



LATROBE CITY COUNCIL

MINUTES FOR THE ORDINARY COUNCIL

**HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 5.30 PM ON
06 NOVEMBER 2013**

CM 423

PRESENT:

Councillors:	Cr Sandy Kam, Mayor	East Ward
	Cr Sharon Gibson, Deputy Mayor	West Ward
	Cr Peter Gibbons	West Ward
	Cr Dale Harriman	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:	Paul Buckley	Chief Executive Officer
	Michael Edgar	General Manager Community Liveability
	Carol Jeffs	General Manager Governance
	Allison Jones	General Manager Economic Sustainability
	Zemeel Saba	General Manager Organisational Excellence
	Grantley Switzer	General Manager Recreation, Culture & Community Infrastructure
	Tom McQualter	Manager Council Operations & Legal Counsel

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1. OPENING PRAYER

The Opening Prayer was read by the Mayor.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

The Recognition of Traditional Landholders was read by the Mayor.

3. APOLOGIES AND LEAVE OF ABSENCE**4. DECLARATION OF CONFLICT OF INTEREST**

Cr Harriman declared an indirect interest under Section 78C of the Local Government Act 1989 in relation to Item 9.5 Consideration of the Adoption of the Traralgon Growth Areas Review (TGAR) and Planning Scheme Amendments Authorisation Request

4.1 DECLARATION OF INTEREST

Cr O'Callaghan advised of an interest in Item 9.5 Consideration of the Adoption of the Traralgon Growth Areas Review (TGAR) and Planning Scheme Amendments Authorisation Request

Cr Harriman advised of a conflict of interest in Item 9.5 Consideration of the Adoption of the Traralgon Growth Areas Review (TGAR) and Planning Scheme Amendments Authorisation Request.

5. ADOPTION OF MINUTES**RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on 21 October 2013 be confirmed.

Moved: Cr Gibson
Seconded: Cr Gibbons

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

6. PUBLIC QUESTION TIME

Suspension of Standing Orders

Moved: Cr Gibson
Seconded: Cr Rossiter

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 5.36 pm

Mr Greg Burke addressed Council in relation to Item 9.3 Proposed Public Highway Declaration - Deakin Lane, Traralgon

Mr Gino Tripodi addressed Council in relation to Item 9.3 Proposed Public Highway Declaration - Deakin Lane, Traralgon

Mr Katherine Heggen addressed Council in relation to Item 9.6 Planning Permit Application 2013/139, Use And Development Of Residential Hotel And Associated Car Parking, Waiver Of The Loading Requirement And Alterations To A Road Zone Category 1 At 10 Argyle Street And 51 - 57 Post Office Place, Traralgon

Mr Robert McGauran addressed Council in relation to Item 9.6 Planning Permit Application 2013/139, Use And Development Of Residential Hotel And Associated Car Parking, Waiver Of The Loading Requirement And Alterations To A Road Zone Category 1 At 10 Argyle Street And 51 - 57 Post Office Place, Traralgon

Mr Chris McGauran addressed Council in relation to Item 9.6 Planning Permit Application 2013/139, Use And Development Of Residential Hotel And Associated Car Parking, Waiver Of The Loading Requirement And Alterations To A Road Zone Category 1 At 10 Argyle Street And 51 - 57 Post Office Place, Traralgon

Mr John Black addressed Council in relation to Item 16.2 Planning Permit Application 2013/131, Two Lot Re-Subdivision at the Corner of Mattingley Hill Road and Clarkes Road, Traralgon

Mr Peter Dell addressed Council in relation to Item 16.2 Planning Permit Application 2013/131, Two Lot Re-Subdivision at the Corner of Mattingley Hill Road and Clarkes Road, Traralgon

Ms Kelly Bremner addressed Council in relation to Item 16.3 Planning Permit Application 2013/91 - Use And Development Of Land For A Dwelling And Ancillary Outbuilding, Hazelwood Estate Road, Hazelwood

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Moved: Cr O'Callaghan
Seconded: Cr Gibson

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 5.37 pm

Cr Gibson sought Council's consent to bring forward Item 16.3 Planning Permit Application 2013/91 - Use And Development Of Land For A Dwelling And Ancillary Outbuilding, Hazelwood Estate Road, Hazelwood

Moved: Cr White
Seconded: Cr O'Callaghan

That Item 16.3 Planning Permit Application 2013/91 - Use And Development Of Land For A Dwelling And Ancillary Outbuilding, Hazelwood Estate Road, Hazelwood be brought forward for consideration

CARRIED UNANIMOUSLY

16.3 PLANNING PERMIT APPLICATION 2013/91 - USE AND DEVELOPMENT OF LAND FOR A DWELLING AND ANCILLARY OUTBUILDING, HAZELWOOD ESTATE ROAD, HAZELWOOD

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2013/91 for the use and development of the land for a dwelling and ancillary outbuilding, at Hazelwood Estate Road, Hazelwood being Lot 1 on LP 123383.

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 surroundings and which provides for connected and inclusive community.

Latrobe City Council Plan 2013 - 2017

Strategic Direction – Built Environment

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

Legislation –

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

SUMMARY

Land: Hazelwood Estate Road, Hazelwood being Lot 1 on LP 123383
Proponent: Kellie Bremner
Zoning: Farming Zone
Overlay: State Resources Overlay-Schedule 1

A Planning Permit is required for the use of the land for a dwelling (as a Section 2 use) pursuant to Clause 35.07-1 of the Farming Zone.

A Planning Permit is also required for buildings and works associated with a use in Section 2 pursuant to Clause 35.07-4 of the Farming Zone.

PROPOSAL

The application is for the use and development of a dwelling and associated outbuilding on the subject land. The proposed single storey dwelling will be located in the north eastern corner of the site, set back 20 metres from the Hazelwood Estate Road site boundary, 18 metres from the eastern site boundary and 135 metres from the western boundary. The dwelling comprises a total of four bedrooms, two bathrooms, a study, cinema room, rumpus room and alfresco area. The dwelling will be constructed of selected weatherboard panelling with colorbond cladding as the roofing material. The outbuilding proposed will be located 10 metres west of the dwelling and 20 metres from the northern site boundary. This building is noted as being provided to support the proposed alpaca agricultural use on site.

The applicants submission states that a dwelling is required to support an extensive animal husbandry activity (alpaca farming) at the site. A whole farm plan has been provided with the application detailing that the site will be used to support ten female alpacas for breeding purposes and with additional income being sourced from the sales of the fleece from the alpacas. The whole farm plan details that there will be a labour requirement of 0.25 full time equivalent contributed by the permit operator or 10 hours per week to manage the agricultural use appropriately. The whole farm plan and development plans are included in attachment 1.

Subject Land:

The subject land is rectangular in shape, comprises an overall site area of 2 hectares and adjoins Hazelwood Estate Road along the northern site boundary. The subject land is part of a larger holding of 30 hectares over two titles which includes an existing dwelling and outbuildings. Both titles of the property are in the same family ownership.

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The subject land is vacant, flat and contains no significant native vegetation. There are a line of trees planted along the western boundary of the site. Electricity connection is available at the boundary of the site and reticulated water supply is provided along Hazelwood Estate Road. The title for the subject site was created in 1977

Surrounding Land Use:

- North: 225 Hazelwood Estate Road, Hazelwood
The property directly to the north comprises 40 hectares over a number of parcels. This site contains a single dwelling and numerous outbuildings. This site adjoins Hazelwood Estate Road along its southern boundary.
- East: 35 Walsh's Road, Hazelwood
This parcel of land comprises over 27.2 hectares and has an existing dwelling and outbuildings. The site is used for grazing purposes.
- South: 120 Walshs Road, Yinnar
The site is used for mixed farming type purposes and has an existing dwelling and associated shedding and has an area of 43.61 hectares.
- West: 170 Hazelwood Estate Road, Hazelwood
The site is used for mixed farming type purposes and has an existing dwelling, associated shedding and has an area of 25.61 hectares

HISTORY OF APPLICATION

An application was made with Council for the use and development of a dwelling and associated outbuilding on two previous occasions. These applications are discussed further in the issues section of this report

The history of the assessment of planning permit application 2013/91 is set out in Attachment 3.

The provisions of the Scheme that are relevant to the subject application have been included at Attachment 4.

LATROBE PLANNING SCHEME

State Planning Policy Framework

There are a number of state and local planning policies that apply to the consideration of this application. In particular, State Planning Policy relates to the protection of the State's agricultural base, including protecting productive farmland which is of strategic significance in the local or regional context.

Clause 11.02-1 seeks to ensure that in planning for urban growth, opportunities for urban consolidation and infill development within existing urban areas is to be achieved.

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The strategies to achieve the rural productivity objective as specified under Clause 11.05-3 of the State Planning Policy Framework are as follows:

- *'Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas, including:*
 - *Directing housing growth into existing settlements.*
 - *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
 - *Encouraging consolidation of existing isolated small lots in rural zones*
 - *Restructure old and inappropriate subdivisions.'*

Clause 14.01-1 *'Protection of Agricultural Land'* acknowledges a strategy to *'take into consideration regional, state and local issues and characteristics in the assessment of agricultural quality and productivity.'*

It also details that *'Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.*

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity;*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Assessment of the land capability'.*

Clause 14.03 *'Resource Exploration and Extraction'* provides the strategies to (inter alia):

- *'Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and application of acceptable environmental practice.*
- *Provide for the long term protection of natural resources in Victoria.*
- *Protect the brown coal resource in Central Gippsland by ensuring that:*
 - *Changes in use and development of land overlying coal resources, as generally defined in Framework of the Future (Minister for Industry, Technology and Resources and Minister for Planning and Environment, 1987) and the Land Over Coal and Buffer Area Study (Minister for Planning and Environment, 1988), do not compromise the winning or processing of coal.*

- *Ensure coal-related development is adequately separated from residential or other sensitive uses and main transport corridors by buffer areas to minimise adverse effects such as noise, dust, fire, earth subsidence, and visual intrusion.*
- *Ensure uses and development within the buffer areas are compatible with uses and development adjacent to these areas.'*

These policies are designed to direct residential growth into designated rural living areas and existing townships and not fragment productive farmland or obstruct coal resource areas by encouraging inappropriately sited development.

Local Planning Policy Framework (LPPF)

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

Clause 21.07-3 of the Scheme acknowledges that in coal resource areas, the extraction and use of coal is the primary consideration. It is considered that the construction of a dwelling on the subject land will detract from the long term opportunity to utilise the site.

There are two strategies of particular relevance to the assessment of this application (inter alia);

- *'Encourage extensive animal husbandry and other rural land uses in areas of potential coal production.*
- *Discourage 'incompatible uses' such as residential, rural living, commercial or non coal related industrial land use and development in areas of potential coal production.'*

The Municipal Strategic Statement (MSS) of the Scheme, under Clause 21.07-5 (Agriculture Overview), further states that *'there remains a need to improve dairy industry efficiency, protect the agricultural land resource base and encourage new sustainable enterprises amid ongoing structural changes in rural industries.'*

Zoning

Farming Zone –Clause 35.07

The subject site is located within the Farming Zone.

The 'Purpose' and 'Decision Guidelines' of the zone have been taken into account as part of the assessment of this application. The recent changes to the Farming Zone 'Purpose' and 'Decision Guidelines' as a result of Planning Scheme Amendment VC 103 have also been taken into account. The proposal has been assessed as being inconsistent with the provisions of the Planning Scheme on the basis that the proposal would:

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- provide for the use of land for dwelling in an area identified as having very good dairying and grazing land;
- reduces the opportunity for the expansion of adjoining and nearby agricultural uses;
- results in the loss of productive agricultural land;
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture; and
- provide for a sensitive residential use in a rural environment;

These elements will be further discussed in the 'Issues' section of this report.

Overlay

State Resources Overlay (Schedule 1) – Clause 44.07

The purpose of the State Resources Overlay is:

- *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *'To protect areas of mineral, stone and other resources, which have been identified as being of State significance, from development that would prejudice the current or future productive use of the resource.'*

The proposed development is considered to be inconsistent with the State Resources Overlay. This will be discussed in greater detail in the Issues section report.

Decision Guidelines (Clause 65):

The relevant decision guidelines have been considered as part of the assessment of this planning application and where relevant have been discussed in this report.

ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

The proposed use and development of a dwelling is inconsistent with the State and Local Planning Policy Frameworks. Due to the size of the site, the land is recognised as being of limited agricultural value as a separate parcel. However, the use and development of a dwelling is inconsistent with the purpose of the Farming Zone and State Resource Overlay Schedule 1.

State Planning Policy relates to the protection of the State's agricultural base, including protecting productive farmland which is of strategic significance in the local or regional context.

Clause 11.02-1 seeks to ensure that in planning for urban growth, opportunities for urban consolidation and infill development within existing urban areas is to be achieved.

The strategies to achieve the rural productivity objective as specified under Clause 11.05-3 of the State Planning Policy Framework.

One of the strategies under Clause 21.07-5 of the Municipal Strategic Statement is to '*limit subdivision, use or development of land that should be incompatible with the utilisation of the land for sustainable resource use*'. The Local Planning Policy Framework provides general directions regarding agriculture and farming activities. The framework acknowledges there is a pressure for rural living development but it states that high value rural land and natural resources need to be protected from the encroachment of rural residential development.

The proposed use and development of a dwelling on the site does not meet the objectives and/or strategies of the above State and Local Planning Policy Frameworks. The use and development of a dwelling may compromise the viability of the genuine agricultural pursuits in the area and restrict the possible future expansion of these operations.

The proposed farm operation is of a small scale and appears to be an ancillary component to the use of the land for a dwelling, rather than the dwelling being required to support this use. This consideration is further enhanced given that in the submitted farm management plan, which was provided to support the application, it is identified that the estimated labour hours required to manage the proposed agricultural operation amounts to 0.25 EFT.

It is further noted that the subject site is part of a larger holding that already has an existing dwelling, therefore supporting this proposal would allow a further proliferation of dwellings in the Farming Zone.

'Purpose' and 'Decision Guidelines' of the 'Farming Zone':

One of the purposes of the Farming Zone is to ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture. The zone does not encourage dwellings not required for agricultural uses, hence the need to obtain a permit for a dwelling on a lot less than 40 hectares. An application must respond to the decision guidelines for dwellings in within the Farming Zone.

The construction of a dwelling is not an acceptable outcome when the various clear directions in the Latrobe Planning Scheme direct such activities to land that is zoned for low density residential or rural living. The activities proposed on the land are considered to be more typical of a hobby farm, the type of land use encouraged by the Rural Living Zone or similar and discouraged in locations where large scale farming operations are prevalent.

The permit applicant has indicated that the dwelling will be required to support an agricultural use on the land, being extensive animal husbandry (Alpacas). Within the Farming Zone, extensive animal husbandry is a Section 1 Use (permit not required), and as such, no planning permission is required for this use, only for the dwelling proposed to be associated with this use.

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It is acknowledged that the proposed residential use does not exclude the possibility of some agricultural activity and the applicant has provided a detailed farm management plan. It is also noted that there are 6 similar sized lots (between 2-4 hectares) within 1000 metres of the site that have an existing dwelling onsite. However, the extent of alpaca grazing proposed is considered a secondary activity to the dwelling and the character of the wider area is considered broad acre farm land with isolated dwellings that are generally used in association with an existing agricultural enterprises.

The supporting documentation with the application details that *'the owners require that a dwelling be present to improve the safety and welfare of the breeder animals as well as to ensure successful results with the breeding program, particularly during cycling, joining and then subsequently birthing. They will only purchase this property and establish this business if a planning permit is granted'*. This is not considered sufficient justification for the use and development of the dwelling onsite given the proposed use of Alpaca farming does not require a planning permit and the land is currently used for the same use, 'extensive animal husbandry' (grazing).

Decision guidelines for applications of this type in the Farming Zone include consideration of:

- *How the use and development relates to sustainable land management;*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses*
- *Whether the use or development would support and enhance agricultural production;*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production;*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses;*
- *The capacity of the site to sustain the agricultural use; and*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

It is acknowledged that conversion of agricultural land to a residential use is not necessarily an inappropriate outcome. However, it is considered that the construction of a dwelling on the site is considered to diminish rather than enhance the agricultural potential of the overall subject site. This area is not zoned for rural living and is not identified as suitable for this purpose in any Council adopted policy or strategy.

As a result of the surrounding land use characteristics of the subject land, it is considered that the proposal cannot satisfy the relevant Farming Zone decision guidelines as follows:

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- There is inadequate justification that the dwelling is required to support and enhance the proposed alpaca operation on the land.
- The development of the dwelling will result in a residential use rather than an agricultural use.
- The subdivision pattern of the area is not a highly fragmented area, and is typically larger scale grazing operations. The subject land is amongst an area where rural living encroachment is limited and not the primary land use pattern and dwellings are not a predominant feature of the area.
- The proposal has not demonstrated that there will be no adverse effect on nearby agricultural activities, rather that the development of a dwelling will enhance the utilisation of the site for a residential hobby farm.
- The subject site may adversely impact the near agricultural activities and restrict the possible further expansion of adjoining agricultural uses.
- The subject land offers limited opportunity for extensive agricultural activity due to the size of the site. Despite this, there is still opportunity for a genuine agricultural pursuit to operate on the site in some capacity and that the operation proposed does not reasonably require a dwelling to facilitate this operation. It is also noted that the subject site is part of a larger land holding.

'Purpose' and 'Decision Guidelines' of the 'State Resources Overlay-Schedule 1':

The overlay schedule clearly sets out a decision guideline for considering an application within the overlay as *'the need to exclude urban development, including low density residential development, and rural living development, from this overlay area.'* It is considered that the construction of a dwelling on the subject land is inconsistent with the general strategy to ensure land use does not inhibit the eventual development of coal resources. Development of land within coal resource areas should ensure that the resource is protected for future generations and reducing land use conflicts will play a key role in economic growth for the region.

Council provided notice of the application to the Department of State Development, Business and Innovation (DSBI). DSBI did not object to the granting of a planning permit.

In summary the proposed development is not considered to address the requirements of the State Resources Overlay-Schedule 1 based on the following factors:

- The development of a dwelling on this site will hinder the eventual extraction of coal from the area
- The development of the dwelling is contrary to the land management objectives for land within the State Resources Overlay-Schedule 1.

Previous Planning Permit Applications:

Following the introduction of the Latrobe Planning Scheme, there have been two previous planning permit applications for a dwelling on this property. The ownership of the land has not changed since that time.

Planning Permit application 2009/290 sought permission to use and develop a dwelling and associated outbuilding on the site. The applicant also proposed to use the site for horse and calf rearing purposes. As a result of notification an objection was received from the Department of Primary Industries. The application was formally withdrawn by the applicant on 23 October 2009.

A second application for the use and development of a dwelling was submitted to Council on 10 May 2011. The proposed dwelling was to be established to support the agricultural use of the land for raising miniature horses. The owner of the land applied for the permit for a prospective purchaser of the property.

The applicant withdrew the application prior to any referral or notification process 'due to personal reasons'.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

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:*Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and an A3 notice was displayed on the site frontage for 14 days.

Details of Community Consultation following Notification:

Following the advertising and referral of the application, no submissions were received.

External:

Pursuant to Section 52(1)(d) the DSBI were also notified of the application. They also had no objection to the application.

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Internal:

Internal officer comments were sought from Council's Infrastructure Planning Team who had no objection to the granting of a planning permit subject to appropriate conditions and notes.

Comments were also sought from Council's Environmental Health Team who raised no objections to the grant of a planning permit subject to appropriate conditions.

OPTIONS

Council has the following options in regard to this application:

1. Refuse to Grant a Permit; or
2. 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:

- Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Farming Zone;
- Inconsistent with the strategic direction of the State Resource Overlay Schedule 1; and
- Inconsistent with the Clause 65 'Decision Guidelines'.

Attachments

1. Development plans and whole farm plan
2. Subject site
3. History of application
4. Latrobe Planning Scheme

RECOMMENDATION

That Council issues a notice of refusal to grant a planning permit for the use and development of a dwelling and ancillary outbuilding on Lot 1 123383 more commonly known as Hazelwood Estate Road, Hazelwood, on the following grounds:

1. The proposal is inconsistent with Clause 35.07 of the Latrobe Planning Scheme, more particularly the purpose of the Farming Zone.
2. The proposal is inconsistent with Clause 35.07-6 of the Latrobe Planning Scheme, more particularly the decision guidelines of the Farming Zone.

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3. The proposal is inconsistent with the purpose and decision guidelines of Clause 44.07 (State Resource Overlay).
4. The proposal is inconsistent with the strategic direction of the State Planning Policy Framework, at Clause 11.05-3 (Rural Productivity), Clause 14.01 (Agriculture), Clause 14.03 (Resource Exploration and Extraction) and Clause 16.02 (Housing Form).
5. The proposal is inconsistent with the strategic direction of the Local Planning Policy Framework, at Clause 21.04-3 (Rural Living Overview), Clause 21.07-3 (Coal Resources Overview), Clause 21.07-4 (Coal Buffers Overview) and Clause 21.07-5 (Agriculture Overview).
6. The proposal is inconsistent with the decision guidelines of Clause 65 of the Latrobe Planning Scheme.

ALTERNATE MOTION

That Council defer consideration of this matter until the next ordinary Council meeting.

Moved: Cr Middlemiss

Seconded: Cr Gibson

That the Motion be adopted.

For the Motion

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

Against the Motion

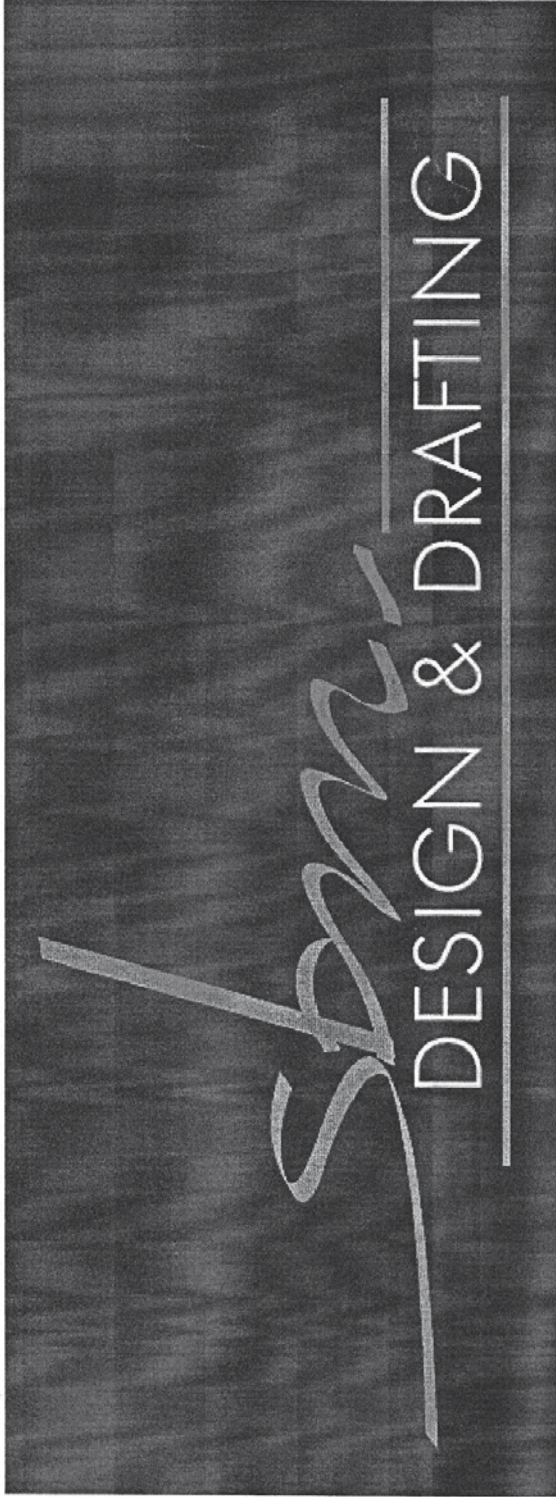
Councillor Gibson

The Mayor confirmed that the Motion had been CARRIED.

16.3

PLANNING PERMIT APPLICATION 2013/91 - USE AND DEVELOPMENT OF LAND FOR A DWELLING AND ANCILLARY OUTBUILDING, HAZELWOOD ESTATE ROAD, HAZELWOOD

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P - (03) 5174 0000 E - shaun@sbmdesign.com.au DP - AD 31 625 59A HOTHAM STREET TRARALGON

PROPOSED RESIDENCE

For

Client : LUKE & KELLIE BREMNER

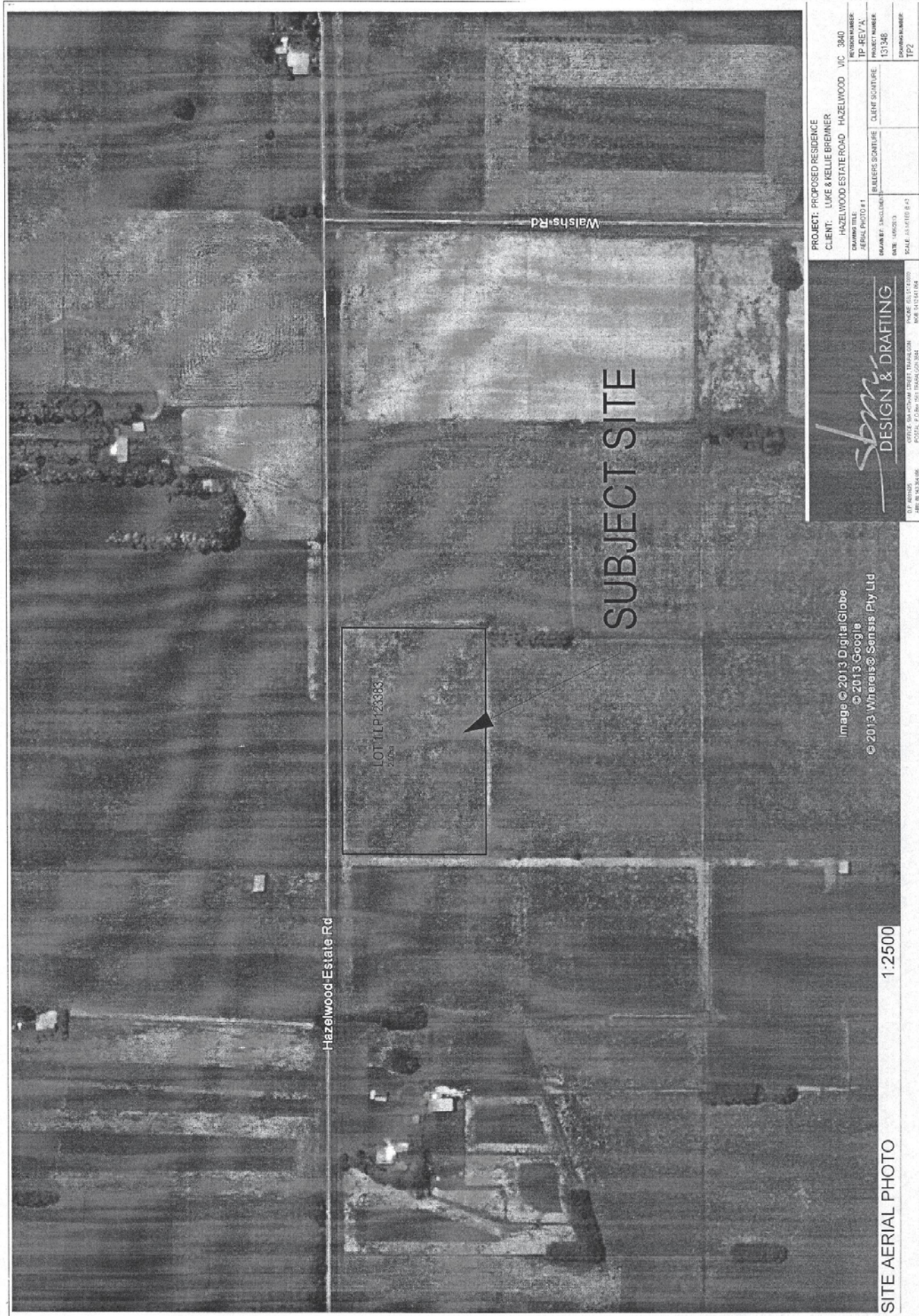
At

HAZELWOOD ESTATE ROAD,
HAZELWOOD 3840.

TOWN PLANNING

TP - REV 'A'

Job # 131348





PROJECT: PROPOSED RESIDENCE	
CLIENT: LIME & KELLIE BRENNER	
ADDRESS: HAZELWOOD ESTATE ROAD HAZELWOOD VIC 3840	
DRAWING TITLE	PROJECT NUMBER
AERIAL PHOTO #2	TP-REV 'A'
DRAWN BY: SMC/MLB	CLIENT SIGNATURE
DATE: 14/05/13	PROJECT NUMBER
SCALE: AS SHOWN	DRAWING NUMBER
	TPJ

SPRINT
DESIGN & DRAFTING

OFFICE: 34 HAWTHORN STREET, HAWTHORN, VIC 3122
PHONE: 03 9412 1000
MOBILE: 0438 224 224

SITE AERIAL PHOTO 1:7500.00

SUBJECT SITE

BUILDING AREA SUMMARY	
LIVING:	255.6m ² 27.96sq
GARAGE:	44.02m ² 4.73sq
FRONT VERANDAH:	28.17m ² 3.03sq
BACK VERANDAH & ALFRESCO:	40.36m ² 4.34sq
TOTAL:	372.04m ² 40.05sq



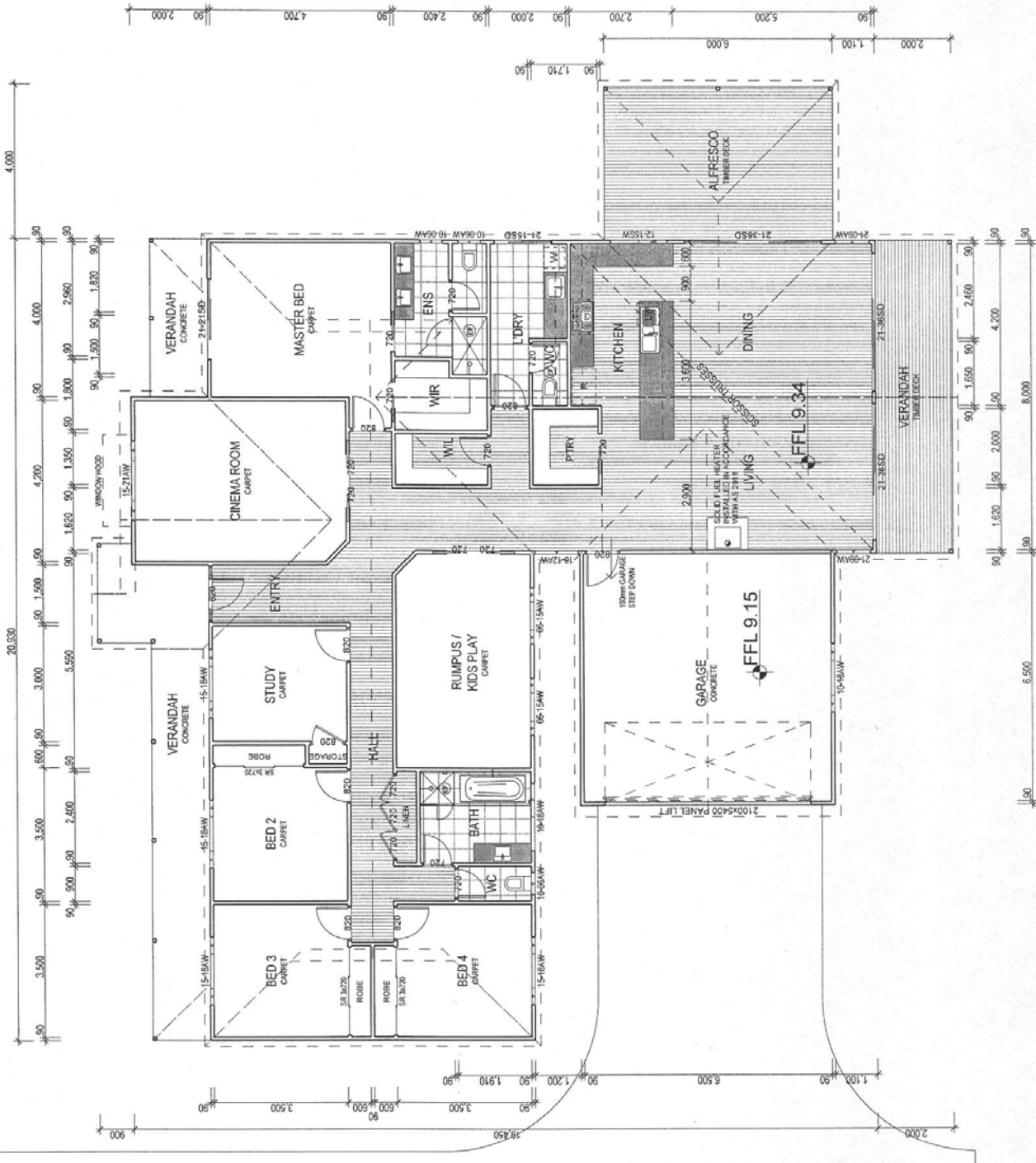
SPRUE DESIGN & DRAFTING

9/11 ACADIES
 OFFICE: 5/140 CHAMBER STREET, TORONTO, ONT.
 PHONE: (416) 514-0000
 FAX: (416) 514-0005
 POSTAL: P.O. Box 591 TORONTO, ONT. M5A 1A5
 MOB: (416) 461-544

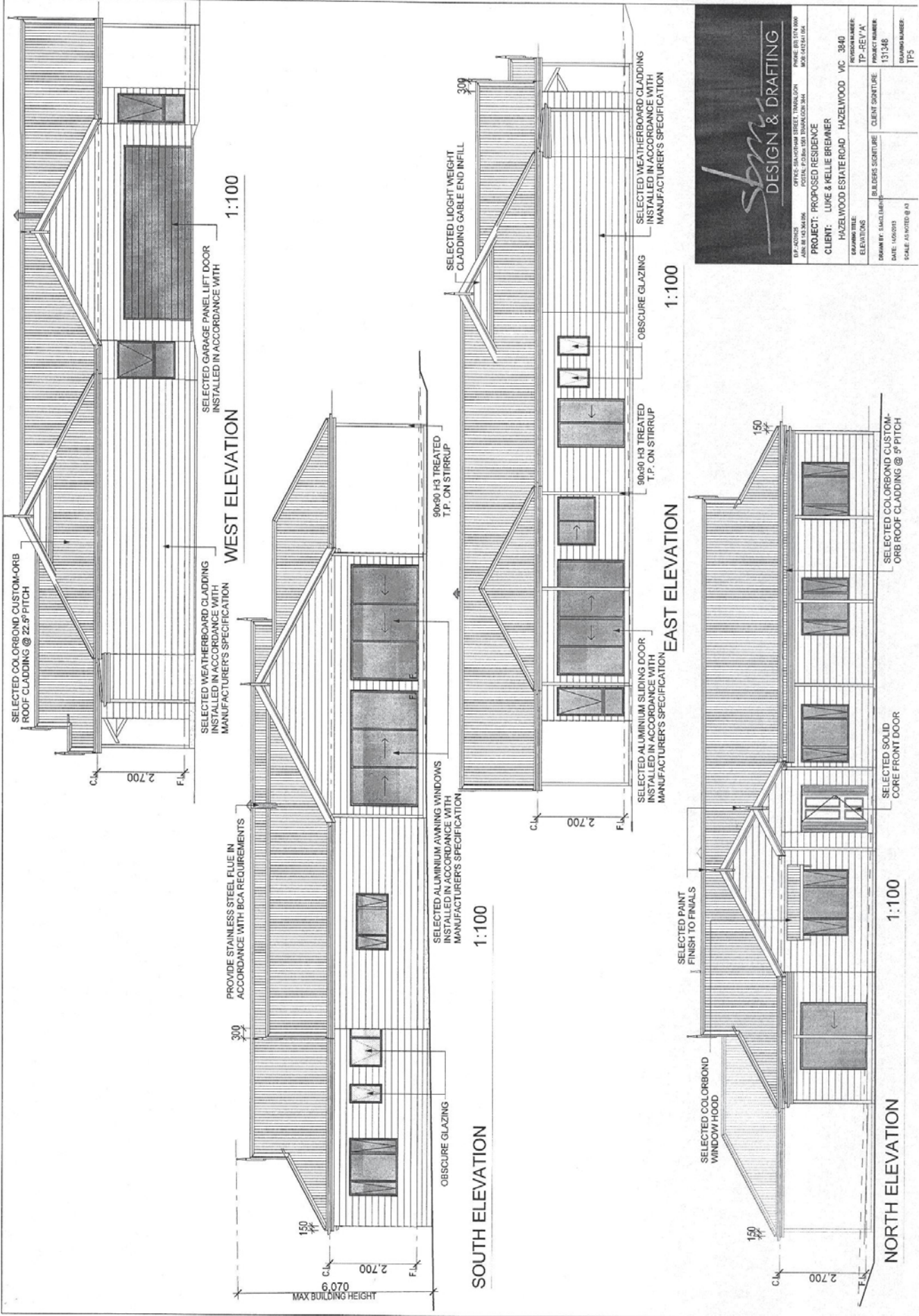
PROJECT: PROPOSED RESIDENCE
 CLIENT: LUKE & KELIE BREMMER
 HAZELWOOD ESTATE ROAD HAZELWOOD VIC 3840

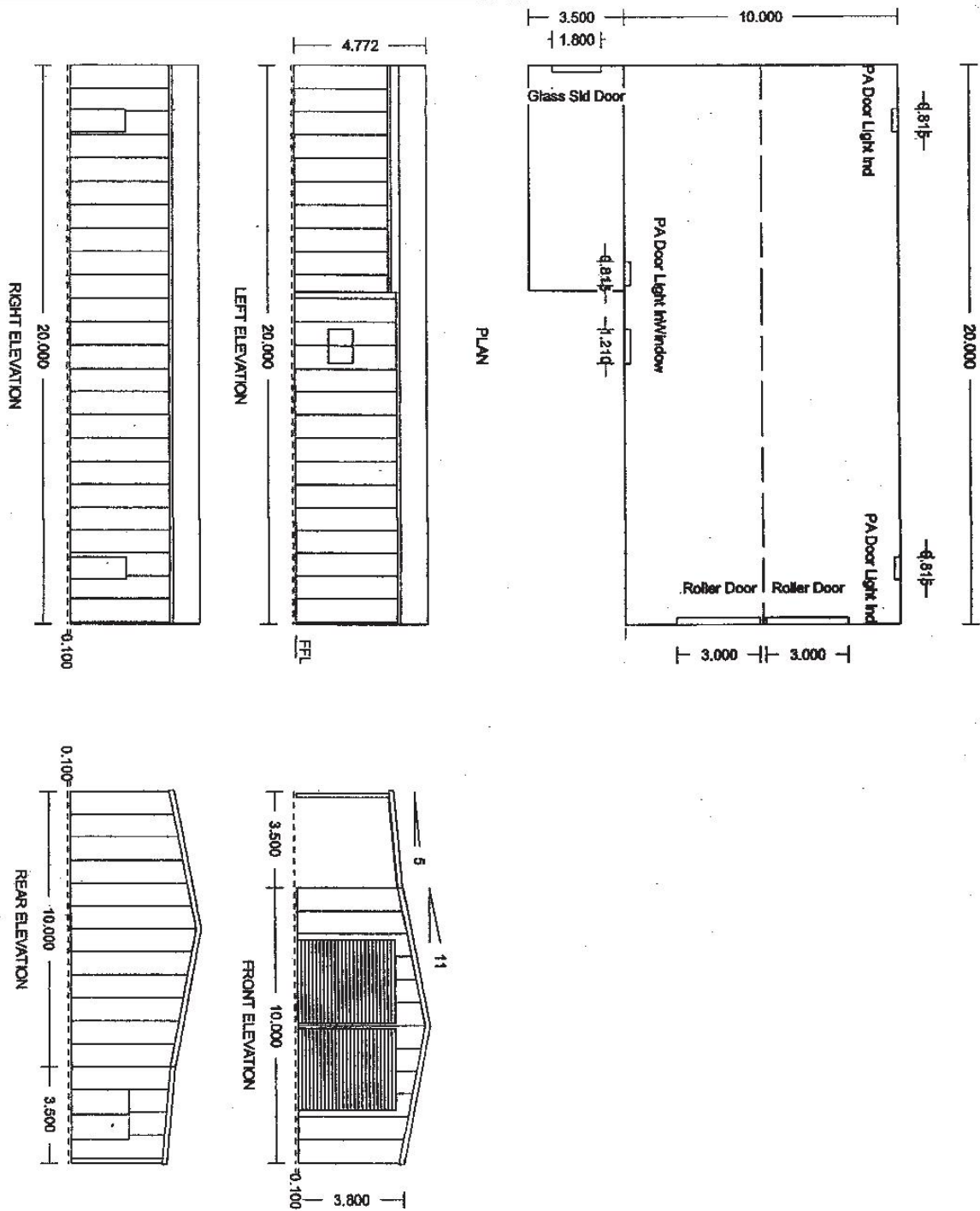
DRAWING TITLE: FLOOR PLAN
 DRAWING NUMBER: 1/174
 DATE: 16/02/13
 SCALE: AS NOTED (B/A)

DESIGNER: LUKE & KELIE BREMMER
 PROJECT NUMBER: 131348
 CLIENT SIGNATURE: _____
 BUILDERS SIGNATURE: _____
 PROJECT NUMBER: 131348
 DRAWING NUMBER: 1/174



FLOOR PLAN
 1:100





PROPOSED Shed 13.500x20.000x3.494-3.800		
At		
For		
Wall Colour - Monolith	Roof colour - Zinc	
Barge Colour - Jasmin Brown	Roller Door Colour - Jasmin Brown	
Job No	Quote No	Scale 1:200

Eureka Garages & Sheds
 188 Argyle Street Traralgon Vic 3844

NOT FOR CONSTRUCTION

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AGRICULTURAL CONSULTANTS
"People, Pastures And Profit"

Land Usage Issue

Overview:

Purchasor: Luke and Kellie Bremner, 1 Townsend St. Churchill Vic 3842

Property Location: Hazelwood Estate Rd Hazelwood.

