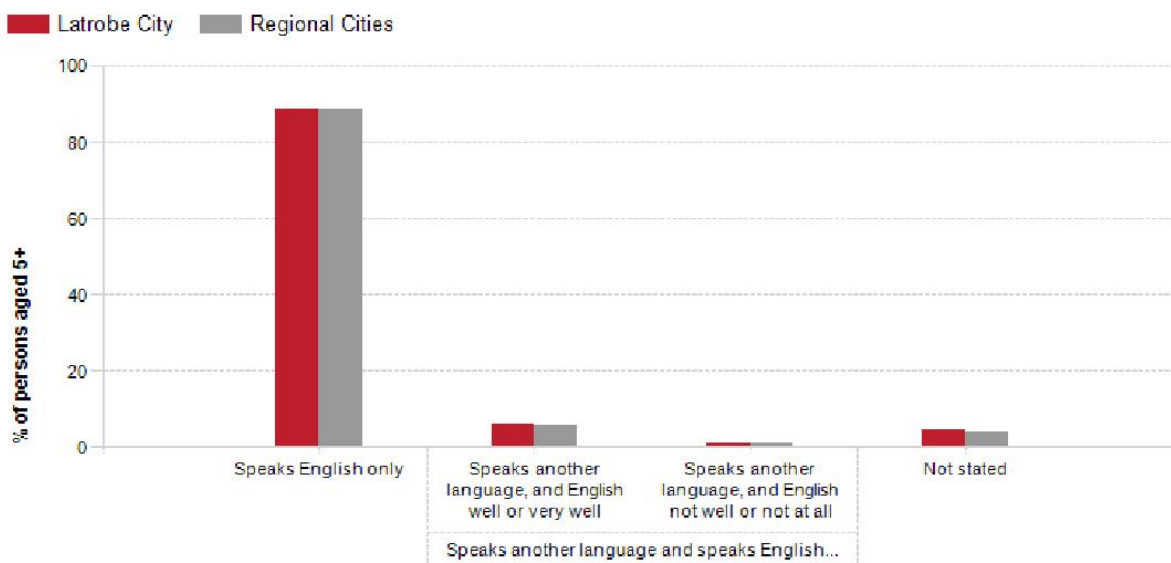
A total of 14,205 persons living in Latrobe City, 19.6% of the total population, had both biological parents born in a country other than Australia. A further 7,976 persons have one parent who was born overseas accounting for 11.0% of the total population.

Proficiency in English and Languages Spoken at Home

In 2011, 7.9% of Latrobe City's population was from a NESB (non-English speaking backgrounds) country. A total of 4,992 Latrobe City residents speak a language other than English at home, accounting for 6.9% of the total population.

Image 1.2 Proficiency in English 2011

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 (Usual residence data).
Compiled and presented in profile.id.



Overall, 88.5% of the population spoke English only, and 6.9% spoke a non-English language. The dominant language spoken at home, other than English, in Latrobe City was Italian, with 1.4% of the population, or 1,000 people followed by Greek (395 persons, 0.5%), Dutch (289 persons, 0.4%), mandarin (283 persons, 0.4%), Maltese (267 persons, 0.4%) and German (247 persons, 0.3%). Filipino/Tagalog (220 persons, 0.3%), Arabic (183 persons, 0.35) and Polish (139 persons, 0.2%) are other common languages spoken in the municipality.

Table 2.0 Birthplaces and ancestry – Number of residents who speak language other than English
Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011. Compiled and presented in profile.id. Excludes languages with less than 0.2% of the total population (Usual residence data).

Language (excludes English)	Number of Residents 2006	Number of Residents 2011	Change 2006 to 2011
Italian	961	1,000	+39
Greek	391	395	+4
Dutch	306	289	-17
Mandarin	151	283	+132
Maltese	304	267	-37
German	291	247	-44
Filipino/Tagalog	165	220	+55
Arabic	32	183	+151
Polish	961	1,000	+39

Table 2.1 Birthplaces and ancestry – number of residents who speak language other than English

Source: Australian Bureau of Statistics, *Census of Population and Housing 2006 and 2011*. Compiled and presented in profile.id. Excludes languages with less than 0.2% of the total population (Usual residence data).

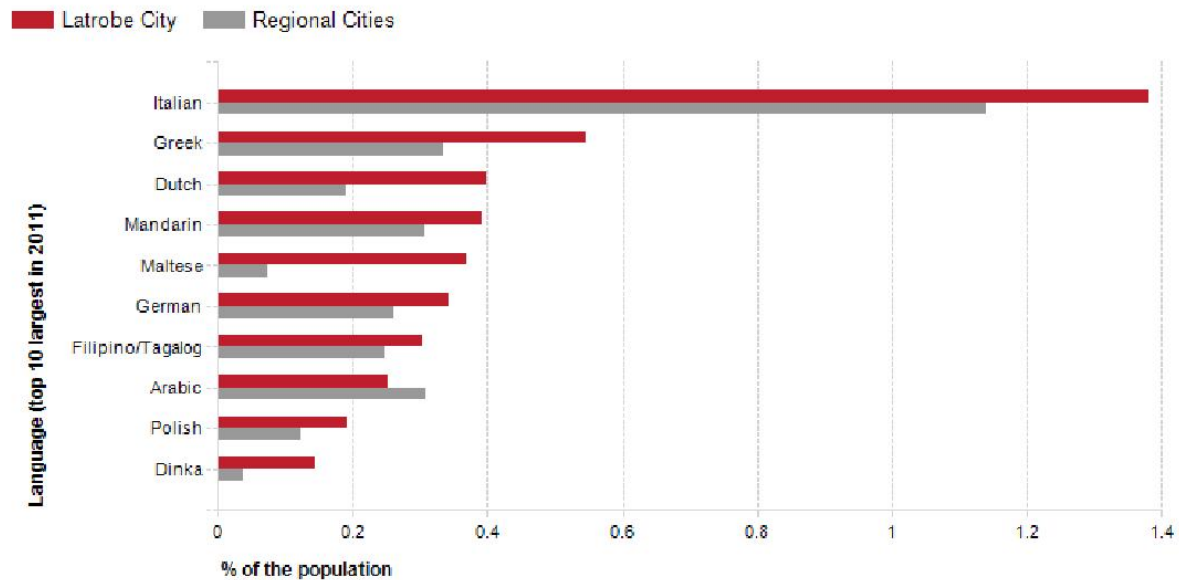
Language (excludes English)	% of Residents 2006	% of Residents 2011	Change 2006 to 2011
Italian	1.4	1.4	+39
Greek	0.6	0.5	+4
Dutch	0.4	0.4	-17
Mandarin	0.2	0.4	+132
Maltese	0.4	0.4	-37
German	0.4	0.3	-44
Filipino/Tagalog	0.2	0.3	+55
Arabic	0.0	0.3	+151
Polish	0.3	0.2	+39

Between 2006 and 2011, the number of people who spoke a language other than English at home increased by 892 or 21.8%, and the number of people who spoke English only increased by 1,996 or 3.2%.

Image 2.0 Language spoken at home

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 (Usual residence data)

Compiled and presented in profile.id.



The greatest increases in the spoken languages of the Latrobe City population between 2006 and 2011 were those speaking Arabic (+151 persons), Mandarin (+132 persons), Dinka (+104 persons) and Nuer (+98 persons). The greatest decreases in spoken languages during this timeframe were those speaking German, Polish, Maltese and Dutch.

Settlers

The Department of Immigration and Citizenship settlement database contains a high level of information on migrants and refugees who have entered Australia and made Latrobe City their home. The information in this particular section is sourced from this database with a focus on settlement data from 1 July 2003 to 30 June 2013.

Over the past ten years, a total of 1,687 migrants and refugees have settled directly in the Latrobe City municipality. Of these settlers, 241 have settled in Latrobe City through the Humanitarian program, 537 through the non-humanitarian family stream and 856 through the non-humanitarian skill stream.

Report Selection Criteria

Arrival Dates: from 01 July 2003 to 30 June 2013

State: Victoria

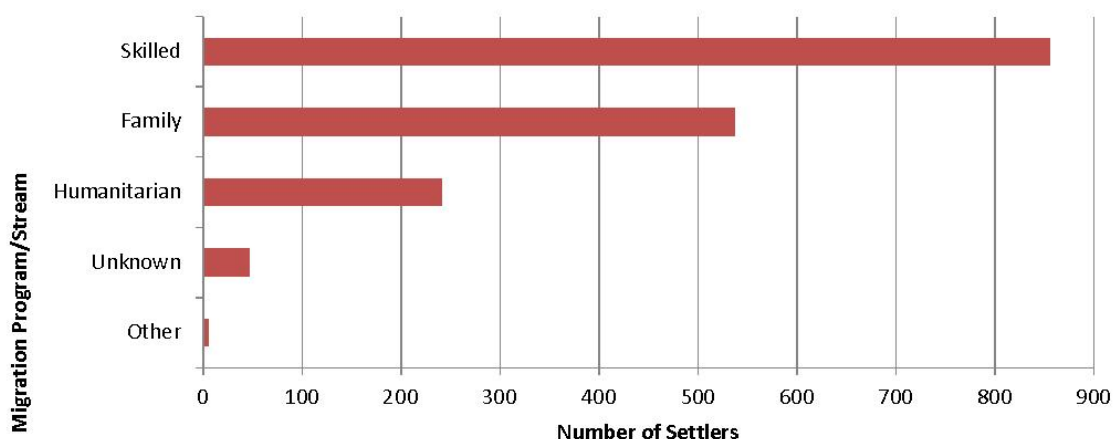
Local Government Area: Latrobe (C)

Migration Stream: Family: Humanitarian: Skilled Unknown

Source: Department of Immigration and Citizenship Settlement Database. Data extracted on 22 August 2013.

Number of Settlers by Migration Stream

Settlers arriving from 1 July 2003 to 30 June 2013 Latrobe City

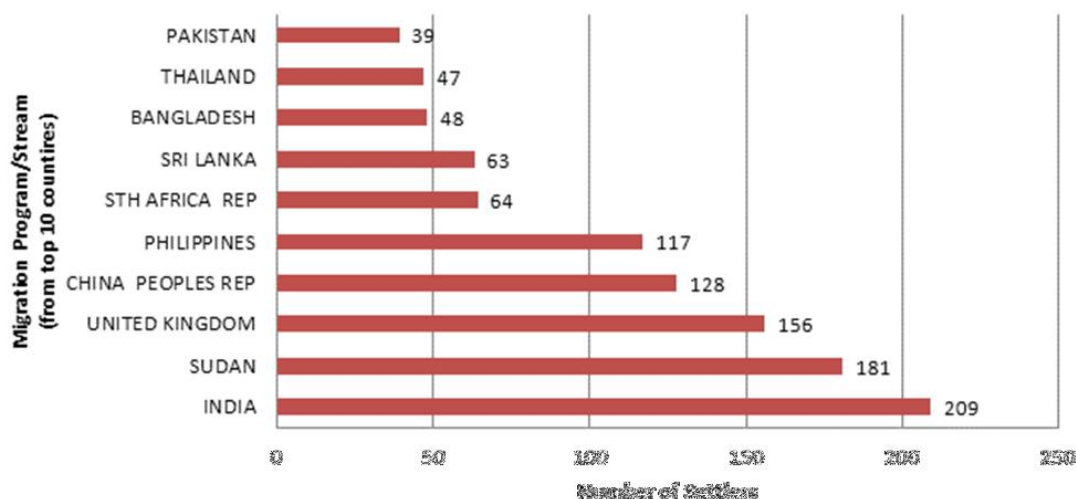


The most common countries of origin for new settlers over the past ten years were India with 209 arrivals, most through the skilled stream, Sudan with 181 arrivals, most through the humanitarian stream; followed by the United Kingdom (156 arrivals), China of Peoples Republic (128 arrivals), Philippines (117 arrivals), South Africa (64 arrivals), Sri Lanka (63 arrivals), Bangladesh (48 arrivals) and Thailand (47 arrivals) with all arrivals from these countries resulting from non-humanitarian family and skilled streams. After Sudan, the most common countries of origin for humanitarian arrivals over this period were Kenya (30 arrivals) and Ethiopia (21 arrivals). Over the past ten years, there have been an increased number of humanitarian arrivals from Egypt (9 arrivals).

Table 3.0 Origin of new settlers - Migration stream

Data from 2003-2013 outlines the origin of new settlers in the Local Government Area of Latrobe

Country of Birth (Settlement)	Family	Humanitarian	Other	Skilled	Unknown	Total
India	32	0	0	174	3	209
Sudan	18	163	0	0	0	181
United Kingdom	62	0	1	82	11	156
China Peoples Rep	56	0	0	70	2	128
Philippines	85	0	0	32	0	117
South Africa Rep	6	0	0	51	7	64
Sri Lanka	5	0	0	57	1	63
Bangladesh	4	0	0	44	0	48
Thailand	38	0	0	9	0	47
Pakistan	7	1	0	31	0	39
Others	224	77	5	306	23	635
Total	537	241	6	856	47	1,687

Image 3.0**Number of settlers by Country of Birth Arriving from 1 July 2003 to 30 June 2013**

The most common languages other than English spoken by new arrivals were Arabic (94 arrivals), African languages (61 arrivals), Mandarin (31 arrivals), Dinka (30 arrivals) Tagalog (30 arrivals), Thai (25 arrivals) and Nuer (21 arrivals). Geographically, the highest concentration of migrant and refugee arrivals within Latrobe City was Traralgon.

It is important to note that a limitation of the Department of Immigration and Citizenship settlement database is that it does not account for recent migrants and refugees who first moved to another municipality within Australia and then to Latrobe City. Qualitative feedback sourced from community stakeholders indicates that settlement numbers of particular cohorts are higher than represented by this database, but unfortunately no further accurate statistical information is currently available.

CORPORATE SERVICES

16. CORPORATE SERVICES

16.1 AUDIT COMMITTEE CHARTER

General Manager

Corporate Services

For Decision

PURPOSE

The purpose of this report is to present Council with the proposed new Audit Committee Charter for consideration.

EXECUTIVE SUMMARY

Since 2003 it has been mandatory for each Council to establish an audit committee. In January 2011 the then Department of Planning and Community Development (DPCD) published a Guide to Good Practices for Local Government Audit Committees to provide support and guidance to Council's in relation to expectations concerning the roles, functions and management of Audit Committees.

In June 2014 the terms of appointment for the independent committee members expired and Council underwent a process to review and appoint new members. As a result of this process the Committee has been actively involved in reviewing the Audit Committee Charter and have proposed a revised Charter for Council's consideration.

The proposed Charter has been benchmarked against a number of other Councils and against the Guide to Good Practices for Local Government Audit Committees. The proposed charter has been reviewed by the Latrobe City Council Audit Committee at its meeting on 19 September 2014 and 4 December 2014 with amendments made as requested.

RECOMMENDATION

That Council adopts the Latrobe City Council Audit and Risk Committee Charter as presented.

That the 2013-2014 Council Delegation and Committee Instrument of Delegation (15 DEL-4) to be produced to reflect the adoption of the new charter.

Moved: Cr Rossiter

Seconded: Cr Gibson

That the Recommendation be adopted.

For the Motion

Councillors Harriman, Sindt, Gibson, Kam, Rossiter, and Gibbons

Against the Motion

Councillors White, Middlemiss and O'Callaghan

The Mayor confirmed that the Motion had been CARRIED.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Governance

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

Latrobe City Council Plan 2013 - 2017

Shaping our future

Theme and Objectives

Strategic Direction – Governance

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

Ensure that Latrobe City continues to meet the highest standards of financial probity.

Service Provision – Financial Management.

Administer financial management advice and services of Latrobe City Council.

Local Government Act 1989

Section 139 – Audit Committee

(1) A Council must establish and audit Committee.

(5) The Minister may make guidelines for the purpose of this section.

(6) Guidelines made under sub-section (5) must be published in the Government Gazette.

Audit Policy [11 POL-4]

BACKGROUND

Council operates an audit Committee in accordance with the *Local Government Act 1989*.

The membership of the Council's Audit Committee comprises of three externally appointed independent members and two Councillors. The Audit Committee meets four times each year and operates in accordance with Council's Audit Policy and the Audit Committee Charter.

KEY POINTS/ISSUES

The appointment of the new members to the Latrobe City Council Audit Committee in August 2014 has provided a timely opportunity to review the Audit Committee Charter.

The Committee undertook a review of a range of Charters that are in use within other Council's across Victoria and identified a number of areas that they felt required additional detail and discussion to reflect the Committee and support its operation. These improvements also included a change to the title of the Committee to reflect that the Committee is also responsible for advising and supporting the organisation in relation to risk management and hence the Committee should be known as the Audit and Risk Committee.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

The Audit Committee Charter highlights the Committee shall:

- Monitor the systems and process via the Latrobe City Council's risk profile to ensure that material operational risks to the Council are dealt with appropriately.
- Monitor the process of review of the Latrobe City Council's risk profile; and
- Consider the adequacy taken to ensure that the material business risks have been dealt with in a timely manner to mitigate exposures to the Latrobe City Council.

The revised Charter is considered to be an improvement upon the current Charter and provides greater clarity in relation to the Committees responsibilities regarding risk management. The proposed Charter is considered to assist the organisation in its risk management responsibilities and thereby reduces risk in turn.

There is no financial or resource implications resulting from this report.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

The Latrobe City Council Audit Committee has considered the proposed charter at its meetings on 19 September 2014 and again on 4 December 2014. In addition to this the revised Charter was also distributed electronically to Councillors for information and comment in October 2014.

OPTIONS

The following Options are available to Council:

- Council may adopt the recommended Audit and Risk Committee Charter as per the attached:
- Council may resolve to maintain its existing Charter and reject the proposed charter;
- Council may request to seek further information.

CONCLUSION

The proposed Audit and Risk Committee Charter is consistent with charters that were benchmarked as part of this review process. The revised charter has undergone a process of consideration and review amongst the Audit Committee and Councillors as part of its development.

SUPPORTING DOCUMENTS

A copy of proposed Audit and Risk Committee Charter and the current Audit Committee Charter as adopted in July 2012 are attached.

Attachments

1. Proposed Audit and Risk Committee Charter
2. Current Audit Committee Charter adopted 2012

16.1

Audit Committee Charter

- | | | |
|----------|--|------------|
| 1 | Proposed Audit and Risk Committee Charter | 237 |
| 2 | Current Audit Committee Charter adopted 2012..... | 249 |

Audit and Risk Committee Charter

The Audit and Risk Committee is an Advisory Committee of Council and is accountable to and reports directly to Council.

Throughout this document the following terms are defined as:

- “Council” : the elected representatives for the Latrobe City Council.*
- “the council” : the organisation of Latrobe City Council.*
- “Committee” : the advisory committee for the Elected Latrobe City Council.*
- “Auditor General” : the Victorian State Auditor General; Department; Office; or representative.*
- “CEO” : the Chief Executive Officer for Latrobe City Council.*

1. Purpose

- 1.1 The Audit and Risk Committee’s purpose is to assist the council in the discharge of its oversight and corporate governance responsibilities, to oversee and monitor the integrity of Latrobe City Council’s financial and risk reporting, processes to manage risks to Council’s operations and for compliance with applicable legal, ethical and regulatory requirements.
- 1.2 The Committee’s work is to be in accordance with Section 139 of the Local Government Act 1989 and best practice in audit, risk and governance principles and processes.