Lot 1 on LP 122383,
Application number 2013/91

The property is 2 hectares (5 acres) in size.

The property has been purchased by Luke and Kellie Bremner, subject to the granting of a planning permit for the provision of a dwelling.

This property in isolation is not large enough to be a viable agricultural enterprise with conventional agricultural pursuits. However it is a suitable property for the proposed enterprise- the breeding and commercial sales of Alpacas.

I visited the property on 29th May 2013, and inspected the farm to investigate the proposed land use option.

Property Description:

The land is flat, and is currently "bare". There is no power connected to the property; however power is located at the boundary, with a transformer and 'pit' located close to the property.

There is no vegetation on the property, but there are scattered native remnant indigenous trees close by. The entire land area can be regarded as "tractable". It is planned that should there be granting of a planning permit for a dwelling and should the property be purchased, indigenous vegetation will be planted using stock proof electric fencing, leading to considerable environmental benefits and enhancement of biodiversity.

The topography is flat, with no specific aspect. This increases the ability to grow pasture on a year round basis, although growth will slow due to insufficient soil moisture in January-April in most years.



Soils are loosely known as clay loam soils, but correctly known as Grey Gradational soils and Hydrosols. They have developed on old alluvial outwash from the hills and mountains and tend to be of high fertility and of high agricultural value, particularly for pasture production. They tend to be dark-grey clay loams at the surface, gradually merging to mottled grey and yellowish-brown heavy clays at approximately 300 mm depth. They have high-water-holding capacities and so 'hang on' into the summer.

They generally tend to be moderate to high in fertility, but can be low in phosphorus and potassium in some areas. Soil pH (water) usually ranges from 5.1 to 5.5. Phosphorus, potassium and molybdenum may be deficient, depending on past management. Visually it appears that the block is of moderate to high base fertility, making it suitable for a pasture growing and grazing enterprise, although no soil test data was available to make a definite determination.

The property is ideally suited to the grazing of livestock. There is minimal risk of erosion, landslips, flooding or damage to the environment.

Rainfall in the district is in the 800 mm range (with the long term average for Morwell being 753mm), making it a strong pasture growing district. Effective rainfall and pasture growing months are April-January.

Pasture species noted were predominantly perennial Ryegrass and White Clover, both highly productive pasture species. There is a very small infestation of the low productive value species Bent grass, winter grass and Yorkshire fog grass. Pasture weeds are very limited, and there was no infestation of any noxious weeds.



Boundary fencing is permanent and in very good condition. There are no internal fences, with the property subdivided into only one paddock. In order to enhance pasture production and for efficient and effective stock management, more internal fences and small holding paddocks will need to be constructed. This is included in the Bremner's farm plan.



There are no yards for stock handling and the loading and unloading of stock. These are proposed in the Bremner's farm plan.

There is no existing infrastructure on the property.

There is town water located at the property boundary and no water infrastructure is located on the property. There would need to be stock water drinking troughs installed on the property.



There is no shedding on the property. A utility shed will need to be built to store machinery and for the housing of requisites for the proposed enterprise, as well as pens for the housing of the animals during the birthing process. This would be located in the vicinity of the proposed dwelling, close to power and for the safety and welfare of the animals.

There was no livestock grazing the property when it was inspected but the property appears to support the grazing of beef cattle.

Alpaca breeding business:

The Bremners have plans to establish an Alpaca breeding business. They have existing farming experience, with Luke and Kellie having a background in horses.

The business proposal centres on the breeding of alpacas, where-by high value animals are bred for on-selling and the fleece is sold for commercial purposes. The offspring will be of improved genetic merit, and become breeding stock for other enterprises.

The proposed facilities for such a program include three separate paddocks, one being a maternity paddock for the birthing process, a laneway for the efficient movement of stock, a run area and a proposed shed as per the planning permit proposed by the Bremners. There will be shelters for the animals to aid in the rearing of young stock, and for additional animal welfare. Inadequate handling facilities can result in additional stress to the animals. Reduced stress on the animal results in better breeding and turnoff results.

Agricultural significance of this business:

The feed requirements of an alpaca enterprise are such that 10 breeding units can be grazed comfortably, assuming 8t DM/ha pasture is being consumed under an improved pasture regime. The margin analysis for such an enterprise is provided below.

Assumptions:

Farm area 2ha.
Loss of effective area for yards, fences and dwelling: 0.5ha
Total effective area= 1.5ha
Estimated current pasture growth 6t DM/ha = 9t DM total.
Estimated improved pasture growth and consumption 8t/ha = 12t DM total.
DSE rating of Alpaca = 3 per unit (adult and young)
Total DSE available on 1.5ha = 47 (further improved pasture) or 37 (current state)

Income	Cow/calf enterprise	Prime lambs	Beef fattening#	Alpacas Self replacing* initial stages
Sale of vealers/lambs	\$1400	\$1,800		
Sale of cull cows or ewes(1 per 5 years or 1/5)	\$120	\$160		
Sale of cull bulls	NIL			
Sale of steers			\$2,400	
Sale of alpacas (5 male and 3 females)				\$11,250
Sale of fleeces (3kg/animal)				\$1,350
Fodder income				
Total income	\$1400	\$1,960	\$2,400	\$12,600
Expenditure				
Vet/drenching/vaccines	\$300	\$400	\$300	\$400
Breeding costs				\$500
Fertiliser	\$750	\$750	\$750	\$750
Commission/freight	\$140	\$196	\$240	\$1150
Stock purchases (1/5)	\$200	\$400	\$1,500	NIL
Fuel	\$100	\$100	\$100	\$100
Labour/drafting	\$250	\$500	\$250	\$500
Fodder	\$500	\$500		\$500
Total expenditure	\$2240	\$2846	\$3140	\$3,900
Gross Margin total	-\$720	-\$886	-\$740	\$8,700
Gross Margin per ha	-\$480	-\$591	-\$493	\$5,800

#Assumes steers purchased for \$500/head and sold for \$800/head 12 months later

*assumes two replacement females are retained for breeding purposes per year, therefore a one in five year replacement rate

This analysis shows that the alternative (traditional agricultural) enterprises available for the property return a negative gross margin and a figure well below a rental figure of 5% of asset value (\$2,500), assuming the asset is valued at \$50,000 as an agricultural property, or \$10,000/acre. This assumes that the fixed costs of any alternative business are borne by the existing business-that is, this property represents marginal income to an existing business. The imposition of fixed costs of a stand-alone traditional agricultural enterprise will result in a totally unviable agricultural business.

The outcome of this program is that with the initial purchase of around 10 breeding animals, the breeding program will yield on average five females and five males per year. The males sell for around \$500 each and the females around \$3000 each. On average two females will be retained per annum for replacement purposes and the remaining young sold at weaning age.

There will be the additional income from the sale of the fleece, with the average fleece selling for a net \$45/kg and a typical animal yielding on average 3kg fleece per annum.

The proposed income and expenditure of this business, albeit conservative in early stages, produces a positive return and well above that of traditional agricultural pursuits. The predicted return exceeds a 5% return on agricultural value, something that traditional enterprises cannot do on this property due to lack of scale. The business proposal allows for the ongoing development of this business to further increase the sales of genetically elite animals and breeding stock, and increases the profitability of a small rural holding. The pasture production of this property could increase to 8t DM/ha or a total of 12t DM, therefore allowing for the grazing of additional numbers, or around 16 units (adult and young), further increasing profitability.

Proposal:

I believe that this property with the proposed farm layout and associated infrastructure is ideally suited as an alpaca breeding block and a property on which to manage the proposed breeding enterprise. A dwelling needs to be present for the Bremners to be able to provide adequate husbandry and meet the welfare requirements of the animals. The location of the dwelling, the yards and fact that all the farm area can be viewed from the proposed dwelling site make it a suitable location for the proposed enterprise, thereby lifting the likely success rate of the breeding program and the subsequent profitability of the enterprise.

This alpaca breeding business will become an additional local business and contribute considerably to the local economy, returning an annual gross income of \$12,600 in its early stages, with an estimated \$3,900 being spent on direct production costs, input costs and services at local businesses.

This business would only be established on the Hazelwood Estate Rd property should there be a dwelling and associated infrastructure on the property.

The proposed business would involve animals in the order of \$3,000 per head, and therefore security and welfare of the animals is paramount. Assistance during birthing may be required. Whilst the surrounding area is lightly populated, the security, safety and animal welfare could be jeopardised without the owners being located on the premises. The property is close to the bitumen through road and this increases the risk to the animals' welfare and breeding prospects should a dwelling not be present.

The Bremners will provide the labour for the business, and will contribute 0.25 Full Time Equivalent (FTE) labour units to the enterprise, or 10 hours per week.

The machinery and mechanical inputs will be a small low horsepower tractor or similar machinery to allow for effective pasture management.

There will be three separate paddocks established with stock proof fencing, one being a general use paddock, one a breeding/joining paddock and one a maternity paddock. There will be a laneway for the movement of stock, as well as shelters for the animals and a shed for the handling of the stock, the livestock maintenance and for the storage of farm requisites.

Water will be provided via a reticulated water system and stock troughs. These need to be installed.

Biodiversity will be enhanced through the planting of indigenous vegetation for shade and shelter and property enhancement.

Pasture improvement will take place and considerable money is allocated to increase soil fertility to enhance pasture production.

The owners of the business will reside on the property and therefore contribute socially and economically to the Latrobe City Council. They have no intention of reselling the property in the foreseeable future.

The Bremners have experience in the equine industry and they wish to develop their skills further in the breeding and genetics side of the alpaca industry.

Environmental planting and enhancement:

This district is prone to cold, wet and windy conditions. Daytime winter temperatures are often below 10°C in winter.

There is currently no native vegetation on the property, with some isolated remnant vegetation on the neighbouring properties. There will be planting and establishment of native vegetation wind breaks and shelter belts on the property to enable the stock to receive shade and shelter. This will enhance the growth and health of the animals, improve the success of the breeding program and improve the environmental value of the property. The result will be an enhancement of the environment and protection of neighbouring waterways, having a downstream impact ultimately on the Latrobe River and Gippsland Lakes catchment.

Summary:

This property currently only appears to support the grazing of some beef cattle.

The traditional agricultural enterprises for this property include low intensity beef cattle, sheep grazing, fodder production or a combination of these. These enterprises are not viable in their own right or as a complement to an existing agricultural enterprise when a 5% asset rental value is assigned to the value of the property.

An alpaca breeding and selling enterprise is viable, is a suitable land use on this property and represents a means of returning income from a property which is unviable to farm with traditional agricultural pursuits. It is possible with the purchase of 10 female animals of strong genetic merit and of breeding age and the commencement of the breeding program, that the enterprise in its early stages will return a gross margin of \$8,700 or \$5,800/effective ha, considerably higher than its current agricultural potential and higher than the return available from other agricultural pursuits. An estimated \$3900 annually will be spent on products and services within the shire from the needs of this business, adding to the shire economy. There is a potential upside in production and income from a pasture improvement program, allowing for additional breeding units to be grazed.

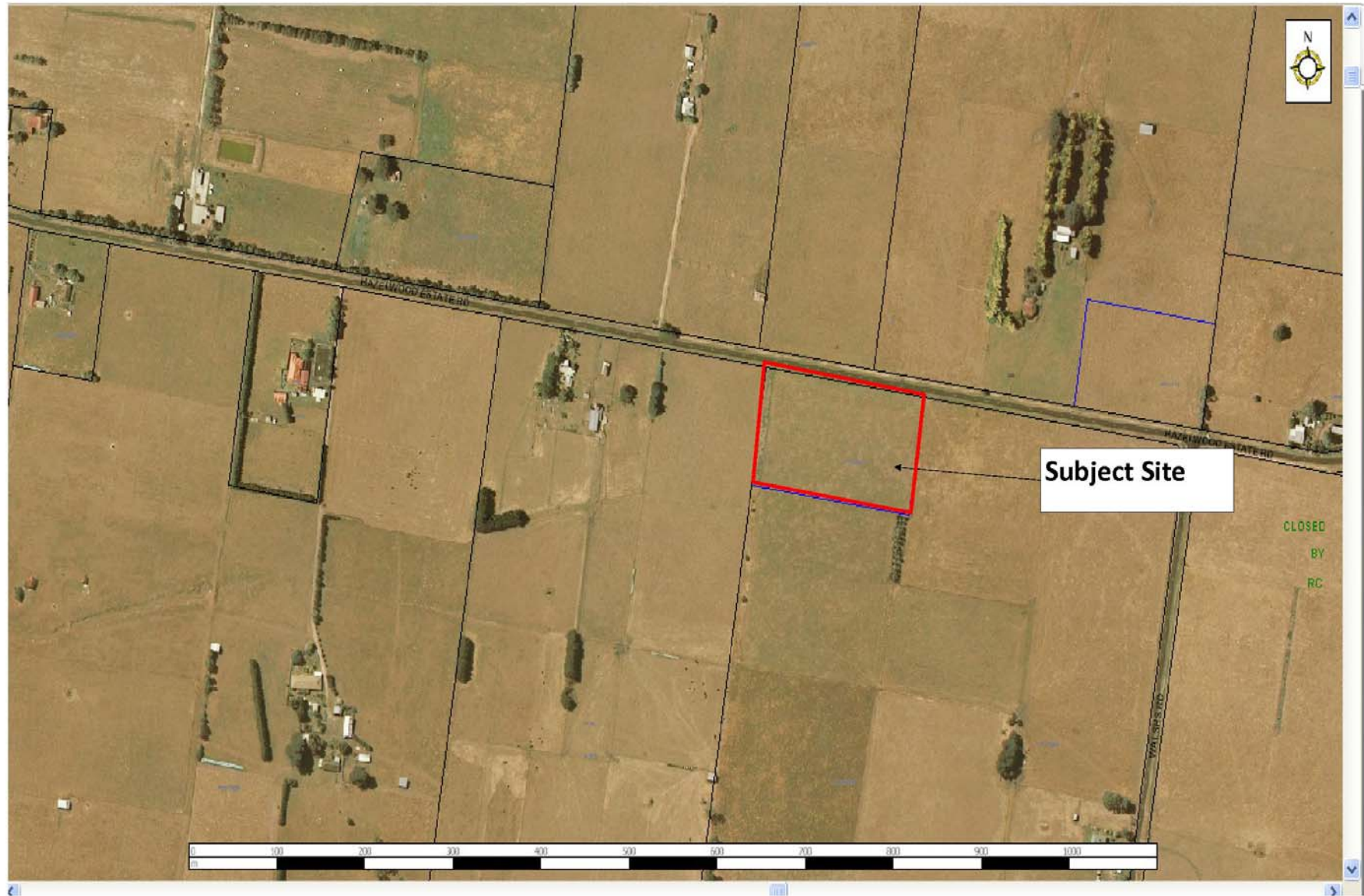
The owners require that a dwelling be present to improve the safety and welfare of the breeder animals as well as to ensure successful results with the breeding program, particularly during cycling, joining and then subsequently birthing. They will only purchase this property and establish this business if a planning permit is granted.

There will be environmental enhancement of the property with indigenous vegetation planting, particularly for shade and shelter planting for the protection of the animals.

The dwelling, associated infrastructure development and establishment of the alpaca breeding business will enhance the value of the property and lead to an increase in agricultural value of the property compared to traditional agricultural pursuits.



Matt Harms B Ag. Sc. (Honours)
Agricultural Consultant
ONFARM Consulting P/L
May 2013



History of Application

2 April 2013	Planning Permit application received by Council
23 April 2013	Further information requested from applicant
3 June 2013	Extension of time granted in which to provide the further information.
8 July 2013	Further information received.
16 July 2013	Applicant advised to give notification of the application. Application referred internally to Infrastructure Planning and Health. Application referred under Section 52 to DSBI.
9 August 2013	All external and internal referral responses were received.

LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02 'Urban Growth'
Clause 11.05 'Regional Development'
Clause 14.01 'Agriculture'
Clause 14.03 'Resource Exploration and Extraction'
Clause 16.02 'Housing Form'

Local Planning Policy Framework

Clause 21.01 'Municipal Profile'
Clause 21.02 'Municipal Vision'
Clause 21.03 'Natural Environment Sustainability'
Clause 21.04 'Built Environment Sustainability'
Clause 21.07 'Economic Sustainability'
Clause 21.08 'Liveability'

Zoning – Farming Zone

The subject land is located within a Farming Zone.

Overlay – State Resource Overlay Schedule 1

The subject land is located within a State Resource Overlay Schedule 1.

Particular Provisions

There are no particular provisions relevant to the consideration of this application.

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

There are no incorporated documents that relate to the consideration of this application.

Suspension of Standing Orders

Moved: Cr O'Callaghan

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 5.38 pm

Cr Harriman left the Chamber at 5.50 pm due to an indirect interest under Section 78C of the Local Government Act 1989 in relation to Item 9.5 Consideration of the Adoption of the Traralgon Growth Areas Review (TGAR) and Planning Scheme Amendments Authorisation Request.

Ms Meg Walsh addressed the Council in relation to Item 9.5 Consideration Of Adoption Of The Traralgon Growth Areas Review (Tgar) And Planning Scheme Amendments Authorisation Request

Mr Rohan Wilks addressed the Council in relation to Item 9.5 Consideration Of Adoption Of The Traralgon Growth Areas Review (Tgar) And Planning Scheme Amendments Authorisation Request

Mr Robert McGauran addressed the Council in relation to Item 9.5 Consideration Of Adoption Of The Traralgon Growth Areas Review (Tgar) And Planning Scheme Amendments Authorisation Request

Cr Harriman returned to the Chamber at 6.27 pm

Cr Gibson left the Chamber at 6.30 pm and returned 6.32 pm

Moved: Cr Gibson

Seconded: Cr Rossiter

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 6.54 pm

NOTICES OF MOTION

7. NOTICES OF MOTION**8.1 2013/25 – NOTICE OF MOTION – PROPOSED GIFTING OF
MONASH UNIVERSITY GIPPSLAND CAMPUS****Cr Christine Sindt**

That Latrobe City Council seek urgent Meetings with the Member for McMillan Russell Broadbent, Member for Gippsland Darren Chester, Federal Education Minister Christopher Pyne and Prime Minister Tony Abbott;

- To express concerns about the proposed gifting of our Monash University Gippsland campus for the purpose of embedding United Nations Global Action Programs related to global food security and energy security; and
- To advise that the proposed replacement of the scholarly objectives of Monash University for Environmentally Sustainable Development according to the UN Sustainable Development Knowledge Platform has not been properly referred to Latrobe City Council or the Gippsland community.

AMENDED MOTION

That in light of the fact

- That there have been four different Tertiary Education Ministers and two Junior Tertiary Education Ministers since January 2013, namely Senator Chris Evans, Hon Chris Bowen, Hon Craig Emerson assisted by two Junior Ministers Sharon Bird and Don Farrell, and Senator Kim Carr prior to the recent Federal election;
- That the General Manager, Structural Adjustment and Strategic Engagement Branch, Higher Education Division of Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education, Virginia Hart has foreshadowed a response to concerns raised with Senator Kim Carr relating to the proposed transfer of Monash University's Gippsland campus to the University of Ballarat, Document Ref MC13-001630 prior to the Federal election;
- That the Review of Higher Education Regulation Report dated 2 August 2013 by Professor Kwong Lee Dow AO and Professor Valerie Braithwaite has highlighted the rights of students, parents and alumni of Monash University Gippsland Campus; and
- That the Vice Chancellor of the University of Ballarat, David Battersby has, in a letter to Professors Dow and Braithwaite dated 21 June 2013, in relation to the above Report, described the listing of "all physical resources and equipment that are accessible" at the Monash University Gippsland Campus as a "Regulatory Burden"

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)**

- Latrobe City Council seek urgent Meetings with the Federal Education Minister Hon Christopher Pyne and the Member for McMillan Russell Broadbent
- To express concerns about the proposed gifting of our Group of Eight Monash University Gippsland Campus which has a core business of Education, with a Regional Centre of Excellence which has a core business related to global food security and global energy security; and
- That this has not been properly referred to Latrobe City Council or the Gippsland community

Moved: Cr Sindt

Seconded: Cr Middlemiss

That the Motion be adopted.

For the Motion

Councillor/s O'Callaghan, Sindt, Middlemiss

Against the Motion

Councillor/s Harriman, White, Kam, Gibbons, Rossiter

Abstained from the Motion

Councillor Gibson

The Mayor confirmed that the Motion had been LOST

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

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

9.1 MEETINGS WITH PEAK INDUSTRY AND COMMUNITY BODIES.

General Manager

Economic Sustainability

For Decision

PURPOSE

The purpose of this report is to seek Council consideration of the implementation of Council's 2013/14 Key Strategic Action "Develop and conduct a program of Councillor meetings with peak industry and community bodies."

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 – Economic

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.

Strategic Objectives – Natural Environment

In 2026, Latrobe Valley enjoys a beautiful natural environment that is managed and protected with respect to ensure a lasting legacy for future generations.

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

- *Actively pursue long term economic prosperity for Latrobe City, one of Victoria's four major regional cities*

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

- *Actively pursue further diversification of business and industry in the municipality*
- *Actively pursue and support long term job security and the creation of new employment opportunities in Latrobe City*

Theme 4: Advocacy for and consultation with our community

- *Strengthen the profile of Latrobe City as one of Victoria's four major regional cities*
- *Work in partnership with all levels of governments to ensure Latrobe City is well supported, resourced and recognised as one of Victoria's four major regional cities*
- *To advocate for and support cooperative relationships between business, industry and the community*

Strategic Direction – 01 Job Creation & Economic Sustainability

- *Work in partnership with business, industry and government to create new jobs and investment in Latrobe City*
- *Enhance community and business confidence in the future of the local economy*
- *Promote research and development for new products and processes to exploit the significant coal resource of the Latrobe Valley*

Strategic Direction – 04 Advocacy for and Consultation with our Community

- *Strengthen relationships with the Victorian and Australian Governments to ensure Latrobe City is positioned to maximise benefits from regional policy and funding opportunities.*
- *Establish a strong image and brand for Latrobe City as one of Victoria's four major regional cities*
- *Establish opportunities for volunteers to assist in raising the profile of Latrobe City*
- *Work with the community and other key stakeholders to improve community safety and harmony.*

Strategy & Plans

1. Natural Environment Sustainability Strategy 2008

This Strategy outlines Latrobe City Council's position on the natural environment and identifies sixteen action areas with associated objectives to achieve the sustainability of the natural environment.

2. Economic Sustainability Strategy 2011

This strategy is the framework by which Latrobe City Council will work with our community to cultivate sustainable economic development in Latrobe City and contribute to the delivery of the liveable, vibrant and enterprising region described in the Latrobe 2026 community vision.

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

The Strategy is a blueprint for how Council will work with our community, industry, small business and government partners to drive economic growth and achieve outcomes.

3. Positioning Latrobe City for a Low Carbon Emissions Future 2010

This policy has been developed in order to position and prepare the Latrobe City municipality to prosper in a low carbon emission future. The policy identifies the expected implications of Government greenhouse gas emission mitigation policies on the City and proposes transition arrangements including interventions and support mechanisms to enable Latrobe City Council to optimise its transition under future government greenhouse gas mitigation schemes.

Key Strategic Actions

Develop and conduct a program of Councillor meetings with peak industry and community bodies.

BACKGROUND

At its Ordinary Council meeting on 22 April 2013, Council resolved as follows:

1. *That Council discontinue the Latrobe City Council Climate Change Consultative Committee, Latrobe City Low Carbon Emissions Future Transition Committee, Latrobe City Investment Advisory Committee and the Mayoral Investment Working Group.*
2. *That the Mayor writes to the existing members of the Latrobe City Council Climate Change Consultative Committee and Latrobe City Low Carbon Emissions Future Transition Committee thanking them for their contribution and participation and encouraging them to apply for the new peak committee.*
3. *That Council endorse the development of a Councillor working party of the Mayor and Councillor Gibson and Councillor Gibbons to guide the development of a comprehensive terms of reference, selection criteria for members and the timing and mechanics of next steps for a consolidated committee.*
4. *That a further report outlining the terms of reference, selection criteria and process be returned to Council for consideration.*

Consistent with the resolution of 22 April 2013, Council wrote to members of the discontinued committees, and the Councillor working party met to explore the remaining issues, including next steps in establishing a new committee and supporting Terms of Reference.

ISSUES

Councillor Working Party

The Councillor working party has met a number of times to discuss the best model for participation and to develop a Terms of Reference to guide a new committee in coordinating stakeholder liaison for Councillors.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)**

It was proposed that a new advisory committee determine an annual schedule of meetings with relevant peak industry and community bodies in line with the Key Strategic Action so that a minimum of three meetings per year would take place.

However, concurrent with this activity has been a review of all Council advisory committees, including their roles and purpose. While a new advisory committee may be established at some time in the future for the purpose of developing an annual schedule of stakeholder meetings, it is important that Council meet the Key Strategic Action criteria of scheduling at least three such meetings per year.

To ensure the Key Strategic Action is met, regardless of the outcome of any proposal to establish a consolidated advisory committee, it would be sensible to schedule three meetings with peak industry and community bodies to take place in the current financial year.

Program of meetings with peak industry and community bodies

A number of core interest areas that are broadly consistent with Council Plan 2013-2017 may guide the selection of peak industry and community bodies, and include areas relating to:

- Business and economic development
- Health and community
- Environment and energy
- Education and skills
- Transport and logistics
- Agriculture, farming and food

Examples of the sorts of stakeholder groups that Council may wish to meet with include the local electricity generators, environmental groups such as the Gippsland Climate Change Network, the Victorian Employers' Chamber of Commerce and Industry (VECCI), and local community groups.

At a Councillor working party meeting on 29 August 2013, discussion included reference to a number of previous and planned meetings. The Councillor working party concluded that designing a schedule of meetings with relevant peak industry and community bodies for the purpose of meeting the Key Strategic Activity measure would not preclude other meetings taking place over the course of the year with government departments, ministers, groups or individuals. An agreed schedule would simply provide an effective way for Councillors to identify key stakeholder groups of interest, and coordinate meetings with these to maximise engagement efforts.

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

How it would work

Should Council resolve to pursue meetings with peak industry and community bodies, it will also need to agree on organisations it would like to meet with. Three organisations have been suggested below.

Subject to Council's decision, officers would contact the organisations identified and request a meeting, and would then make all related administrative arrangements, including sending calendar invitations, distributing background materials as provided, and organising a suitable venue.

Meetings would be open for all Councillors and the Executive Team to attend and would be scheduled with as much notice as possible to Councillors. Officers would attend the meetings in an administrative capacity and afterwards would provide meeting notes that summarise the discussion undertaken at the meeting.

It is suggested that Council pursue meetings with the following organisations:

1. Qube site visit to their Port of Melbourne terminal. Qube is the logistics firm that operates the Maryvale paper mill intermodal and has expressed interest in the development and operation of the Gippsland Logistics precinct; and
2. AGL Loy Yang; and
3. The Port of Hastings Development Authority site visit. This Authority was established in January 2012 to progress and oversee the Port of Hastings container expansion. Rail connectivity to Gippsland from the port of Hastings would allow the cost-effective export of brown coal and other products, and has been identified as a priority project in *Securing Our Future 2013*.

FINANCIAL, RISK 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.

The cost associated with meetings and site visits can be accommodated within the Economic Sustainability Division's 2013/14 Budget.

This report is not considered to present a risk.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Meetings with members of the Councillor working group were held on 7 May, 27 May and 26 August 2013. Councillors Kam, Gibson and Gibbons, as well as Allison Jones, General Manager Economic Sustainability and Julia Agostino, Manager Regional Partnerships have been involved in these meetings to discuss the issues and draft the Terms of Reference.

Community Consultation / Results of Engagement:

No external consultation has been undertaken in association with this report.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)****OPTIONS**

Council has the following options:

1. Resolve to develop and conduct a program of at least three Councillor meetings with peak industry and community bodies:
 - a. Qube
 - b. AGL Loy Yang
 - c. Port of Hastings Development Authority; or
2. Not resolve to develop and conduct a program of at least three Councillor meetings with peak industry and community bodies; and/or
3. Request more information about a schedule of three meetings with peak industry and community bodies.

CONCLUSION

Council's advisory committees have evolved over time as part of an adopted strategy or at the request of the Council of the day. The committees have been reviewed in the past but on an individual basis rather than holistically. Council's resolutions of 19 November 2012 and 22 April 2013 have provided a timely opportunity to develop an innovative and holistic approach to the four committees and their future form and function.

Given Council is currently undertaking a review of all Council advisory committee roles and purpose, a new advisory committee for the purpose of developing a schedule of meetings with peak industry and community bodies may be established at some time in the future. However, in the meantime, it is important that Council meet the Key Strategic Action criteria of scheduling at least three such meetings per year.

Council now has the opportunity to consider how Councillors can best engage with relevant peak bodies and other stakeholder groups in the future, for the purpose of informing Council, advocating for the community and forming new and potentially influential external relationships.

Attachments
Nil

RECOMMENDATION

That Council

1. **Resolve to pursue meetings with Qube, AGL Loy Yang and the Port of Hastings Development Authority.**

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)**

Moved: Cr White
Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

9.2 LATROBE REGIONAL MOTORSPORT COMPLEX

General Manager

**Recreation, Culture &
Community Infrastructure**

For Decision

PURPOSE

The purpose of this report is to provide Council with an update on the proposed Latrobe Regional Motorsport Complex project and for Council to consider the future of this project.

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 - Recreation

In 2026, Latrobe Valley encourages a healthy and vibrant lifestyle, with diversity in passive and active recreational opportunities and facilities that connect people with their community.

Strategic Objectives – Our Community

In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe, connected and proud.

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 1: Job creation and economic sustainability

Strategic Direction – Promote and support the development and economic return of the tourism and events sector.

Theme 2: affordable and sustainable facilities, services and recreation

Strategic Direction – Develop and maintain community infrastructure that meets the needs of our community.

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

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

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

BACKGROUND

The proposed development of a Latrobe Regional Motorsport Complex project has a long history, with the first public meeting about the project convened in 1995. The Latrobe Valley Motorsport Complex Committee was formed to guide the initial planning phase of the facility, through to its formative years. The committee comprised of the following representatives:

- Gippsland Car Club
- Gippsland Go-Kart Club
- Latrobe Valley Aero Club
- Moe Speedway Club
- Latrobe Drag Club
- Latrobe Regional Chamber of Commerce
- Council Officer
- Any other person (by invitation)

Meetings were held on a regular basis, with the committee securing funding for an initial feasibility study.

A number of studies were undertaken during this time to support the initial feasibility study, reviewing a number of different options for a motorsport complex. These reports included:

- An Engineering Feasibility Study - 1998
- Economic Impact and Job Creation Study – 2001
- Detailed site evaluation survey – 2003
- Concept plans – 2003
- Detailed design 2004

The reports focused on three possible sites:

- Haunted Hills Road Race Circuit, based on the Haunted Hills Road, De Campo Drive, Coach Road and Bill Schultz Drive area in Yallourn Heights;
- Marretts Road, Hernes Oak;
- Road Race Circuit, Yallourn Heights.

The site at Marretts Road, Hernes Oak owned by Yallourn Energy (now Energy Australia) was identified as the preferred site and at the 2 December 2002 meeting, Council resolved:

That Council endorses the proposal to proceed with further investigation and planning for the development of the site in Marrett's Road for a motorsports complex, and that further report be presented to Council upon completion of such investigation.

**ORDINARY COUNCIL MEETING MINUTES
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Latrobe City Council negotiated with Yallourn Energy (Energy Australia) in relation to the lease for the proposed site of the Motorsport Complex at Marretts Road and Blacks Track, Hernes Oak. The lease arrangements were agreed upon and signed by both parties in 2004. It is noted that this lease has since expired.

The original design for the Marretts Road site incorporated the following components:

- Blue Rock Motorcycle Club Track – 13.3 hectares
- Bike Speedway Track
- Junior bike Speedway Track
- Motor Car Speedway Track – 7.7 hectares
- Competitor parking for motorbikes
- Competitor parking for motor cars
- Competitor parking for motor cycles
- Spectator areas and Spectator mounds for main tracks

A planning permit application was prepared for the development of the project during 2005/2006, with a planning permit approved by Latrobe City Council in September 2006.

This decision was subsequently challenged by objectors (local residents) at the Victorian Civil Administrative Tribunal (VCAT). The objectors concerns related primarily to noise, traffic and parking, dust and impact on fauna. In November 2007, VCAT set aside Council's decision to issue a Notice of Decision to Grant a Permit and ordered that a Notice of Refusal issued.

At this time, Council considered the opportunity to modify the submitted plans to counter some of the concerns raised through the VCAT objection process. Due to conflicting Council priorities and re-allocation of resources (increased focus on outdoor recreation plans), these options weren't pursued and in effect the project was indefinitely postponed.

The Latrobe Regional Motorsport Complex Advisory Committee has not met since 2008 and is no longer a Special Committee of Council, as this was revoked in February 2009 by a decision of Council. It is however still on Council's committee register as an advisory committee. The Councillor representatives are Councillor Middlemiss and Councillor Gibson.

At the Ordinary Council meeting of 17 September 2012, Council resolved the following:

That Council confirms its' previous commitment to the establishment of a Latrobe City Motor Sports Complex.

To this end, Council officers will;

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

- *Immediately seek renewal of the lease on the previously chosen site for the complex near Hernes Oak and then seek the necessary planning approval for use of this site.*
- *Approach all organisations that have previously expressed an interest in using such a Complex, or organisations, which may now have such a Complex, or organisations, which may now have such an interest, seeking their current intentions and requirements.*
- *Request comments of all organisations that express an interest in using such a Complex as to the adequacy of the current complex design.*
- *Prepare a report outlining the advantages, design and operation of such a complex, including costings of construction and operations. This report to include options and possible availability of funding and it consider 'in kind' construction assistance from user groups, including staged constructions. This report to be presented to Council by April 2012.*

Officers contacted Energy Australia to advise them of Council's resolution about the Motorsport Complex project. Energy Australia advised that the land was no longer available to lease.

Officers then contacted all previously identified clubs and organisations that had expressed an interest in the development of a Motorsports complex in Latrobe City. It was determined that the following clubs were still interested in the development:

- Moe Speedway Club
- Gippsland Motorcycle Speedway Club
- Gippsland Car Club
- Hazelwood & District Lawn Mower Racing Club
- Latrobe Valley Street Machines
- Gippsland Go-Kart Club

A further report was presented to Council on 22 April 2013 detailing the commitment by clubs and organisations.

At the Ordinary Council meeting of 22 April 2013, Council resolved:

1. *That Council reconvene the Latrobe Regional Motorsports Complex Advisory Committee to investigate current levels of commitment to the Motor Sports Complex and to identify the facilities desired by interested parties.*
2. *That prior to November 2013, a report is provided to Council detailing the outcomes from the meetings and a recommendation for the future of the project.*

ISSUES

The Latrobe Regional Motorsport Complex Advisory Committee met on 10 July 2013.

At this meeting the following groups attended:

- Moe Speedway Club
- Gippsland Motorcycle Speedway Club
- Gippsland Car Club
- Hazelwood & District Lawn Mower Racing Club
- Latrobe Valley Street Machines

The Gippsland Go-Kart Club had indicated that it would attend the meeting, but a representative did not attend.

Following discussion around the background and history to the motorsports complex project it was agreed by the stakeholders present that there was still significant support for the development of a motorsport complex in Latrobe City.

An agreed action from the advisory committee meeting was that all stakeholders complete a template to capture their current facilities and to indicate their future needs and requirements for their particular motor sport. (Attachment 1)

Stakeholders agreed to provide the information by Friday 26 July 2013 and another Advisory Committee meeting was scheduled for 8 August 2013.

A completed template was received from all stakeholders. Stakeholders indicated that the facilities that would require include:

- A Speedway track (Cars and Motorcycles)
- A dirt track for the Lawn Mower racing
- Grandstand or viewing facilities
- Event parking
- Competitor parking
- Multi-use Pavilion (social facilities, kitchen, toilets, first aid etc.)
- Public Toilets

The requirements provided by the stakeholders were very similar to the original complex proposal that was rejected by VCAT in 2007. It was agreed by the Advisory Committee to retain all the components of this plan and find suitable land to accommodate it.