2. Authority

- 2.1 The Committee is an advisory committee and does not exercise executive powers, but is entitled to receive whatever information, presentations by Officers or explanations it considers necessary to fulfil its purpose.

- 2.2 The Committee maintains a functional reporting line directly with the Internal and External Auditors.
- 2.3 The Committee has the authority to:
 - 2.3.1 seek resolution on any disagreements between management and the external auditors on financial and risk reporting;
 - 2.3.2 review all auditing, risk management, planning and outcomes;
 - 2.3.3 seek any information it requires from Council members and the council staff via the CEO and external parties;
 - 2.3.4 formally meet with the council staff, internal and external auditors as necessary.
- 2.4 The Chair has no executive authority on behalf of Council but can be consulted as required, as a sounding board by the CEO or General Manager Corporate Services on matters that arise regarding audit, risk management or governance related issues.

3. Management Responsibility

- 3.1 It is the responsibility of management to:
 - 3.1.1 keep the Committee informed regarding financial reporting, regulatory compliance, risk management and risk exposures of the organisation;
 - 3.1.2 keep the Committee informed of the findings of any examinations by regulatory agencies, and any auditor (internal or external) observations in order that the Committee may monitor management's response to these findings;
 - 3.1.3 facilitate, through the CEO, the operation of the Committee by providing secretariat services and officer advice in respect of matters before the Committee.
 - 3.1.4 provide a comprehensive induction for all newly appointed Committee members including all necessary and relevant information regarding the Committee's responsibilities and the council's operations and background to enable them to understand the council and their duties and responsibilities.

4. Composition

- 4.1 The Council will appoint as members of the Committee:
 - 4.1.1 two Councillors and one alternate; and
 - 4.1.2 three (3) external members, one of whom will be appointed by Council as Chair of the Committee.
- 4.2 The external members will be selected from the broader community after having invited applications by public advertisement.
- 4.3 At least one of the external members of the Committee will be members of CPA Australia (CPA status), the Institute of Chartered Accountants Australia (CA status), a graduate of the Australian Institute of Company Directors and/or the Institute of Internal Auditors.
- 4.4 External members will be reasonably familiar with Government operations, including reporting requirements, financial management systems and controls, risk management and corporate governance.
- 4.5 External members will be appointed for a three (3) year term, renewable to a maximum of one (1) additional term, with the terms of appointment being staggered one year apart.
- 4.6 Membership shall expire upon completion of a term of appointment or via a resolution of Council
- 4.7 Where a Councillor member does not have the requisite expertise upon initial appointment, financial literacy should be attained within a reasonable period of time after his or her appointment and the council resources made available for this purpose.
- 4.8 External members shall be appointed by a resolution of Council stipulating a term of one, two or three years. Members may be reappointed for a second term at Council's discretion but may not exceed a membership of more than six consecutive years in total. For second or subsequent terms appointments shall be staggered so as to ensure an orderly rotation of membership within the Committee.
- 4.9 Non delegated Councillors, the CEO and other executive officers shall be invited to attend meetings but are not members of the Audit and Risk Committee and therefore do not have any entitlement to vote.

5. Professional Fees

- 5.1 External members receive payment as set by the Council.
- 5.2 Remuneration is set at \$1,500 per meeting for the Chair and \$1,000 per meeting for the other external members and subject to review upon completion of a term of appointment.

6. Quorum

- 6.1 The quorum for a meeting will be a majority, including at least one (1) Councillor.
- 6.2 The Chair shall have a casting vote in the event of an inconclusive vote.
- 6.3 Should the Chair not be in attendance at a meeting, the Committee may appoint another external member to chair the meeting temporarily.

7. Meetings

- 7.1 The Committee will meet at least four times per year, with authority to convene additional meetings, as circumstances require.
- 7.2 All Committee members are expected to attend each meeting in person or through teleconference.
- 7.3 The CEO will facilitate the meetings of the Committee and, in consultation with the Chair of the Committee, invite members of management, auditors or others to attend meetings to provide pertinent information, as necessary.
- 7.4 Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials.
- 7.5 Minutes will be drafted and circulated within 14 days and ratified at the following meeting.
- 7.6 Barring a leave of absence, Committee members must attend at least 75% of the Committee meetings annually, before commencing a procedure to terminate the absent member.

8 Confidentiality

- 8.1 Committee members will have access to confidential information presented to them in the performance of their duties on the Committee. "Confidential Information" means all data and information in oral, written, graphic, recorded or any other form which is disclosed to the member either directly or indirectly by the Latrobe City Council or its stakeholders in connection with the organisation's performance.
- 8.2 All Confidential Information which comes into the possession of Committee members is received by them on behalf of Latrobe City Council and for the sole purpose of enabling the Committee to provide advice to the Council. Both during and after the term of a member's appointment to the Committee, members are required to:
 - 8.2.1 hold in confidence and treat as confidential all Confidential Information;
 - 8.2.2 use Confidential Information only as required to enable members to perform their duties on the Committee;
 - 8.2.3 not request or seek to obtain any Confidential Information, except to the extent that members require such Confidential Information to perform their duties;
 - 8.2.4 not to disclose, directly or indirectly, to any person, entity, or organisation any Confidential Information;
 - 8.2.5 take all reasonable precautions to protect the Confidential Information from theft, loss and any other unauthorized access, use or disclosure; and
 - 8.2.6 upon the termination of the member's appointment to the Committee, destroy or return to the Chairperson or CEO all materials containing Confidential Information in whatever media or form and not make or retain any copies of the Confidential Information.

9. Responsibilities

The Committee will carry out the following responsibilities:

9.1 Financial Report

- 9.1.1 Review significant accounting and reporting issues, including complex or unusual transactions and highly judgemental areas,

and recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.

- 9.1.2 Review with management and the external auditors the results of the audit, including any difficulties encountered.
- 9.1.3 Receive attestation from management to the effectiveness and response to audit recommendations in certifying the financial report.
- 9.1.4 Review the annual financial report, and consider whether it is complete, consistent with information known to Committee members, reflects appropriate accounting principles and recommend their signing by Council.
- 9.1.5 Review with management and the external auditors all matters required to be communicated to the Committee under the Australian Auditing Standards.

9.2 Internal control

- 9.2.1 Understand the scope of internal and external auditors' review of internal controls over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.
- 9.2.2 Evaluate whether management is setting the appropriate "control culture" by communicating the importance of internal control and the management of risk, so that all employees have an understanding of their roles and responsibilities in respect of internal control and risk management.
- 9.2.3 Regularly review policies and procedures supporting the existing internal control framework.
- 9.2.4 Consider the effectiveness of internal controls for the security of information technology systems and applications.

9.3 Risk management

- 9.3.1 Monitor the systems and process via the council's risk profile and appetite.

- 9.3.2 Monitor the process of review of the council's risk profile and appetite.
- 9.3.3 Review Latrobe City Council's risk profile annually and ensure significant risks are regularly reported to the Council.
- 9.3.4 Consider the adequacy of actions taken to ensure that the material risks from council's risk framework have been dealt with in a timely manner to mitigate exposures to the Council.
- 9.3.5 Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the internal auditor and the Council.
- 9.3.6 Be informed of any subsequent investigation, including the investigation of any suspected cases of fraud or misconduct.

9.4 Business Continuity

- 9.4.1 Monitor processes and practices to ensure effective business continuity plans are in place.

9.5 Internal audit

- 9.5.1 Review with management and the Internal Auditor the charter, activities, staffing, and organisational structure of the internal audit function.
- 9.5.2 Shall ensure attendance at all Audit and Risk Committee meetings in person or via teleconference by a Partner or Senior Auditor.
- 9.5.3 Annually review and approve the Audit Plan against which Internal Audit is to prepare audit reports for the Committee's consideration. These audit reports are to also include, where applicable, management responses, accountabilities and timelines for corrective actions.
- 9.5.4 Consider internal audit findings and review management's responses in terms of content, and commitment and timelines to implement the recommendations.

- 9.5.5 Monitor processes and practices to ensure that the independence of audit function is maintained.
- 9.5.6 As part of the Committee's annual assessment of performance, determine the level of satisfaction with the internal audit function having consideration of the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing.
- 9.5.7 Monitor the internal auditor's annual plan linkage with, and coverage of, the material risks.
- 9.5.8 Provide an opportunity for the Committee to meet with the internal auditor(s) to discuss any matters that the Committee or internal auditor believes should be discussed privately.
- 9.5.9 The Audit and Risk Committee will be responsible for recommending to Council the appointment of and if required, the termination of internal auditors and any issues surrounding the Internal Audit.

9.6 External audit

- 9.6.1 Note the external auditor's proposed audit scope and approach, including any reliance on internal auditor activity.
- 9.6.2 Provide an opportunity for the Committee to meet with the external auditors, to discuss any matters that the Committee or the external auditors believe should be discussed privately.
- 9.6.3 The external auditors shall attend meetings at which the external audit strategy and external audit closing reports are tabled.

9.7 Compliance

- 9.7.1 Review the systems and processes to monitor effectiveness of the system for monitoring compliance with legislation and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of non-compliance.
- 9.7.2 Keep informed of the findings of any examinations by regulatory agencies, and any auditor (internal or external) observations and

monitor management's response to these findings.