At the advisory committee meeting held on 8 August 2013, the stakeholders indicated that the original site for the Latrobe Regional Motorsports Complex in Marretts Road Hernes Oak would be preferred. The Advisory Committee also endorsed the previous design as their preferred design for a motorsports complex.

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An agreed action from this meeting was that Council officers would contact Energy Australia again to enquire as to the availability of the Marretts Road site for a motorsport complex. The Latrobe Regional Motorsport Complex Advisory Committee agreed that no further meetings would occur until Council officers could provide an update on the availability of suitable land for the development of a motorsports complex.

Officers contacted Ron Mether, Mine Manager for Energy Australia by email on 13 August 2013. (Attachment 2)

A response to this email was received from Ron Mether on 23 August 2013. Energy Australia advised that their position had not changed, that the land in Marretts Road was not available and had been leased to somebody else. Energy Australia advised that its priority was removing the water from the Yallourn Mine, and advised Council to contact again when the weather improved to discuss other possible sites owned by Energy Australia.

FINANCIAL, RISK 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.

The potential developments identified in this report indicate a significant cost to Council in terms of officer time and direct cost to Council for re-scoping of the project. This could include pieces of work such as a feasibility study, business case, master planning and designs.

Significant capital investment would be required to develop a motorsport complex in Latrobe City. There is no current provision in Council's budget or the adopted 10 Year Long Term Financial Plan to progress this project further than initial consultation with the relevant stakeholders.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Latrobe City Council has made contact with the majority of stakeholders who have previously had an interest in this project.

The following clubs or organisations were contacted regarding the project:

- Gippsland Car Club
- Gippsland Go Kart Club
- Latrobe Valley Aero Club
- Moe Speedway Club
- Latrobe Valley Street Machines (formerly Latrobe Drag Racers)
- Blue Rock Motorcycle Club
- Gippsland Speedway Motorcycle Club

The Hazelwood & District Lawn Mower Racing Club has also been included as a stakeholder due to their common interest in developing facilities for their growing club.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)***Details of Community Consultation / Results of Engagement:*

The results of community consultation conducted as part of this report are detailed in the Issues section of the report.

OPTIONS

Council has the following options in relation to this report:

1. That Council authorises officers and the advisory committee to continue searching for a suitable site for the motorsports complex including further discussion with Energy Australia.
2. The Council not authorise officers to continue searching for a suitable site for the motorsports complex.

CONCLUSION

It is clear from the stakeholder engagement undertaken since July 2013 that the stakeholders involved in the Latrobe Regional Motorsports Complex Advisory Committee are committed to the development of a motorsport complex in Latrobe City.

The reports that were prepared to support the previous motorsports development and planning application in 2006, although dated are still supported by the advisory committee and have been endorsed by the advisory committee as the preferred design. However these reports are site specific to the Marretts Road site, which Energy Australia has advised is no longer available.

It remains unclear whether there is a suitable site for the development of a motorsports complex in Latrobe City. A site of approximately 50 – 80 hectares would need to be secured for the development of a motorsport complex that meets the needs and expectations of the user groups.

Council has the internal resources to engage with Energy Australia, however other Council and Business Plan priorities prevent officers from being able to dedicate resources to undertake a municipal wide search for an alternative site.

Attachments

1. Latrobe Motorsport Complex template
2. Ron Methner Email 13 August 2013

RECOMMENDATION

1. 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.
2. That Council officers meet with Energy Australia to discuss other possible sites for a motorsports complex on their land.
3. That a further report be presented to Council at such time that site options have been investigated.

Moved: Cr Middlemiss

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

9.2

Latrobe Regional Motorsport Complex

- 1 Latrobe Motorsport Complex template..... 23**
- 2 Ron Mether Email 13 August 2013 27**

Question	Answer
Club/Organisation Name	
Club Contact Details Secretary President Club Address Club Email Club Phone No.	
Affiliation details Is your club affiliated with state, Australian or International motoring organisations? If yes, please provide full details.	
No. of Members Junior Senior Other	
Current Facilities Where does your club currently operate from? Is this a permanent or temporary venue? Do you own/lease this venue?	

<p>Details of current events hosted by Club</p> <p>No. of events Type of event Standard (local, district, regional, Victorian or International) No. of attendees Competitors Spectators Support staff</p>	
<p>Future Facility requirements</p> <p>Track requirements (including size, shape, alignment, grade, runoff areas, buffers) Can the track be co-located with other tracks? Approx. hectares required?</p>	
<p>Future supporting infrastructure</p> <p>What supporting infrastructure will you require if a new facility is constructed? Pavilion/Social rooms? Toilets? Grandstands? Viewing platforms? Car parking? Canteen/Catering facilities Storage facilities Pits Other</p>	

Future Facility Funding Can a cash contribution to a future facility be made? If so, how much?	

Placeholder for Attachment 2

9.2 Latrobe Regional Motorsport Complex.DOC

Ron Mether Email 13 August 2013

Pages

**9.3 PROPOSED PUBLIC HIGHWAY DECLARATION - DEAKIN LANE,
TRARALGON**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to further consider the status of Deakin Lane, Traralgon, and seek Council approval to commence the statutory process to declare it a public highway.

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 2012-2016.

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

Themes and Objectives

Theme 3: Efficient, effective and accountable governance

Theme 4: Advocacy for and consultation with our community

Strategic Direction

Ensure Latrobe City Council's infrastructure and assets are maintained and managed sustainably.

Legislation

Local Government Act 1989

Section 204 of the *Local Government Act 1989* gives Council the power to declare a road to be a public highway or to be open to the public:

- (1) A Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.

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- (2) A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.
- (3) A road does not become a public highway by virtue of a Council resolution made under sub-section (2).

Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989* gives Council the power to discontinue roads:

“A Council may, in addition to any power given to it by Sections 43 and 44 of the *Planning and Environment Act 1987*-

- (i) discontinue a road, or part of a road, by a notice published in the Government Gazette; and
- (ii) sell the land from that road (if it is not Crown Land), transfer the land to the Crown or itself or retain the land.”

Section 207 and Schedule 11 Clause 9 of the *Local Government Act 1989* gives Council the power to place obstructions or barriers on a road permanently:

- (1) A Council may block or restrict the passage or access of vehicles on a road by placing and maintaining any permanent barrier or other obstruction on the road.
- (2) A Council must not exercise this power unless it has considered a report from the Roads Corporation concerning the exercise of this power.
- (3) The exercise of this power is subject to any direction of the Minister.
- (4) This clause does not apply to a freeway or arterial road within the meaning of the *Road Management Act 2004*, unless the Council has the consent of the Roads Corporation.

Each of these powers are subject to Section 223 of the *Local Government Act 1989* which requires Council “publish a public notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section.”

Council must then consider any written submissions that have been received and any person who has made a submission and requested they be heard are entitled to appear before a meeting of Council.

Road Management Act 2004

The *Road Management Act 2004* defines a public highway as “any area of land that is a highway for the purposes of the common law”.

Schedule 4 Clause 1(5) states that a “public highway vests in the municipal council free of all mortgages, charges, leases and sub-leases.

Policy – Council does not have an adopted policy relating to the discontinuance of roads or public highway declarations.

BACKGROUND

Council initially received a request from the owners of 2 Deakin Street, Traralgon, for the discontinuance of Deakin Lane as shown on the attached plan and photographs, attachment 1.

Deakin Lane was originally created in 1957 on LP 41285 as *land appropriated or set apart for easements of way and drainage*. This lane is now described on Certificate of Title Volume 10246 Folio 309 as "*Road R1 on Plan of Subdivision 041285*". The registered owners of the Road are also the owners of 2 Deakin Street, Traralgon (the applicant). A copy of the Application Letter, Plan of Subdivision and Certificate of Title are attached (refer Attachments 2, 3 & 4).

Deakin Lane is fully constructed being four metres wide on the east/west alignment with a total length of 48 metres terminating at the southern boundary of 5-7 Church Street.

The laneway is listed on the Register of Public Roads in *Appendix 4 – Roads Not Maintained by Latrobe City Council* and there are Council drainage assets contained within the road reserve.

As the applicants are the registered proprietors of the road reserve, they were of the opinion that Council should discontinue the road and for the land to be transferred back to them for a nominal consideration where it would be retained as a private access laneway.

In examining this request, it was found that there is an entitlement for each of the four lots created on LP 41285 to use Deakin Lane. Three of these lots comprise the property owned by the applicant (2 Deakin Street) with the fourth lot owned by Petroleum Property Holding Pty Ltd (1 Church Street).

It was also noted that the laneway provides access to off-street parking at the rear of the office complex at 3 Church Street. This off-street car park was a requirement of Planning Permit 93/745/PO issued by the former City of Traralgon on the 7 September 1993 and an amended plan that was endorsed on the 10 May 1994.

Council initially considered the request to discontinue the laneway at the Ordinary Council Meeting held on Monday 17 December 2012 and resolved the following:

1. *That Council gives public notice of its intention to consider the placement of permanent barriers over Deakin Lane, Traralgon, pursuant to Section 207 and Schedule 11 Clause 9 of the Local Government Act 1989.*
2. *That Council considers any submissions received in relation to the proposed placement of permanent barriers over Deakin Lane, Traralgon, at the Ordinary Council Meeting to be held on Monday 18 February 2013.*

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)**

At the Ordinary Council Meeting held on Monday 18 February 2013 Council considered an objection on behalf of two adjoining property owners to this proposal and a request from the applicant that Council defer consideration of this matter for another month pending the provision of additional information. To allow time to obtain additional information Council subsequently resolved:

That Council defer this item for one month.

Council again considered the matter at the Ordinary Council Meeting held on Monday 18 March 2013 and resolved:

1. *That Council defers consideration of the proposed placement of permanent barriers over Deakin Lane, Traralgon, to the Ordinary Council meeting to be held on Monday 22 April 2013 pending assessment of additional information to be provided by the applicant.*
2. *That Beveridge Williams, acting on behalf of Petroleum Property Holdings Pty Ltd and Parody Glade Pty Ltd, and the applicant be advised accordingly.*

At the Ordinary Council Meeting held 22 April 2013, Council considered legal advice provided by Mr Tripodi in support of his application. The legal advice obtained by the applicant is summarised as follows:

- Deakin Lane is not a public road as it was privately created and no Council funds have been spent on the laneway.
- Deakin Lane was created as an "easement of way" and was only intended to benefit specified parties being the owners of the titles that abut the easement and have rights to use it.
- Deakin Lane is a "private road" defined in the Local Government Act 1958 as "a carriage-way accessible to the public from a public street or forming common access to lands and premises separately occupied, but not being a public highway".
- No declaration of Deakin Lane as a public highway has been made.

Based upon these points, the applicant has concluded that Deakin Lane is not a public road and is therefore justified in restricting access and placing a fence across the boundary with 3 Church Street.

Receiving this advice Council at the Ordinary Council Meeting held on Monday 22 April 2013 resolved the following:

That this matter be deferred to allow for consideration to be given to information tabled by Mr Tripodi at this Council meeting.

On 31 May 2013 the applicants' solicitor, John Morrow, wrote to both the Victorian Ombudsman and the Minister for Local Government, a copy of which was provided to Council, seeking their intervention in this matter.

On 2 June 2013 the applicant erected a temporary fence on the boundary of Deakin Lane and 3 Church Street, Traralgon, thereby removing any access to the rear of this property via the laneway. This temporary fence was then replaced in July 2013 with a substantial steel and colour bond fence.

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

At the Ordinary Council Meeting held on Monday 3 June 2013 Council considered a report recommending, in part, that it commence the statutory process to declare Deakin Lane a public highway and resolved the following:

That the matter be deferred pending the outcome of the Ombudsman's investigation of this matter.

ISSUES

As a follow up to above Council resolution, Council officers contacted the Office of the Victorian Ombudsman in June and were informed that, as Council was not the complainant, they could neither confirm nor deny that any complaint had been received and advised that it would be necessary to contact the complainant for any updates.

On Councils behalf, Maddocks Lawyers wrote to the applicants' solicitor, John Morrow, seeking an update on the status of the complaint. The return advice is that the Ombudsman's Office had stated there is no role for the ombudsman in this matter.

As the applicants' solicitor had also written to the Minister for Local Government, Council was contacted by the Office of Local Government in September and requested to provide background information relating to this matter. Council officers complied with this request and have subsequently received verbal advice from the Office of Local Government that it is at Councils discretion to declare a public highway and it will not be intervening in what it considers to be a Council decision.

In light of the above advice, Council is requested to give consideration to undertaking the statutory process to declare Deakin Lane a public highway pursuant to the provisions of the *Local Government Act 1989*. This request is based on the following advice:

Officers have previously advised Council that Deakin Lane is considered to be a public highway as it satisfies the common law doctrine of *Dedication and Acceptance*. The land has been set aside as an easement of way (Dedication) on the 1957 plan of subdivision LP 41285, is shown as Road R1 on Certificate of Title Volume 10246 Folio 309, and the laneway has been used by the public, adjoining property owners and occupiers for a substantial period of time (Acceptance).

The assessment that Deakin Lane is a public highway is supported by legal advice previously obtained from Council's solicitors in relation to two similar matters. Relevant sections of this advice are summarised below:

Right of Access

At common law, an owner or occupier of land adjoining a public highway (road) has a right to access the road from their land.

A Public Highway is vested in Council

A road is a public highway at common law because there has been:

- *Dedication of the Road to the public when it was constructed; and*

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

- *Subsequent acceptance of the Road, by the public, through public use of the Road.*

As Deakin Lane is marked as a “road” on title, this is a clear indication that the road is a public highway at common law. In addition, Clause 1 of Schedule 5 in the Road Management Act 2004 (RMA) also has the effect of vesting in Council particular roads (including Deakin Lane).

The effect of this public highway classification is that the road remains open for the public to use, regardless of who owns the land underneath and the road is vested in Council.

Council has responsibility for use and control over a Road

The general public’s right to use a road (including a public highway) is confirmed by section 8 of the RMA. The RMA also places Council in control of roads because:

- *by operation of section 37 of the RMA and division 2 of Part 9 of the Local Government Act 1989 (LGA) as well as Schedules 10 and 11 of the LGA; and*
- *The Road is on Council’s register of public roads.*

In light of the above, only Council is entitled to control access to a road by virtue of the powers conferred in both the RMA and LGA. Therefore, despite holding title to the land over which a road is constructed, the registered owner/s does not enjoy exclusive possession with respect to the road (as opposed to an ordinary parcel of land). It follows that Council maintains control and responsibility for a road, regardless of whether Council or another party holds title to the land over which the road is located.

It is noted that the former City of Traralgon issued a Planning Permit 93/745 on the 8 September 1993, later amended on the 10 May 1994, for an office complex at 3 Church Street. This permit recognised that the off street car park would be at the rear of the property and would be accessed via Deakin Lane.

In September 1999, the owner of 3 Church Street wrote to Council concerning the unmade east/west section of Deakin Lane from Deakin Street through to the section of constructed laneway and car park at the rear of 3 Church Street and 2 Deakin Street, refer attachment 5 – photo of laneway. The photo was taken on 24 July 1999 and shows that the east/west section of the laneway was unconstructed and the surface was rough with a number of large potholes containing water.

The Latrobe Regional Development Group have stated that they fully funded the construction cost. It is unknown whether Council or any other party contributed towards the cost of this construction.

Additional Professional Advice:

Officers obtained further professional advice from The Public Land Consultancy, a firm specialising in matters relating to public land including roads. This advice (Attachment 7) confirmed the current position that Deakin Lane is a public highway.

**ORDINARY COUNCIL MEETING MINUTES
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Whilst Deakin Lane was initially created as an easement of way and drainage, over time it has become a public highway through dedication and acceptance and, as such, vests in Council. This does not require a formal declaration however Council can undertake the statutory process to declare Deakin Lane a public highway pursuant to Section 204 of the *Local Government Act 1989*.

Section 204(1) of the *Local Government Act 1989* states the following:

"A Council may, by notice published in the Victoria Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act."

The statutory process can be undertaken when Council is not the registered owner of land (as in this instance) and involves Council giving public notice of the proposal, considering any submissions received and, once determined, placing a notice in the Victoria Government Gazette formally declaring Deakin Lane a public highway.

Once Deakin Lane has been declared a public highway the land vests in Council and Section 205 of the *Local Government Act 1989* states that *"Council has the care and management of all public highways vested in the Council"*.

Additional Legal Advice:

Following Council's decision at the Ordinary Council Meeting held on Monday 22 April 2013 officers sought legal advice from Maddocks Lawyers on the status of Deakin Lane and in particular the information provided by the applicant.

Maddocks advice is summarised as follows:

- Deakin Lane is a public highway at common law and also, therefore, a public highway for the purposes of the *Road Management Act 2004*;
- Ownership of Deakin Lane is likely to have vested in Council, by virtue of the *Road Management Act 2004*, even though it is located on privately owned land;
- If Council wishes, it can declare Deakin Lane to be a 'public highway' under the *Local Government Act 1989*;
- Rights of access to Deakin Lane are secured for the owners of the properties adjoining Deakin Lane, namely 1-3 Church Street, Traralgon and Lot 4 on LP 41285, which fronts Princes Street under common law and the *Road Management Act 2004*; and
- Council is under no obligation to pay compensation to the registered proprietors who own the land traversed by Deakin Lane.

A copy of this confidential legal advice has previously been provided to all Councillors.

In June 2013, whilst Council was obtaining further advice, the applicant erected temporary fencing which was then replaced with a substantial steel and colour bond fence in July 2013.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)**

The erection of a fence along the boundary of Deakin Lane contrasts with the advice obtained by Council officers and has resulted in the owners of 3 Church Street having to obtain rear access over a neighbouring property or parking in Church Street as a temporary solution to this problem.

In light of the advice from the Victoria Ombudsman and Local Government Victoria that they do not intend to take any action regarding this matter it would now be appropriate for Council to undertake the statutory process to declare Deakin Lane a public highway pursuant to Section 204 of the *Local Government Act 1989*.

It has consistently been argued that Deakin Lane satisfies the criteria of a public highway, a position supported by professional and legal advice that has been obtained, and undertaking the statutory process and formally declaring its status will remove any doubt or confusion in the future.

FINANCIAL, RISK 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.

The costs of undertaking the statutory process to declare Deakin Lane a public highway are minimal being the cost of public notices in the Latrobe Valley Express and a notice in the Victoria Government Gazette.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Proposed:*

- Public notices placed in the Latrobe Valley Express.
- Letters sent to all adjoining property owners.
- Notice displayed at the Traralgon Service Centre.
- Details placed on the Latrobe City Council website.

Details of Community Consultation / Results of Engagement:

Should Council resolve to undertake the statutory process to declare Deakin Lane a public highway it will be necessary to give public notice of the proposal and consider submissions in accordance with Section 223 of the *Local Government Act 1989*.

It is proposed that any submissions that are received regarding the proposed public highway declaration would be considered at the ordinary Council meeting to be held on Monday, 16 December 2013.

Council has previously given public notice of the proposal to erect permanent barriers across Deakin Lane and one submission was received from Beveridge Williams & Co Pty Ltd on behalf of Petroleum Property Holdings Pty Ltd Traralgon, owner of 1 Church Street, and Parody Glade Pty Ltd, owner of 3 Church Street, objecting to the proposal.

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

OPTIONS

Council may now:

1. Resolve to commence the statutory process to declare Deakin Lane, Traralgon, a public highway under section 204(1) of the Local Government Act 1989 which formally vests the land in Council once the statutory process is finalised.
2. Resolve not to undertake the statutory process to declare Deakin Lane, Traralgon, a public highway and take no further action regarding the fence that has been erected between the road reserve and the rear of 3 Church Street, Traralgon. This would permanently remove any access to the parking at the rear of this property provided for in the planning permit issued by the former City of Traralgon.

CONCLUSION

The legal advice that has been obtained has reaffirmed the position that Deakin Lane is a public highway at common law and for the purposes of the *Road Management Act 2004* and, as such, the land vests in Council.

As both the Victorian Ombudsman and Local Government Victoria have indicated that they do not intend to take any further action regarding this matter it would be appropriate for Council to commence the statutory process to formally declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the *Local Government Act 1989*.

Attachments

1. Locality Plan, aerial image and photos of Deakin Lane, Traralgon
2. Application Letter & Legal Advice obtained by the Applicant.
3. Plan of Subdivision LP 041285
4. Deakin Lane Certificate of Title Volume 10246 Folio 309
5. Photo of unconstructed east/west section of Deakin Lane dated 24 July 1999.
6. Submission
7. Professional Advice from the Public Land Consultancy.
8. Legal advice provided by the Applicant - Page 1
9. Legal advice provided by the Applicant - Page 2

RECOMMENDATION

1. That Council gives public notice of its intention to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989.
2. That Council considers any submissions in relation to the proposed declaration of Deakin Lane, Traralgon, as a public highway at the Ordinary Council Meeting to be held on Monday 16 December 2013.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)**

3. That all adjoining property owners be advised of Councils intention to commence the statutory process to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989 and invited to make a submission.
4. That the Applicant and Beveridge Williams, acting on behalf of Petroleum Property Holdings Pty Ltd and Parody Glade Pty Ltd, be advised accordingly.

ALTERNATE MOTION

1. That Council defer consideration of this matter until the next ordinary Council meeting.

Moved: Cr White
Seconded: Cr Middlemiss

That the Motion be adopted.

For the Motion

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

Against the Motion

Councillors Harriman, Sindt, Gibson

The Mayor confirmed that the Motion had been CARRIED.

9.3

PROPOSED PUBLIC HIGHWAY DECLARATION - DEAKIN LANE, TRARALGON

1	Locality Plan, aerial image and photos of Deakin Lane, Traralgon	39
2	Application Letter & Legal Advice obtained by the Applicant.	43
3	Plan of Subdivision LP 041285	47
4	Deakin Lane Certificate of Title Volume 10246 Folio 309	49
5	Photo of unconstructed east/west section of Deakin Lane dated 24 July 1999.....	51
6	Submission	53
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Locality Plan, Aerial Image & Photos of Deakin Lane, Traralgon.

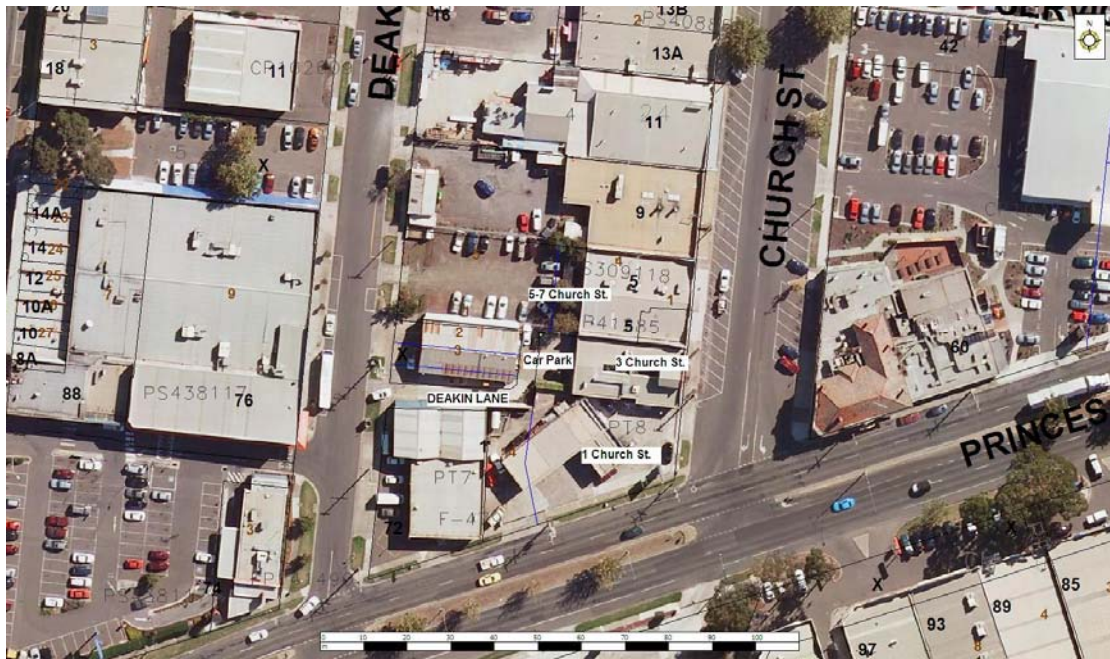
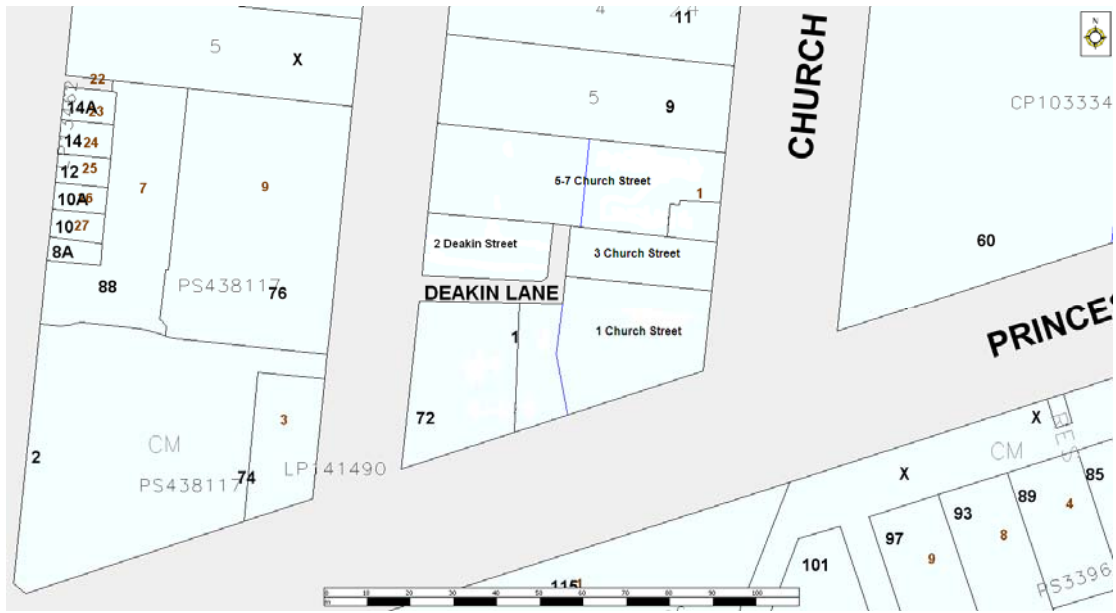


Photo taken from Deakin Street opposite Lane Entrance.



Close up of Lane Entrance



Off Street Car Park, rear 3 Church Street.





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18th January '13

To Whom It May Concern,

Re. **Road R1 on plan of Subdivision 041285**

With all our findings in regard to Road R1, we the Tripodi Family would like to meet with you, on site, that being the rear of 2 Deakin Street Traralgon.

The invitation is to all Councillors that wish to attend, the purpose of this meeting is to explain and demonstrate our findings from the research that we have undertaken in trying to resolve the issue of ownership of Road R1 on plan of Subdivision 041285.

Our results from our research you will find are correct and conclusive. We feel that it would be best if this matter was discussed in a private manner and not at a public Council meeting, as our findings may cause the public to arise to a wrong conclusion.

We would like to meet before the Council meeting in February 2013, we do stress, and however it would be in the Councils best interest to meet with us.

Please feel free to contact me at any time to discuss this matter and to organise an appropriate time to meet.

Thank you

Gino Tripodi
On behalf of
S&C Tripodi & Sons.

(ph 0418 598 525)

"As fresh as today, just as crisp as tomorrow"

Document 895418

JOHN MORROW LL.B.
COMMERCIAL CONSULTANT
BARRISTER & SOLICITOR

PHONE OFFICE: (03) 9482 9429
MOBILE: (0418) 362 744
AFTER HOURS: (03) 9482 2316
FAX: (03) 9482 1032
Email: jmorrow@trigpond.com
ADDRESS: 173 QUEENS PARADE,
CLIFTON HILL 3068 AUSTRALIA

17 January 2013

Mr Gino Tripodi
S & C Tripodi & Sons
PO Box 971
Traralgon VIC 3844

Dear Gino

**Re: Title Volume 10246 Folio 309 (Road R1 on Plan of Subdivision 041285)
(Herein referred to as Title R1)**

I refer to your instructions to investigate the easement of way relating to the above title.

The easement of way is created by and endorsed on the Plan of Subdivision, being Plan Number LP41285.

I confirm that I have searched Title R1 and the other titles registered in the Tripodi family names', being Lots 1, 2 and 3 on LP41285 together with the neighbouring title of 1-3 Church Street, Traralgon, being Lot 1 on Title Plan Number 532747M, being Title Volume 7263 Folio 425 registered in the name of Parody Glade Pty Ltd of 10 Grey Street, Traralgon (herein called Parody Glade).


I confirm that the result of these searches is as follows:-

1. Plan of Subdivision LP41285 identifies the land in Title R1 as being "appropriated or set apart for easements of way and drainage" for the benefit of all titles on the subdivision.
2. All of your titles to Lots 1, 2 and 3 are within the subdivision and are therefore entitled to the benefit of the easements of way and drainage.
3. The Parody Glade title is not part of subdivision LP41285 and therefore is not entitled to the benefit of the easements of way and drainage provided in LP41285 or to any other rights whatsoever over the land in Title R1.

Accordingly, it is within your legal rights to erect a fence on the boundary of Title R1 where it is contiguous to the Parody Glade title. It is further within your rights to erect a gate at the entrance to R1 on Deakin Street, on the basis that Parody Glade has no right of access to that road.

Please let me know if I can be of any further assistance to you in relation to this matter.

Yours faithfully



J.R. Morrow
Solicitor

Delivered by LANDATA® Land Victoria timestamp 22/01/2013 15:46 Page 1 of 1

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LP 41285

EDITION 1
PLAN MAY BE LODGED 5/9/57

PLAN OF SUBDIVISION OF
PART OF CROWN ALLOTMENTS 7 & 8, SECTION 24
TOWNSHIP OF TRARALGON
PARISH OF TRARALGON
COUNTY OF BULN BULN

Measurements are in Feet & Inches

Conversion Factor
FEET X 0.3048 = METRES

- ✓ 4583 F 536
- ✓ 6343 F 795
- ✓ 7551 F 028

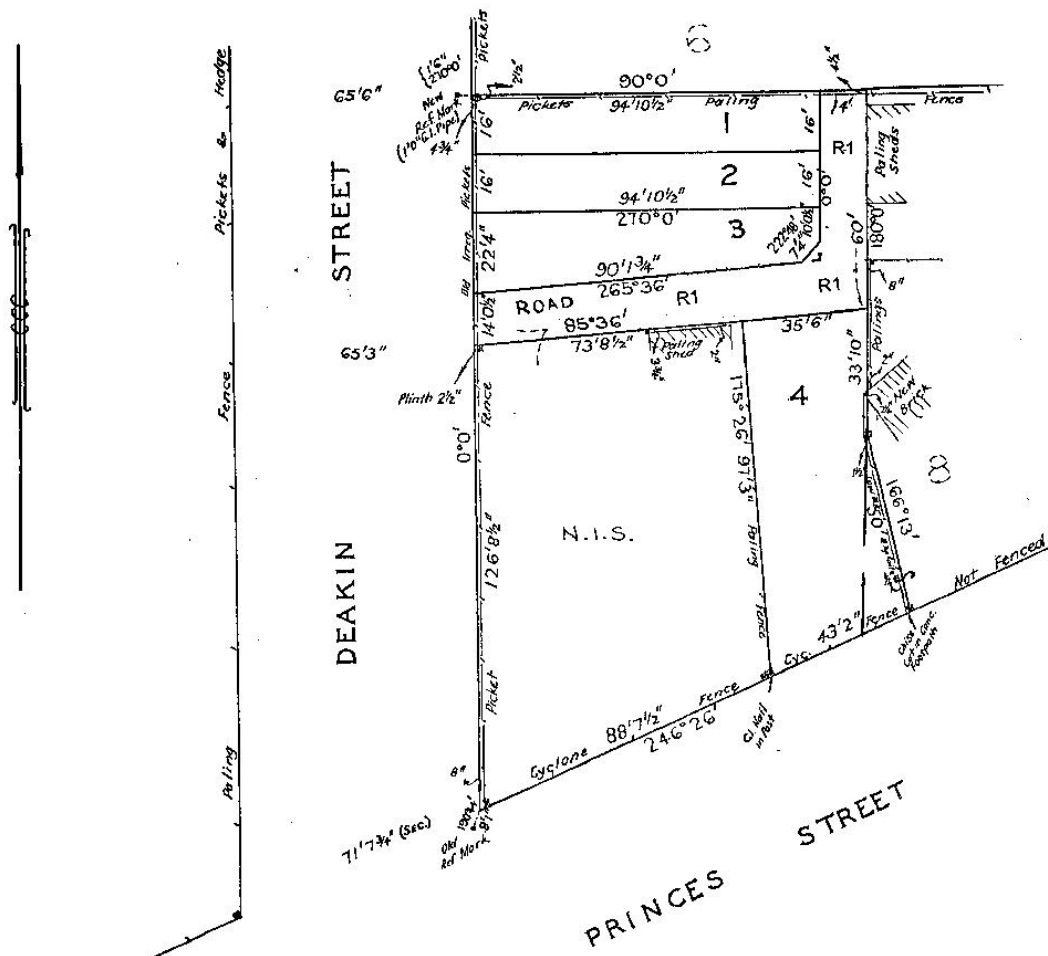
COLOUR CONVERSION

BROWN = R1

APPROPRIATIONS

THE LAND COLOURED BROWN IS APPROPRIATED OR SET APART FOR EASEMENTS OF WAY AND DRAINAGE.

~~PARISH TOWNSHIP~~



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Register Search Statement - Volume 10243 Folio 238

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10243 FOLIO 238

Security no : 124044527951G
Produced 22/01/2013 04:02 pm

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 041285.
PARENT TITLE Volume 08156 Folio 271
Created by instrument T741805V 26/06/1995

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON

As to 1 of a total of 4 equal undivided shares
Sole Proprietor

STEFANO TRIPODI of 10 MOORE ST. TRARALGON 3844

As to 1 of a total of 4 equal undivided shares
Sole Proprietor

CONCETTA TRIPODI of 10 MOORE ST. TRARALGON 3844

As to 1 of a total of 4 equal undivided shares
Sole Proprietor

DAMIANO TRIPODI of 10 MOORE ST. TRARALGON 3844

As to 1 of a total of 4 equal undivided shares
Sole Proprietor

GINO TRIPODI of 10 MOORE ST. TRARALGON 3844

U146141P 26/03/1996

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE U146142L 26/03/1996

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DIAGRAM LOCATION

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: DEAKIN STREET TRARALGON VIC 3844

DOCUMENT END

**Delivered from the Landata ® System by SAI Global Property Division Pty Ltd
Delivered at 22/01/2013, for Order Number 11244891. Your reference: Deakin Lane.**

**PHOTO AT THE ENTRANCE OF THE UNCONSTRUCTED EAST/WEST SECTION OF DEAKIN LANE.
PHOTO DATED 24 JULY 1999.**



Beveridge Williams

Reference: 1200716

Office: Traralgon

16 January 2013

Mr Peter Schulz
Property and Statute Officer
City of Latrobe
PO Box 264
MORWELL VIC 3840

Dear Peter,

RE: **YOUR REFERENCE: R511973/00**
PROPOSED PLACEMENT OF PERMANENT BARRIERS
DEAKIN LANE, TRARALGON

We refer to your letter dated the 18th of December 2012 to Mr Leo DiFabrizio of the Latrobe Regional Development Group and advise as follows.

We act for the following registered proprietors in this matter:

- Parody Glade Pty Ltd who are the registered proprietors of the land described in certificate of title volume 7263 folio 425 being lot 1 on TP 532747M being located at 1-3 Church Street, Traralgon.
- Petroleum Property Holdings Pty Ltd who are the registered proprietors of the land described in certificate of title volume 8156 folio 270 being lot 4 on plan of subdivision LP 41285.

Copies of these titles are enclosed for your information.

As you are aware Deakin Lane was created in LP 41285 with lots 1, 2, 3 and 4 of that subdivision having way and drainage rights over the lane.

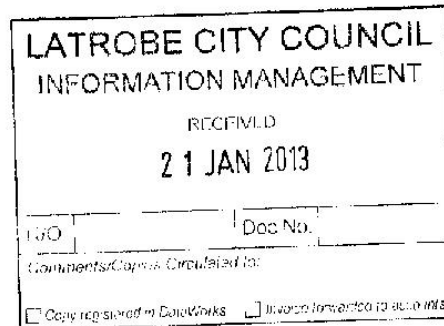
The land comprising Deakin Lane is described in certificate of title volume 10246 folio 309 being road R1 on plan of subdivision LP 41285.

We understand the proposal as stated in your letter dated the 18th December 2012 is for council to consider the place of permanent barriers across Deakin Lane.

We wish to advise that both our clients **strongly object** to this proposal.

Lot 4 on LP 41285, owned by Petroleum Property Holdings Pty Ltd has existing way and drainage rights over Deakin Lane because it is part of the original subdivision, LP 41285.

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Po Box 1799
Bairnsdale Vic 3875
ph: 03 5152 4708

Ballarat

96 Main Road
Ballarat Vic 3350
PO Box 1465
Bakery Hill Vic 3354
ph: 03 5327 2000

Geelong

52 Brougham St
Geelong Vic 3220
ph: 03 5222 6563

Leongatha

52A Bair St
PO Box 161
Leongatha Vic 3953
ph: 03 5662 2630

Sale

45 Macallister St
Sale Vic 3850
ph: 03 5144 3877

Traralgon

18 Hotham St
PO Box 684
Traralgon Vic 3844
ph: 03 5176 0374

Wonthaggi

134 Graham St
PO Box 129
Wonthaggi Vic 3995
ph: 03 5672 1505



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Petroleum Property Holdings Pty Ltd require permanent unimpeded access to continue to be provided along Deakin Lane because they have plans to develop their property (lot 4) in the future and will require the rear access that Deakin Lane provides.

The building at 1-3 Church Street Traralgon was constructed in 1994. The City of Traralgon required car parking for this facility to be provided at the rear of the building. The only access to this car parking area is via Deakin Lane, which council must have deemed to be a public highway, otherwise they would not have been in a position to require the car parking to be at the rear of the building.

We understand the registered proprietors of lots 1, 2 and 3 on LP 42185 have indicated that they wish a new fence be constructed along the eastern boundary of the property which would prevent access from the 1-3 Church Street site to Deakin Lane. Because Deakin Lane has been regarded as a public highway by Council, the owners of these lots cannot demand that a fence be constructed along this boundary.

Both our clients are very strong in their objection to the proposal to place gates across Deakin Lane or for any other action to be taken that denies them permanent access to Deakin Lane.

If possible we would like an opportunity to address council regarding this matter at the council meeting to be held on Monday 18th of February 2013.

If you have any queries please do not hesitate to contact us.

Yours faithfully

BEVERIDGE WILLIAMS & CO



PETER G DELL
DEVELOPMENT MANAGER – GIPPSLAND

Vic Property

Page 1 of 3

Doc id: 8156/270 Matter: 2223PGD Search generated on 04/07/2012 at 09:37

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08156 FOLIO 270

Security no : 124042363569V
Produced 04/07/2012 09:38 am

LAND DESCRIPTION

Lot 4 on Plan of Subdivision 041285.

PARENT TITLES :

Volume 04583 Folio 536 Volume 06349 Folio 795 Volume 07551 Folio 028
Created by instrument A318161 10/04/1957

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

PETROLEUM PROPERTY HOLDINGS PTY LTD of 388 RAYMOND ST SALE 3850
V361058H 08/04/1998

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE V361060E 08/04/1998

NATIONAL AUSTRALIA BANK LTD

LEASE C554022 01/08/1966

Expiry Date 29/03/1973

CALTEX OIL (AUSTRALIA) PTY LTD

LEASE E915459 25/07/1973

Expiry Date 29/03/1978

CALTEX OIL (AUSTRALIA) PTY LTD

LEASE H292020 02/11/1978

Expiry Date 29/03/1983

CALTEX OIL (AUSTRALIA) PTY LTD

CAVEAT AG109227R 29/09/2008

Caveator

PETER JOHN MINSTER

Capacity PURCHASER/FEE SIMPLE

Lodged by

MCDONOUGH & CO

Notices to

MCDONOUGH & CO of 68 SEYMOUR STREET TRARALGON VIC 3844

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DIAGRAM LOCATION

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

<https://secure-acs.urbispro.com.au/cgi-bin/landata/docimage?dtype=title&>

4/07/2012

Vic Property

Page 1 of 2

Doc id: 7263425 Mailer: 2222PGD Search generated on 04/07/2012 at 09:39

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 07263 FOLIO 425Security no : 124042363599N
Produced 04/07/2012 09:40 amLAND DESCRIPTION

Lot 1 on Title Plan 532747M (formerly known as part of Crown Allotment 8
Section 24 Township of Traralgon Parish of Traralgon).
PARENT TITLE Volume 07263 Folio 424
Created by instrument 2203845 24/03/1949

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

PARODY GLADE PTY LTD of 10 GREY ST TRARALGON 3844
S934246N 14/02/1994

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE S934247K 14/02/1994
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SEE TP532747M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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TITLE PLAN	EDITION 1	TP 532747M						
<p>Location of Land</p> <p>Parish: TRARALGON Township: TRARALGON Section: 24 Crown Allotment: 8(PT) Crown Portion:</p> <p>Last Plan Reference: Derived From: VOL 7263 FOL 425 Depth Limitation: NIL</p>	<p style="text-align: center;">Notations</p> <p style="text-align: center;">ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>							
<p style="text-align: center;">Description of Land / Easement Information</p>		<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY LAND VICTORIA FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 29/05/2000 VERIFIED: SOC</p>						
<table border="1" style="width: 100%;"> <tr> <th colspan="2" style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2" style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2" style="font-size: small;">PARCEL 1 = CA 8 (PT)</td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 8 (PT)	
TABLE OF PARCEL IDENTIFIERS								
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962								
PARCEL 1 = CA 8 (PT)								
LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets						

Vic Property

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10246 FOLIO 309

Security no : 124044466544D
Produced 16/01/2013 03:22 pm

LAND DESCRIPTION

Road R1 on Plan of Subdivision 041285.
PARENT TITLE Volume 08156 Folio 271
Created by instrument T741807P 26/06/1995

REGISTERED PROPRIETOR

Estate Fee Simple

TENANTS IN COMMON

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

STEFANO TRIPODI of 10 MOORE STREET TRARALGON 3844

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

CONCETTA TRIPODI of 10 MOORE STREET TRARALGON 3844

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

GINO TRIPODI of 10 MOORE STREET TRARALGON 3844

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

DAMIANO TRIPODI of 10 MOORE STREET TRARALGON 3844

U146141P 26/03/1996

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE U146142L 26/03/1996

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DIAGRAM LOCATION

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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THE PUBLIC LAND CONSULTANCY
Independent professional advice and support for managers and users of public land

Peter Schulz
Property & Statute Officer
Latrobe City Council
141 Commercial Rd,
Morwell 3840

22 March 2013

Dear Peter

Deakin Lane, Traralgon

I write in response to your emailed request of 18 March concerning the proposed discontinuation of Deakin Lane, Traralgon. Your request goes to the essence of the matter:-

In brief, Deakin Lane is a road reserve that remains in private ownership and the registered proprietor now wishes to place gates over it to restrict access however it is required for access to an adjoining property. The registered proprietor has obtained legal advice that it is not a public highway and he is therefore able to remove access and any attempts by Council to remove obstructions would be trespassing.

Our advice (attached below) is based on background materials you have supplied to us. Those materials include extracts from what you describe as 'legal advice received by the applicant' and from which you provide a summary of 'key points.'

We emphasise that we have not viewed a complete version of this legal advice – but it appears to make some fundamental (and somewhat surprising) errors in relation to the law governing roads in Victoria. We could elaborate on this observation if provided with the full advice.

It appears from this partial legal advice that the proponents of the discontinuation are contemplating the construction of a fence or fences across the lane, restricting access to other abutting properties.

Any suggestion that such a fence may be constructed prior to the decision of council should be viewed as provocative, and any attempt to actually construct such a fence should be treated as warranting council and/or Police intervention.

If there is any fear that events might proceed in such a direction, you should seek further legal advice, which we would be happy to facilitate. In such circumstances we would provide details of precedents for councils and/or the Police taking direct action to remove unauthorised obstructions.

If we can be of further assistance, please contact me.



David Gabriel-Jones
Principal

The Public Land Consultancy
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Advice relating to Deakin Lane, Traralgon

The documents you have provided show Deakin Lane to be a road, created by subdivision in 1957. The plan showing this subdivision is LP 41285, on which Deakin Lane is marked 'ROAD R1.' The corresponding title is Volume 10246 Folio 271, which also describes the land as 'Road R1' and lists four members of the Tripodi family as its registered proprietors.

It is an unfortunate feature of the law relating to roads in Victoria that title documents cannot be relied upon. This fact is well documented in the judgment in *Calabro v City of Bayside*, Victorian Supreme Court, 1999, where Justice Balmford commented "I do not wish to suggest that this is a satisfactory situation."

The essence of the problem is this: if a road becomes a 'public highway' then it vests in fee simple in the relevant council, without that fact being recorded on title. This is the consequence of section 203 of the Local Government Act 1989, which between 1993 and 2004 read as follows:-

203. Public highways to vest in Councils

(1) A public highway vests in fee simple in the Council of the municipal district in which it is located on the date section 22 of the Local Government (Miscellaneous Amendments) Act 1993 comes into operation (if it is not already vested in the Council), or on it subsequently becoming a public highway.

Although this provision has been in place since 1993 (having been transferred from the Local Government Act 1989 to the Road Management Act 2004) affected titles remain uncorrected. Land Registry has no effective way of knowing whether a road has become a public highway, and therefore no basis on which to update the title.

A road can become a public highway by various means, of which the common law doctrine of dedication and acceptance is relevant here. The doctrine holds that if a competent landowner manifests an intention to dedicate land as a public road, and there is an acceptance by the public of the proffered dedication, then the land becomes a 'highway' – more usually described as a 'public highway.'

The annotation 'road' on the Plan of Subdivision can be taken as clear evidence of dedication. The fact that the original owner and successors in title have, over a period of half a century, acquiesced in allowing public access to the road can be taken as confirming an intention to dedicate. From what we understand, usage of the road has been by 'the public' – including persons accessing several properties fronting Deakin Street, Church Street and Princes Street. The consequence of this fact is that the road no longer vests in its registered proprietors, but in Council.

If doubts persist, and Council perceives a need to put the matter beyond question, the road may be declared to be a public highway under section 204(1) of the Local Government Act 1989.

As a public highway Deakin Lane is a municipal road within the meaning of the Road Management Act 2004, and Council is empowered to deal with it accordingly.

* * * * *

IN THE MATTER OF DEAKIN LANE, TRARALGON

SUPPLEMENTARY OPINION

1. My instructing solicitor acts for the registered proprietors of land at 2 Deakin Street, Traralgon. This memorandum is further to my opinion of 15 March 2013.
2. Latrobe City Council has deferred a decision arising from the client's request for Council's agreement to close the lane. The question which has arisen is whether the lane is a "public road", over which the Latrobe City Council has jurisdiction under the *Local Government Act*.
3. The officers' report for the Council meeting on 22 April 2013 in large part repeats previous material, including an extract from previous legal advice obtained on a 'similar issue' elsewhere.
4. *Comment:* the previous legal advice can only set out general principles and is not an accurate or sufficient foundation for a decision in the present case. This is because it is not the general principles which are in dispute, but the application of those principles to particular facts, which differ between cases.
5. Similarly, Council has obtained advice on the lane from advisers, The Public Land Consultancy. The author of that advice is a civil engineer and previous public servant, no doubt experienced in his field but I am not aware of his being legally qualified.
6. There is no dispute as to the prerequisites for how land becomes a public road (or public highway, the terms may be regarded for present purposes as interchangeable). There are two means:
 - a. at **common law**, by a two-stage process: first, *dedication* of the land by the land-owner; and *secondly*, acceptance by the public by use.
 - b. by **statute**, under the *Local Government Act* or *Road Management Act*, *Crown Lands Act* or other statute.

7. In the case of Deakin Lane, neither at common law nor under statute is there evidence that the lane has become a public highway.
8. In particular, for the common law test, there is no evidence of dedication of the land by the owner. Contrary to the PLC advice, the 1957 plan of subdivision is not a dedication. Section 17(3) of the *Road Management Act 2004* (Vic)(RMA) states:
- “A road set aside as a road in a plan of subdivision registered under the *Subdivision Act 1988* is not a public road for the purposes of this Act unless and until a decision is made”
- by a relevant co-ordinating road authority under subsection 17(3) of the RMA. No co-ordinating road authority has made such a decision in this case. Sec 17(3) of the RMA is declaratory of the common law in Victoria: since *Fleming v City of Oakleigh* [1934] VLR 263, the description of land on a plan of subdivision as a “road” is not of itself indicative of an intention to dedicate a road to the public.
9. As to roads that are public roads by statute, section 19(1) of the RMA states: “*Section 17 [of the RMA] establishes which roads are public roads.*” None of the processes set out in s 17(1) or 17(3) of the RMA have been applied.

Conclusion

10. On the basis of the above, Deakin Lane, Traralgon, is not a public road. All adjoining land owners have alternative, adequate and convenient access to their land from public roads or have private rights as holders of an easement. There is no reasonable requirement for general public use of the lane.



PETER G. WILLIS

Joan Rosanove Chambers
Melbourne

22 April 2013

**9.4 PLANNING FOR GROWTH – LAKE NARRACAN PRECINCT
DRAFT CONCEPT PLANS COMMUNITY CONSULTATION
PACKAGE**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to present the Lake Narracan Precinct Draft Concept Plans consultation package to Council for information and seek endorsement to release the consultation package for community engagement.

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, the Latrobe City Council Plan 2013-2017, relevant legislation and Council policies.

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

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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

On 11 July 2012 the State Government released *The Latrobe Valley Industry and Employment Roadmap*, which responds to Council's submission of 7 May 2012 *Directions for a Latrobe Valley Transition Discussion Paper*. Council's submission amongst other things requested assistance in the area of planning for Latrobe City's growth areas. In response, the Roadmap identifies *Strategic Direction 6: Enhancing Liveability, New Planning Support for Regional Growth Areas* which aims to;

- expedite structure planning of new growth areas; and

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- bring forward development and ensure an adequate supply of housing for new residents.

Assistance has been provided to Latrobe City Council through access to the resources and expertise of the Growth Area Authority (GAA), to aid in the preparation of structure plans for Latrobe City's growth areas. The Lake Narracan precinct has been identified as a priority growth area, and the GAA is assisting Latrobe City Council to plan this area through the preparation of the Lake Narracan Precinct Structure Plan (PSP) .

The GAA is a statutory authority responsible for overseeing the preparation of PSP's in Melbourne's growth areas and advising the Minister for Planning on their approval. Through the Roadmap initiative the GAA have expanded their responsibilities to assist with the planning of regional areas.

A PSP is a 'big picture' plan that sets the vision for developing new communities and is the primary plan for guiding development. Precinct structure planning is fundamental to making Victoria's growth areas great places to live, both today and for future generations.

PSPs identify roads, shopping centres, schools, parks, housing, employment areas, connections to transport and generally resolve the complex issues of biodiversity, cultural heritage and infrastructure provision.

The Lake Narracan precinct (see Attachment 1) is an area of approximately 610 hectares. The majority of land within the precinct is currently zoned Farming Zone. The remaining land within the precinct is zoned either Rural Living 6 Zone, Residential 1 Zone, Public Use Zone and Public Park and Recreation Zone. There are a total of 67 landowners within the precinct.

The Lake Narracan PSP project is consistent with the *State Planning Policy Framework* at Clause 11.02 Urban Growth, this forms part of the *Latrobe Planning Scheme* and includes strategies that aim to;

- *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.*
- *Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.*

Strategic Outlook

The *Strategic Outlook for Moe-Newborough, Growth Areas Authority August 2013*, provided at Attachment 2, considers population projections and dwelling forecasts (see pages 2-7). The document identifies, consistent with a low to moderate growth scenario that;

between 2011 and 2036 it is forecast that the number of households in the local area will increase by over 1,800 households.

The document also provides an analysis of the current and future land supply for Moe-Newborough and draws a number of conclusions (page 18) which are summarised as follows;

- From the Moe-Newborough Structure Plan there is around 200 hectares of land currently identified for future residential development.
- While most of these sites have shown at least some indication of development plans, 30% of the land identified has remained stagnant and thus may not be developed for some time.
- If we assume that all the land that has been identified for development does in fact get developed, at an average density of 10 dwellings per hectare, currently land supply stocks could be exhausted by 2031, (approximately 17 years away).
- Given the time required to identify developable land, prepare a strategic plan and prepare a planning scheme amendment to rezone the identified land, it would be prudent to start planning for additional developable land now, to ensure land supply stocks do not drop below the 15 year supply level.

In addition to the need to ensure 15 plus years of residential land supply, there are a number of strategic reasons for planning the development of the Lake Narracan precinct, which together make this a transformational project for Latrobe City and the region, these include:

- Supporting the themes of the Latrobe City Council Plan, in particular
 - Theme 1 Job Creation and Economic Sustainability,
 - Theme 2 Appropriate, Affordable and Sustainable Facilities, Services and Recreation,
 - Theme 5 Planning for the Future ;
- Supporting key directions of the draft Regional Growth Plan June 2013;
- Enhancing Latrobe City's Regional City status;

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- Provision of increased access to Lake Narracan which will significantly enhance the recreational opportunities that the lake provides for existing and future residents;
- Delivering a diverse range of housing types with high amenity - one of the key objectives of the Moe - Newborough Structure Plan;
- Supporting a healthy housing market by having multiple development fronts;
- Potential to increase economic activity in the area which will create local job opportunities; and
- Potential to act as a spur for redevelopment and revitalising the existing township, again creating more local job opportunities.

Draft Concept Plans

The GAA in consultation with Latrobe City Council have prepared some preliminary concept plans to provide a starting point for engagement with the community around how development may proceed in the Lake Narracan precinct over the next 20 years and beyond.

The draft concept plans convey the vision for the precinct which can be summarised as follows;

- The Lake Narracan area is characterised by undulating farmland, prominent stands of trees, views to the lake and the hills beyond, and a number of locations for recreation access to the lake.
- The future residential development of this area will retain the existing character of the lake foreshore, and provide for increased community access to the lake and creation of new recreational activities on and around the lake. A continuous foreshore link comprising parkland, pedestrian/cyclist paths and a foreshore road will be established along the southern side of the lake between Sullivans Track and Becks Bridge Road for the wider community to enjoy.
- Key road and open space links will be created to more directly link the centre of both Moe and Newborough with the lake. An extensive network of pedestrian and cyclist paths will be established throughout the precinct, linking to the heart of existing Moe and Newborough.
- New residential neighbourhoods will be established that take their identity from the existing areas of the lake, such as Becks Bay, Turras Reach, Fernlea Channel and Thompsons Bay. The development of this area also offers the opportunity to reference the previous township of Yallourn, by using key road names from historic town such as 'Broadway' and 'Centreway', and open space names such as 'Monash Square'.

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- Two new village centres will provide for the daily convenience shopping needs of new residents and visitors, but complement the Moe/Newborough town centres as the major shopping destinations of the area. The new village centres also offer the opportunity to establish cafes and restaurants adjacent to the lake for the wider community to enjoy. This area is also a suitable location for a holiday park offering short stay accommodation for visitors to enjoy the amenity of the lake and the recreational activities that it offers.
- The amenity value of the lake offers the ability to provide a range of housing types in proximity to the lake not seen in other locations in the municipality. The majority of the new residential areas away from the lake will provide for more typical housing seen in existing townships of the municipality, and will provide opportunities for larger lots to be created in key locations.
- An open space network will be created that includes the foreshore parkland and a large centrally located district park offering views across the precinct and to the lake. The existing electricity easements that run through the precinct will be integrated to form part of the open space and trail network. The existing Moe golf course will be retained as a key recreation feature offered by the area. Significant biodiversity values such as prominent stands of trees, native vegetation along the foreshore and nationally significant Strzelecki Gums will be retained as important features of the area.
- The development of the Lake Narracan area is one of a number of initiatives that will assist in the long term revitalisation and enhancement of the Moe and Newborough area. This project will also help enhance Latrobe City as the Regional City of Gippsland.

Council officers and GAA have begun consultation with state government agencies and authorities, user groups of the lake and landowners within the precinct, in preparing these preliminary concept plans. There is an opportunity for the community to be involved in the development of the concept plans and the subsequent Lake Narracan PSP through two community engagement stages.

The flow diagram at Attachment 3 outlines the sequence and timing of these engagement stages in the context of the overall project. Activities identified for each of these stages are outlined in the Internal/External Consultation section of this report.

The next step for the draft concept plans is to seek community input to these ideas and make any necessary changes before proceeding with any further work on a more detailed development plan for the precinct (a Lake Narracan PSP).

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A consultation package of materials has been developed and is provided at Attachment 4. These materials include:

- Draft Lake Narracan Concept Plan
- Draft Lake Narracan Trails Plan
- Draft Lake Narracan Enlargements
- Draft Moe-Newborough Integrated Framework Plan
- Project Newsletter (to outline the process for consultation and the process for future rezoning of land within the precinct).

To inform the development of the Lake Narracan PSP Concept Plans, a series of background studies have also been undertaken, these include:

- Strategic Outlook for Moe / Newborough, August 2013
- Aboriginal Cultural Heritage Analysis, July 2013
- Retail Analysis, July 2013
- Environmental, Hydrological and Geotechnical Assessment, June 2013
- Biodiversity Assessment, August 2013
- Issues and Opportunities Overview, August 2013

The Strategic Outlook for Moe-Newborough is provided at Attachment 2. The remainder of the background reports are provided at Attachment 5.

At its Ordinary Council Meeting of 7 October 2013, Council resolved the following;

That Council defer the release of the Lake Narracan Precinct Draft Concept Plans for a period of four (4) weeks to allow discussion with the Lake Narracan User Group.

That the Lake Narracan User Group be provided with a full copy of the draft Plans and that a meeting of the Lake Narracan User Group be held as soon as possible.

In implementing the above resolution the Lake Narracan User Groups were provided with a full copy of the draft concept plans and a meeting of the Lake Narracan User Group Committee was conducted on 23 October 2013, this is further discussed in the issues section below.

ISSUES

Lake Narracan User Groups

The Lake Narracan user groups are shown on the Lake Narracan Plan (see Attachment 6) and include:

- Latrobe Valley Hovercraft Club
- Latrobe Valley Model Aeroplane Club
- Latrobe Valley Naval Cadets

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- Latrobe Valley Water-ski Club
- Moe Lions Club; and
- Moe/Yallourn Rail Trail Committee of Management

All user groups except the Moe Lions Club and Moe/Yallourn Rail Trail Club currently utilise land on the Lake Narracan foreshore that is leased from Latrobe City Council. The Moe Lions Club is the only club in the User Group Committee that does not manage land.

The Lake Narracan User Group Committee currently consists of the six user groups listed above, a community representative, two Latrobe City Councillors and the Manager Recreational Liveability. The Committee meet on a bi-monthly basis.

Latrobe City Council officers have met with the Lake Narracan user group committee on three occasions. Officers also continue to meet and remain in contact with each of the user groups individually.

The purpose of this engagement has been the following:

- learn about the needs of each user group;
- provide updates on project progress;
- discuss potential impacts to the user groups resulting from a range of planning scenarios; and
- begin discussions around future options for the user groups to ensure they can continue to utilise Lake Narracan.

Table 1 below provides a summary of the meetings and contact to date.

Table 1: Lake Narracan User Group Summary of Meetings

User Group/ Committee	Meetings with Group/ Committee	Current facilities	Requirements/Future Options
Latrobe Valley Naval Cadets	6 March 2013 22 May 2013 2 September 2013 4 September 2013 23 October 2013	<ul style="list-style-type: none"> • 1 large shed which contains accommodation, kitchen facilities, dormitories, showers & offices • 1 smaller shed which is used to store boats 	<ul style="list-style-type: none"> • Close access to water • Security fencing around their base • Safe access for children • Grass area to set up their boats • Boat ramps • Option to stay in current location subject to application of appropriate interface treatments

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User Group/ Committee	Meetings with Group/ Committee	Current facilities	Requirements/Future Options
Latrobe Valley Model Aeroplane Club	6 March 2013 20 May 2013 23 August 2013 4 September 2013 23 October 2013	<ul style="list-style-type: none"> Concrete runway 2 shipping containers with a shelter in between 	<ul style="list-style-type: none"> Non-residential area ½ km radius from houses East/west runway Area with no trees or power lines South facing site Flat site Water flying and land flying can be split across two locations. Club understand that it is likely that they will need to move in the future. The northern side of the lake was discussed as an option for water based flying. Another site would be required for land based flying and some suggestions were discussed.
Latrobe Valley Hovercraft Club	6 March 2013 31 May 2013 23 August 2013 4 September 2013 23 October 2013	<ul style="list-style-type: none"> 1 shipping container used for storage Oversized carport for shelter 1 portable toilet 	<ul style="list-style-type: none"> Access to water Specialised launching ramps An area on the water not close to boats Away from residences, northern side of lake discussed as a possible option.
Latrobe Valley Water-ski Club	6 March 2013 29 May 2013 4 September 2013 23 October 2013	<ul style="list-style-type: none"> Club room with toilets, showers, a recreation area, kitchen, BBQ, large parking area and access to boat ramp. 	<ul style="list-style-type: none"> Quiet, calm conditions and deep water Future development unlikely to have negative impact on club operations.
Moe Lions Club	6 March 2013 15 May 2013 4 September 2013 23 October 2013	<ul style="list-style-type: none"> Planted many trees in the Lake Narracan area. 	<ul style="list-style-type: none"> Need to have certainty that people will live in the area before they would look at building any public facilities
Moe/ Yallourn Rail Trail Committee	6 March 2013 14 May 2013 4 September 2013 23 October 2013	<ul style="list-style-type: none"> 8 km trail Old toilet block used for equipment storage 	<ul style="list-style-type: none"> Objectives are to clear the trail, from weeds etc, make it safer for walking, cyclists and horse riding, improve surface, access and drainage and facilities along the trail. Have acquired new parts of land – hope to make a circuit rather than walking to a point and having to turn around and come back.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)***The Latrobe Valley Hovercraft Club*

The Latrobe Valley Hovercraft Club is the main hovercraft club in Victoria with approximately 35 members. The club hosts events which can attract 20 – 25 spectators, while also hosting a formal family day event every two months. The current Hovercraft Club facilities are a shipping container used to store equipment, a carport and a portable toilet.

Two main issues will arise for the club if Lake Narracan is developed into a residential area. Firstly the draft concept plans identify the current location of the club as a potential foreshore park, to provide the community with enhanced access to the lake. Currently the community have restricted access to this part of the precinct.

Secondly, the draft concept plans identify the location of residential areas within close proximity to the lake foreshore. This means that there may be the potential for noise amenity issues with future residents, once these areas are to be developed.

Through meetings with Council officers, a club representative has expressed that their preference is for the club to remain in its current location, however the club do not object to the future development at Lake Narracan. Their concern is that there are not a lot of re-location options except for possibly the northern shores of the lake. The club prefers Lake Narracan as there is currently no speed limit for hovercrafts, which is unlike any other lake in Australia and the ramps used to access the lake are exclusively for hovercrafts.

The clubs main requirements are that its base needs to be remote, to minimise noise to residential areas, whilst being accessible, so members and spectators can enjoy the benefits of the club and its event days. The club also requires good access to land and water, with shallow water a preference as they would not have to contend with larger boats.

Council officers met with the club representative on 23 August 2013 to discuss possible options for the future operations of the club within the Lake Narracan precinct. Attachment 7 identifies land managed by Council around the foreshore of Lake Narracan, potential exists for the Latrobe Valley Hovercraft Club to be re-located to council land on the northern shore of Lake Narracan subject to further investigation. A location on the north western foreshore would still provide hovercraft with access to the delta area of the lake which meets the club's requirements for shallow water.

The issue of future noise amenity could be managed through planning permit conditions as is the case for other recreational activities across the municipality in the vicinity of sensitive uses such as residences.

The club has advised that it is open to working with council officers as part of the Lake Narracan PSP process to further investigate these options to allow continued use of the precinct.

Latrobe Valley Model Aeroplane Club

The Latrobe Valley Model Aeroplane club hosts approximately 65-70 members and has been in operation at Lake Narracan for 16 years. Its current facilities consist of two shipping containers joined by an outdoor shelter and two portable toilets as well as a concrete runway. During fine weather (without wind) the Model Aeroplane club at Lake Narracan could be in use up to seven days a week, with Thursday, Saturday and Sunday being the most common club days. The club flies their model aeroplanes over the land and the lake from their concrete runway. Currently the club flies their model aeroplanes over private land, as landowners have given permission for the club patrons to access their land to retrieve aeroplanes if needed.

Two main issues will arise for the club if Lake Narracan is developed into a residential area. Firstly the draft concept plans identify the current location of the club as a potential foreshore park, to provide the community with enhanced access to the lake. At present the community have restricted access to this part of the precinct.

Secondly the draft concept plans identify the location of residential areas on the private farm land that the club currently fly over. The club is restricted from flying over residences, club rules require that they do not fly within a 0.5 km radius of dwellings.

Through meetings with Latrobe City Council officers the club have indicated that they understand that it is likely they will need to be moved to allow for residential development and have acknowledged the community benefit of the Lake Narracan PSP project. If this is the case the club have specified that they would be seeking a more permanent location for the club. They currently have concerns that they cannot have public viewing events in their current location, as there is a lack of parking, and only two portable toilets. They have acknowledged that it will be hard to invest money into the club if they do not have a permanent location.

The club has advised Council that a future site would need to be flat, south facing and away from trees, power lines and main roads. They have also advised Council that their activities around water flying and land flying could be split across two different locations.

Council officers met with the club representative on 23 August 2013 to discuss possible options for the future operations of the club within the Lake Narracan precinct. There is an option for the Latrobe Valley Model Aeroplane Club to be co-located with the Latrobe Valley Hovercraft Club on the north western foreshore of the lake subject to further investigation. This would allow the Latrobe Valley Model Aeroplane Club to continue their water based activities from this new location.

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A location on the northern side of the lake is unlikely however to meet the club's requirements for land based activities as flight orientation would not be south facing and much of the land on the north of the lake is covered in vegetation.

The club has advised that it is open to working with council officers as part of the Lake Narracan PSP process to further investigate sites outside the Lake Narracan precinct to locate the club for its land based activities. This could result in positive outcomes for the club as a new location would allow the possibility of improved facilities for public viewing, parking and club rooms.

The Latrobe Valley Naval Cadets

The Latrobe Valley Naval Cadets host approximately 31 children ranging in age from 12 – 19 years. The Cadets have had a lease from Latrobe City for 62 years on the current land, and have a lease for a further 5 years. The Cadets currently meet every Friday and have a camp once a month, however in the summer months, the Cadets meet at their base at Lake Narracan most weekends.

The current Naval Cadet facilities are a fenced area encompassing approximately 9315 square metres, this area includes two buildings containing classrooms, eating areas, dormitory facilities and boat storage facilities. The Cadets maintain the foreshore they use and launch boats from the foreshore.

Through meetings with Council officers, representatives of the club have expressed that their preference would be to stay in their current location, however the club do not object to the future development at Lake Narracan and acknowledge that it may be beneficial to raising the clubs profile within the community and increasing their membership.

The land use and associated activities at the current Naval Cadets site is not in conflict with the proposed adjacent land uses in the precinct as identified on the draft concept plans (residential, commercial, recreation). Therefore as a result of consultation with the Latrobe Valley Naval Cadets council officers have considered the potential for this use to remain at its current location subject to the interface between the current Naval Cadet site and the foreshore being treated appropriately. This may involve improving the amenity to the fencing, grounds and buildings at the site as well as the provision of appropriate traffic control infrastructure.

Latrobe Valley Water-Ski Club

The Latrobe Valley Water-Ski Club is a recreational and competitive world class water- ski club at Lake Narracan. The club uses the lake on weekends, Wednesday afternoons, and public holidays for tournaments and for ski schools. The club also hosts events through the ski season such as tournaments, presentation nights and social functions.

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The current ski club facilities include a club room with toilets, showers, a recreation area, kitchen, BBQ, large parking area and access to boat ramp. The club also offers a slalom course and jump ramp, and are looking at avenues for an adjustable course.

It is not envisaged that the development proposed in the draft concept plans will have any adverse impact on the Latrobe Valley Water Ski Club. The club's facilities are proposed to remain in their existing location as part of the foreshore park along the parks southern shoreline. Development of the Lake Narracan precinct is likely to assist in increasing their profile amongst the community and potentially increasing their membership.

Moe Lions Club

The Moe Lions Club provides and maintains facilities such as picnic tables, BBQ's and playgrounds while also planting vegetation in these areas. They currently have picnic tables along the Lake Narracan foreshore which they maintain.

Through meetings with Council officers, representatives of the club have expressed concern for the need for more community facilities such as toilets and picnic areas in the Lake Narracan precinct and have stated that they will consider building more public facilities if the Lake Narracan population was to increase.

The draft concept plans for the Lake Narracan precinct identifies the potential for a range of community facilities through the provision of an open space network that includes the foreshore parkland and a large centrally located district park interconnected by a series of shared pedestrian and cycle paths.

Moe Yallourn Rail Trail Committee of Management

The Moe Yallourn Rail Trail Committee of Management (COM) maintains the 8km Moe Yallourn Rail Trail that follows the route of the former railway station that serviced the Yallourn Power Station.

The main objective of the COM is to make the rail trail safe for walking, cycling and horse riding, while improving the surface, drainage, access and facilities along the trail. The COM's long term vision is to develop the trail into a circuit linking with the south foreshore road. They have acquired land in the eastern part of the precinct to assist with this goal.

The proposed development concepts identified in the draft Lake Narracan Concept Plan will have a positive impact on the Moe Yallourn Rail Trail. The draft Lake Narracan Trails Plan identifies the Moe Yallourn Rail Trail as a key component of the extensive network of pedestrian and cyclist paths proposed to be established throughout the precinct. It provides for the opportunity to connect to the rail trail in a number of locations and link to the existing shared trail network into the heart of existing Moe and Newborough.

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There is an opportunity to provide pedestrian and cyclist paths along the entire southern foreshore of the lake, to promote public use and enjoyment of the lake foreshore. The draft Trails Plan proposes a circuit trail be established along the existing Moe-Yallourn Rail Trail linking with the south foreshore road, consistent with the COM's vision. The foreshore path system in time could also be extended to provide a path system around all sides of the lake, subject to property ownership considerations and resolving crossings of the LaTrobe River at the east and west ends of the lake.

User Group Committee Meeting 23 October 2013

This meeting was held following preparation of the agenda. Information from this meeting will be distributed to Councillors and updated in this report prior to the Ordinary Council Meeting.

Proposed Placement of Primary School

Discussions with the Department of Education and Early Childhood Development (DEECD) have confirmed that a primary school would be required in the precinct.

The draft concept plan identifies a location for a proposed primary school, co-located with other community facilities (such as a preschool and meeting rooms), on the south foreshore road. At this location a proposed primary school would be in close proximity to the village centre at the western end of the precinct and opposite the foreshore park which is an added advantage in contributing to activity on the foreshore of the lake. A primary school at this location could also be utilised for other purposes outside school hours such as weekend markets or provision of facilities for community groups, again drawing people to the foreshore area.

DEECD have confirmed via email that they support the suggested location of the primary school.

Water Level of the Lake

The Gippsland Regional Sustainable Water Strategy makes a commitment that Southern Rural Water will maintain Lake Narracan between 55 and 90% of full capacity between 1 December to 30 April every year and at a suitable level for holding major water ski events. This is subject to:

- The upstream Blue Rock Reservoir storage volume being more than 80 per cent of capacity on 1 December each year; and
- Consideration of views of water entitlement-holders and seasonal climate information

This provides a level of confidence that a suitable water level will be maintained to enable summer enjoyment of the lake to continue and would support additional summer lake-based recreational use (such as canoeing, paddle boats etc).

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Flood Management

The West Gippsland Catchment Management Authority (WGCMA) has advised that Lake Narracan will act as a retarding basin for any flood water generated from the PSP area in a major storm event, therefore stormwater retardation is not required within the PSP area.

The PSP area will however need to ensure that waterway corridors and road networks are appropriately designed to convey the flood volumes through to the lake.

The WGCMA has undertaken a process to refine the Flood Overlay (FO) and Land Subject to Inundation Overlay (LSIO) for the broader area. The current LaTrobe River Flood Study will also provide new data relevant to flood levels for the LaTrobe River and will be available in the coming months. This information will guide the planning of the areas which interface with the lake and any significant waterways which run through or adjacent to the PSP area.

Electricity Power Lines

The PSP area contains a number of overhead high voltage powerlines and associated easements. The Overhead Electricity Line Plan at Attachment 8 shows the alignment of these powerlines, and voltage of the powerlines is represented by different colours on the plan:

- Purple lines - existing overhead high voltage 220 kv power lines
- Double yellow lines – existing overhead high voltage 66kv power lines
- Single yellow lines with red dots - existing overhead low voltage 22kv power lines

Both the overhead 220kv and 66kv power lines are located on large steel-frame pylons. The overhead power lines and associated pylons do detract visually from the PSP area, however there is limited ability to place these lines underground. SPAusnet have advised the highest voltage lines (220kv) cannot be placed underground.

Possible options for the 66kv power lines are:

- Place underground (which would entail significant cost)
- Place the power lines on smaller poles and remove the large steel pylons (however this would require more poles than the current number of pylons); and
- Place the power lines on smaller poles and remove the large steel pylons and re-route the power lines to another location less disruptive to the layout of the future urban area (eg adjacent the Moe Yallourn rail trail corridor). However this would have impact on other properties which are not currently encumbered by overhead power lines

It is however likely that the existing overhead high voltage power lines and easements will be retained in their current location due to cost and other implications of implementing the above options.

SP Ausnet Guidelines identify a minimum 40 metre easement associated with 220 kv power lines and 30 metre easement associated with 66 kv power lines. The existing easements in the Lake Narracan precinct exceed these minimum with the 220 kv power line easement measuring 120 metres and the 66 kv power line easement measuring between 45-76 metres.

Photos at Attachment 9 identify examples of how electricity easements can be integrated with residential development and utilised for a range of uses such as pathways, open space, sporting facilities, car parking, water storages etc.

Integrated Water Management

There is an opportunity within the precinct to minimise demand on potable water supply. This approach is consistent with the Office of Living Victoria which promotes the use of alternative water supplies (rainwater, stormwater and wastewater) for non-drinking purposes to reduce pressure on Victoria's drinking water supplies, improve the liveability of urban areas and reduce damage to the environment. This aspect will be further investigated as part of the more detailed PSP stage of the project.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

The Lake Narracan PSP will contribute to reducing the following specific risk that is identified within the Council's *Risk Management Plan 2011-2014*:

'Shortage of land available to support population growth and planning application processes that do not encourage development'.

The risk is described as,
'...the slow transitioning of structure plans to actual zoned and developable land'.

The project is identified as an existing control to assist in the management and mitigation of this risk.

The costs associated with the community engagement process outlined in this report, are identified within the 2013/2014 Urban Growth budget for the Lake Narracan PSP project.

Future Planning Scheme Amendment

Assistance provided to Latrobe City Council to develop the Lake Narracan PSP as a direction of the Latrobe Valley Roadmap has to date resulted in expediting structure planning of the precinct. This also presents the opportunity for Council to request the Minister for Planning to undertake a future planning scheme amendment in accordance with the Planning and Environment Act 1987.

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If the Minister for Planning was to agree to undertake a future planning scheme amendment to introduce the final Lake Narracan Precinct Structure Plan into the Latrobe Planning Scheme this would result in a reduction in timeframes and resources for Latrobe City Council.

INTERNAL/EXTERNAL CONSULTATION

The following internal / external engagement was undertaken in the preparation of the draft concept plans.

Stakeholder engagement was undertaken through the development of the background reports and draft concept plans. The following activities were undertaken

- Presentation to Councillors from the Growth Areas Authority (GAA) to outline their involvement in the Lake Narracan project, 10 December 2012;
- Councillor information session at Moe Golf Club 3 June 2013;
- Presentation to Councillors regarding the draft concept plans, 26 August 2013;
- Mail out to 67 landowners to introduce the project, 6 February 2013;
- Background information meeting with Lake Narracan User Group Committee, 6 March 2013;
- Meetings to discuss project progress update and future options with individual user groups as per Table 1 in the issues section above;
- One on One meetings with landowners in the precinct upon request, council officers have met with 10 landowners from the precinct;
- Mail out of Project Newsletter 1, to landowners to provide project update, 24 June 2012;
- Phone discussions/emails with landowners and user groups, council officers have undertaken 8 follow up phone discussions regarding various enquiries in addition to the meetings outlined above.
- Workshop with government agencies and authorities to discuss background reports and draft concept plans, 25 January 2013, 19 August 2013;
- Council officer workshops with key Council departments, 14 November 2012, 1 February, 6 May, 3 June, 11 July 2013,

All engagement activities to date have been undertaken in accordance with *Latrobe City Council's Community Engagement Plan 2010 – 2014*.

Table 2 below identifies the proposed activities that will be undertaken as part of the scheduled Stage 1 Community Engagement.