9.7.3 Obtain regular updates from management about compliance matters.

- 9.7.4 Review whether Council and senior management has taken steps to embed a culture which is committed to ethical and lawful behaviour, adding to the credibility of Council through adherence with ethical standards

10. Reporting responsibilities

- 10.1 Report regularly to Council about Committee activities, issues, and related recommendations through circulation of Minutes and an annual report. Additional updates may be appropriate should issues of concern arise.
- 10.2 Monitor that open communication between the internal auditor, the external auditors, and the council occurs.
- 10.3 Report annually, describing the Committee's composition, responsibilities and how they were discharged, and any other information required by regulation, including approval of non-audit services. Confirm that all responsibilities outlined in this charter have been carried out.
- 10.4 Consider the findings and recommendations of relevant Performance Audits undertaken by the Victorian Auditor-General and to ensure the council implements relevant recommendations.
- 10.5 The Chair shall attend a Council meeting annually in August (approximately) and present on the operations of the Committee of the previous year.

11. Other responsibilities

- 11.1 Perform other activities related to this charter as requested by the council.
- 11.2 Review and assess the adequacy of the Committee's charter biennially, requesting Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.

12. Performance Evaluation

- 12.1 The Committee will evaluate its own performance, both of individual members and collectively on an annual basis using a Self-Assessment tool which will be reviewed, adopted and completed by the Committee.
- 12.2 Perform an assessment of Internal Audit annually based on a tool that is to be adopted.

13. Ordinary Returns

- 13.1 Committee members must lodge Primary and Ordinary Returns to council as required.

14. Conflicts of Interest

In accordance with Section 79 of the local Government Act 1989, members of the Committee will be required to disclose all conflicts of interest.

- 14.1. Members of the Committee must be fully aware of their responsibilities with regard to the management of interests in relation to the discharge of their duties as a member of the Committee. Management of interests includes the proper disclosure of any conflicts of interest as and when they may arise.
- 14.2. Members of the Committee must also be fully aware of the statutory definitions of direct and indirect interests which may give rise to a conflict of interest. These are set out in sections 77A, 77B, 78, 78A, 78B, 78C and 78D of the Act.
- 14.3. Failure to comply with the provisions of the Act with regard to conflicts of interest may result in the member's appointment being terminated.



Audit Committee Charter

(Recommended Audit Committee Charter based on the Institute of Internal Auditors (IIA) model and adapted for use by Local Government as suggested in the Guide to Good Practice by the Department of Planning and Community Development.)

The Audit Committee Charter aims to:

- Capture many of the good practices used today
- Encompass all the activities that are appropriate to an Audit Committee
- Address the requirements of the Local Government Act 1989

Purpose

To facilitate the operation of the Audit Committee, the Chief Executive Officer has responsibility to provide secretariat services and officer advice in respect of matters before the Audit Committee.

Authority

The Audit Committee has the responsibility for advising the Latrobe City Council on:

- *possible resolutions in relation to disagreements between management and the external auditors on financial report*
- reviewing all auditing, planning and outcomes
- seeking any information it requires from Latrobe City Council members, and Latrobe City Council staff via the Chief Executive Officer and external parties
- formally meeting with Latrobe City Council staff, internal and external auditors as necessary.

Composition

- The Audit Committee will consist of at four members, two of whom must be independent.
- The Latrobe City Council will appoint Audit Committee members and the Audit Committee chair.
- The chair of the Audit Committee must be independent.
- *It is preferable that at least one member of the Audit Committee holds financial knowledge and experience.*
- *The appointments of the independent members shall be staggered so as to maintain a balance of historical knowledge.*



Meetings

- The Audit Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require.
- *Audit Committee members are expected to attend each meeting in order to ensure that there is a quorum.*
- The Chief Executive Officer will facilitate the meetings of the Audit Committee and invite members of management, auditors or others to attend meetings to provide pertinent information, as necessary.
- Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials.
- Minutes will be prepared.

Responsibilities

The Audit Committee will carry out the following responsibilities:

Financial Report

- Review significant accounting and reporting issues, including *the annual budget process*, complex or unusual transactions and highly judgemental areas, and recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.
- Review with management and the external auditors the results of the audit, including any difficulties encountered.
- Review the annual financial report, and consider whether it is complete, consistent with information known to Audit Committee members, and reflects appropriate accounting principles.
- Review with management and the external auditors all matters required to be communicated to the Audit Committee under the Australian Auditing Standards.

Internal control

- Understand the scope of internal and external auditors' review of internal controls over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.



Risk management

- Monitor the systems and process via Latrobe City Council's risk profile to ensure that material operational risks to the Council are dealt with appropriately.
- Monitor the process of review of the Latrobe City Council's risk profile.
- Consider the adequacy of actions taken to ensure that the material business risks have been dealt with in a timely manner to mitigate exposures to the Latrobe City Council.

Business continuity

- Monitor processes and practices of the Latrobe City Council to ensure for effective business continuity.

Internal audit

- Review with management and the internal auditor the charter, activities, staffing, and organisational structure of the internal audit function.
- Review and recommend the annual audit plan for approval by the Council and all major changes to the plan.
- Monitor processes and practices to ensure that the independence of audit function is maintained.
- As part of the Audit Committee's annual assessment of performance, determine level of satisfaction with internal audit function having consideration of the Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.
- Monitor that the internal auditor's annual plan is linked with and covers the material business risks.
- Provide an opportunity for the Audit Committee to meet with the internal auditor to discuss any matters that the Audit Committee or internal auditor believes should be discussed privately.

External audit

- Note the external auditor's proposed audit scope and approach, including any reliance on internal auditor activity.
- Provide an opportunity for the Audit Committee to meet with the external auditors, to discuss any matters that the Audit Committee or the external auditors believe should be discussed privately.



Compliance

- Review the systems and processes to monitor effectiveness of the system for monitoring compliance with legislation and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of non-compliance.
- Keep informed of the findings of any examinations by regulatory agencies, and any auditor (internal or external) observations and monitor management's response to these findings.
- Obtain regular updates from management about compliance matters.

Reporting responsibilities

- Report regularly to Latrobe City Council about Audit Committee activities, issues, and related recommendations through circulation of minutes and annual report. Additional updates may be appropriate should issues of concern arise.
- Monitor that open communication between the internal auditor, the external auditors, and Latrobe City Council occurs.
- Report annually to stakeholders, describing the Audit Committee's composition, responsibilities and how they were discharged, and any other information required by regulation, including approval of non-audit services.
- Consider the findings and recommendations of relevant Performance Audits undertaken by the Victorian Auditor-General and to ensure the Council implements relevant recommendations.

Other responsibilities

- Perform other activities related to this charter as requested by the Council.
- Review and assess the adequacy of the Audit Committee charter annually, requesting Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.
- *Annually review the responsibilities of the Audit Committee and ensure that all of the Audit Committee responsibilities have been appropriately addressed or carried out.*
- Evaluate the Audit Committee's performance annually.

**16.2 AUTHORISATION OF COUNCIL OFFICERS UNDER THE
PLANNING AND ENVIRONMENT ACT 1987**

General Manager

Corporate Services

For Decision

PURPOSE

The purpose of this report is for Council to consider specially authorising the incumbent Helen Crawford, Statutory Planner, Catherine Bryant, Statutory Planner and Casey Sands, Trainee Planner in their right pursuant to section 147 of the *Planning and Environment Act 1987*.

EXECUTIVE SUMMARY

By authorising officers, a Council is authorising a person to 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 or on behalf of the Council. Their powers and responsibilities are different to the powers and responsibilities of the Council.

Therefore it is important, for the proper functioning of the Council, to authorise officers generally under the *Local Government Act 1989* and specifically under other appropriate Acts.

For this reason, Latrobe City Council subscribes to the Maddocks Delegation and Authorisation Service. This service updates the organisation on legislative amendments and requirement and provides appropriate Instrument templates for our use.

RECOMMENDATION

That, in exercise of the powers conferred by Section 224 of the *Local Government Act 1989* and Section 147(4) of the *Planning and Environment Act 1987* Council resolves –

1. That Helen Crawford, Catherine Bryant and Casey Sands be appointed and authorised as an Authorised Officer for the purposes of the *Planning and Environment Act 1987* and the regulation made under that Act.
2. That the Chief Executive Officer is authorised to sign and seal the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) as presented.
3. That the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) comes into force immediately the common seal of Council is affixed.

Moved: Cr Rossiter

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Planning for the future

To provide clear and concise policies and directions in all aspects of planning.

Latrobe City Council Plan 2013 - 2017

Shaping Our Future

Strategic Direction – Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

Service Provision – Legal Services

Administer legal advice and services for Latrobe City Council.

Legislation –

Local Government Act 1989

Planning and Environment Act 1987

Section 224 of the *Local Government Act 1989* allows the following:

224. Authorised officers

1. *A Council may appoint any person other than a Councillor to be an authorised officer for the purpose of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.*
 - (a) *A Council must maintain a register that shows the names of all people appointed by it to be authorised officers.*
2. *The Council must issue an identity card to each authorised officer.*
3. *An identity card must-*
 - (a) *contain a photograph of the authorised officer; and*
 - (b) *contain the signature of the authorised officer; and*
 - (c) *be signed by a member of Council staff appointed for the purpose.*

Section 147(4) of the *Planning and Environment Act 1987* provides for the following:

4. *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.*

However, Section 188(2)(c) of the *Planning and Environment Act 1987*, stipulates that Council cannot delegate the power to authorise officers for the purpose of enforcing that Act:

188. Planning authorities and responsible authorities may delegate powers

- (5) *A planning authority or responsible authority other than the Minister may by instrument delegate any of its powers, discretions or functions under this Act to-*
 - (a) *a committee of the authority; or*
 - (b) *an officer of the authority; or*
 - (c) *the Growth Areas Authority; or*
 - (d) *the Chief Executive Officer of the Growth Areas Authority.*

- (6) *Subsection (1) does not apply to-*
- (a) *the powers of as planning authority under sections 28, 29 and 191 and subsection (1); and*
 - (b) *the powers of a responsible authority under sections 125, 171(2)(b),(c),(d) and (e), 172 and 191 and subsection (1); and*
 - (c) *the power of a responsible authority to authorise any officer to carry out a duty or function or to exercise a power.*

BACKGROUND

By authorising officers, a Council is authorising a person to 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 or on behalf of the Council. Their powers and responsibilities are different to the powers and responsibilities of the Council.