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Table 2: Engagement Matrix Lake Narracan Precinct Structure Plan – Proposed Community Engagement (Stage 1) Concept Plan Stage

Engagement Activities	<i>Councillors</i>	<i>Lake Narracan User group Committee</i>	<i>Individual Lake Narracan User Groups</i>	<i>Landowners within Lake Narracan Precinct</i>	<i>General Community</i>	<i>Agencies / Authorities</i>
1. Mail out regarding engagement period of draft concept plan (4 weeks) inviting comment including Project Newsletter 2		X	X	X		X
2. Updated Website information and 'Have a say' page updated		X	X	X	X	X
3. Use of Community Sounding Board for uploading feedback		X	X	X	X	
4. Advertisement in newspaper		X	X	X	X	X
5. General community information session (evening)	X	X	X	X	X	
6. Agency/ authority information session						X
7. One on One meetings as requested	X	X	X	X	X	X
8. Meetings to discuss comments provided (if required)	X	X	X	X	X	X
9. Follow up phone discussions if required		X	X	X	X	X

As a result of the engagement activities outlined above draft concept plans will be updated where possible to reflect community feedback, as well as best practice and legislation in planning, this will assist to formulate final concept plans which will be the basis for development of the more detailed Lake Narracan Precinct Structure Plan.

Community feedback will be presented to Council at a future Ordinary Council Meeting prior to progressing with the more detailed Lake Narracan Precinct Structure Plan.

In addition there will be further opportunity for community input during the Stage 2 Community Engagement process as part of the development of the more detailed Lake Narracan Precinct Structure Plan process and planning scheme amendment.

Table 3 below identifies the proposed activities that will be undertaken as part of the scheduled Stage 2 Community Engagement.

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Both Stage 1 and Stage 2 Community Engagement will provide for a public exhibition period of 4 weeks, however continual communication with landowners, user groups and government agencies will continue through the development of final concept plans and the final Lake Narracan PSP.

OPTIONS

The options available to Council are as follows:

1. To note the information in the Lake Narracan Precinct Draft Concept Plans consultation package and release this information for community engagement.
2. To note the information in the Lake Narracan Precinct Draft Concept Plans consultation package and request further information prior to releasing the consultation package for community engagement.

CONCLUSION

Assistance has been provided to Latrobe City Council through access to the resources and expertise of the GAA, to aid in the preparation of structure plans for Latrobe's growth areas. The Lake Narracan precinct has been identified by Latrobe City as a priority growth area, and the GAA is assisting Latrobe City Council to plan this area through the preparation of the Lake Narracan Precinct Structure Plan (PSP).

The GAA in consultation with Latrobe City Council have prepared some preliminary concept plans to provide a starting point for engagement with the community around how development may proceed in the Lake Narracan precinct over the next 20 years and beyond.

Council officers and GAA have begun consultation with state government agencies and authorities, user groups of the lake and landowners within the precinct, in preparing these preliminary concept plans. There is an opportunity for the community to be involved in the development of the concept plans and the subsequent Lake Narracan PSP through two community engagement phases.

The next step for the draft concept plans is to seek community input to these ideas through community engagement (Stage 1) and make any necessary changes before proceeding with further work on a more detailed development plan for the precinct (a Lake Narracan PSP).

A community engagement package of materials has been developed for Stage 1 community engagement and a series of engagement activities have been identified to ensure Councillors, the community, landowners, user groups and government agencies can have input into the development of the concept plans and subsequently the more detailed Lake Narracan Precinct Structure Plan to follow.

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Assistance provided to Latrobe City Council to develop the Lake Narracan PSP as a direction of the *Latrobe Valley Roadmap* has to date resulted in expediting structure planning of the precinct. This also presents the opportunity for Council to request the Minister for Planning to undertake a future planning scheme amendment in accordance with the *Planning and Environment Act 1987*.

Attachments

1. Lake Narracan Study Area (Published Separately)
2. Strategic Outlook for Moe/ Newborough & Lake Narracan (Published Separately)
3. Lake Narracan Precinct Structure Plan - Next Steps (Published Separately)
4. Community Engagement Package (Published Separately)
5. Background Reports (Published Separately)
6. Lake Narracan Map - User Groups (Published Separately)
7. Council and Crown owned land map (Published Separately)
8. Overhead Electricity Power Lines Plan (Published Separately)
9. Photos of Electricity Easement Examples (Published Separately)

RECOMMENDATION

1. That Council release the community consultation package for the Lake Narracan Precinct Draft Concept Plans, for the community engagement period of Monday 11 November 2013 to Friday 13 December 2013.
2. That the Lake Narracan Foreshore Enlargement Plan identify the requirement for a Relocation Strategy to be developed for the Latrobe Valley Hovercraft Club and the Latrobe Valley Model Aeroplane Club as part of the final Lake Narracan Precinct Structure Plan.
3. That the Mayor writes to the Minister for Planning to request the opportunity to provide an update on the project.

Moved: Cr Gibson
Seconded: Cr Gibbons

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

**9.5 CONSIDERATION OF ADOPTION OF THE TRARALGON
GROWTH AREAS REVIEW (TGAR) AND PLANNING SCHEME
AMENDMENTS AUTHORISATION REQUEST**

Chief Executive Officer

For Decision

PURPOSE

The purpose of this report is for Council to consider:

- alterations to the TGAR reports in response to submissions received and for Council to consider adoption of the final TGAR report and plans.
- a request to be made to the Minister for Planning to authorise the preparation and exhibition of a proposed planning scheme amendment to the Latrobe Planning Scheme, in accordance with Section 8A (3) of the *Planning and Environment Act 1987* (the Act).

DECLARATION OF INTEREST

The General Manager Governance has declared an interest under section 78B of the *Local Government Act 1989*.

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Built Environment

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

Strategic Objectives – Economy

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

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 5: Planning for the future

To provide clear and concise policies and directions in all aspects of planning.

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

Transport Integration Act 2010

Policy - Traralgon West Infrastructure Development Policy 11 POL-2

This policy sets out Latrobe City Council's procedure for the assessment of subdivision proposals and the equitable provision and management of stormwater and road infrastructure within the Traralgon West Low Density Residential Precinct.

BACKGROUND

The Traralgon Growth Areas Review (TGAR)

TGAR is intended to provide a growth strategy that identifies areas for future urban development (i.e. housing, commercial, industrial and open space) around Traralgon, Traralgon-Morwell Corridor, Glengarry and Tyers up to the year 2051.

The project has been developed in response to the previous State Government's decision in 2007 to adopt W1C (northern-most alignment) and E2D (eastern alignment) as the preferred alignment for the future Princes Freeway – Traralgon Bypass. This decision removed approximately 500 hectares from a future urban growth corridor that was planned by the Latrobe City Council to accommodate Traralgon's urban growth into the future.

The TGAR project has been jointly funded by the Department of Transport, Planning and Local Infrastructure (DTPLI) (former Department of Planning and Community Development) and Regional Development Victoria (RDV). The TGAR project consists of three principle documents:

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- Background Report – examines the existing and future socio-economic conditions and planning policy environment that affects the study area
- Framework Plan – examines demand for urban land and options for providing the location for such land
- Structure Plan – examines in detail how the area between Traralgon and Morwell corridor could develop

The draft TGAR Background Report, draft TGAR Framework Plan report and draft Traralgon West Structure Plan report were presented to Council for consideration at its Ordinary Council Meeting of 2 April 2012. At the Meeting Council resolved:

1. *That Council endorses the draft TGAR Background Report, draft TGAR Framework Plan and draft Traralgon West Structure Plan for community consultation for a period of 8 weeks from 9 April 2012 until 31 May 2012.*
2. *That a further report be presented to Council following the community consultation process.*

The TGAR project was placed on public exhibition in accordance with Item 1 of the 2 April 2012 resolution.

The community consultations for the TGAR project were extended several times in accordance with subsequent Council resolutions and the consultation period finished on 16 November 2012. These Council resolutions are outlined below.

4 June 2012 Council Meeting

1. *That the CEO arranges a meeting between Australia Paper, EPA, relevant Council Officers and/or consultant and all landowners affected by the buffer as stated in the TGAR (Traralgon Growth Areas Review).*
2. *That the timeline for submissions to the TGAR be extended until two weeks after the date of the meeting.*
3. *That all affected landowners be sent a written notice inviting them to the meeting at least 10 days prior to the meeting and in addition an ad be placed in the Council's Noticeboard in The Express.*
4. *That all Councillors be invited to this meeting.*

As a result of the 4 June 2012 Council resolution, the consultation period to the draft TGAR reports was extended until 27 August 2012.

20 August 2012 Council Meeting

That Council extends the submission deadline for the Traralgon Growth Areas Review from 27 August 2012 to 28 September 2012.

As a result of the 20 August 2012 Council resolution, the community consultation to the draft TGAR reports was extended from 27 August 2012 to 28 September 2012.

17 September 2012 Council Meeting

1. *That Council supports the extension of the time period allowing for submissions on the draft TGAR to 16 November 2012.*
2. *That the extension be advertised in the Council Noticeboard and a public notice in the Latrobe Valley Express.*

As a result of the 17 September 2012 Council resolution, the community consultation to the draft TGAR reports was extended from 28 September 2012 to 16 November 2012.

11 February 2013 Council Meeting

A council report providing an update on amended TGAR project timelines and detailing all written submissions received to the TGAR project was presented to Council for consideration at a Special Council Meeting on 11 February 2013. At the Meeting Council resolved:

1. *That Council hear from the submitters to the Traralgon Growth Areas Review.*
2. *That Council note this report and the attached written submissions.*
3. *That Council note that the TGAR reports will be reviewed based on submissions received and that the final TGAR documents will be presented to Council for consideration and adoption during 2013.*

Council officers have been working with the TGAR project consultants to make changes to the draft TGAR report and plans as a result of the feedback from the community and key stakeholders.

16 September 2013 Council Meeting

A council report to consider adoption of the final TGAR report and plans, and for a request to be made to the Minister for Planning to authorise the preparation and exhibition of a proposed planning scheme amendment to the Latrobe Planning Scheme was presented to Council at the Ordinary Council Meeting on 16 September 2013. At the Meeting Council resolved:

That Council defer this matter until the Ordinary Council Meeting to be held on 21 October 2013 to allow for further consideration.

Members of the community spoke to TGAR at the 16 September 2013 Council Meeting, including representatives from the TGAR Community Working Group. Council officers met with the Group post the Council Meeting to further discuss the proposed TGAR urban amenity buffer.

21 October 2013 Council Meeting

A council report to consider adoption of the final TGAR report and plans, and for a request to be made to the Minister for Planning to authorise the preparation and exhibition of a proposed planning scheme amendment to the Latrobe Planning Scheme was presented to Council at the Ordinary Council Meeting on 21 October 2013. At the Meeting Council resolved:

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- *That Council defers the consideration of this item to the next Ordinary Council Meeting on Wednesday 6 November 2013.*
- *That Council invites the members of the TGAR community working party to a meeting with all interested Councillors as soon as possible.*
- *That Council invites Mr Suleman to a meeting with all interested Councillors as soon as possible.*

The Planning Scheme Amendment Proposal

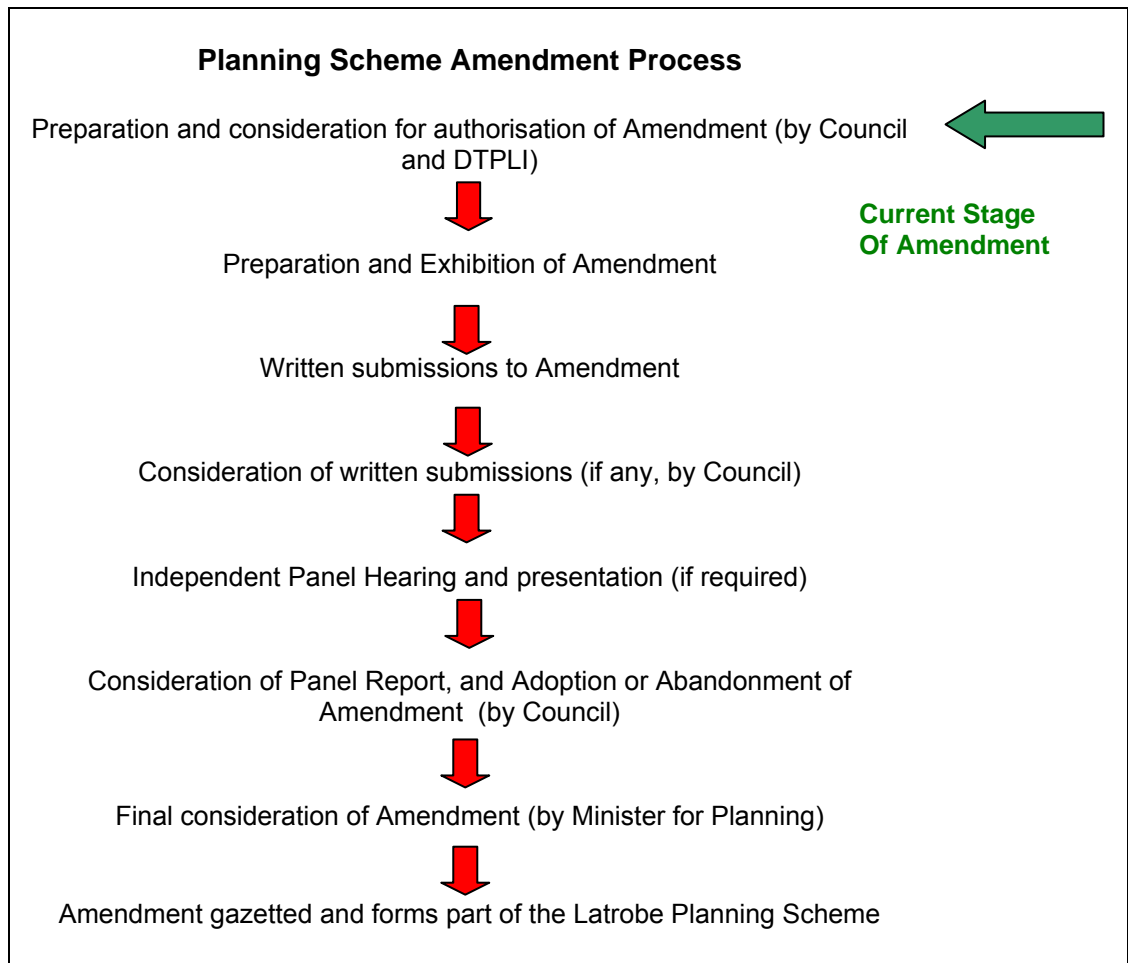
An amendment to the relevant clauses of the Municipal Strategic Statement (MSS) of the Latrobe Planning Scheme is proposed to enable key parts of the TGAR Framework Plan and Traralgon West Structure Plan to be included in the scheme. The MSS is proposed to be changed in the following way:

- Inclusion of new and amended TGAR wording objectives and strategies for clauses 21.02 Municipal Vision; 21.04 Built Environment Sustainability; 21.05 Main Towns; 21.06 Small Towns; and 21.07 Economic Sustainability
- Inclusion of a new Growth Area Framework map and Traralgon to Morwell Corridor Structure Plan map
- Amendment of the existing Traralgon Structure Plan; the eastern part of the existing Morwell Structure Plan; the Tyers Structure Plan; and the southern part of the Glengarry Structure Plan
- Inclusion of the TGAR Background Report, TGAR Framework Plan and Traralgon West Structure Plan as reference documents
- Inclusion of further work to be undertaken in the 'Implementation - Further Strategic Work' clauses.

Proposed zone and overlay changes do not form part of the planning scheme amendment proposal. These changes may form parts of separate future planning scheme amendment proposals.

Planning Scheme Amendment Statutory Requirements

The planning scheme amendment process is shown in the figure below and provides an indication of the stage of the process if council resolves to request authorisation from the Minister for Planning to prepare and exhibit the proposed amendment.



In accordance with Section 9 of the Act, the Minister for Planning may authorise a municipal council to prepare an amendment to State and local standard provisions of a planning scheme in force in its municipal district.

Municipal councils, as the planning authority, have a number of duties and powers. These duties and powers are listed at Section 12 of the Act. In addition, each amendment proposal must address the Department of Transport, Planning and Local Infrastructure (DTPLI) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. The amendment proposal has had regard to Section 12 and is consistent with the requirements of Section 12 of the Act and the *Strategic Assessment Guidelines for Planning Scheme Amendments*.

ISSUES

The draft TGAR Background Report, draft TGAR Framework Plan and draft Traralgon West Structure Plan were placed on public exhibition for a period of 32 weeks from 9 April 2012 until 16 November 2012. A total of 72 written submissions were received in response to the public exhibition of the draft TGAR reports.

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Further details on the activities undertaken during the exhibition period and the main themes arising from the written submissions are provided in the Internal/External Consultation section of this council report.

A brief summary of the type of submissions received are provided below:

Table 1 Submission Summary

Type of Submission (broad)	Number
Supportive submissions	21 (with some minor requests for modifications or clarifications)
Responses from government departments and authorities	7
Objections to the proposed Australian Paper urban amenity buffer	38
Objections based on specific requests to change land use for various parcels of land	4
Bulky Goods and medium density at the Hollydale site, Traralgon-Morwell Corridor	3 (1 in favour of use of bulky goods and 2 not in favour of bulky goods)

Please note: Some submissions were in support of and objected to different submission themes. Therefore, the number of submission types do not add up to the total submitters

A response to all submissions received is documented in Appendix 1 to the Traralgon Growth Area Framework Plan which is attached to this council report.

Consultation with the community, key stakeholders, and consideration of written submissions has resulted in changes being required to be made to the exhibited draft TGAR report and plans. The broad matters that have informed the changes include:

New Australian Bureau of Statistics (ABS) Data

The exhibited draft TGAR Background Report, draft TGAR Framework Plan and draft Traralgon West Structure Plan used 2006 ABS and 2008 Victoria in Future population data to guide population and urban land use (i.e. residential, commercial, industrial and open space) demand projections. The draft TGAR report and plans have now been updated to include the 2011 ABS and 2012 Victoria in Future data. The updated data shows evidence of recent increases in population growth rates. However, this is consistent with the original longer term population projections that were provided in the exhibited draft TGAR report and plans.

New and Changing Policy Environment

A number of key state and local government policy documents have been developed since the draft TGAR report and plans have been exhibited.

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Some of these documents include (*inter alia*) the draft Gippsland Regional Growth Plan; Advisory Committee Report on Development Contribution Plans; new Residential, Commercial, and Industrial Zones; new bushfire provisions; draft LCC Traralgon to Morwell Shared Pathway Feasibility Study; and the adopted LCC Public Open Space Strategy. Reviews of the Latrobe Regional Airport Masterplan and the Latrobe Regional Hospital Masterplan are also scheduled to commence. Key state and local government policy documents have been considered by Council officers and the TGAR project consultants and the final TGAR report and plans are now consistent with the strategic intent of these policy documents. In particular, additional discussion regarding the regional city role of Latrobe City and the growth potential identified in the draft Gippsland Regional Growth Plan has been included in the final TGAR report and plans.

New Council Resolutions and Development Plan Approvals

Council resolved on the 19 November 2012 that Council's preferred lot density was 11 lots per hectare on unencumbered residential land. The exhibited draft TGAR report and plans recommended a minimum lot density of 15 lots per hectare. Specific reference to 15 lots per hectare has been removed from the exhibited draft TGAR documents in favour of a more general discussion around the implication of providing lots within the study area at different densities up to 2051. Further additional work around the role of LCCs housing strategy regarding lot densities is also included in the final TGAR documents. A number of LCC residential subdivision development plans in Traralgon have been approved or are nearing completion. The exhibited draft TGAR report and plans have been updated to reflect the future staging and release of residential lots in these areas.

Changes in New and Redundant Zones and Overlays

Rezoning of new land to Residential 1 (in Traralgon and Glengarry) and Business 4, now Commercial 2, (in East Morwell) has occurred since the draft TGAR report and plans were exhibited. The application of Development Plan and Design and Development Plan Overlays (in Traralgon, East Morwell and Glengarry) and the removal of the Special Use Zone - Morwell River Diversion (in East Morwell) have also occurred. The final TGAR documents have been updated to reflect these zone and overlay changes by updating maps and land supply estimates.

Australian Paper Urban Amenity Buffer Amendments

The exhibited draft TGAR report and plans illustrate the location of a proposed Australian Paper urban amenity buffer. Table 1 above and Appendix 1 to the Traralgon Growth Area Framework Plan provide evidence that this issue generated receipt of the most written submissions to the exhibited draft TGAR report and plans. Council officers have been meeting with Environment Protection Authority, Australian Paper, community groups and individuals in an effort to finalise any required adjustments to the proposed urban amenity buffer. The exhibited draft TGAR proposed urban amenity buffer has been retained in principle but changed in the following way:

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- The title 'proposed odour buffer' has been changed to 'proposed urban amenity buffer' in response to community feedback
- Existing Low Density Residential Zone land immediately west of Traralgon has been excluded from the proposed urban amenity buffer map to reflect subdivision opportunities that existed in the Latrobe Planning Scheme prior to Australian Paper odour modelling being undertaken
- Minor amendment to the boundary of the proposed urban amenity buffer map to better reflect title boundaries and road reserve alignments, particularly in the south eastern section of the proposed urban amenity buffer
- Acknowledgment that an area in Morwell North around Paul Street and an area immediately south of Tyers township may require further odour modelling by Australian Paper that may result in future minor amendments to the boundary of the proposed urban amenity buffer map
- Acknowledgement that there may be potential (subject to planning permit application assessment) to honour the limited subdivision potential in the existing Rural Living Zone within the proposed urban amenity buffer that existed in the Latrobe Planning Scheme prior to Australian Paper odour modelling being undertaken

Bulky Goods

The exhibited draft TGAR report and plans discourage bulky goods use and development at the Hollydale site west of Bradford Drive in the Traralgon to Morwell corridor. One submitter was in support of bulky goods and two submitters objected to bulky goods on the site. Council is also currently considering a combined rezoning and planning permit proposal from one of the TGAR submitters that would facilitate a large bulky goods development on the Hollydale site. The consideration of the rezoning proposal is subject to the outcome of the TGAR project. The proposal for bulky goods use and development at the Hollydale site was independently reviewed by an economist who also discouraged bulky goods use and development at the site. Accordingly, the final TGAR documents have been updated to provide further discussion regarding the rationale for not supporting bulky goods use and development at the Hollydale site. The rationale includes (*inter alia*):

- Concerns over an existing oversupply of bulky goods land, which would be exacerbated by any further commercial rezoning including existing bulky goods opportunities in the new Commercial 2 Zone
- The existence of two other precincts (already adopted and identified in the Latrobe Planning Scheme as the most appropriate for bulky goods uses through a previous study) which have not yet been developed and are or will be available for development
- Activity created by a new bulky goods development may cause commercial shop closures elsewhere in the area and result in no real net gain in retail spending or employment
- The intention of the TGAR framework to avoid ad-hoc 'strip' development along the Hollydale frontage, as has occurred previously between Morwell and Traralgon

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- The importance of the Hollydale site as one of a limited number of strategically located greenfield sites capable of accommodating significant residential populations

Employment Investigation Area and Neighbourhood Activity Centre

The exhibited draft TGAR reports and plans show a future employment investigation area around the Latrobe Regional Hospital and south west of the Latrobe Regional Airport. The TGAR documents also show a future neighbourhood activity centre (NAC) near the Latrobe Regional Hospital and the Latrobe Regional Airport. Some submitters sought further clarification on the role and intent of these areas.

The final TGAR documents have been updated by including further discussion around reasons for a NAC, including:

- The large number of people employed at the airport and hospital who would be able to access services and facilities within the NAC
- The recommended establishment of an additional rail station opposite the hospital would ensure improved and sustainable access to the NAC
- Persons who reside in existing higher density residential development in the form of retirement villages, caravan parks, as well as the accommodation options such as motels in the area would be able to access services and facilities within the NAC. These residential activities would also help support the ongoing viability of the NAC

The NAC is not intended to serve a significant retail function, as seen in centres such as Mid Valley and the Traralgon and Morwell CBDs, rather it is intended to provide a locally accessible range of services and retail offering to meet the day-to-day needs of the resident and worker population of the area as well as support the airport and hospital by offering flexibility for related land uses to establish in close proximity. Larger scale office uses should be restricted to the Traralgon CBD, or where there is a demonstrated nexus through co-location, such as in association with the hospital or airport.

The final TGAR documents have been updated by including further discussion around the reasons for a future 'employment investigation area', including:

- The need to develop this area for either employment generating uses associated with the airport or hospital which will support the long term growth of the municipality in line with the draft Gippsland Regional Growth Plan and Latrobe City Council's Economic Development Strategy
- The potential for expansion of the employment investigation area further to the west in the Traralgon West Structure Plan

Some integrated residential development on unconstrained land where it will not compromise the preferred future employment use of the area could be supported.

The area has not been identified for retail uses, with the exception of land that may form part of the NAC or be directly associated with the airport or hospital, as dispersal of retail development is to be avoided in the area without strong justification.

Urban Growth to the East and West of Traralgon

The exhibited draft TGAR reports and plans show urban growth opportunities to the East of Traralgon for 'future long term residential' and 'potential long term industrial'. The TGAR reports also show urban growth opportunities to the West of Traralgon for 'residential intensification' and 'employment' (see Traralgon West Structure Plan). Some submitters note that these future urban growth areas may be isolated from existing development and that the location of these future areas will need to be consistent with the strategic direction of the (yet to be finalised) *Gippsland Regional Growth Plan*.

The TGAR reports and plans provide a framework for Traralgon's long term growth up to 2051 and it is expected that overtime urban growth areas to the East and West of Traralgon will be well connected to the existing urban area. The TGAR Framework report provides a suggested staging plan and the need for development plans and contribution plans to assist the logical sequential development in these areas. The lack of urban growth opportunities to the North and South of Traralgon due to flooding and coal resource constraints and the location of the proposed Princes Freeway bypass reinforce the need to plan for future urban growth areas to the East and West of Traralgon. It is noted that the *draft Gippsland Regional Growth Plan 2013* only shows some of TGARs future urban growth areas to the East and West of Traralgon and council officers have provided feedback to DTPLI regarding this matter.

The final TGAR documents have been updated by including further discussion around:

- reinforcing the importance of planning for future urban growth areas to the East and West of Traralgon
- the option of investigating farming land south of the Latrobe Regional Hospital and the Princess Highway if the proposed Princes Freeway bypass is relocated and coal resource constraints are addressed

Bushfire Buffers and Industrial Buffers

The final TGAR documents have been updated by including further discussion around:

- Relocating a future Rural Living growth front from the West of Tyers to the East of Tyers to take into account and allow an appropriate buffer for bushfire risk
- The need for amenity buffers and transition areas in relation to existing and future industrial land where the land adjoins residential areas

Biodiversity

The final TGAR documents have been updated to better reflect existing biodiversity issues within the study area in response to community feedback. In particular, further identification of biodiversity issues in certain areas has assisted in identifying constraints and opportunities to future urban development.

FINANCIAL, RISK 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*.

The risks to Council relevant to this report are the shortage of land available to support long term growth of the municipality and the delay in finalising the TGAR project. The project addresses the risk to Council by identifying areas for future urban development (housing, commercial, industrial and open space) around Traralgon, Traralgon-Morwell Corridor, Glengarry and Tyers.

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2012*. The costs associated with a planning scheme amendment include: considering a request to amend a planning scheme, consideration of submissions, providing assistance to a panel and adoption and approval of an amendment. Approximately \$43,000 has been allocated in the current 2013/2014 budget year to enable the planning scheme amendment to proceed.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Community Consultation

The draft TGAR Background Report, draft TGAR Framework Plan and draft Traralgon West Structure Plan were placed on public exhibition for a period of 32 weeks from 9 April 2012 until 16 November 2012.

As part of the community consultation process Council officers have posted approximately 950 letters to the following groups:

- Land owners that will be directly affected by the proposed recommendations of the draft TGAR reports
- Statutory agencies, referral authorities and Council officers
- Private land surveyors, development consultants, builders and major employers

To further promote the community consultation process for the TGAR project, two public notices were published in the Latrobe Valley Express in April 2012.

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In addition, information and draft reports associated with the TGAR project were (and are still) available for public viewing on Latrobe City Council's corporate website and at the Traralgon Service Centre, Glengarry General Store and Tyers General Store.

Council officers and project consultants met with over 250 people via four targeted workshops and over 50 one-on-one meetings at the Traralgon RSL from 1 May 2012 until 3 May 2012.

At the Ordinary Council Meeting on 4 June 2012, Council resolved to further engage with stakeholders that may be impacted by the Australian Paper buffer as identified in the draft TGAR reports.

Latrobe City Council in conjunction with Australian Paper and Environment Protection Agency conducted three information sessions between 7 August 2012 and 9 August 2012 to explain the proposed Australian Paper buffer and respond to any questions from the community.

At the Ordinary Council Meeting of 20 August and 17 September 2012, Council resolved to further extend the community consultation period until 16 November 2012.

At the Special Council Meeting on 11 February 2013, Council heard from submitters to the TGAR project and resolved to note all written submissions and that the final amended TGAR documents will be presented to Council for consideration and adoption during 2013.

Council officers have met with stakeholders for one-on-one discussions at Latrobe City Council offices during and post the community consultation period. Council officers also met with the TGAR Community Working Group post the 16 September 2013 Ordinary Council Meeting to further discuss the proposed TGAR urban amenity buffer.

Submissions received

A total of 72 written submissions (including five late submissions) were received in response to the public exhibition of the draft TGAR reports (see Appendix 1 of Traralgon Growth Area Framework Plan). Three of the five late written submissions were received post the 11 February 2013 Special Council Meeting where Council heard presentations from submitters to the TGAR project. The three late written submissions (numbers 70 - 72) are attached to this council report for the Councillors' consideration.

The key themes that emerged from all of the written submissions received are summarised as follows:

- Support for the development of a train station at the Traralgon - Morwell Corridor
- Support for the future rezoning and subdivision opportunity in various locations for landholders

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- Clarification surrounding the staging and timing of the release of future urban development in Traralgon East and Traralgon West
- Clarification of the role of the 'employment investigation area' and the 'neighbourhood activity centre' near the Latrobe Regional Hospital
- The need for food security to be identified as a constraint for urban development due to the Gippsland region being identified as an important area for food production into the future
- The identification of environmental and socio-economic constraints that may affect future urban development
- The perceived devaluation of property values due to proposed Australian Paper odour buffer
- The proposed application and extent of Australian Paper odour buffer in the Traralgon West and Morwell North areas
- Concerns regarding the development of a new bulky goods store and medium density development at Hollydale in the Morwell-Traralgon Corridor
- Requests to change the land use shown in TGAR for various parcels of land
- The need for greater emphasis in the TGAR reports on biodiversity issues and bushfire risk issues in identifying areas for future urban development
- Concerns regarding residential development surrounding the Traralgon golf course
- The increase of rates for land rezoned to Residential Zone in recent ministerial C48, C56 and C58 rezonings (although it is noted that this issue goes beyond the scope of the study)

A detailed planning response is provided to all submissions received in Appendix 1 of the Traralgon Growth Areas Framework Plan.

The recent community consultations for the TGAR project are consistent with the endorsed communication plan and Council's *Community Engagement Plan 2010-2014*.

The Planning Scheme Amendment Proposal

The amendment proposal is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act. This will include advertising in the government gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment following authorisation of the amendment. All statutory and servicing authorities likely to be materially affected will also be notified of the proposed amendment.

OPTIONS

The Traralgon Growth Areas Review (TGAR)

The options available to Council are as follows:

1. That Council, after considering all written submissions and changes to the draft TGAR documents, resolves to adopt the TGAR reports; or
2. That Council, after considering all written submissions and changes to the draft TGAR documents, resolves to not adopt the TGAR reports; or
3. That Council, after considering all written submissions and changes to the draft TGAR documents, request further information be provided in relation to the project.

The Planning Scheme Amendment Proposal

Pending consideration of the TGAR project options above, the planning scheme amendment options available to Council are as follows:

1. That Council pursues the proposed amendment and supports the request to be made to the Minister for Planning to authorise the preparation and exhibition of the amendment to the Latrobe Planning Scheme; or
2. That Council does not support the request to be made to the Minister for Planning to authorise the preparation and exhibition of the amendment to the Latrobe Planning Scheme and therefore abandons the amendment.

CONCLUSION

The final TGAR reports deliver a growth strategy that will identify areas for future urban development (housing, commercial, industrial and open space) around Traralgon, Traralgon-Morwell corridor, Glengarry and Tyers up to the year 2051.

The extensive community consultation that has occurred has enabled the community and stakeholders the opportunity to consider and comment on the proposed ideas and recommendations of the draft TGAR reports prior to finalising the TGAR project. The community feedback provided a high level of support for the TGAR project and also identified a limited number of key issues of concern, principally around the proposed Australian Paper urban amenity buffer in the western portion of the study area; the proposed bulky goods development at the Hollydale site; and concerns based on specific requests for land to be rezoned. Most of these key issues of concern involve land located in the Traralgon-Morwell corridor.

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While not all of the community and stakeholder feedback was able to be incorporated into the TGAR report and plans, the TGAR documents have been substantially amended as a result of consultation and in responding to written submissions. The community and stakeholder feedback has enhanced the outcomes of the TGAR project.

The final TGAR documents provide a balanced long term urban growth strategy framework for Traralgon, Glengarry and Tyers that will help secure some of the urban supply needs of the municipality. The final TGAR documents also contribute to the regional city role and needs of Latrobe City and the growth employment potential identified in the *draft Gippsland Regional Growth Plan 2013* and the *Latrobe City Council Plan 2013-2017*.

The adoption of the TGAR reports will enable the process of their inclusion into the Latrobe Planning Scheme by way of a future planning scheme amendment.

Attachments
Nil

RECOMMENDATION

1. That Council having considered all written submissions received to Traralgon Growth Areas Review (TGAR), adopt the final TGAR Background Report, final TGAR Framework Plan and final Traralgon West Structure Plan all dated August 2013
2. That Council requests Authorisation from the Minister for Planning to prepare and exhibit the proposed amendment to the Latrobe Planning Scheme, which seeks to amend the relevant clauses of the Municipal Strategic Statement to enable key parts of the TGAR Framework Plan and Traralgon West Structure Plan to be included in the Scheme
3. That Council advises those persons who made written submissions to TGAR and key stakeholders of Council's decision and thanks them for their participation in the project

ALTERNATE MOTION

That consideration of the Traralgon Growth Area Review be deferred pending appropriate community consultation.

Cr Harriman left the Chamber due to an indirect interest under Section 78C of the Local Government Act 1989 at 7.22 pm.

Moved: Cr Sindt
Seconded: Cr Gibson

That the Motion be adopted.

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CARRIED UNANIMOUSLY

Cr Harriman returned to the Chamber at 7.30 pm.

The meeting was adjourned at 7.33 pm.

The meeting resumed at 7.40 pm

9.6 PLANNING PERMIT APPLICATION 2013/139, USE AND DEVELOPMENT OF RESIDENTIAL HOTEL AND ASSOCIATED CAR PARKING, WAIVER OF THE LOADING REQUIREMENT AND ALTERATIONS TO A ROAD ZONE CATEGORY 1 AT 10 ARGYLE STREET AND 51 - 57 POST OFFICE PLACE, TRARALGON

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2013/139 for the use and development of a residential hotel and associated car parking, waiver of the loading bay requirement, and alterations to a road zone category 1 at 51-57 Post Office Place and 10 Argyle Street, Traralgon.

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 surroundings and which provides for connected and inclusive community.

Latrobe City Council Plan 2013 - 2017

Strategic Direction – Built Environment

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

Legislation –

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

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SUMMARY

Land:	51-57 Office Place and 10 Argyle Street, Traralgon known as Crown Allotment 1 Section 4 Township of Traralgon and Lot 1 on TP 340320V
Proponent:	CEEJ Developments Pty Ltd
Zoning:	Commercial 1 Zone
Overlay	Nil

A Planning Permit is required in accordance with the following clauses of the Latrobe Planning Scheme (the Scheme):

- for the use of the site as a Residential Hotel pursuant to Clause 34.01-1 Commercial 1 Zone as the frontage at ground level exceeds two metres;
- for buildings and works pursuant to Clause 34.01-4 Commercial 1 Zone;
- for a Category 2 type business identification sign pursuant to Clause 52.05-7; and
- to waive the requirements for a loading bay pursuant to Clause 52.07 Loading and Unloading of Vehicles.
- a permit is required to alter an access onto a Road Zone Category 1 pursuant to Clause 52.29.

PROPOSAL

The proposal seeks approval for the use and development of a residential hotel (including ancillary conference and cafe uses), to provide car parking to the satisfaction of the Responsible Authority, waiver of loading bay requirements and alteration of access to a Road Zone, Category 1.

The proposal comprises the development of a 4 storey residential hotel for Quest Serviced Apartments.

The key features of the proposal comprise:

Ground level

- The removal of 2 existing vehicle crossovers from the Princes Highway.
- The construction of a vehicle crossover from Post Office Place, located near the north west corner of the site.
- An at grade car park for 55 vehicles to the west of the building.
- A total of 8 bike spaces are provided between the raised planters and the west wall of the office.
- A reception area comprising of a lobby, office and waiting area located to the west of the main entry.

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- Other staff areas comprise housekeeping, laundry, storage, waste area, maintenance area and kitchen at ground level.
- An ancillary cafe with a floor area of 93 square metres is proposed to the east of the main entry and is available for guests.
- An ancillary conference room for the exclusive use of guests with a floor area of 137 square metres.
- An ancillary gym for exclusive use of guests.

First to third floor

- 3 x 2-bedroom serviced apartments per floor
- 11 x 2-bedroom (twin key) serviced apartments per floor (ie 2 separate 1 bedroom serviced apartments with lockable connecting door) 1 x 3-bedroom serviced apartments per floor
- Total of 78 individual serviced apartments (or 45 serviced apartments when twin key apartments are combined)

Each serviced apartment is provided with a balcony accessible from a living area, ranging in size from 3 square metre to 10 square metre. Balconies have a minimum depth of 1.2 square metres and a minimum width of 2.9 metres.

Height and Setbacks

The 4 storey building has a maximum height of 15.4 metres. The following setbacks apply:

Ground 1st to 4th Floor

- North - 3.5 metres • North - 0.9 metres
- South - 2.6 metres • South - 2.6 metres
- East – 0 metres • East – 0 metres
- West - 11.9 metres • West - 10.3 metres (11.2 metres at 2nd floor)

Signage

A total of 2 business identification signs are proposed. The 'lettered' signs are to read "Quest Traralgon" and are to be located on the north and east elevation. The signs are internally illuminated and are 1.39 metres wide, 3.95 metres high with a depth of 20 centimetres.

Built form

The building is sited and designed to address both frontages of Post Office Place and Argyle Street. By being built to the boundary of the eastern and northern sides of the site reinforces the street edge of Post Office Place as a key axis into the town centre. The building is sited to provide activated street frontages at ground level and informal surveillance from the upper levels. The ground floor is 'indented' around the lobby and cafe identifying the entry to the building and to allow for outside dining adjacent to the generous north facing road reserve.

Each level of the building is serviced by 2 lifts and 2 stair cases ensuring vertical circulation throughout the building. The colours proposed to be used are predominantly green, black and grey. Materials include, among other things, painted light weight cladding, hardwood timber blades and concrete finishes.

Car parking and access

The proposal also includes the removal of 2 vehicle crossovers from Argyle Street and the provision of 55 car parking spaces. The car parking area is only visible from the Post Office Place frontage and access will be provided off Post Office Place via new 6.4 metre crossover.

More specific detail regarding the design of the proposal is outlined in the Issues section of this report

Refer to Attachment 1 for a copy of the plans of proposed development.

Subject Land:

The subject site has an area of 2875 square metres and is bounded to the north by Post Office Place, the west by Manny's Market, the south by the Latrobe Community Health Service and the east by Mills Street/Argyle Street and Victory Park beyond. Methodist Lane to the west of the site and provides vehicle access to the rear of properties to the north west and south west of the site. Methodist Lane is one way onto Seymour Street.

The site topography has been built up from natural ground level at the north end and falls away to the centre of the site with the central portion depressed some 1 to 1.4 metres from the south and north boundaries respectively. The built up portion of the site extends to the north beyond the title by approximately 5 metres and is bounded by a low stone retaining wall.

An unoccupied single storey brick house (to be demolished) occupies the southern portion of the site while recent demolition of a brick building occupying the northern end of the site has left the remaining ground clear.

The subject site is rectangular and has a frontage of 71.68 metres frontage onto Argyle Street and 40.23 metre frontage to Post Office Place. There are no easements encumbering the site however there are sewerage assets and drainage assets onsite. Two crossovers provide access to the site from Argyle Street. A pedestrian footpath is located along the perimeter of the site along Argyle Street and Post Office Place.

Surrounding Land Use:

Land along Post Office Place is used for a multiple of use including single and two storey retail and office buildings. This also includes Stockland Plaza which is directly north of the subject site and Mannys Market and Aldi due west of the site. Directly east of the subject site is Victory Park. To the south and south west of the subject site there is also a range of retail and office uses. Directly south of the subject site is Latrobe Community Health Services and 150 metres away south west of the subject site is Seymour Street Public Car Park.

Refer to Attachment 2 for a locality plan.

HISTORY OF APPLICATION

The history of the assessment of the planning permit application is set out in Attachment 3.

The provisions of the scheme that are relevant to the subject application have been included in Attachment 4.

Council considered this matter at the Ordinary Council Meeting held on 21 October 2013. The recommendation to issue a Planning Permit was not supported and this matter has been resubmitted to this Council meeting.

LATROBE PLANNING SCHEME

State Planning Policy Framework

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

Clause 11.01-2 Activity Centre Planning encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments in activity centres to provide a variety of land uses which are highly accessible to the community.

Strategies to achieve this include:

- *Provide a focus for business, shopping, working, leisure and community facilities.*
- *Encourage economic activity and business synergies.*
- *Improve the social, economic and environmental performance and amenity of the centre.*

Clause 11.05-1 Regional settlement networks aims 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 is identified as a major regional city where urban growth should be directed.

Clause 15.01-1 'Urban Design' requires development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.

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

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

The proposal has been considered against the relevant clauses under the 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 the Traralgon Primary Activity Centre on the Traralgon Structure Plan. The clause lists the following relevant strategies for commercial development:

- *Establish neighbourhood clusters in key locations as outlined in the Traralgon Structure Plan and encourage basic goods, services, community services and facilities in these clusters.*
- *Encourage the development of new retail, office and residential mixed use developments within Traralgon Primary Activity Centre (Area 4) and Argyle Street.*
- *Encourage increased densities and vertical growth of Traralgon's town centre to support the growth of the office sector.*

Although not adopted by Council the Draft Traralgon Activity Centre Plan (TACP) aims to plan for the future growth of the Traralgon town centre over the next 20 years. A draft Key Directions Report has been developed containing 18 key directions.

Clause 21.07-9 Tourism Overview has a strategy “to strengthen the attraction of Latrobe City as a conference and major events destination”.

Zoning

The site is located within a Commercial 1 Zone and is not subject to any overlays. The purpose and decision guidelines of the Commercial 1 Zone have been taken into account as part of the assessment of this application and it is considered that the application complies with the zoning provisions.

These elements will be further discussed in the ‘Issues’ section of this report.

Particular Provisions

Clause 52.05 Business Identification Signage

Pursuant to Clause 52.05-7 a permit is required for Section 2 type business identification signage. A total of 2 business identification signs are proposed. The 'lettered' signs are to read "Quest Traralgon" and are to be located on the north and east elevation. The signs are internally illuminated and are 1.39 metres wide, 3.95 metres high with a depth of 20 centimetres. The signs are white acrylic with internally illuminated wording.

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 proposed use for ‘Residential Hotel’ is not a specifically nominated use under Table 1 Clause 52.06-5. As there is no set car parking rate for a “Residential Hotel” it is up to the responsible authority (ie Council) to decide whether the proposed number of car spaces provided onsite is sufficient for the proposal.

The applicant has provided a traffic report to support the proposal and the provision of 55 spaces onsite. The applicant has also provided a response to the submission received in the form of an objection

See Attachments 5 and 6 and for a copy of the Traffic Assessment by Cardno Group and a response to the objector concerns.

Clause 52.07 Loading and Unloading of Vehicles

A loading bay is required for the retail component of the proposal pursuant to Clause 52.07 however it is proposed to waive this requirement for the proposed development.

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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). Argyle Street (Princess Highway) to the east of the site is a RDZ1.

Clause 52.34 Bicycle Facilities

Clause 52.34 sets down the provision for bicycle facilities. The proposed use for residential hotel is not a specifically nominated use in Table 1 to Clause 51.34-3. It is considered that bicycle parking spaces for a motel are the nearest land use approximation to the proposal.

A total of 8 bicycle spaces are proposed to be provided.

Decision Guidelines (Clause 65):

The relevant decision guidelines have been considered as part of the assessment of this application.

Incorporated Documents (Clause 81):

- Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Offstreet car parking, Standards Australia 2004
- Australian Standard AS2890.3-1993, Parking Facilities Part 3: Bicycle parking facilities, Standards Australia 1993
- The Traralgon Civic Precinct Plan, Latrobe City, 5 July 2004

ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

The proposal is considered to be consistent with the strategic direction of the State and Local Planning Policy Frameworks. The proposed commercial building would be suitably located as the Traralgon Primary Activity Centre is a focus for business, shopping, working, leisure and community facilities. The proposal will provide for service residential development suited for both corporate and tourism needs

The *Draft Traralgon Activity Centre Plan Key Directions Report* (September 2011) has a number of relevant directions in the assessment of this proposal.

- Create a Princes Highway boulevard:

To achieve this direction it is detailed to encourage taller, hard edged built forms to be developed along the highway edges as it passes through the town centre which can facilitate the transition in roles expected over time. It also encourages upper level residential to be developed overlooking Victory Park.

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The proposal creates a building edge along its eastern boundary onto the Argyle Street/Princes Highway frontage while also having apartments facing onto Victory Park. It also provide 'a skin' of active uses on both the northern frontage (café and reception area) and gym, function centre and individual balcony areas facing onto Victory Park.

- Encourage a strong urban form that responds to the public realm and regional character

This direction seeks to not only infill the gaps but to encourage vertical growth that reflects the 'CBD' type function that the centre plays within the wider region. However, such development needs to respond to not only the regional character of the activity centre, by ensuring additional height is directed to suitable locations, but also responds to valued characteristics in the activity centre. The subject proposal is a 4 storey building which is setback appropriately from adjoining properties to south and west. It also provides significant landmark building and acts as marker to the entrance point of Traralgon CBD.

The proposed development is also considered to be consistent with the draft strategic direction for the Traralgon activity centre as outlined in draft key directions report which aims to protect and promote the role of Traralgon activity centre as the pre-eminent commercial centre for the region. The proposal supports the consolidation of the town centre through the redevelopment of a major site with a four storey building with integrated car parking; and the building design is considered to be one which appropriately and adequately responds to the public realm and regional character of Traralgon.

It is noted that whilst the TACP project is in draft form and not adopted by Council, it has been the subject of extensive community consultation and the contents of the Key Directions report are considered to be of relevance in the assessment of this planning application.

'Purpose' and 'Decision Guidelines' of the Commercial 1 Zone:

The proposal satisfies the purpose of the Commercial 1 Zone as it would provide 78 apartments, a cafe of 90 metres squared, and ancillary conference room of 139 metre squared in the Traralgon Primary Activity Centre in a four storey building in a zone where the intensive development of business centres is encouraged.

The proposal also satisfied the decision guidelines of the zone as follows:

- The existing uses surrounding the site comprise retail and office premises. As such the proposed use of the site for a residential hotel would be compatible with the surrounding land uses in this part of the Traralgon Activity Centre by providing accommodation for corporate and tourism requirements.

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- There is adequate provision for the movement of pedestrians and vehicles to and from the site with both pedestrian and vehicle access provided from the Post Office Place frontage.
- A designated waste bin storage area would be provided on the ground floor of the building within the car parking area. A waste management plan will be a condition of any permit issued.
- 55 car parking spaces and 8 bicycle spaces are proposed to be located within the site. An assessment of the provision of car parking is provided later in this report.
- The proposal would provide an active street frontage with active uses facing along both Argyle Street (gym and function centre for residents) and Post Office Place (café and reception area).

Materials have been selected for quality, durability and thermal performance. The façade material colour scheme contrasts the flat texture finish of larger wall surfaces generally with the smooth, more reflective decorative composite panel elements which feature on the east, west and north facades. The feature colours of the composite panels will allow for the structure to be a recognisable element of the streetscape for vehicular movements in both directions along the Princes Highway.

The overall height of the building should not impact on the amenity of adjoining properties which comprise commercial premises and does not exceed the identified maximum building heights identified for this area as outlined the Draft Traralgon Activity Centre Plan (built form and activity). The site is also connected to all required services.

The proposal is therefore considered to be appropriate for the site and satisfies the requirements of the Commercial 1 Zone.

Design and Built Form

Given the location of the site and at entrance point to the Primary Activity Centre, directly opposite Victory Park and a site that runs along the western side of the Princes Highway, a key objective for this proposal was to achieve a design and built form that recognised the sites strategically important location.

Due to the importance of the site, the Office of the Victorian Government Architect (OVGA) was asked to prepare a review of the proposal. The following were there key points of their review:

- Extending the building footprint along the northern edge of the site to reinforce the street edge of Post Office Place

Officer Comment:

While this would be a desirable outcome, there are no mandatory requirements on the applicant to address this design advice.

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The applicant has detailed that to provide sufficient service vehicle clearance below the first floor at the vehicle entry to the site the first floor level would need to be lifted by approximately 1.2 metres, an extra cost that could not be justified. While the applicant detailed that the northern frontage of the building was important, the key frontage of the proposal was to the east overlooking Victory Park.

- Concerns over the monolithic built form

Officer Comment:

While the applicant does not agree that the proposal was 'monolithic', the applicant has addressed this issue previously through setting back the southern end of the building from the street and modifying the façade treatment and making further revisions to the eastern and northern elevations using vertical and horizontal composite panel cladding to break up the building line. It is considered that this gives the appearance that the building has been broken up into four separate sections along the eastern frontage.

- Concerns that the design did not address the 'gateway' role of this important corner site

Officer Comment:

As a result of these identified concerns the applicant has introduced larger balconies to the three corner apartments along the northern side of the building and framed them in a vertical stack and integrated the vertical timber café screen into the composition. It is considered that this gesture gives the corner a dominant feature which may be read as a 'gateway'.

- A restrained and localised application of Quest corporate colours and signage

Officer Comment:

The applicant has reviewed the building signage and significantly reduced the size of the lettering. Signage is now placed on its primary facades. Colours are also now more muted while still considered to draw positive attention to the building.

- Greater landscaping within the site to soften the visual impact of the car park

Officer Comment

The applicant has noted that further landscaping would improve the proposal, and to provide it without impacting on the parking provision they have propose two initiatives. The first is to build a 'green wall' along the western boundary to both screen the existing precast concrete wall of the adjacent building and to visually soften the parking area. This wall would consist of vertical timber elements with a galvanised trellis climbing frame for a plant species to be selected.

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The second initiative is to provide a landscape solution to the council road verge which is very generous immediately to the north of the site. This would require approval of and cooperation with Council and VicRoads.

The overall design of the proposal including materials and finishes that are considered to be an architectural response of merit which encompasses environmentally sustainable design principles and contemporary architectural design which would add vibrancy to the streetscape. The building design achieves best practice environmental standards and a 6 star 'NatHERS Energy Rating'.

Car Parking

'Residential hotel' is not a specified use under the Latrobe Planning Scheme, which states that "*When a use is not specified in the table at Clause 52.06-5, an adequate number of car spaces must be provided to the satisfaction of the responsible authorities*".

The nearest land use to the proposal for which the Planning Scheme specifies a parking rate is considered to be a 'motel'. Clause 52.06 of the Latrobe Planning Scheme specifies the following parking provision requirements for Motel:

- 1 space to each unit
- 1 space to each manager dwelling
- 50 per cent of the relevant requirement of any ancillary use

It is noted that the dual key apartments could operate as two single dwellings (as they are provided with a separate access to the common areas and a separate bathroom)

With regard to the ancillary components such as cafe, office and conference facilities, Clause 52.06 states the statutory parking requirements which are identified in the table below

Component	Land Use	Rate	Car Parking Measure
Café	Food and drink premises other than listed in this table	4	to each 100 sq m of leasable floor area
Reception/Office	Office	3.5	to each 100 sq m of net floor area
Conference	Place of assembly	0.3	0.3 to each patron catered for

Application of the Planning Scheme rates for a 'motel' to the proposed residential hotel development is summarised in table below.

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Component	Quantity	Rate	Spaces
1 Bedroom	33	1 per dwelling	33
Dual Key Studio	33	1 per dwelling	33
2 Bedroom	9	1 per dwelling	9
3 Bedroom	3	1 per dwelling	3
Sub-Total Dwellings	78		78
Cafe	88 m ²	(4 per 100 m ²)/2	2
Conference	135 m ² (assuming 50 patrons)	(0.3 per patron)/2	8
Reception + Office	58 m ²	(3.5 per 100 m ²)/2	1
Sub-Total Ancillary			11
Total			89

A review of the table above identifies that if the definition of Motel was used 89 spaces would be required.

Car parking provision assessment

As detailed previously, the proposed land use as 'Residential Hotel' is not a specified use under the Latrobe Planning Scheme and as a result car parking must be provided to the satisfaction of the Responsible Authority.

It is noted that the Café may be utilised by the public, however it is noted that the associated conference, office and gym facilities will be made available for use by Quest guests only.

Clause 52.06-5 specifies a rate of 4 spaces per 100 square metres for a 'Food & Drink premises', application of this rate to the 110 metres squared of Café (including outdoor seating) would result in a statutory requirement for 4 car spaces.

The applicant has provided an empirical assessment of the likely car parking demands of the site given that the proposed use is not defined under the Planning Scheme. The key aspects of that assessment are set out below.

- ABS Census Data

The ABS data for hotels, motels and serviced apartments with 5 or more rooms in the municipality of Latrobe over the past 3 years reveals a slight downward trend in average occupancy rates, from 49.7% (2007/2008) to 46.2% (2009/2010). Further review of ABS data indicates the peak occupancy rates for the 2009-2010 (most recent) period occurred in May when around 56% of tourism accommodation was occupied.

- Quest Serviced Apartments

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A total of 78 serviced apartments are proposed on the site although notably the majority of apartments are 'dual key' which operate with a 1 one-bedroom apartment adjacent a studio apartment and can be linked as part of a booking.

The analysis of the traffic report has been undertaken assuming that the dual key apartments are leased separately, totally 78 apartments on-site.

The applicant has outlined that it is the experience of Quest that the dual key arrangement whilst increasing occupancy numbers, generally results in shared transport to the site due to the intimate and proximal locations of the room entries.

Cardno have sourced case study data from a wide range of established Quest serviced apartment sites, which surveyed car parking demands for both staff and visitors. Additionally, the Quest site review included ancillary facilities which are similar to the proposal. See table below with an analysis car parking occupancy rate.

	Single Units	Dual Key Units	Total Units	Peak Parking Demand	Time	Parking Rate / Occupied Unit
Quest Geelong	19	8	35	29	Mon, 11am	1.11
Quest Dandenong	26	4	34	19	Sat, 11pm	0.55 ¹
Quest Townsville	0	69	138	127	Sat, 7:30pm	0.68
Quest Ascot	25	12	49	13	Sun, 11am	0.46
Average						0.70

The provision of 55 on-site car parking spaces is equivalent to 0.71 spaces per apartment which is in excess of the surveyed peak parking rate even if the proposed development was to operate at 100% occupancy.

Seymour Street Off-Street Carpark

A publicly accessible off-street car park is located at 19-23 Seymour Street, approximately 200 metres walking distance to the west. The car park has two hour parking, all day car parking and permit parking over three levels.

Public Transport

The site is approximately 450 metres from the Traralgon Railway Station and a total of 10 bus services operate within close proximity of the site..

Conclusion:

Given the above, the applicant has justified the car parking rate applied with an empirical assessment. It is considered that the number of car parking spaces for the development is considered to be satisfactory for the following reasons:

- The location of the subject site within the Traralgon Activity Centre;
- The location of the site with respect to efficient public transport; and

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- The provision of car parking onsite is in excess of the anticipated peak car parking demand as assessed against other quest developments.

In the application that is the subject of this report, the proposal is for use and development that is of strategic and economic importance to the Traralgon Activity Centre.

Given the above, it is considered that the proposed development satisfies the purpose and decision guidelines of Clause 52.06 Car Parking as the proposed provision of car parking would be appropriate for the use and development of the site as proposed.

Loading Bay Waiver

Clause 52.07 requires that where there is to be the sale of goods or materials there should be adequate provision for the loading and unloading of vehicles. Therefore a loading bay is required for the retail tenancy of the proposal unless Council is satisfied that this can occur effectively off site.

The applicant has submitted that a waiver of this requirement is appropriate. It is noted that the cafe component of the site is ancillary to the proposed serviced apartments which would not generate a requirement for loading. Notwithstanding the above, it is considered acceptable for a waiver of the on-site loading requirement given the small size of the cafe and the infrequent deliveries anticipated. Deliveries to the site are expected to be via passenger vehicle or small van in which in this instance it is considered that the on-site car parking area is suitable to accommodate any short-term loading requirements.

Submissions

As a result of the notification process, the application received a single objection. The issues raised in the objection were as follows:

1. The terminology of a 'Residential Hotel' in this application is incorrect and implies a different use as to what this building will operate as and be used for. This building will be operated, used and advertised as a motel.

Officer Comment:

Clause 74 defines a 'Motel' use as, "*Land used to provide accommodation in serviced rooms for persons away from their normal place of residence, and where provision is made for parking guests' vehicles convenient to the rooms.*"

The key terms for this definition have been underlined. This definition defines a 'Motel' as an accommodation type that a guest is able to park their car in front of with only a few metres to traverse to their room. Furthermore this particular use is for accommodation only.

Conversely a 'Residential Hotel' is defined by Clause 74 as, "*Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.*"

This definition accurately describes the proposed land use. The proposal contains more than 20 rooms and has ancillary uses such as a conference room and café for the use of guests only. Therefore it is considered that the proposed land use can be more accurately defined as a 'Residential Hotel' rather than as a 'Motel'.

2. Lack of sufficient on and off site car parking for guests, staff, management, deliveries and visitors.

Officer Comment:

The issue regarding car parking provision has been discussed at length earlier in this report. As there is no set car parking rate for the use of 'Residential Hotel' it is up to Council to decide whether the proposed 55 on site car spaces are sufficient for the proposal.

It is considered that 55 spaces are sufficient for this proposed development. The Traffic and Transport Assessment prepared by Cardno and dated 31 May 2013 and their additional advice dated, 13 September 2013 has been assessed and it is considered that car parking provision has been adequately addressed and provided as part of this proposal.

3. There is no option for vehicles to legally turn right when exiting the development nor is there an option for vehicles to enter the site by turning right in Post Office Place.

Officer Comment:

It is acknowledged that given the current layout of Princes Highway / Post Office Place, that development traffic would be restricted to turn left in and left out from Post Office Place.

Development traffic wishing to depart to the south on Princes Highway will do so via (most likely) Post Office Place – Franklin Street – Seymour Street – Princes Highway. It is noted that this would be necessary regardless of the access arrangement as the intersection of Princes Highway / Post Office Place does not permit traffic to turn right from Post Office Place to Princes Highway.

The level of traffic generated by the development is not considered to be significant in traffic engineering terms and will not have a noticeable impact of the surrounding streets.

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The application has been considered by both Councils Engineering Department and VicRoads who have no objection to the proposal subject to appropriate conditions.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

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:*Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers, an A3 notice was displayed on the site frontage for 14 days and a notice placed in the Latrobe Valley Express for two issues. 1 objection to the application was received.

Refer to Attachment 7 for a copy of the objection.

External:

The application was referred pursuant to Section 55 of the Act to the Public Transport Victoria and VicRoads, who did not object to the grant of a permit subject to conditions. Pursuant to Section 52(1)(d) the Gippsland Water were also notified of the application. They also had no objection subject to conditions.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning Team and Strategic Planning who gave consent to the granting of a planning permit subject to appropriate conditions and notes.

OPTIONS

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant a Planning Permit.
- 2 Issue a Refusal to Grant a Planning Permit.

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

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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 Commercial 1 Zone; and
- Consistent with relevant Particular Provisions and Clause 65 (Decision Guidelines).

The proposal is considered to be a suitably located, high quality architectural design that would provide a commercial residential in the Traralgon Activity Centre. The proposal is of strategic and economic importance to Traralgon and would enhance Traralgon's position as the leading commercial centre in Latrobe City.

Attachments

1. Plans (Published Separately)
2. Locality plan
3. History of the assessment of the application
 4. Latrobe Planning Scheme provisions
 5. Traffic Assessment by Cardno Group
6. Response to objection by Cardno Group
 7. Copy of objection

RECOMMENDATION

- A. That Council issues a Notice of Decision to issue a planning permit for the use and development of a residential hotel associated car parking , waiver of loading bay requirements and alteration of access to a Road Zone, Category 1 at 51-57 Office Place and 10 Argyle Street, Traralgon known as Crown Allotment 1 Section 4 Township of Traralgon and Lot 1 on TP 340320V with the following conditions:
1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 2. Prior to the commencement of any works hereby permitted,
 - a) The titles to the land to which this permit applies must be consolidated to ensure that the land comprising all buildings, car parking and vehicle access ways allowed by this permit are contained within a single title, and
 - b) A new drainage easement in favour of Latrobe City Council must be created to the satisfaction of the Responsible Authority, across the subject land to provide for the drainage of Methodist Lane located to the west of the land.
 3. 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.
4. The conference centre and gymnasium must be only used by guests residing in the residential hotel to the satisfaction of the Responsible Authority.
5. An electronic or hard copy register must be maintained by the operator of this permit identifying that the use and operation of the conference centre and gymnasium comply with the requirements of condition 4. This register must be made available for inspection and be to the satisfaction of the Responsible Authority.
6. 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.
7. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
8. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
9. 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;
 - e) landscaping and planting within all open areas of the site;
 - f) details of landscaping to be provided within the council road reserve to the north of the site; and
 - g) details regarding the 'green wall' to be located along the western boundary.
- 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.
10. 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.

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11. The landscaping shown on the endorsed plans including within the road reserve must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
12. Prior to the commencement of any works, a tree protection fence must be erected around the tree to the north of the subject site within the road reserve. The fence must be constructed to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.
13. Construction works on the land must be carried out in a manner that does not result in damage to existing Council assets and does not cause detriment to adjoining owners and occupiers, to the satisfaction of the Responsible Authority.
14. 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.
15. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
16. 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).
17. Prior to the commencement of any works hereby permitted, the operator of this permit must:
 - a) Arrange the removal of the street tree (including the stump) in Post Office Place on the northwest corner of the development by a contractor approved by the Responsible Authority. Seven (7) days notification must be given to Latrobe City Council's Supervisor Arborist before the commencement of any tree removal works.
 - b) Pay \$180 to Latrobe City Council for the planting of an appropriate replacement street tree.
18. 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) A drainage system providing for all stormwater discharging from the site, including from all buildings, car parks and vehicle access areas, to be conveyed to the legal point of discharge. The drainage system must be designed to take the 1 in 20 year ARI storm event.

- b) An underground pipe drainage system conveying stormwater from the legal point of discharge and connecting into Latrobe City Council's stormwater drainage system.
 - c) An underground pipe drainage system conveying stormwater from the end of Methodist Lane across the subject land and connecting into Latrobe City Council's stormwater drainage system.
 - d) Provision of over-land surcharge routes and cut-off drains and associated infrastructure for the safe and effective passage of stormwater flows arising from areas upstream of the subject land including from Methodist Lane for all storm events greater than the 1 in 20 year event and up to and including the 1 in 100 year ARI storm event.
19. Before the use commences of the building 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 works must be constructed in accordance with the approved site drainage plan.
 - b) 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.
 - c) All proposed vehicle crossings 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) All redundant vehicle crossings must be removed and kerb and channel, naturestrip and footpath reinstated.
20. Where proposed, all lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (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.
21. 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.
22. The areas set aside for car parking and vehicle access ways must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
23. Car spaces and vehicle access ways must be kept available for these purposes at all times.

24. a) The owner must enter into an Owners Cost Agreement with Gippsland Water to decommission the 150mm Sewer Main and re-align the new sewer main around the proposed building as shown on submitted Drawing direct from the Design Consultant Jon Becker. The main must be decommissioned and re-aligned in accordance with the National Sewerage Code of Australia and Gippsland Water's addendum. (If Option 1 is not the preferred option a re-design of the Plans TP06 Rev 3 dated 19/07/13 submitted with the Planning Permit must be re-considered as Gippsland Water will not allow construction over the existing sewer main).
- b) The 150mm CICL watermain, adjacent to the proposed customer entry to the new Quest Apartment in Post Office Place, 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 water & 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 sewerage easements upon submission of the Design of the realigned sewer around the development.
- e) Provide water and sewer service layout plans (hydraulic plans) showing how the proposed development will be serviced to the satisfaction of Gippsland Water.
- f) The existing 20mm Water Meter 11AF002672 (located at 10 Argyle Street) must be capped and meter returned to Gippsland Water for a final read.
25. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit; or
- b) The development is not completed and the use has not commenced 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.

ALTERNATE MOTION

- A. That Council issues a notice of Refusal to grant a Planning Permit for the use and development of a residential hotel associated car parking, waiver of loading bay requirements and alteration of access to a Road Zone, Category 1 at 51-57 Office Place and 10 Argyle Street Traralgon known as Crown Allotment 1 Section 4 Township of Traralgon and Lot 1 on TP340320V with the following grounds;**
- 1. The proposal has not provided car parking to the satisfaction of the responsible authority.**
 - 2. The proposal does not provide a mix of primary uses on the one site which is encouraged by Clause 21.05-6 of the Latrobe Planning Scheme.**
 - 3. The proposal is not consistent with Clause 65 ' Decision Guidelines.'**

Moved: Cr O'Callaghan

Seconded: Cr Harriman

That the Motion be adopted.

For the Motion

Councillor/s Harriman, White, O'Callaghan, Sindt, Gibson, Middlemiss, Gibbons, Rossiter

Against the Motion

Councillor Kam

The Mayor confirmed that the Motion had been CARRIED.

9.6

PLANNING PERMIT APPLICATION 2013/139, USE AND DEVELOPMENT OF RESIDENTIAL HOTEL AND ASSOCIATED CAR PARKING, WAIVER OF THE LOADING REQUIREMENT AND ALTERATIONS TO A ROAD ZONE CATEGORY 1 AT 10 ARGYLE STREET AND 51 - 57 POST OFFICE PLACE, TRARALGON

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4 JUNE 2013 REV 4 12/09/2013

51-57 POST OFFICE PLACE &

10 ARGYLE STREET, TRARALGON

Town Planning Architectural Drawings



Architecture Urban Design Planning Interior Design



Quest Traralgon - Architects Statement

The proposed development is a four storey serviced apartment building with undercroft and at-grade car parking. It will provide short term accommodation for business travellers, tourists and local residents. A café tenancy is located on the ground floor serving both house guests and the general public with both internal and external terrace dining.

The Site

The Site is bounded to the north by Post Office Place, the west by Manny's Market, the south by the Latrobe Community Health Service and the east by Mills Street and Victory Park beyond.

The site topography has been built up from natural ground level at the north end and falls away to the centre of the site with the central portion depressed some 1 to 1.4 metres from the south and north boundaries respectively. The built up portion of the site extends to the north beyond the title by approximately 5 metres and is bounded by a low stone retaining wall.

An unoccupied single storey brick house (to be demolished) occupies the southern portion of the site while recent demolition of a brick building occupying the northern end of the site has left the remaining ground clear.

Pedestrian and Vehicular Access

Vehicular access is via a new crossing to Post Office Place in the northwest corner of the site. The crossing is located at the maximum possible distance from the Post Office Place/Mills Street intersection to ensure minimum disruption to traffic flows. 55 car parking spaces are allocated in the carpark, with 34 in the open air the remainder in a naturally ventilated undercroft space. At grade access to the main entry from the carpark is via an extension to the entry terrace that wraps around the western flank of the ground floor lobby. Undercover bicycle parking is also located along this western terrace.

Pedestrians can access the building from either the Northeast corner via the Café terrace or from the Post Office Place frontage adjacent the vehicle entry. Both steps and a disabled access ramp are provided to facilitate access.

The Building Organisation

Ground floor accommodation consists of Reception and Waiting Lounge, Café tenancy, Conference, Gym and relevant service and support facilities. External to the main building are terrace areas to the north and west and enclosed service areas to the south housing rainwater tanks, bin storage and maintenance room. 1st, 2nd and 3rd floors are similar with 11 no. dual key (76 square metre), 3 no. 2 bedroom (71, 74 & 80 square metre) and 1 no. 3 bedroom (105 square metre) serviced apartments provided on each floor.

At roof level solar hot water, photovoltaic arrays and other associated plant and equipment will be screened from view.

Amenity

- A north facing café tenancy is located on the ground floor for the use of house guest.
- A Conference Room of 132 square metres is provided for the use of house guests only. It has a seating capacity of 40.
- A Gym is provided for the exclusive use of house guests.
- Two passenger lifts and two escape stairs service the building ensuring good vertical circulation throughout.
- Public corridors enjoy natural light and cross ventilation.
- All accommodation units will be thermally efficient and will enjoy excellent natural light.
- Additional thermal comfort provided by air-conditioning throughout.
- Adjacent accommodation units are separated by full height screens providing effective visual and acoustic separation.
- The majority of accommodation units enjoy expansive views to the north and

east to Victory Park.

- All accommodation units have full width balconies.
- All accommodation units enjoy full kitchen and bathroom facilities and all dual key, 2 and 3 bedroom units have laundry facilities. A separate communal laundry is also provided on the ground floor.
- Car parking is provided for each of the dual key, 2 and 3 bedroom units.

Articulation

The building is sited to hold the east and north site boundaries in order to provide activated street frontages at ground level and informal surveillance from the upper levels. The ground floor is 'indented' around the lobby and café to acknowledge the entry to the building and allow for outside dining adjacent the generous north facing road reserve.

While the building has a simple expression in plan, its facades are highly articulated. The composition of balconies, building signage (Quest) and the use of colourful sunshading elements combine to create a play of light and shadow across the elevations during the course of the day. The application of colour and the angled form of the North East corner marks the transition of the site and give the precinct a new role as a major gateway to the Traralgon Central Activity District.

Materials and Finishes

Materials have been selected for quality, durability and thermal performance. The façade material palette contrasts the flat texture finish of larger wall surfaces generally with the smooth, more reflective decorative composite panel elements which feature on the east, west and north facades. The feature colours of the composite panels will be developed with the ambition to not only give the building a strong identity but to enrich the public realm more generally.

Quest Traralgon Preliminary ESD Design Response

Energy Efficiency

In order to receive a Building Permit the proposed development must demonstrate that the design complies with the energy efficiency provisions outlined in Part J - Energy Efficiency (BCA 2011). The current provisions for a Class 2 (residential) building require each sole occupancy unit meets the minimum energy performance standard of no less than 5.0 stars. In addition, the average House Energy Rating (HER) of the entire development must be no less than 6 stars.

FirstRate5 thermal assessment software is the Victorian tool which has been developed as part of the Nationwide House Energy Rating Scheme (NatHERS). FirstRate5 allows for the assessment of the proposed buildings fabric and generates predicted heating loads for heating and cooling.

- Proposed minimum thermal performance standard – 114MJ/m2/annum – 6 Star NatHERS Energy Rating

In an attempt to improve the overall energy efficiency of the proposed development the design also seeks to include the following energy efficiency initiatives aimed to lower the annual greenhouse impact of the development:

- Additional thermal insulation incorporated into the building fabric.
- Lighting control for common areas including corridors, car park, external lighting and entry lobby areas will include occupancy, motion and daylight sensors.
- Energy efficient lighting selections (compact fluorescent for apartments, common areas and T5 for car park).
- Where possible, the best MEPS rated mechanical systems for space heating and cooling equipment (reverse cycle heat pumps) will be selected. It is envisaged that improvements in building thermal efficiency and limitations in domestic use patterns will result in high operational efficiencies for heating and cooling with such units.
- Centralised solar hot water system (electric boosted)
- Roof mounted Solar PV panels to provide power to carpark and external lighting.

Water Conservation

The proposed development seeks to lower potable water demand through the provision of on-site rainwater retention for reuse within the development. The design will incorporate:

- Dedicated 2 x 10,000L rainwater storage tank.

The dedicated rainwater storage tank will be supplied via rainwater from the roof of the building and shall be utilised to offset landscape irrigation demand.

In addition to reducing potable water demand the rainwater storage tank will also assist in a reduced urban stormwater impact for the development.

The development shall also include low flow fixtures including:

- Flow restricting devices on all fixtures
- 3 Star WELS rated showerheads (9L minute)
- 4 Star WELS rated cisterns (6/3L flush)
- 5 Star WELS rated Tapware

Waste Management

Overview

A dedicated Waste room has been provided in the undercroft car park area; the Residential Building Manager and Commercial Tenant will be provided with 13 shared garbage/ food waste bins and commingled recycling bins with dimensions outlined below.

Waste Estimate

78 Apartments	6.24 m3/week garbage	6.24 m3/week recycling
Café 92sqm	2.76 m3/week garbage	0.74 m3/week recycling
Conference/Office 203sqm	0.15 m3/week garbage	0.15 m3/week recycling

TOTAL **9.15m3/week garbage** **7.13 m3/week recycling**

Bin Schedule and Collection Details

A private contractor shall be engaged to collect waste.

7 x 660 litre garbage bins collected twice a week.

6 x 660 litre recycling bins collected twice a week.

Net bin storage area required = 13sqm

Bin Details

Plastic (HDPE) bins will be utilised as follows:

Capacity: 660L

Dimensions: 1250mm (H), 1240mm (W), 780mm (D)

Access for users, collectors and vehicles

Building Management shall dispose of garbage and recyclables into collection bins located in the waste room (access via lift)

The operator shall ensure that bins are ordered within the waste room in order to ensure safe and convenient access to bins.

Collection arrangements and access to waste facilities

- A private contractor shall collect waste on Post Office Place, kerb side.
- Prior to collection, Building Management shall transfer council bins from the residential waste room to kerb side (and back to the store once the collection has taken place). Council's instructions for kerb side bin placement must be followed.

Waste room details

Bins shall be concealed from external view.

Waste room shall be ventilated in accordance with Australian Standard AS1668.

Waste room shall be provided with an impervious, slip resistant, graded floor to a floor waste in accordance with relevant authority requirements. A water supply and hose shall be provided for washing of rubbish bins.