Therefore it is important, for the proper functioning of the Council, to authorise officers generally under the *Local Government Act 1989* and specifically under other appropriate Acts.

For this reason, Latrobe City Council subscribes to the Maddocks Delegation and Authorisation Service. This service updates the organisation on legislative amendments and requirement and provides appropriate Instrument templates for our use.

KEY POINTS/ISSUES

Currently Council has a number of persons authorised to act in various statutory positions.

Helen Crawford, Statutory Planner, Catherine Bryant, Statutory Planner and Casey Sands, Trainee Planner have recently been appointed to their substantive positions. It is therefore necessary and appropriate for Council personally appoint and authorise these officers specifically under section 147(4) of the *Planning and Environment Act 1987* and generally under section 232 of the *Local Government Act 1989* to enable them to fulfil the duties and functions of their role.

Accordingly, the attached S11A. Instrument of Appointment and Authorisations (*Planning and Environment Act 1987*) have been prepared and are now presented for consideration by Council.

RISK IMPLICATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Internally, senior Planning staff have been consulted in relation to the nomination of the officers for appointment.

Details of Community Consultation / Results of Engagement:

No external consultation has been undertaken.

OPTIONS

Council has the following options in relation to the authorisation of the nominated officers:

1. Authorise the nominated officers in accordance with the attached Instrument.
2. Not specifically authorise the nominated officers under the *Planning and Environment Act 1987* which may impede their ability to fully perform their duties.

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 officers specifically under the *Planning and Environment Act 1987* and generally under section 232 of the *Local Government Act 1989*, Council will ensure that the nominated officer will be able to perform their duties under each Act.

SUPPORTING DOCUMENTS

1. S11A Instrument of Appointment & Authorisation (Planning & Environment Act 1987) Deanne Smith.

Attachments

1. S11A. Instrument of Appointment and Authorisation (Planning and Environment Act 1987) Helen Crawford
2. S11A. Instrument of Appointment and Authorisation (Planning and Environment Act 1987) Catherine Bryant.
3. S11A. Instrument of Appointment and Authorisation (Planning and Environment Act 1987) Casey Sands.

16.2

Authorisation of Council Officers under the Planning and Environment Act 1987

- 1 S11A. Instrument of Appointment and Authorisation
(Planning and Environment Act 1987) Helen Crawford..... 259**
- 2 S11A. Instrument of Appointment and Authorisation
(Planning and Environment Act 1987) Catherine Bryant. 263**
- 3 S11A. Instrument of Appointment and Authorisation
(Planning and Environment Act 1987) Casey Sands..... 267**



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)

March 2015

Helen Crawford

●

Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means -

Helen Crawford

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 28 April 2014.

●

The Common Seal of **LATROBE CITY COUNCIL**
was affixed in accordance with Local Law No. 1
this day of 2015 in the presence of:

Gary Van Driel – Chief Executive Officer



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)

March 2015

Catherine Bryant



Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means -

Catherine Bryant

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.

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Gary Van Driel – Chief Executive Officer



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)

March 2015

Casey Sands



Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means -

Casey Sands

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 28 April 2014.

●

The Common Seal of **LATROBE CITY COUNCIL**
was affixed in accordance with Local Law No. 1
this day of 2015 in the presence of:

Gary Van Driel – Chief Executive Officer

**16.3 COMPLETION OF THE ANNUAL REVIEW OF THE COUNCIL
PLAN 2013-2017**

General Manager

Corporate Services

For Decision

PURPOSE

The purpose of this report is to seek Council's approval for the completion of the annual review of the Council Plan 2013-2017 and to advise the Minister for Local Government accordingly.

EXECUTIVE SUMMARY

The Council Plan 2013 – 2017 was adopted by Council on the 24 June 2013, setting out the strategic objectives of Council, strategies for achieving these objectives for the four year term of Council.

Council is required under Section 125 of the *Local Government Act 1989* to prepare a four year Council Plan, which must be reviewed annually. The purpose of the annual review is to ensure the Council Plan continues to reflect the aspirations and needs of the community.

Council completed a review of the Council Plan 2013-2017 at a workshop held 29 January 2015. It was generally agreed by those in attendance that Council remained committed to the themes, objectives, strategies and indicators which the Council had established at the commencement of their term. It was also considered that the Council Plan remained relevant to the priorities and needs of the community and provided a platform from which targeted actions and initiatives could be undertaken.

At the conclusion of the workshop, those Councillors in attendance determined that no changes were required to the Council Plan 2013-2017.

RECOMMENDATION

That Council approve the completion of the annual review of the Council Plan 2013-2017.

That Council advise the Minister for Local Government of the completion of the 2015 review of the Latrobe City Council Plan 2013-2017.

Moved: Cr Gibson

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 3: Efficient, effective and accountable governance

Strategic Direction –

Continuously review our policies and processes to increase efficiency and quality of our facilities and the services we provide.

Legislation – Local Government Act 1989

In accordance with Section 125 of the *Local Government Act 1989*, at least once a year council must consider whether the council plan requires any adjustment in respect to the remaining period of the plan.

If Council amends its plan, Council is obliged in accordance with Section 125(3) of the *Local Government Act 1989* to give public notice and invite submissions in respect of any changes to the Council Plan 2013-2017.

In accordance with Section 125 (8) of the *Local Government Act 1989*, if Council makes an adjustment to the Council Plan, the Council must within 30 days of making the adjustment advise the Minister of the details of the adjustment to the Council Plan.

In accordance with Section 126 of the *Local Government Act 1989*, the Council Plan must be supported by a Strategic Resource Plan which includes the next four financial years of standard statements describing the required financial and non-financial resources to deliver both the activities and initiatives of Council.

Pursuant to Section 126, (3), (b) of the *Local Government Act 1989*, Council must adopt the Strategic Resource Plan no later than 30 June each year.

BACKGROUND

**ORDINARY COUNCIL MEETING MINUTES
02 MARCH 2015 (CM457)**

Council is required under Section 125 of the *Local Government Act 1989* to prepare a four year Council Plan, which must be reviewed annually. The purpose of the annual review is to ensure the Council Plan continues to reflect the aspirations and needs of the community.

The Council Plan 2013 – 2017 was adopted by Council on the 24 June 2013, setting out the strategic objectives of Council, strategies for achieving these objectives for the four year term of Council.

Council completed a review of the Council Plan 2013-2017 at a workshop held 29 January 2015. It was generally agreed by those Councillors who attended the workshop that Council remained committed to the themes, objectives and strategies which the Council established at the commencement of the Council's term. Council also reviewed the performance against the indicators included within the Council Plan, and acknowledged the need to enable trending of these performance indicators over time.

It was also considered that the Council Plan remained relevant to the priorities and needs of the community and provided a platform from which targeted actions and initiatives could be undertaken.

At the conclusion of the workshop, those Councillors in attendance determined that no changes were required to the Council Plan 2013-2017.

KEY POINTS/ISSUES

The Council Plan must be accompanied by a four year Strategic Resource Plan detailing the specific projects and Major Initiatives to be delivered during the 2015/2016 financial year. During Council's preparation of a draft Annual Budget, the Strategic Resource Plan will be amended to be consistent with the 2015/2016 Annual Budget.

RISK IMPLICATIONS

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

The Council Plan and Strategic Resource Plan must be submitted to the Minister by 30 June 2013. Where a Council fails to submit a Council Plan to the Minister within the time allowed, details of the failure are published in the annual report of the Department. Failing to comply with the provisions of the Act is considered a significant risk.

FINANCIAL AND RESOURCES IMPLICATIONS

The Council Plan must be supported by a revised Strategic Resources Plan, Annual Budget and Action Plan detailing the specific projects and Major Initiatives to be delivered during the 2015/2016 financial year.

During Council's preparation of a draft Annual Budget, the Strategic Resource Plan will be amended to reflect the directions and commitments identified by the draft Annual Action Plan and Budget. The revised Strategic Resource Plan will then be publicly exhibited alongside the Annual Budget and subsequently submitted to the Minister for Local Government.

The Strategic Resource Plan must be submitted to the Minister by 30 June 2013.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

An internal consultation process was undertaken with six of the nine Councillors participating in a Councillor workshop held 29 January 2015. The opportunity for Councillors to discuss or email queries or comments regarding the annual review was also provided.

Details of Community Consultation / Results of Engagement:

At the conclusion of the workshop, those Councillors in attendance determined that no changes were required to the Council Plan 2013-2017. Given there is no change proposed to the Council Plan, no public exhibition period is required.

OPTIONS

Council have the followings options;

1. Council may choose to endorse the Council Plan in its current format and notify the Minister accordingly.
2. Alternatively Council may adopt the Council Plan 2013 – 2017 with changes.

It is noted that if a change is made to the Council Plan, this change must first be publicly exhibited prior to submitting to the Minister for Local Government.

CONCLUSION

The Council Plan 2013-2017 provides Latrobe City Council with a four year strategic direction in accordance with Section 125 of the *Local Government Act 1989*.

Following the 2015 review of the Council Plan, there are no changes proposed to the Council Plan 2013-2017.

SUPPORTING DOCUMENTS

There are no supporting documents.

Attachments
Nil

16.4 DECEMBER 2014 QUARTERLY FINANCE REPORT**General Manager****Corporate Services****For Information****PURPOSE**

The purpose of this report is to present the December 2014 Quarterly Finance Report.