DEVELOPMENT SUMMARY

Land Area	2875 sqm	Cafe	90m ²
Site Coverage	53%	Conference	139m ²
Gross Floor Area	4818 sqm	2xSignage	1390Wx200Dx3950h
Car Parking	55 Cars (3 tandem)		
Bicycle Parking	8 Bikes		

FIRST FLOOR	Apart No.	2 Bedroom	2 Bed (twin key)	3 Bedroom	Area Sqm	Balcony Sqm
	101	1			74	10m ²
	102	1			71	3m ²
	103			1	105	21m ² (14a+7b)
	104 (a+b)		1		76 (47a+29b)	7m ² (4a+3b)
	105 (a+b)		1		76 (47a+29b)	7m ² (4a+3b)
	106 (a+b)		1		76 (47a+29b)	7m ² (4a+3b)
	107 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	108 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	109 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	110	1			73	7m ²
	111 (a+b)		1		76 (47a+29b)	9.5m ² (6.5a+3b)
	112 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	113 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	114 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	115 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)

SECOND FLOOR	Apart No.	2 Bedroom	2 Bed (twin key)	3 Bedroom	Area Sqm	Balcony Sqm
	201	1			74	10m ²
	202	1			71	3m ²
	203			1	105	21m ² (14a+7b)
	204 (a+b)		1		76 (47a+29b)	7m ² (4a+3b)
	205 (a+b)		1		76 (47a+29b)	7m ² (4a+3b)
	206 (a+b)		1		76 (47a+29b)	7m ² (4a+3b)
	207 (a+b)		1		76 (47a+29b)	7m ² (4a+3b)
	208 (a+b)		1		76 (47a+29b)	7m ² (4a+3b)
	209 (a+b)		1		76 (47a+29b)	7m ² (4a+3b)
	210	1			73	7m ²
	211 (a+b)		1		76 (47a+29b)	9.5m ² (6.5a+3b)
	212 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	213 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	214 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	215 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)

THIRD FLOOR	Apart No.	2 Bedroom	2 Bed (twin key)	3 Bedroom	Area Sqm	Balcony Sqm
	301	1			74	10m ²
	302	1			71	3m ²
	303			1	105	21m ² (14a+7b)
	304 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	305 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	306 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	307 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	308 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	309 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	310	1			73	7m ²
	311 (a+b)		1		76 (47a+29b)	9.5m ² (6.5a+3b)
	312 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	313 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	314 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)
	315 (a+b)		1		76 (47a+29b)	8m ² (5a+3b)

TOTAL	45	9	33	3	3498	370
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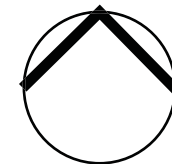


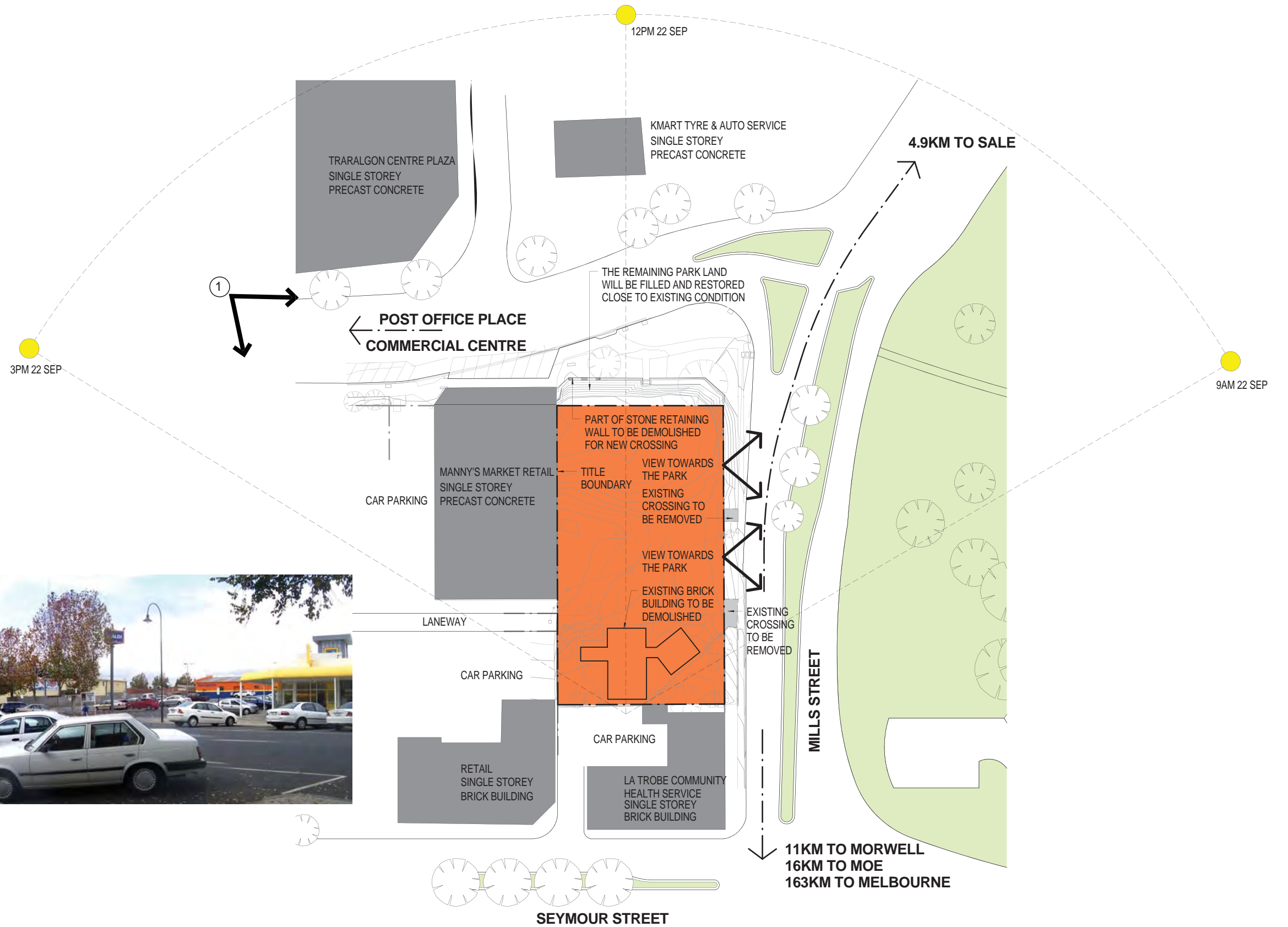
- LEGEND
- DEVELOPMENT AREA 
 - RETAIL PRECINCT 
 - SIGNIFICANT SITES 
 - MAIN ROAD 
 - RAIL LINE 
 - BUS ROUTE 
 - GREEN RESERVE 

CONTEXT ANALYSIS

51-57 POST OFFICE PLACE &
10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
12123	05/2013	NOT TO SCALE	TP01	CEEJ DEVELOPMENT



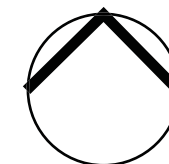


① VIEW FROM POST OFFICE PLACE

SITE ANALYSIS

51-57 POST OFFICE PLACE &
10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
12123	05/2013	1:500 @ A1	TP02	CEEJ DEVELOPMENT





A - Mill Street (Princes Highway) looking west



B - Corner of Mill Street (Princes Highway) and Post Office Place looking south

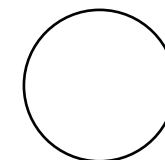


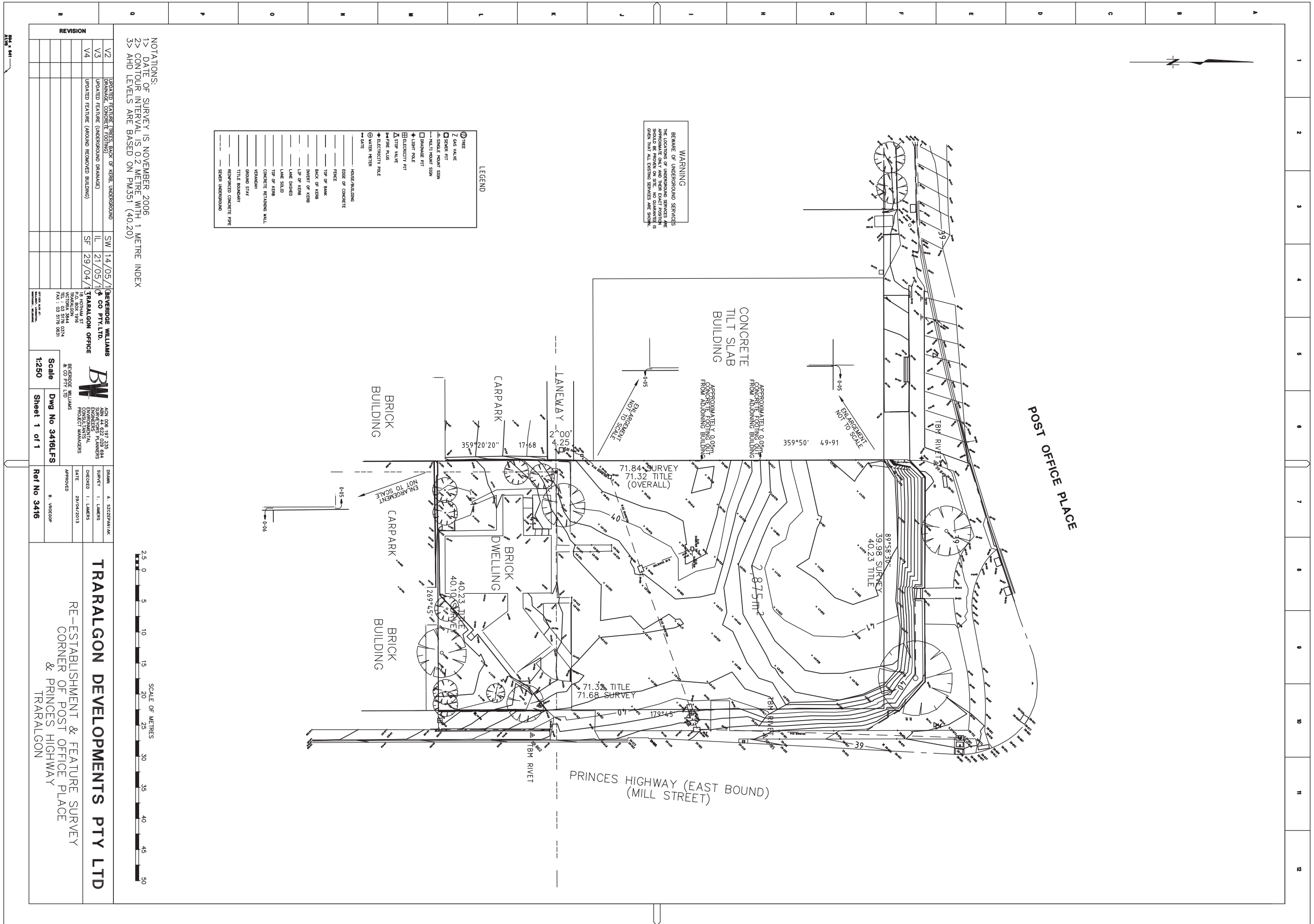
C - Post Office Place looking east toward Victory Park

SITE PHOTOS

51-57 POST OFFICE PLACE &
10 ARGLEYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
12123	05/2013	NOT TO SCALE	TP03	CEEJ DEVELOPMENT





WARNING
 BEWARE OF UNDERGROUND SERVICES
 THE LOCATION OF UNDERGROUND SERVICES
 IS APPROXIMATE ONLY AND THEIR EXACT POSITION
 SHOULD BE PROVEN ON SITE. NO GUARANTEE IS
 GIVEN THAT ALL EXISTING SERVICES ARE SHOWN.

LEGEND

☉	TREE
Z	ODS VALVE
□	SEWER PIT
△	SINGLE POINT SIGN
—	MULTI POINT SIGN
□	DRAINAGE PIT
+	LIGHT POLE
⊞	ELECTRICITY PIT
△	STOP VALVE
—	PIPE RAKE
+	ELECTRICITY POLE
⊙	WATER METER
—	DATE
—	MODIFICATION
—	EDGE OF CONCRETE
—	FINISH
—	TOP OF BANK
—	BACK OF KERB
—	SHOULDER OF KERB
—	LINE DASHED
—	TOP OF KERB
—	CONCRETE RETAINING WALL
—	VENUE
—	GROUND STAY
—	TITLE BOUNDARY
—	REINFORCED CONCRETE PIPE
—	SEWER UNDERGROUND

NOTATIONS:
 1> DATE OF SURVEY IS NOVEMBER 2006
 2> CONTOUR INTERVAL IS 0.2 METRE WITH 1 METRE INDEX
 3> AHD LEVELS ARE BASED ON PM351 (40.20)

REVISION

V2	UPGRADED SEWER LINES, BACK OF KERB, UNDERGROUND DRAINAGE, CONCRETE FOOTING	SW	14/05/06	BERNARD WILLIAMS
V3	UPGRADED FEATURE (UNDERGROUND DRAINAGE)	IL	21/05/06	CO PTV, LTD.
V4	UPGRADED FEATURE (AROUND RECOVERED BUILDING)	SF	29/04/13	TRARALGON OFFICE

BERNARD WILLIAMS
 SURVEYORS
 ENVIRONMENTAL
 PROJECT MANAGERS

18 HINDALL ST
 TRARALGON
 TEL : 03 5176 0374
 FAX : 03 5176 0051

TRARALGON OFFICE

Scale 1:250
 Dwg No 3416LFS
 Sheet 1 of 1

Ref No 3416



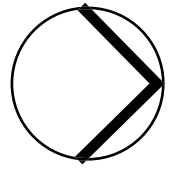
TRARALGON DEVELOPMENTS PTY LTD

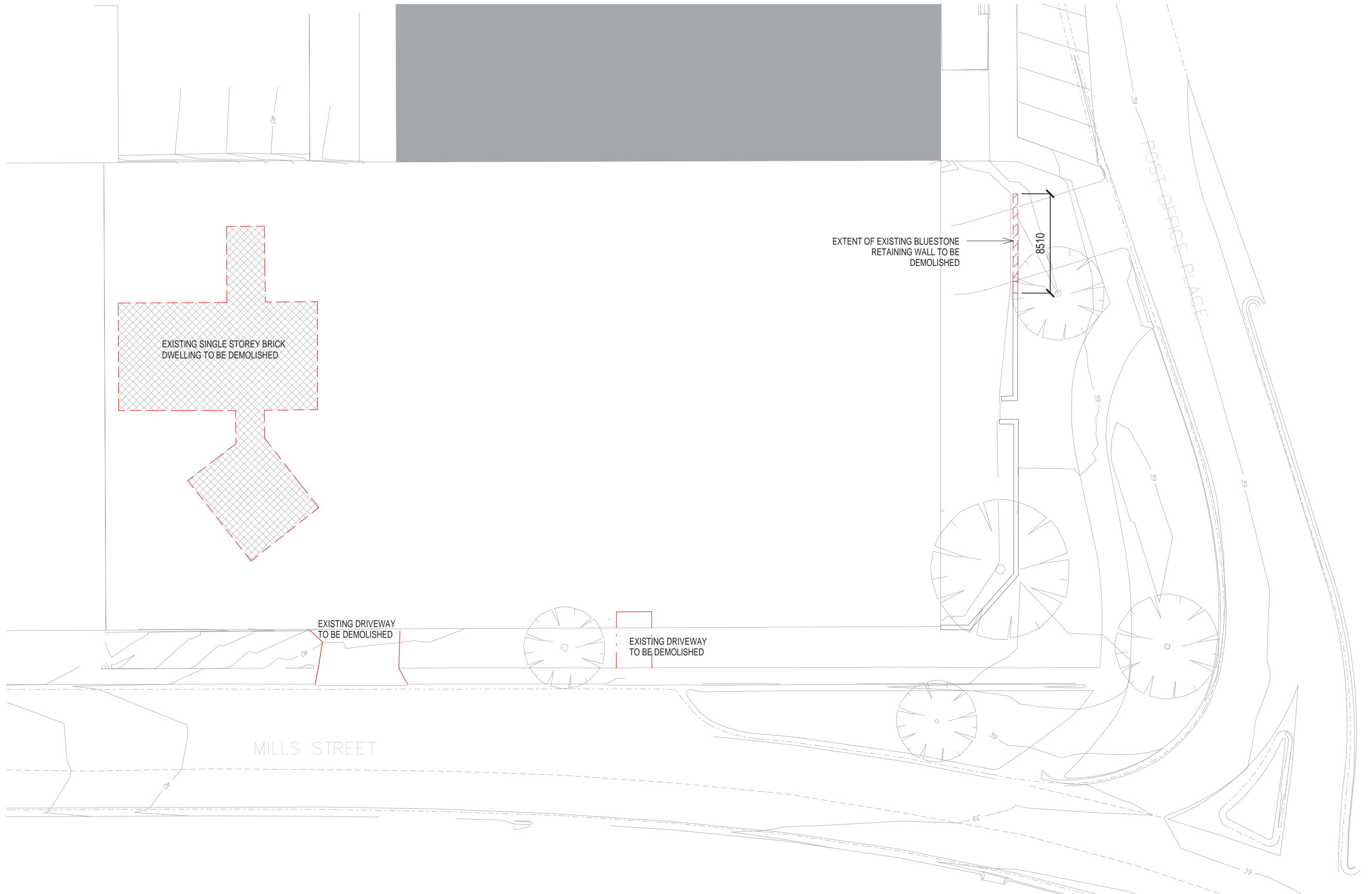
RE-ESTABLISHMENT & FEATURE SURVEY
 CORNER OF POST OFFICE PLACE
 & PRINCES HIGHWAY
 TRARALGON

SURVEY PLAN

51-57 POST OFFICE PLACE &
 10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
12123	29/04/2013	AS SHOWN	TP04	CEEJ DEVELOPMENT





DEMOLITION PLAN

51-57 POST OFFICE PLACE &
10 ARGLEYE ST. TRARALGON, VIC

JOB NUMBER

12123

DATE

05/2013

SCALE

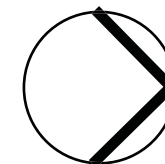
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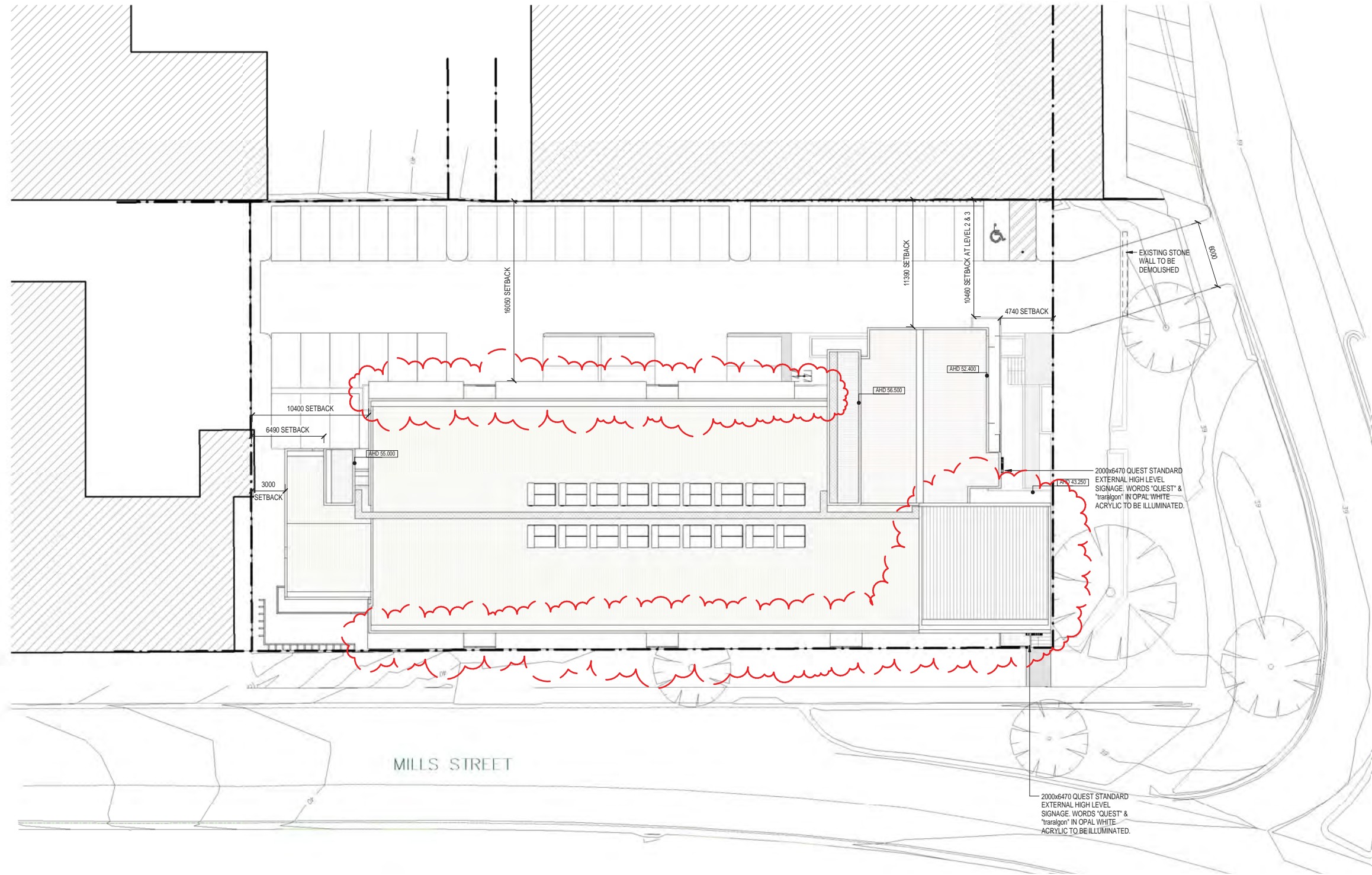
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TP04b

CLIENT

CEEJ DEVELOPMENT

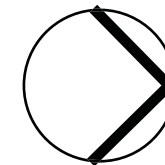




SITE PLAN

51-57 POST OFFICE PLACE &
10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
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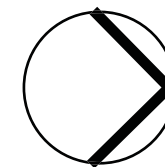


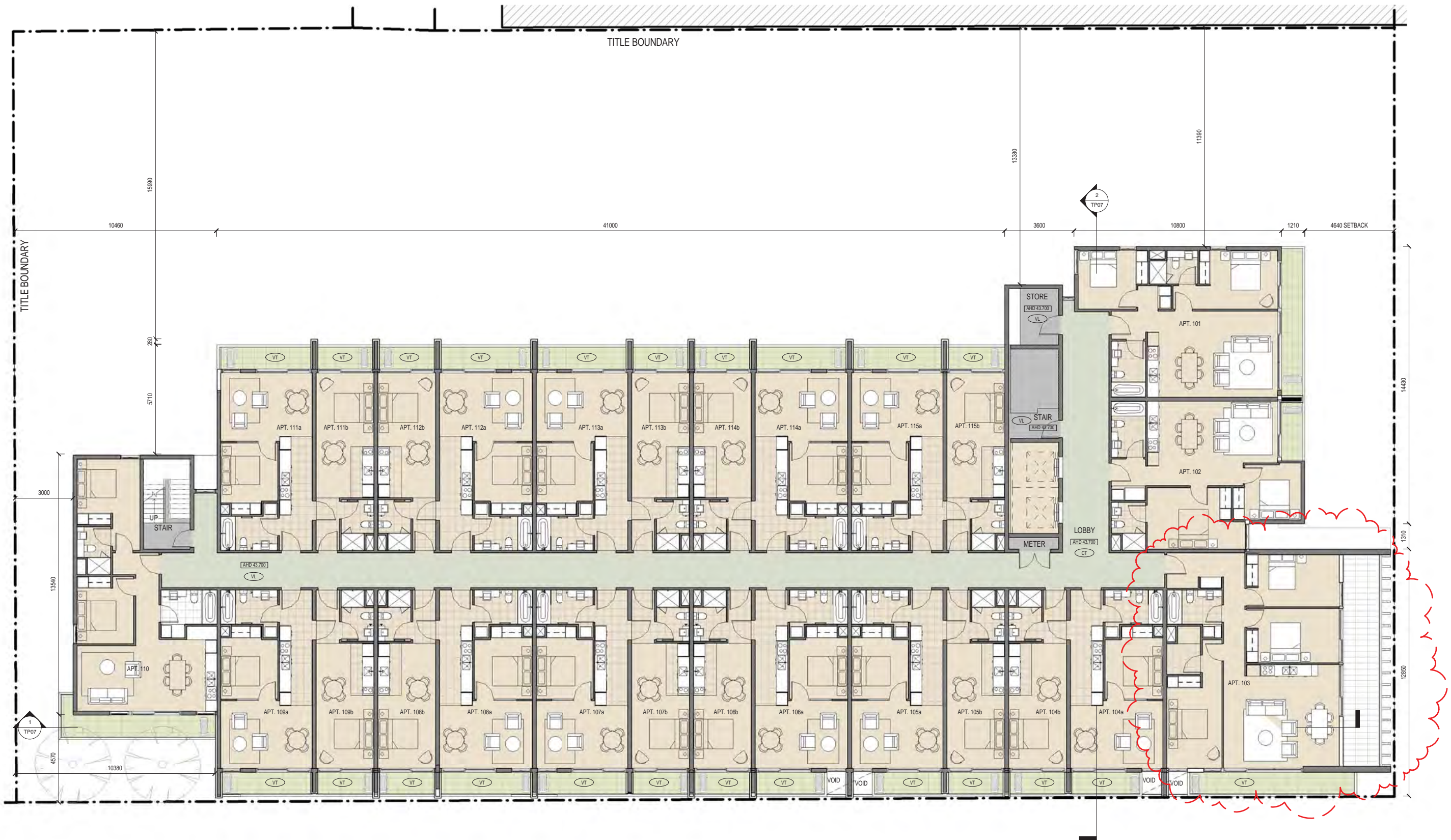


GROUND FLOOR PLAN

51-57 POST OFFICE PLACE &
10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
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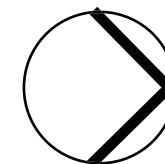


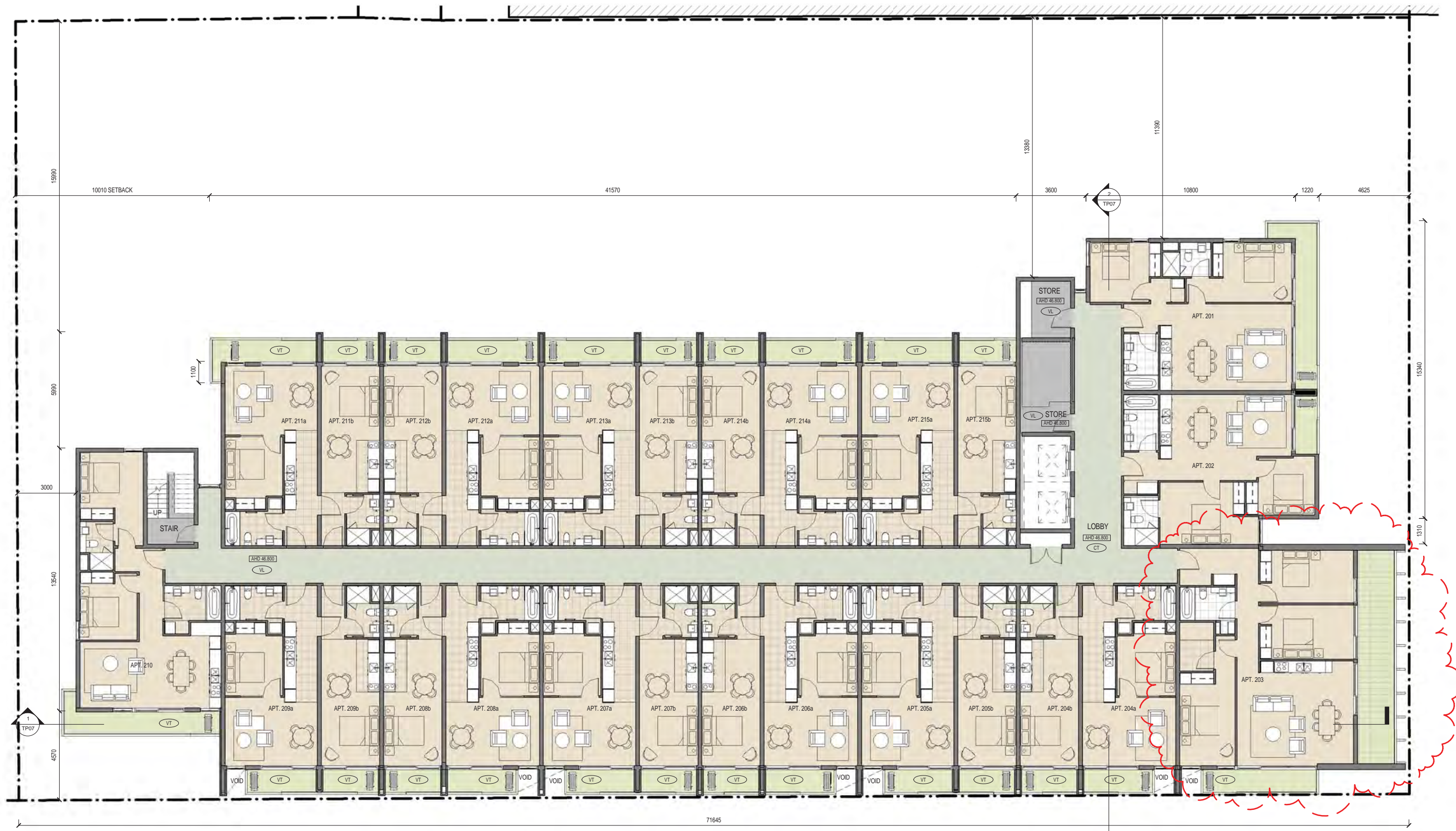


FIRST FLOOR PLAN

51-57 POST OFFICE PLACE &
10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
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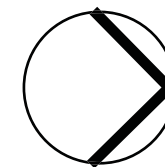


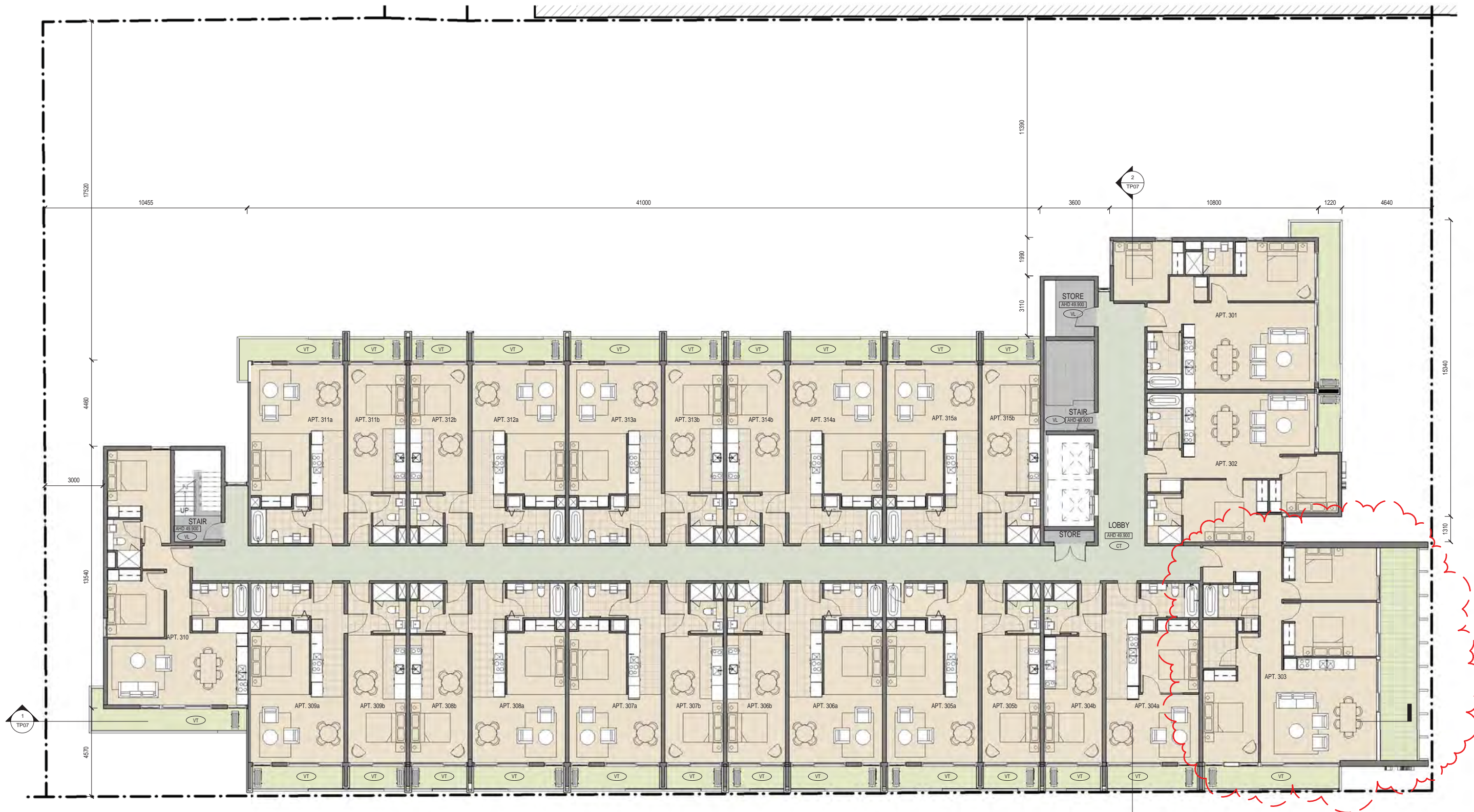


SECOND FLOOR PLAN

51-57 POST OFFICE PLACE &
10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
12123	06/2013	1:100 @ A1	TP08 REV4 12/09/13	CEEJ DEVELOPMENT





THIRD FLOOR PLAN

51-57 POST OFFICE PLACE &
10 ARGLEYE ST. TRARALGON, VIC

JOB NUMBER

12123

DATE

06/2013

SCALE

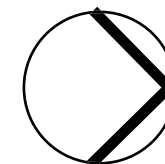
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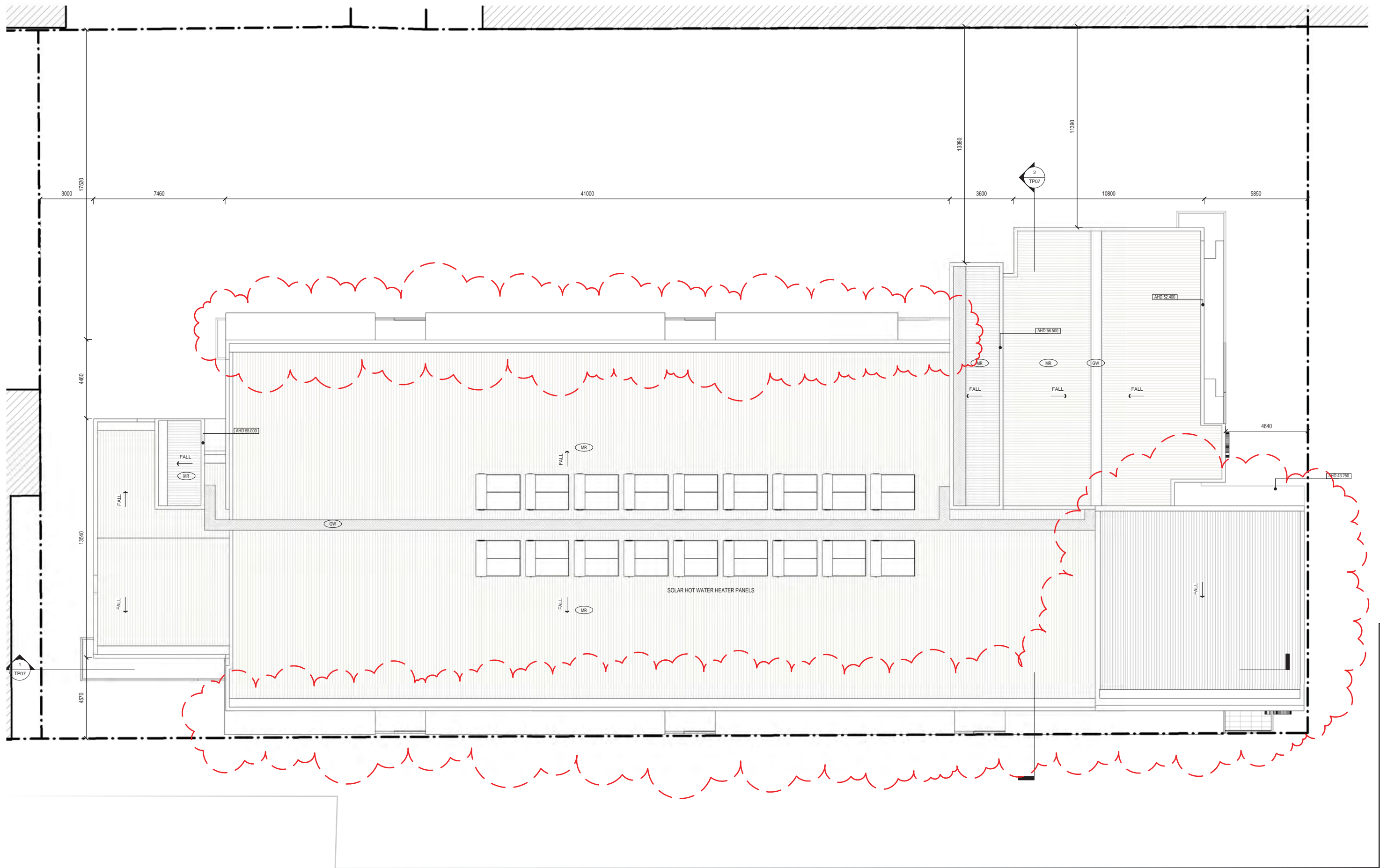
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TP09 REV4 12/09/13

CLIENT

CEEJ DEVELOPMENT

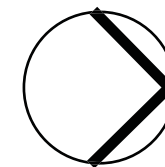


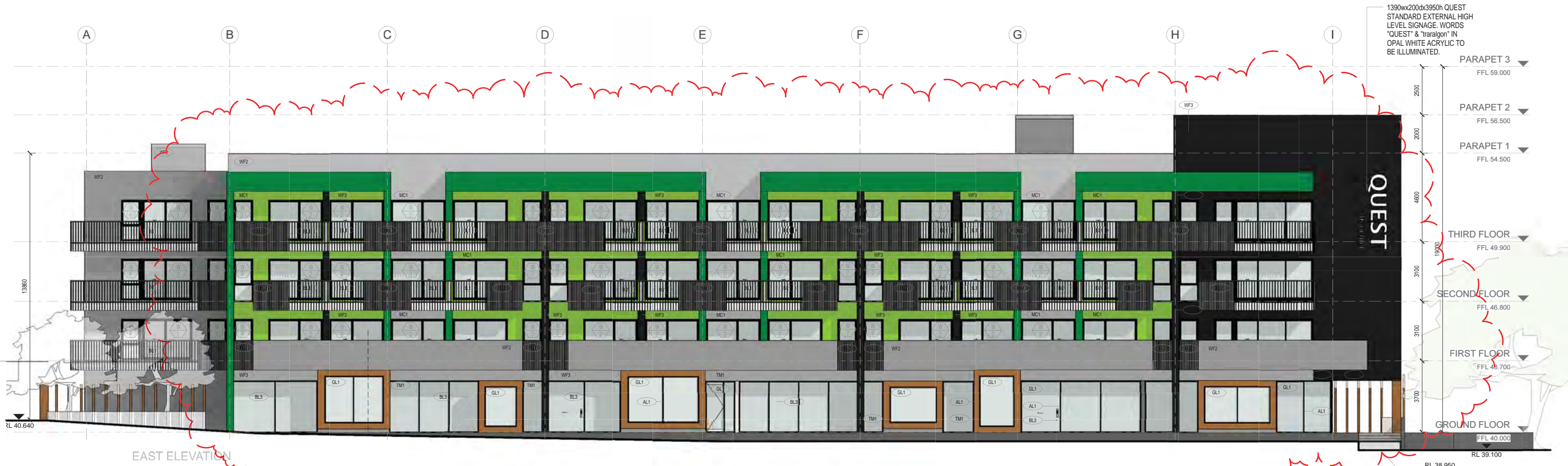


ROOF FLOOR PLAN

51-57 POST OFFICE PLACE &
10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
12123	06/2013	1:100 @ A1	TP10 REV4 12/09/13	CEEJ DEVELOPMENT





1390wx200dx3950h QUEST STANDARD EXTERNAL HIGH LEVEL SIGNAGE. WORDS "QUEST" & "traralgon" IN OPAL WHITE ACRYLIC TO BE ILLUMINATED.

EAST ELEVATION



1390wx200dx3950h QUEST STANDARD EXTERNAL HIGH LEVEL SIGNAGE. WORDS "QUEST" & "traralgon" IN OPAL WHITE ACRYLIC TO BE ILLUMINATED.