EXECUTIVE SUMMARY

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 relating 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.

RECOMMENDATION

That Council receives and notes the December 2014 Quarterly Finance Report for the three months ended 30 September 2014, in accordance with the requirements of the *Local Government Act 1989*.

Moved: Cr White**Seconded:** Cr Rossiter**That the Recommendation be adopted.****CARRIED UNANIMOUSLY****DECLARATION OF INTEREST**

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 3: Efficient, effective and accountable governance

Strategic Direction – Regularly report Council decisions and performance to the community

Legislation –

Local Government Act 1989

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. This report ensures compliance with this legislative requirement.

The attached report as at 31 December 2014 is provided for the information of Council and the community. The financial report compares budgeted income and expenditure with actual results for the first three months of the financial year.

KEY POINTS/ISSUES

The attached report, "Income Statement", shows the actual result for the three months ended 30 September 2014 compared with the budgeted year to date result. The report also provides a forecast for the full year financial result compared to budget.

Overall the report is showing a favourable year to date variance of \$4.615M. This is a result of favourable variances of \$0.755M in income and \$3.860M in expenditure mainly due to the following factors;

- User fees and charges (\$1.136M favourable) mainly as a result of greater than anticipated Commercial waste received at Council's landfill facility together with favourable variances in subdivision and child care.
- Grants Operating non-recurrent (\$1.072M favourable) resulting from funding for the Energy Efficiency Lighting Upgrade being received earlier than anticipated together with grants received for projects that were not identified at the time of budget.
- Grants Operating recurrent (\$0.633M favourable) resulting from grant monies that have been received earlier than anticipated as well as new funding for HACC Flexible Support Package that was not identified at the time of the budget.
- Higher than anticipated rates growth prior to raising the annual rates charges (\$0.310M favourable).

ORDINARY COUNCIL MEETING MINUTES 02 MARCH 2015 (CM457)

- Grants Capital non-recurrent (\$2.090M unfavourable) mainly as a result of budgeted funds received for the Moe Rail Precinct Revitalisation Project in the previous financial year together with grant funds for other projects to be received later in the current financial year than anticipated.
- Grants Capital recurrent (\$0.588M unfavourable) due to Roads to Recovery grant funds to be received later in the current financial year than anticipated.
- Employee costs (\$1.051M favourable) principally relating to a number of unfilled vacant staffing positions in the first six months of the financial year together with a lower than expected workcover premium for 2014/15.
- Materials and Services (\$1.560M favourable) principally relating to project and program expenditure that will be incurred later than anticipated.
- Depreciation and Amortisation (\$0.907M) as a result of later than expected timing of infrastructure re-valuations.

These and other variances are explained further in the attached report.

The "Income Statement" report forecasts a surplus result for the full financial year of \$12.489M which is a favourable variance of \$0.609M to the original budget. The main contributing factors is increased capital government grants resulting from carry forward projects and additional funding received in the current financial year such as funding for the Federal Blackspot roads safety program, together with favourable Landfill fees which are to be held in surplus for funding future landfill development. More detailed explanations of all variances are included in the attached report.

RISK IMPLICATIONS

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

This report assists in ensuring legislative requirements are met.

FINANCIAL AND RESOURCES IMPLICATIONS

The attached report provides details of budget variances for the six months to 31 December 2014 and the forecasted full financial year.

INTERNAL/EXTERNAL CONSULTATION

No consultation was required in the preparation of this report.

OPTIONS

The requirement to report on financial and key strategic actions quarterly is a statutory requirement, therefore the options that exist are:

**ORDINARY COUNCIL MEETING MINUTES
02 MARCH 2015 (CM457)**

1. Council receives and notes the December 2014 Quarterly Finance Report for the six months ended 30 September 2014, in accordance with the requirements of the Local Government Act 1989; or
2. Council seeks additional information.

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 2014/2015 adopted budget. Variances arising from the timing of the receipt of and new capital grant revenues together with favourable landfill gate fees which will be held in surplus for future landfill development requirements have resulted in a forecasted increased operating surplus for the full financial year.

SUPPORTING DOCUMENTS

N/A

Attachments

1. December Quarterly Finance Report

16.4

DECEMBER 2014 QUARTERLY FINANCE REPORT

1	December Quarterly Finance Report	281
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STANDARD INCOME STATEMENT
For The Quarter Ended 31 December 2014

	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	69,472	69,162	310	69,460	69,400	60
Grants - Operating (recurrent)	2	11,717	11,084	633	22,997	22,478	519
Grants - Operating (non-recurrent)	3	2,274	1,202	1,072	2,696	2,278	418
Grants - Capital (recurrent)	4	0	588	(588)	1,175	1,175	0
Grants - Capital (non-recurrent)	5	3,131	5,221	(2,090)	15,598	12,566	3,032
Interest	6	717	650	67	1,379	1,300	79
User fees and charges	7	8,061	6,925	1,136	15,419	14,747	672
Other Income	8	1,170	1,157	12	2,418	2,415	3
Developer Contributions (Cash)	9	146	17	129	168	41	127
Developer Contributed assets	10	0	0	0	2,000	2,000	0
Net gain (loss) on disposal of property, infrastructure and equipment	11	73	(0)	73	0	0	0
TOTAL INCOME		96,761	96,006	755	133,309	128,399	4,910
EXPENSES							
Employee costs	12	23,820	24,872	1,051	51,023	51,262	239
Materials and services	13	14,004	15,564	1,560	39,882	35,659	(4,223)
Bad and Doubtful Debts	14	11	7	(4)	21	16	(5)
Finance costs	15	493	594	101	1,077	1,129	52
Other Expenditure	16	2,662	2,906	245	5,518	5,154	(364)
Depreciation and amortisation	17	10,743	11,650	907	23,300	23,300	0
TOTAL EXPENSES		51,733	55,592	3,860	120,820	116,520	(4,301)
SURPLUS (DEFICIT) FOR THE YEAR		45,028	40,413	4,615	12,489	11,880	609

NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances**1. Rates and charges****Year to Date - \$0.310M Favourable**

The favourable variance is primarily a result of higher than anticipated supplementary rates growth processed to date.

Full Year - \$0.060M Favourable

The favourable variance is primarily a result of higher than anticipated supplementary rates growth.

2. Grants - Operating (recurrent)**Year to Date - \$0.633M Favourable**

The favourable variance is due to some grant monies that have been received earlier than anticipated as well as new funding for HACC Flexible Support Package that was not identified at the time of the budget. The funding for Maternal & Child Health was also incorrectly budgeted against Other Income for the year.

Full Year - \$0.519M Favourable

The main reason for the full year favourable variance is due to the funding for Maternal & Child Health being incorrectly budgeted against Other Income. Also new funding for HACC Flexible Support Package of \$255K that was not identified at the time the budget was set. There are also other minor variances across other areas.

3. Grants - Operating (non-recurrent)**Year to Date - \$1.072M Favourable**

The main reason for the favourable variance is due to the funding for Energy Efficiency Lighting Upgrade being received earlier than anticipated together with funding received for projects that were not identified at the time of budget as identified in the full year comment.

Full Year - \$0.418M Favourable

The favourable variance is due to new funding that was not identified at the time of budget. \$78K for Emergency Response & Recovery Collaboration Gippsland, \$65K for Moe Outdoor Recreation, Catterick Crescent & Maryvale reserve masterplans 14/15, \$60K for Emergency Management Administration and \$51K for Learner Driver Mentor Program. There are also other minor variances across other areas.

4. Grants - Capital (recurrent)**Year to Date - (\$0.588M) Unfavourable**

The unfavourable variance is due to the later than expected timing to receive funding for the Roads to Recovery program.

Full Year - \$0.000M Nil Variance

No variance is forecasted at this stage.

5. Grants - Capital (non-recurrent)

Year to Date - (\$2.090M) Unfavourable

The unfavourable variance is due to a combination of some funding received at the end of the 13/14 financial year and also in the timing anticipated to receive other funding.

Full Year - \$3.032M Favourable

The favourable variance is due to new funding that was not identified at the time of budget. \$825K for National Building Blackspot Program, \$550K for Piggery Road Landslip Land Purchase, \$533K for Major Flood recovery works, \$140K for Crinigan Bushland Reserve Redevelopment and \$125K for Morwell town common. There is also an additional \$1.540M forecast for Growing Aerospace Manufacturing at LRA. This has also been offset by a reduction of \$1.150M for Moe Rail Precinct Revitalisation Project which was received in June 2014.

6. Interest

Year to Date - \$0.067M Favourable

The favourable variance is a result of greater than expected funds available for investing.

Full Year - \$0.079M Favourable

The favourable variance is a result of greater than expected funds available for investing.

7. User fees and charges

Year to Date - \$1.136M Favourable

The year to date variance is mainly a result of additional income in Landfill gate fees of \$804K together with other minor variances.

Full Year - \$0.672M Favourable

The forecasted variance is mainly a result of expected additional income in Landfill gate fees of \$804K together with other minor variances

8. Other Income

Year to Date - \$0.012M Favourable

Minor Variance due to timing of Income received.

Full Year - \$0.003M Favourable

Minor Variance

9. Developer Contributions

Year to Date - \$0.129M Favourable

The year to date favourable variance is from additional monies received in Public Open Space, Future Roadworks and Street Trees.

Full Year - \$0.127M Favourable

The favourable variance is from additional monies received in Public Open Space, Future Roadworks and Street Trees which have already been received.

10. Developer Contributed assets

Year to Date - **\$0.000M Nil Variance**

No variance to date.

Full Year - **\$0.000M Nil Variance**

No variance is forecasted at this stage.

11. Net gain (loss) on disposal of property, infrastructure and equipment

Year to Date - **\$0.073M Favourable**

Minor favourable variance associated with plant and fleet trade-ins to date.

Full Year - **\$0.000M Nil Variance**

No variance is forecasted at this stage.

12. Employee costs

Year to Date - **\$1.051M Favourable**

The favourable variance is largely due to a lower than anticipated Workcover Levy together with a number of vacant staffing positions across the organisation.

Full Year - **\$0.239M Favourable**

The full year favourable variance is mainly due to a reduction in Workcover Levy

13. Materials and services

Year to Date - **\$1.560M Favourable**

The favourable year to date result is mainly due to various minor variances in the timing of works and supplier payments.

Full Year - **(\$4.223M) Unfavourable**

The unfavourable full year variance reflects expenditure on a number of projects/programs that were funded from the 2013/2014 accumulated surplus due to them not being fully completed in the last financial year. Other contributing factors are expenditure on new externally funded programs.

14. Bad and Doubtful Debts

Year to Date - **(\$0.004M) Unfavourable**

Minor Variance

Full Year - **(\$0.005M) Unfavourable**

Minor Variance

15. Finance costs**Year to Date - \$0.101M Favourable**

The favourable variance is a result of Council receiving a lower interest rate from the Local Government Funding Vehicle (LGFV) for its 2013/2014 borrowings than was budgeted .

Full Year - \$0.052M Favourable

The favourable variance is a result of Council receiving a lower interest rate from the Local Government Funding Vehicle (LGFV) for its 2013/2014 borrowings than was budgeted .

16. Other Expenditure**Year to Date - \$0.245M Favourable**

The favourable variance is mainly due to a saving in Insurance Premiums for the year of \$216K.

Full Year - (\$0.364M) Unfavourable

The unfavourable variance is due to additional expenditure in Grants and Contributions of \$299K associated with carry forward and new government funding and Landfill Operations Levies of \$231K associated with higher than expected commercial waste volumes. This is partially offset by a saving in the Insurance premiums of \$215K.

17. Depreciation**Year to Date - \$0.907M Favourable**

The favourable variance is mainly a result of later than anticipated revaluation of Infrastructure assets. It is anticipated that this revaluation will be processed in the coming months which will result in the depreciation calculations being updated.

Full Year - \$0.000M Nil Variance

No variance identified at this stage

RECONCILIATION OF STANDARD INCOME STATEMENT TO CASH BUDGET
For The Quarter Ended 31 December 2014

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)	45,028	40,413	4,615	12,489	11,880	609
Reconciliation to Cash Budget						
Plus Depreciation	10,743	11,650	(907)	23,300	23,300	0
Plus Written Down Value of Assets Disposed	363	542	(179)	1,635	1,635	0
Less Developer Contributed assets	0	0	0	(2,000)	(2,000)	0
Less Capital Expenditure	(9,335)	(11,084)	1,749	(45,487)	(43,229)	(2,258)
Less Loan Principal Repayments	(9,523)	(1,666)	(7,857)	(10,823)	(3,341)	(7,482)
Less Landfill Rehabilitation Expenditure	(157)	(625)	468	(2,689)	(1,500)	(1,189)
Plus Internal Transfers	18,218	9,131	9,087	12,315	9,905	2,410
Plus Loan Proceeds	8,216	0	8,216	11,566	3,350	8,216
Net Other Non-Operating Items	(9)	0	(9)	(4)	0	(4)
Net Total Non-Operating items	(18,515)	(7,948)	(10,567)	12,187	11,880	307
Cash Budget Surplus (Deficit)	63,543	48,361	15,182	302	(0)	302

STANDARD INCOME STATEMENT
For The Quarter Ended 31 December 2014 Compared To Previous Financial Year

	2014/15			2013/14		
	YTD Actuals	YTD Budgets	Variance YTD Act/Bud	YTD Actuals	YTD Budgets	Variance YTD Act/Bud
INCOME						
Rates and charges	69,472	69,162	310	66,234	66,444	(210)
Grants - Operating (recurrent)	11,717	11,084	633	8,692	10,985	(2,293)
Grants - Operating (non-recurrent)	2,274	1,202	1,072	1,678	1,291	387
Grants - Capital (recurrent)	0	588	(588)	1,175	1,175	0
Grants - Capital (non-recurrent)	3,131	5,221	(2,090)	1,825	2,657	(832)
Interest	717	650	67	738	632	106
User fees and charges	8,061	6,925	1,136	7,627	6,730	897
Other Income	1,170	1,157	12	1,453	1,041	412
Developer Contributions (Cash)	146	17	129	23	36	(13)
Developer Contributed assets	0	0	0	0	0	0
Net gain (loss) on disposal of property,	73	(0)	73	(1)	0	(1)
TOTAL INCOME	96,761	96,006	755	89,443	90,990	(1,547)
EXPENSES						
Employee costs	23,820	24,872	1,051	22,366	22,653	287
Materials and services	14,004	15,564	1,560	13,497	14,698	1,201
Bad and Doubtful Debts	11	7	(4)	9	9	0
Finance costs	493	594	101	568	702	134
Other Expenditure	2,662	2,906	245	2,568	2,545	(23)
Depreciation and amortisation	10,743	11,650	907	11,240	11,028	(212)
Write-off Previously Recognised Assets	0	0	0	0	0	0
TOTAL EXPENSES	51,733	55,592	3,860	50,248	51,636	1,388
SURPLUS (DEFICIT) FOR THE YEAR	45,028	40,413	4,615	39,195	39,355	(160)

STANDARD CASH FLOW STATEMENT

For the Quarter ended 31 December 2014

	NOTE	YTD Cash Flow \$'000s	Adopted Budget Annual Cashflow \$'000s	Cash Flow 2013/14 \$'000s
		Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES				
Rates and charges		24,085	69,078	65,560
Grants - operating		14,360	23,403	20,705
Grants - capital		3,170	13,677	7,088
User fees and fines		8,351	14,679	16,973
Interest		634	1,294	1,739
Developer Contributions		146	41	36
Other Receipts		4,405	3,688	1,581
Employee Costs		(26,609)	(50,473)	(49,289)
Materials and services		(22,446)	(31,318)	(40,979)
Other Payments		(2,662)	(10,806)	(5,151)
Net cash from operating activities		3,434	33,263	18,263
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from Property, Plant & Equipment		436	1,635	570
Proceeds from Investments		18,120	0	58,000
Payments for Property, Plant & Equipment		(9,335)	(43,230)	(24,108)
Payments for Investments		(41,310)	0	(41,810)
Net Cash Flows used in investing activities		(32,089)	(41,595)	(7,348)
CASH FLOWS FROM FINANCING ACTIVITIES				
Finance costs		(493)	(1,129)	(1,211)
Proceeds from borrowings		8,216	3,350	8,970
Repayment of borrowings		(9,523)	(3,341)	(3,705)
Net Cash Flows from Financing Activities		(1,801)	(1,120)	4,054
Net Increase/(Decrease) in cash held		(30,456)	(9,452)	14,970
Cash & cash equivalents at beginning of year	1	42,632	34,136	27,663
Cash & cash equivalents at end of period		12,177	24,684	42,632

NOTES

1. The budgeted cash at the beginning of the year was based on \$8.7M of the 2013/2014 capital works program being incomplete at 30 June 2014. The actual amount of incomplete capital works and capital grants received in advance was \$14.6M. This additional \$5.9M together with additional advance funding and incomplete operational projects from 2013/2014 of \$3.2M are the principal factors contributing to the significant variance in the opening cash balance.

STANDARD BALANCE SHEET
As at 31 December 2014

	Current Balance \$'000s	Balance as at 30/06/2014 \$'000s	Movement for Year to Date \$'000s	Balance as at 31/12/2013 \$'000s
CURRENT ASSETS				
Cash and Cash Equivalents	12,177	42,632	(30,456)	21,415
Financial Assets	26,500	3,310	23,190	13,500
Prepayments	3	293	(290)	9
Trade and Other Receivables	60,529	8,962	51,567	61,161
Total Current Assets	99,209	55,198	44,011	96,084
NON CURRENT ASSETS				
Property, Plant and Equipment	1,034,307	1,036,036	(1,728)	1,028,679
Intangible Assets	197	239	(42)	281
Trade and Other Receivables	17	17	0	26
Financial Assets	2	2	0	2
Total Non-Current Assets	1,034,523	1,036,294	(1,771)	1,028,989
TOTAL ASSETS	1,133,733	1,091,492	42,241	1,125,073
CURRENT LIABILITIES				
Payables	10,272	10,942	(670)	12,518
Interest-bearing Liabilities	9,515	10,823	(1,308)	10,035
Provisions - Employee Benefits	10,066	10,815	(749)	10,048
Provisions - Landfill	1,963	2,120	(157)	1,892
Trust Funds and Deposits	2,310	2,214	96	1,932
Total Current Liabilities	34,127	36,914	(2,787)	36,425
NON CURRENT LIABILITIES				
Interest-bearing Liabilities	8,828	8,828	0	11,427
Provisions - Employee Benefits	1,370	1,370	0	1,406
Provisions - Landfill	13,628	13,628	0	14,387
Total Non-Current Liabilities	23,827	23,827	0	27,221
TOTAL LIABILITIES	57,953	60,740	(2,787)	63,646
NET ASSETS	1,075,779	1,030,751	45,028	1,061,427
EQUITY				
Current Year Surplus/(Deficit)	45,028	7,653	37,375	39,195
Accumulated Surplus	628,165	620,653	7,511	620,618
Reserves	402,587	402,445	142	401,614
TOTAL EQUITY	1,075,779	1,030,751	45,028	1,061,427

STANDARD CAPITAL WORKS STATEMENT
For The Quarter Ended 31 December 2014

	NOTE	YTD Actuals \$'000	Full Year Forecast \$'000	Annual Budget \$'000	Variance Annual Budget /Forecast \$'000
Property					
Land, Buildings & Improvements	1	2,209	12,379	13,554	1,176
Total Property		2,209	12,379	13,554	1,176
Plant and Equipment					
Plant & Equipment	2	900	2,692	2,065	(627)
Furniture & Equipment	3	279	685	642	(43)
Artworks	4	0	15	15	0
Total Plant and Equipment		1,179	3,391	2,722	(669)
Infrastructure					
Roads	5	4,772	21,750	19,942	(1,809)
Footpaths & Cycleways	6	206	1,810	1,494	(315)
Bridges & Culverts	7	321	823	500	(323)
Off Street Carparks	8	361	575	510	(65)
Drainage	9	38	1,496	1,455	(41)
Playgrounds	10	192	464	252	(212)
Landfill Cell Construction	11	56	2,800	2,800	0
		5,946	29,717	26,953	(2,764)
Total Capital Works expenditure		9,335	45,487	43,229	(2,258)
REPRESENTED BY;					
New Asset Expenditure	12	3,270	13,193	14,738	1,545
Asset Renewal Expenditure	13	5,594	24,399	22,023	(2,376)
Asset Expansion Expenditure	14	61	1,992	2,028	35
Asset Upgrade Expenditure	15	411	5,903	4,440	(1,463)
Total Capital Works expenditure		9,335	45,487	43,229	(2,258)

NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances

- 1. Land, Buildings and Improvements** **\$1.176M Favourable**
The reduced expenditure forecast is mainly due to the expected timing of works on the Moe Rail Precinct Revitalisation Project Stage 1 which will fall over two financial years, with a greater portion of the expenditure now expected to occur in the 2015/16 financial year which offsets this reduction.
- 2. Plant and Equipment** **(\$0.627M) Unfavourable**
The additional expenditure is a result of unspent fleet replacement funds carried forward from the previous financial year as a result of a delay in the program due to a review of Council's fleet processes.
- 3. Furniture and Equipment** **(\$0.043M) Unfavourable**
The additional expenditure is a result of unspent IT Equipment replacement funds carried forward from the previous financial year.
- 4. Artworks** **\$0.000M Nil Variance**
Nil variance
- 5. Roads** **(\$1.809M) Unfavourable**
The additional expenditure is mainly a result of unbudgeted National Blackspot Program funding received (\$825K), Rural Gravel Road Sealing program works funded from reserves and Marshall's Road Rehabilitation works funded from carry forward and developer contributions.
- 6. Footpaths and Cycleways** **(\$0.315M) Unfavourable**
The additional expenditure is a result of unspent footpath replacement funds carried forward from the previous financial year.

- 7. Bridges and Culverts** **(\$0.323M) Unfavourable**
The additional expenditure is mainly a result of Wright Street Footbridge funds carried forward from the previous financial year.
- 8. Offstreet Carparks** **(\$0.065M) Unfavourable**
The additional expenditure is mainly a result of unspent Morwell Town Common carpark funds carried forward from the previous financial year.
- 9. Drainage** **(\$0.041M) Unfavourable**
The additional expenditure is mainly a result of unspent Milburn Court Drainage project funds carried forward from the previous financial year.
- 10. Playgrounds** **(\$0.212M) Unfavourable**
The additional expenditure is mainly a result of unspent Morwell Town Common AAA Playground funds carried forward from the previous financial year.
- 11. Landfill Cell Construction** **\$0.000M Nil Variance**
Nil variance
- 12. New Assets** **\$1.545M Favourable**
The reduced expenditure forecast is mainly due to the expected timing of works on the Moe Rail Precinct Revitalisation Project Stage 1 which will fall over two financial years, with a greater portion of the expenditure now expected to occur in the 2015/16 financial year which offsets this reduction.
- 13. Asset Renewal** **(\$2.376M) Unfavourable**
The additional expenditure is mainly due to carry over and additional external funding for Landslip remediation, Fleet Replacement, Road Rehabilitation, Wright Street Footbridge, Footpath and IT Equipment replacement programs.
- 14. Asset expansion** **\$0.035M Favourable**
Minor reduction from expected carry forward design project that was completed sooner than expected in the 2013/14 financial year.
- 15. Asset upgrade** **(\$1.463M) Unfavourable**
The additional expenditure is mainly a result of additional Federal Blackspot Program funding approved and Rural Gravel Road Sealing projects funded from reserve.

FINANCIAL PERFORMANCE RATIOS

As at 31 December 2014

	Year to Date Ratios			Forecast at 30/06/15	Budget at 30/06/15	Expected Range
	\$'000s	Ratio at 31/12/14	Ratio at 31/12/13			
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>	41,897				
	Adjusted underlying revenue	93,630	44.7%	42.7%	(4.4%)	(2.4%)
-20% - +20%						
The ratio takes out the effect of once off capital grants & developer contributions.						
Note: The forecasted negative ratio of 4.4% reflects a larger underlying operating deficit that is now projected in the 'Standard Income Statement' and is mainly a result of the early receipt of 2014/2015 grant revenue and unspent 2013/2014 recurrent project and program expenditure which led to a greater than expected accumulated surplus result at the end of the 2013/2014 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>	99,209				
	Current Liabilities	34,127	290.7%	263.8%	155.8%	135.2%
100% - 300%						
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>	28,899				
	Current Liabilities	34,127	84.7%	n/a	78.9%	82.5%
0.0% - 200%						
Note: Indicative figure only as restricted cash only measurable at year end.						

	Year to Date Ratios			Forecast at 30/06/15	Budget at 30/06/15	Expected Range
	\$'000s	Ratio at 31/12/14	Ratio at 31/12/13			
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>	18,343	26.4%	32.4%	29.4%	28.3%	0% - 50%
Rate Revenue	69,472					
Note: This ratio is expected to be slightly higher than budgeted due to Council participating in the MAV Local Government Funding Vehicle which is interest only with principal repayments only occurring every five years.						
Loans and borrowings repayments compared to rates						
<u>Interest & principal repayments</u>	10,016	14.4%	3.7%	17.1%	6.4%	0% - 10%
Rate Revenue	69,472					
Note: This ratio is expected to be higher than budgeted due to Council refinancing from an interim loan facility to the MAV Local Government Funding Vehicle this has led to the repayment of principal being included in principal repayments but is offset by proceeds from the new facility.						
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>	23,827	30.0%	35.8%	34.1%	34.3%	0% - 50%
Own Source Revenue	79,493					
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>	5,594	52.1%	75.4%	104.7%	94.5%	50%-100%
Depreciation	10,743					
Note: The improved forecast ratio is mainly a result of funds carried forward from the previous financial year thus leading to a lower ratio than expected in 2013/14.						

	Year to Date Ratios			Forecast at 30/06/15	Budget at 30/06/15	Expected Range	
	\$'000s	Ratio at 31/12/14	Ratio at 31/12/13				
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>	69,472	74.2%	75.6%	60.0%	61.0%	40% - 80%
	Adjusted underlying revenue	93,630					
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>	69,472	0.4%	0.4%	0.4%	0.7%	0.2% to 0.7%
	property values (CIV)	16,292,532					
Note: The budget document indicated this ratio would be 0.7% but this included payments in lieu of rates in rate revenue but not the CIV property values as these payments are not valuation based. By adding the CIV values of these properties the budgeted ratio would have been 0.4%. This adjustment has been made to the actual and forecast ratios.							
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>	51,733	\$ 1,380	\$ 1,352	\$ 3,222	\$ 3,112	\$2000 - \$4000
	Number of property assessments	37					
Note: The forecasted increase in expenses per assessment is mainly related to 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>	50,027	\$ 1,495	\$ 1,423	\$ 1,484	\$ 1,484	\$800 - \$1,800
	Number of residential property assessments	33					
Note: Indicative figure only as system does not currently directly attribute Municipal & Garbages Charges to a property type. New reports are currently being devised to more accurately capture this data.							

MEETING CLOSED TO THE PUBLIC

17. 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.

RECOMMENDATION

That the Ordinary Meeting of Council closes this meeting to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

17.1 ADOPTION OF MINUTES

Agenda item 17.1 *Adoption of 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)

17.2 CONFIDENTIAL ITEMS

Agenda item 17.2 *Confidential Items* 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)

17.3 2011/12 COMMUNITY GRANT - CHANGE OF PROJECT

Agenda item 17.3 *2011/12 Community Grant - Change of Project* 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)

17.4 BAD DEBTS REPORT - NOVEMBER 2014

Agenda item 17.4 *BAD DEBTS REPORT - NOVEMBER 2014* is designated as confidential as it relates to personal hardship of any resident or ratepayer (s89 2b)

17.5 FOOD SAMPLING ANALYSIS REPORT - 1 APRIL TO 31 DECEMBER 2014

Agenda item 17.5 *Food Sampling Analysis Report - 1 April to 31 December 2014* is designated as confidential as it relates to a

**ORDINARY COUNCIL MEETING MINUTES
02 MARCH 2015 (CM457)**

matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

17.6 LCC-241 PROFESSIONAL SERVICES PLANNING

Agenda item 17.6 *LCC-241 PROFESSIONAL SERVICES PLANNING* is designated as confidential as it relates to contractual matters (s89 2d)

17.7 LCC-259 DRAINAGE AUGMENTATION AT MOE-WALHALLA ROAD, MOE

Agenda item 17.7 *LCC-259 DRAINAGE AUGMENTATION AT MOE-WALHALLA ROAD, MOE* is designated as confidential as it relates to contractual matters (s89 2d)

Moved: Cr Gibson
Seconded: Cr Rossiter

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

The Meeting closed to the public at 8:52pm and adjourned for ten minutes.

The Meeting recommenced at 9:01pm in closed to the public.