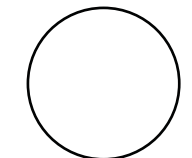
NORTH ELEVATION

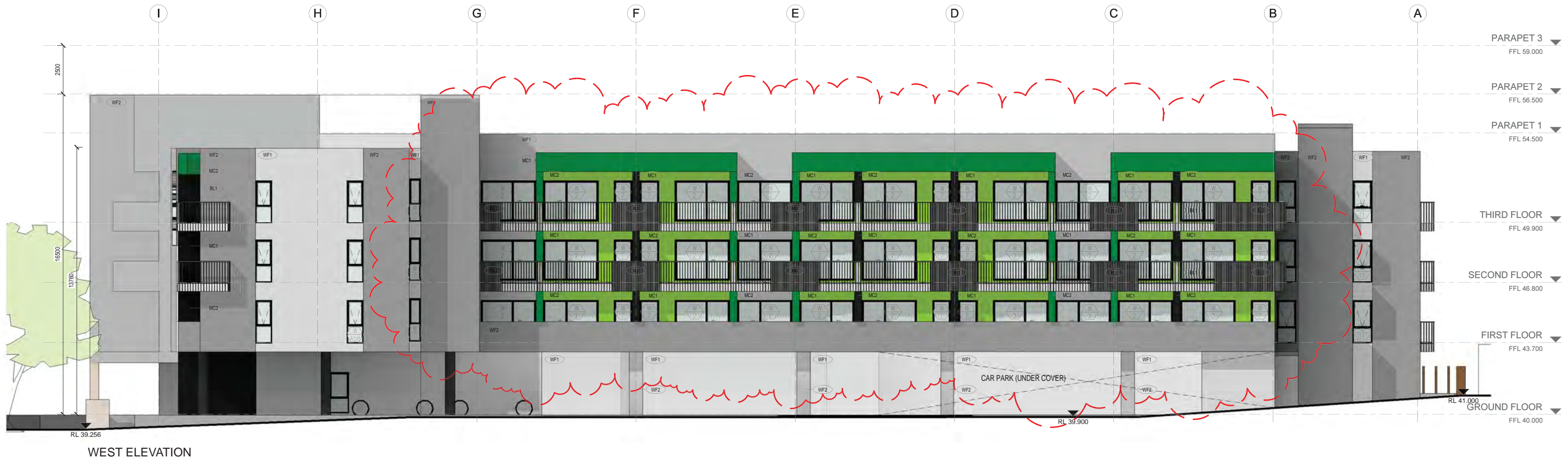
FINISHES SCHEDULE-EXTERNAL	
ABBR	DESCRIPTION
AL1	POWDER COATED ALUMINIUM WINDOW FRAME SUITE
BL1	POWDER COATED OR GALVANIZED STEEL BALLUSTRADE. 50X4mm FLATS @ 100mm CTRS
BL2	POWDER COATED OR GALVANIZED STEEL BALLUSTRADE. 50X75mm RHS @ 100mm CTRS
BL3	HARDWOOD TIMBER BLADE FIN : 450X100 @ 600 CTRS
GL1	CLEAR GLASS TO ALL WINDOWS - ALL GLASS TO BE AS1288
MC1	COMPOSITE PANEL CLADDING TYPE 1
MC2	COMPOSITE PANEL CLADDING TYPE 2
MC3	COMPOSITE PANEL CLADDING TYPE 3
PA	PAVING - BLUESTONE
PT1	PAVING TILE TO BALCONIES
SS	STAINLESS STEEL CLADDING
WF1	PROPRIATERY FOAM OR LIGHTWEIGHT CLADDING WITH SELECTED PAINT FINISH
WF2	PROPRIATERY FOAM OR LIGHTWEIGHT CLADDING WITH SELECTED PAINT FINISH
WF3	PROPRIATERY FOAM OR LIGHTWEIGHT CLADDING WITH SELECTED PAINT FINISH
WF4	CONCRETE WALL FINISH

ELEVATIONS

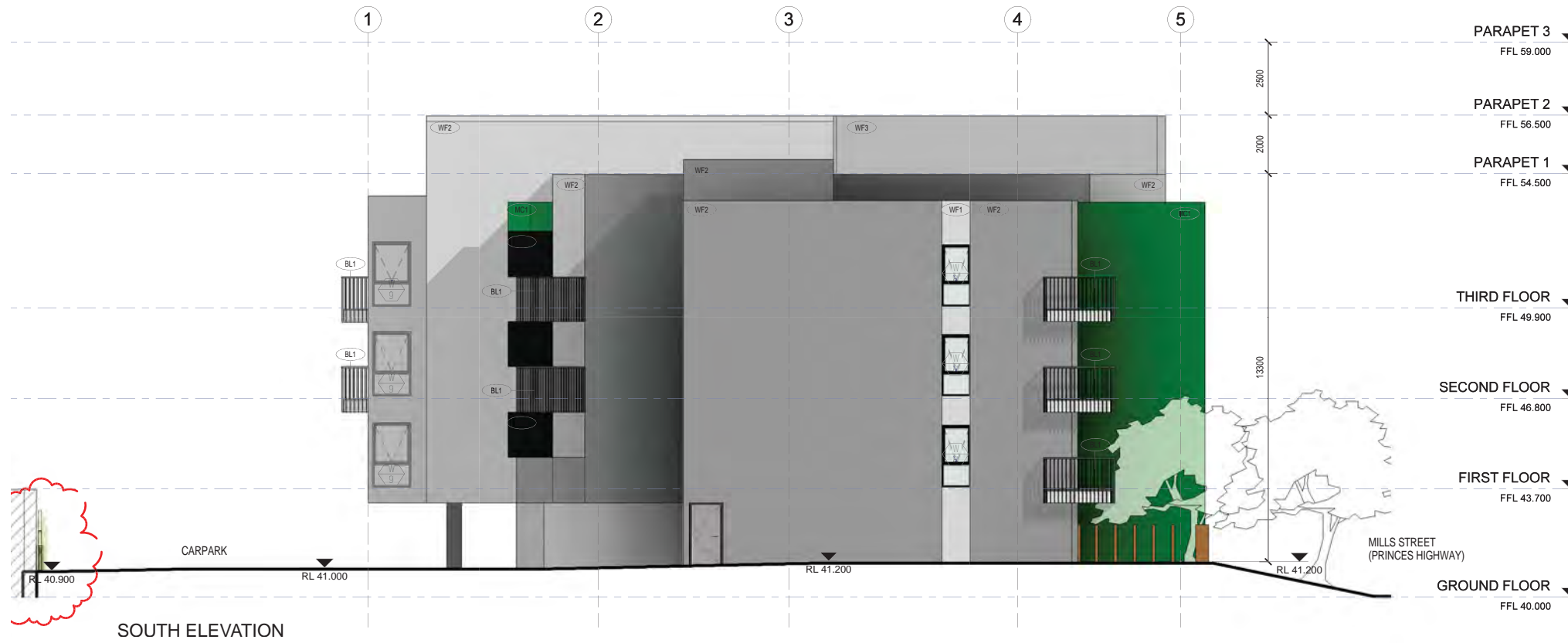
51-57 POST OFFICE PLACE & 10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
12123	06/2013	1:100 @ A1	TP11 REV4 12/09/13	CEEJ DEVELOPMENT





FINISHES SCHEDULE-EXTERNAL	
ABBR	DESCRIPTION
AL1	POWDERCOATED ALUMINIUM WINDOW FRAME SUITE
BL1	POWDER COATED OR GALVANIZED STEEL BALLUSTRADE. 50X4mm FLATS @ 100mm CTRS
BL2	POWDER COATED OR GALVANIZED STEEL BALLUSTRADE. 50X75mm RHS @ 100mm CTRS
BL3	HARDWOOD TIMBER BLADE FIN : 450X100 @ 600 CTRS
GL1	CLEAR GLASS TO ALL WINDOWS - ALL GLASS TO BE AS1288
MC1	COMPOSITE PANEL CLADDING TYPE 1
MC2	COMPOSITE PANEL CLADDING TYPE 2
MC3	COMPOSITE PANEL CLADDING TYPE 3
PA	PAVING - BLUESTONE
PT1	PAVING TILE TO BALCONIES
SS	STAINLESS STEEL CLADDING
WF1	PROPRIATERY FOAM OR LIGHTWEIGHT CLADDING WITH SELECTED PAINT FINISH
WF2	PROPRIATERY FOAM OR LIGHTWEIGHT CLADDING WITH SELECTED PAINT FINISH
WF3	PROPRIATERY FOAM OR LIGHTWEIGHT CLADDING WITH SELECTED PAINT FINISH
WF4	CONCRETE WALL FINISH



ELEVATIONS

51-57 POST OFFICE PLACE &
10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER

12123

DATE

06/2013

SCALE

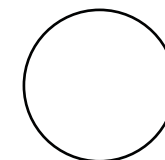
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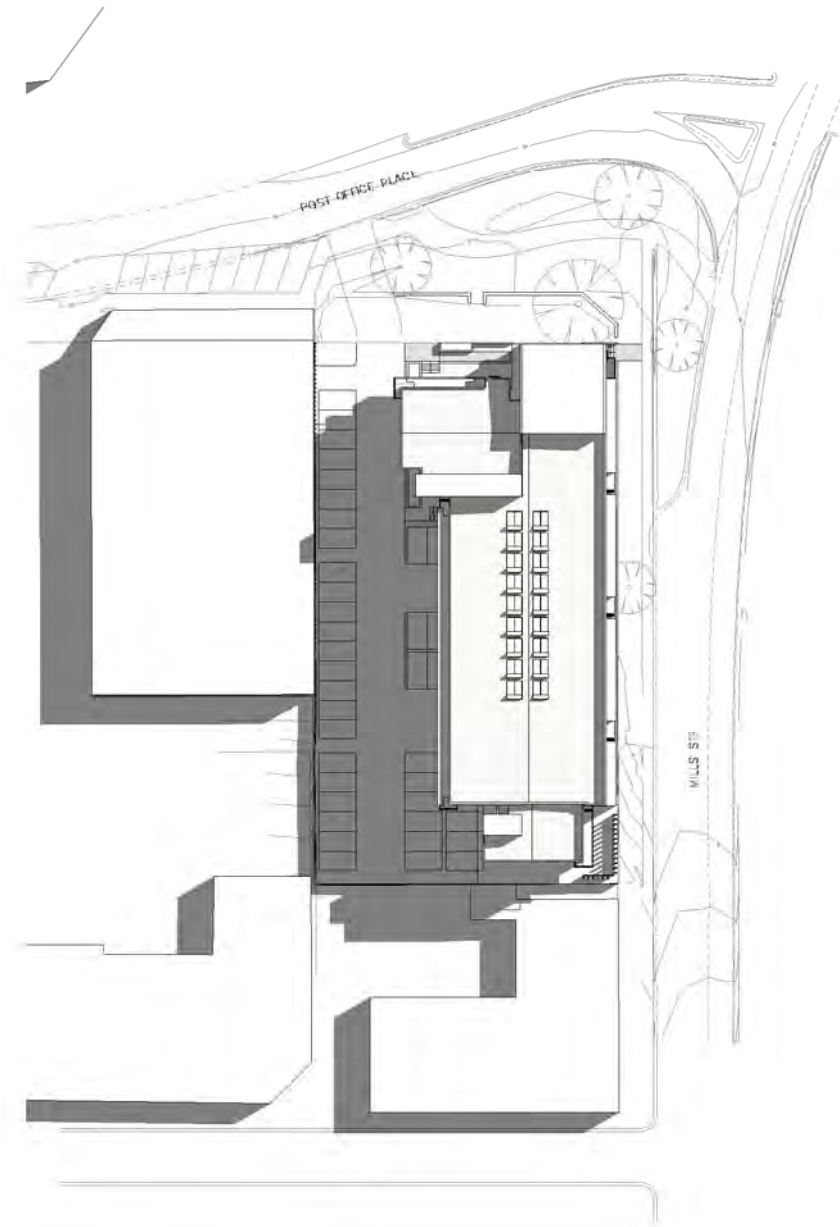
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TP12 REV4 12/09/13

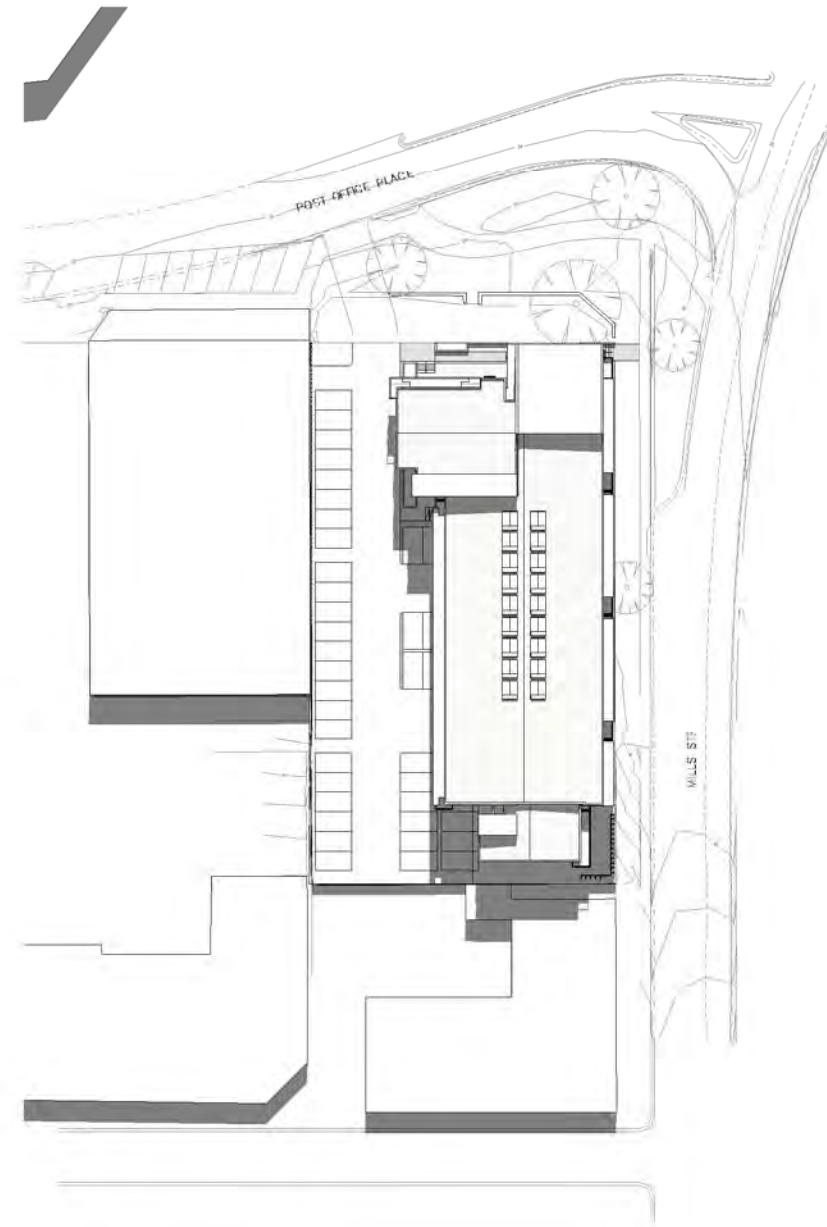
CLIENT

CEEJ DEVELOPMENT

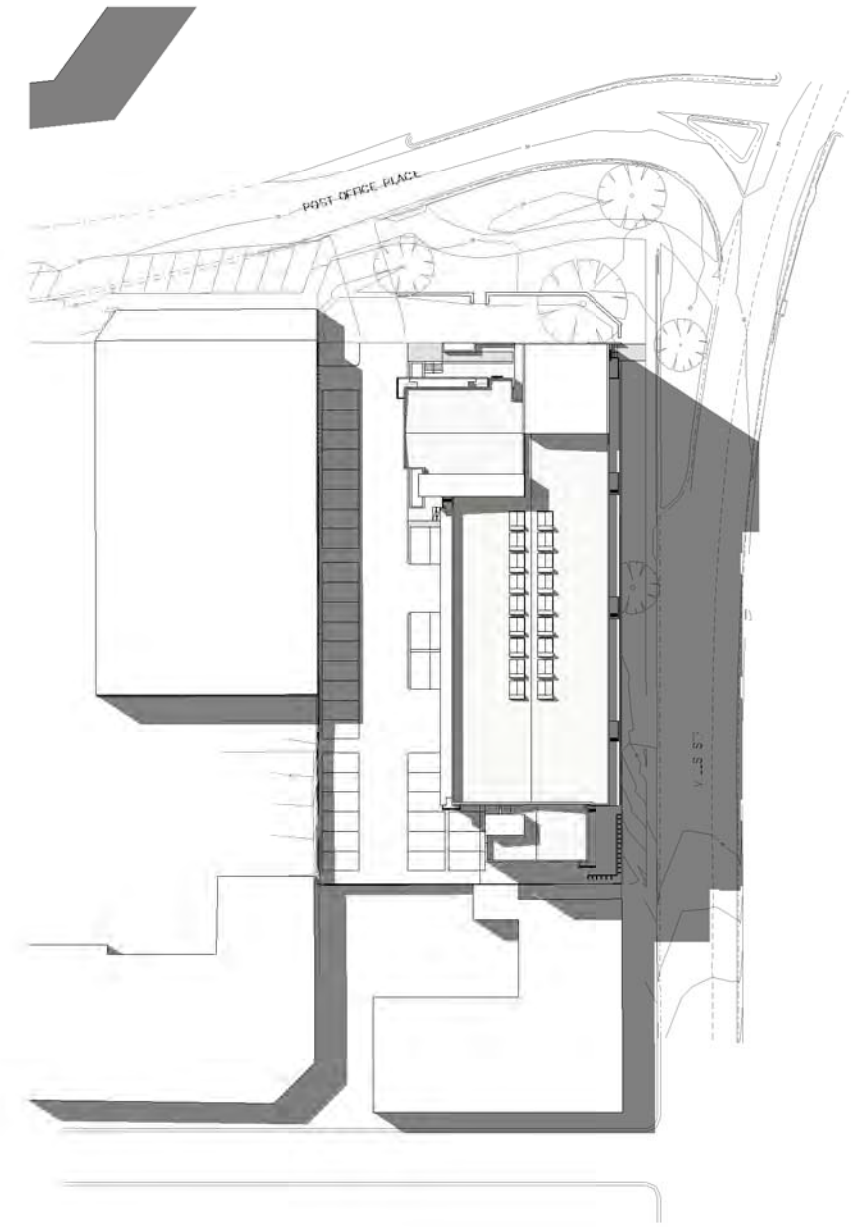




① 9am 22 September
1 : 500



② 12pm 22 September
1 : 500

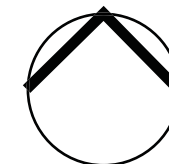


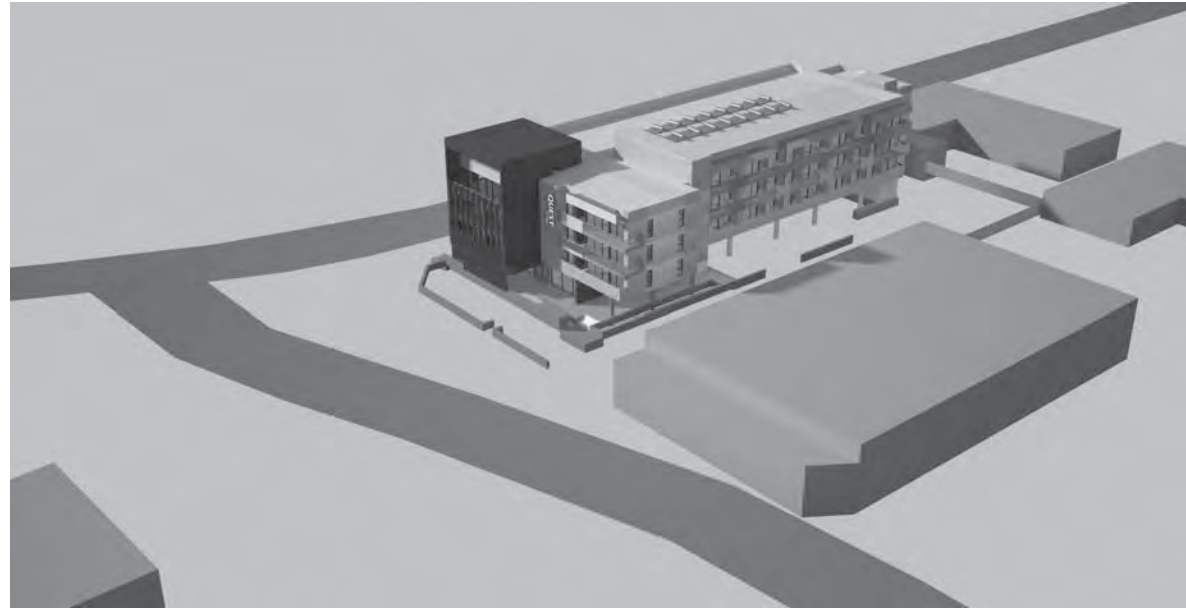
③ 3pm 22 September
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SHADOW DIAGRAMS

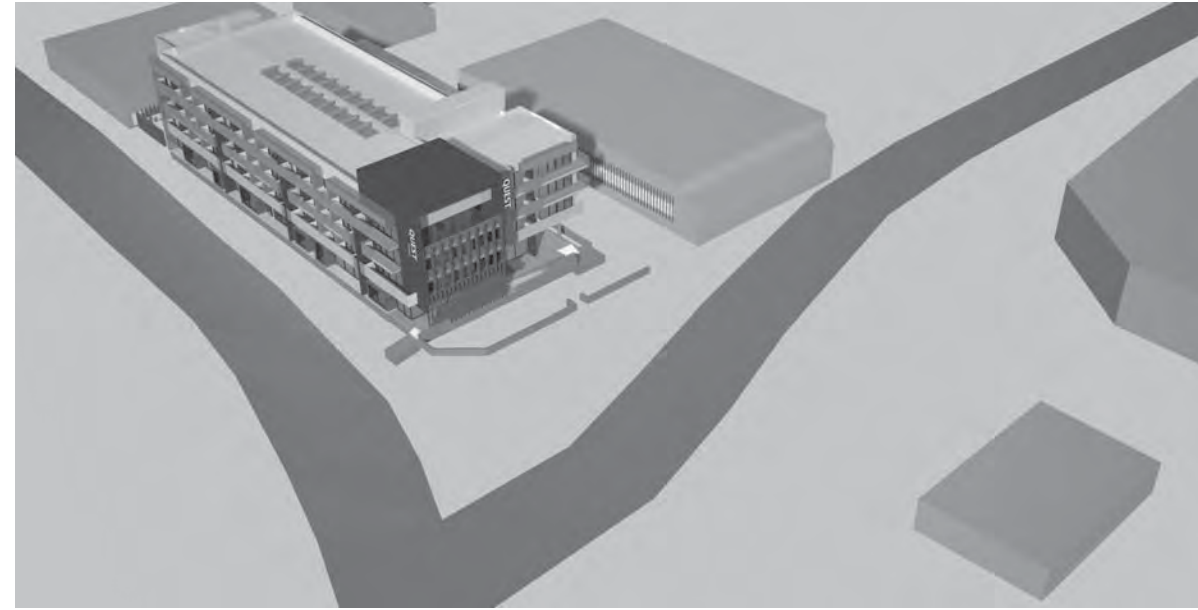
51-57 POST OFFICE PLACE &
10 ARGLEYE ST. TRARALGON, VIC

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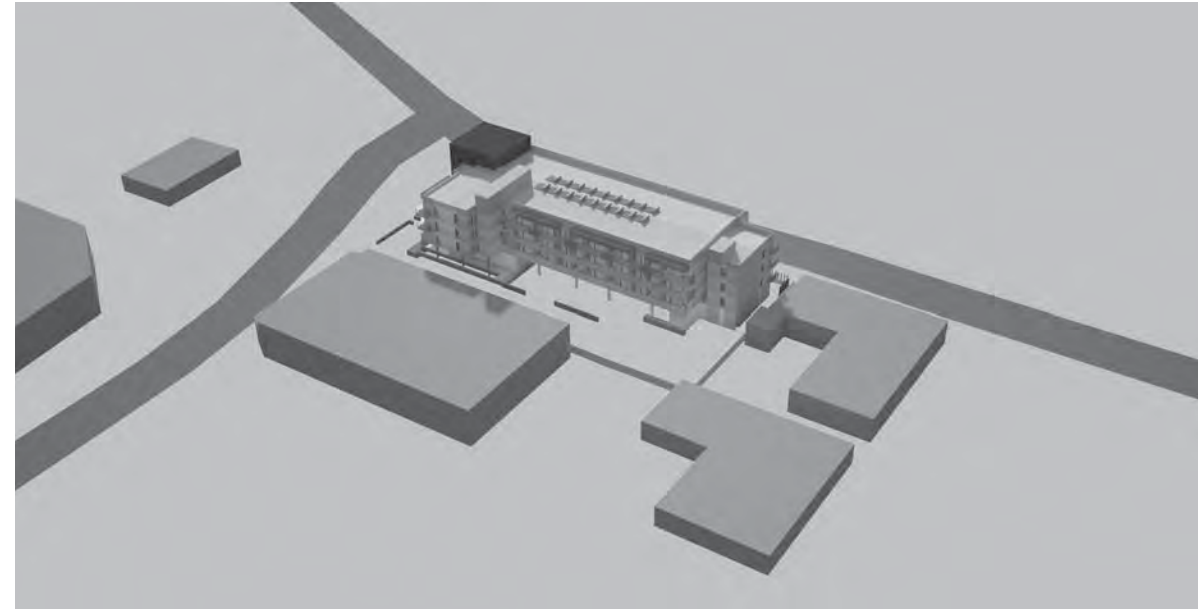
NORTH WEST AERIAL PERSPECTIVE



NORTH EAST AERIAL PERSPECTIVE



SOUTH EAST AERIAL PERSPECTIVE

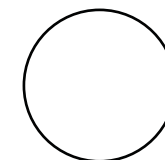


SOUTH WEST AERIAL PERSPECTIVE

Aerial Perspectives

51-57 POST OFFICE PLACE &
10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
12123	06/2013	NOT TO SCALE	TP14 REV4 12/09/13	CEEJ DEVELOPMENT



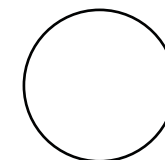


Perspective from corner of Post Office Place & Mills Street

Perspectives

51-57 POST OFFICE PLACE &
10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
12123	06/2013	NOT TO SCALE	TP15 REV4 12/09/13	CEEJ DEVELOPMENT



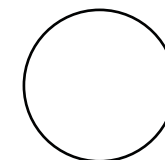


Perspective from Mills Street

Perspectives

51-57 POST OFFICE PLACE &
10 ARGLEYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
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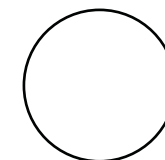


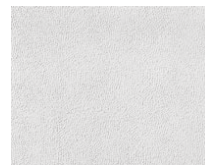
Perspective along Mills Street

Perspectives

51-57 POST OFFICE PLACE &
10 ARGLYE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
12123	06/2013	NOT TO SCALE	TP17 REV4 12/09/13	CEEJ DEVELOPMENT





WF1 Lightweight Insulated Panel Paint Finish
Colour: Light grey
Location: External walls



WF2 Lightweight Insulated Panel Paint Finish
Colour: Dark Grey
Location: External walls



WF3 Lightweight Insulated Panel Paint Finish
Colour: Feature Colour T.B.A.
Location: External walls



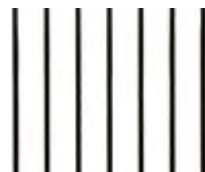
WF4 Concrete blockwork texture paint finish
Colour: Light Grey
Location: Ground Floor Walls



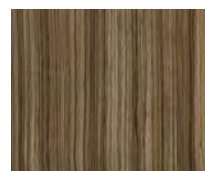
GL1 High performance glass, clear



AL1 Aluminium window frames
Powder coated
Colour: Charcoal
Location: Glazed window and door suites



BL1 Steel rail balustrade & Screen
BL2 Powder coated
Colour: Charcoal



BL3 Timber blade fin



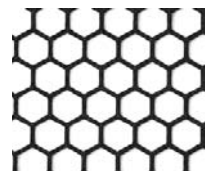
MC1 Composite Panel Cladding
Colour: Feature Colour T.B.A.
Location: Vertical Columns Cladding Feature Elements



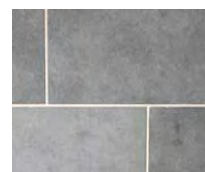
MC2 Composite Panel Cladding
Colour: Feature Colour T.B.A.
Location: Vertical Columns Cladding Feature Elements



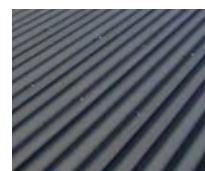
MC3 Composite Panel Cladding
Colour: Feature Colour T.B.A.
Location: Vertical Columns Cladding Feature Elements



MC4 Perforated metal
Colour: Charcoal
Location: Services doors



PA Bluestone pavers
Finish: Honed
Location: Entry and Terrance



MR Colourbond Metal Deck Roofing
Finish: Light Grey
Location: Roof



GW 600mm Aluminium walkway with Guardrails on both sides
Finish: Aluminium
Location: Roof

FINISHES

51-57 POST OFFICE PLACE &
10 ARGLEYE ST. TRARALGON, VIC

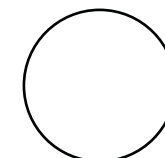
JOB NUMBER
12123

DATE
06/2013

SCALE
Not to Scale

DRAWING NO.
TP18 REV4 12/09/13

CLIENT
CEEJ DEVELOPMENT





CONTEXT ANALYSIS

51-57 POST OFFICE PLACE & 10 ARGYLE ST. TRARALGON, VIC

JOB NUMBER	DATE	SCALE	DRAWING NO.	CLIENT
12123	05/2013	NOT TO SCALE	TP01	CEEJ DEVELOPMENT



History of Application

5 June 2013	Planning Permit application received by Council
28 June 2013	Further information requested from applicant
24 July 2013	Further information received from applicant
31 July 2013	Application referred for comment from the Office of the Victorian Government Architect
2 & 5 August	Applicant advised to give notification of the application. Application referred internally to Infrastructure Planning and Strategic Planning. Application referred under Section 55 to VicRoads and PTV. Application referred under Section 52 to Gippsland Water.
22 August 2013	Objection received
28 August 2013	Statutory declaration received
2 September 2013	Further information requested from the applicant as a result of information received from the OVGA.
9 September 2013	All external referral response received
16 September	Response to the objection and request for further information as a result of input from the OVGA

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02-1 Activity Centre Planning
Clause 11.05-1 Regional Settlement Networks
Clause 15.01-1 Urban Design
Clause 17.01-1 Business

Local Planning Policy Framework

Clause 21.01 'Municipal Profile'
Clause 21.02 'Municipal Vision'
Clause 21.04 'Built Environment Sustainability'
Clause 21.05 'Main Towns'
Clause 21.07 'Economic Sustainability'

Zoning – Business 1 Zone

The subject land is located within a Business 1 Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 52.06 Car Parking
Clause 52.07 Loading and Unloading of Vehicles
Clause 52.34 Bicycle Facilities

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Offstreet car parking, Standards Australia 2004

Australian Standard AS2890.3-1993, Parking Facilities Part 3: Bicycle parking facilities, Standards Australia 1993

The Traralgon Civic Precinct Plan, Latrobe City, 5 July 2004

Quest Traralgon

Traffic and Transport Assessment

CG108258



Prepared for
CEEJ Developments

31 May 2013

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Document Control

Version	Date	Author	Author Initials	Reviewer	Reviewer Initials
F02	31/05/13	Adam Law		Valentine Gnanakone	

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1 Introduction

Cardno was retained by CEEJ Developments to undertake a traffic engineering assessment of the proposed Quest Serviced Apartments on the corner of Mill Street (Princes Highway) and Post Office Place, Traralgon.

In the course of preparing this assessment, the subject site and its environs have been inspected, plans of the development examined, and all relevant data collected and analysed.

2 Background

A Planning Permit (2009/89/C) was issued in May 2010 for the use of the subject site as an office building. It is noted that this permit has since lapsed.

Cardno (Grogan Richards) prepared a Traffic Engineering Assessment Report (Ref CG108258Rep02F02 dated 18 March 2009) as part of the planning application.

Review of the Cardno report reveals that a total floor area of 3,170m² of office was proposed, in addition to 75 car spaces, with access from both Post Office Place and an unnamed R.O.W to the rear of the site.

3 Existing Conditions

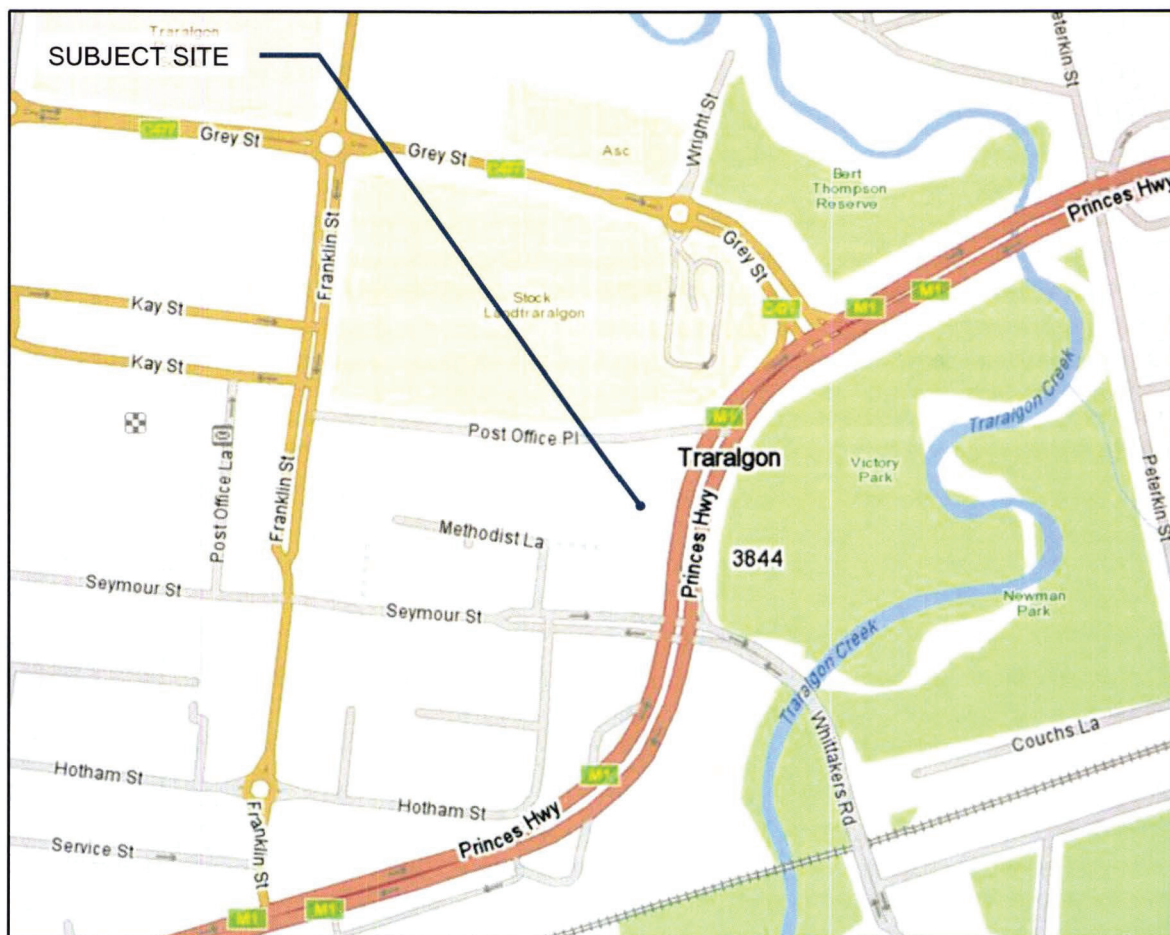
3.1 Location and Land Use

The subject site is located on the corner of Mill Street and Post Office Place, Traralgon as shown in Figure 3-1. The site has a frontage to Mill Street of approximately 69.5m, an abuttal to Post Office Place of 39m and a total area of approximately 2,710sqm.

The site is currently unoccupied. Historically the site has been used as a church/ community centre and a gravel car park with access via two crossovers to Mill Street (Princes Highway).

The Traralgon Centre Shopping Plaza is located immediately to the north of the site, with Manny's Market to the west and Latrobe Community Health Service to the south.

Figure 3-1 Site Locality (Source: whereis.com)



3.2 Planning Zones

Figure 3-2 shows the location of the site and the La Trobe Planning Scheme Zones.

Figure 3-2 Planning Scheme Zones

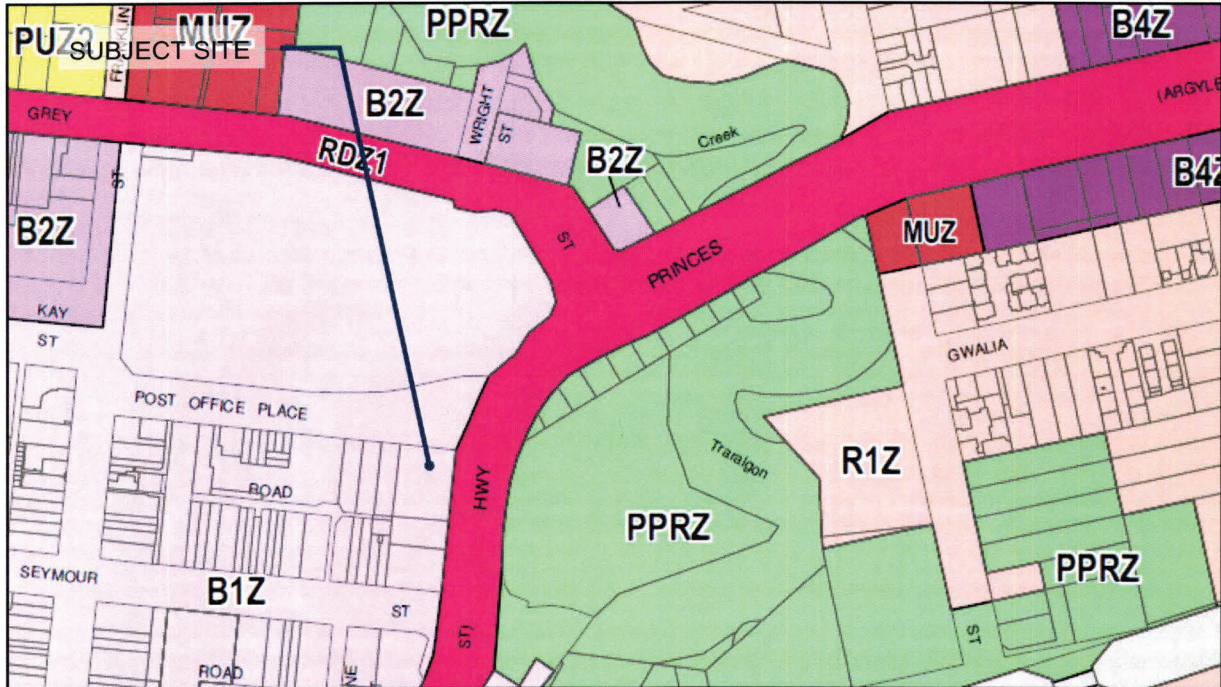


Figure 3-2 demonstrates that the subject site is located within the Business 1 Zone. The permitted uses for the B1Z are listed in Clause 34.01 of the Latrobe Planning Scheme.

3.3 Road Network

3.3.1 Princes Highway (Mill Street)

Princes Highway (Mill Street) is a Declared Main Road and is generally aligned east-west through Traralgon. In the vicinity of the subject site, the Princes Highway runs north-south and has a divided carriageway with 2 through lanes in each direction. A parking lane exists on the west side of the northern carriageway adjacent to the site.

The intersection of Princes Highway / Post Office Place has recently been upgraded as part of VicRoads Blackspot program to incorporate auxiliary turn lanes.

Figure 3-3 illustrates Princes Highway facing south in the vicinity of the site.

At the frontage of the subject site, a speed limit of 60km/h applies.

Figure 3-3 Princes Highway facing South



3.3.2 Post Office Place

Post Office Place is a local road running east-west between Princes Highway and Franklin Street.

Post Office Place comprises of an exclusive traffic lane with angle parking lane on both sides, as shown in Figure 3-4. Post Office Place also provides access to the Traralgon Plaza Shopping Centre. A median exists along the majority of the site frontage and a speed limit of 50kph applies.

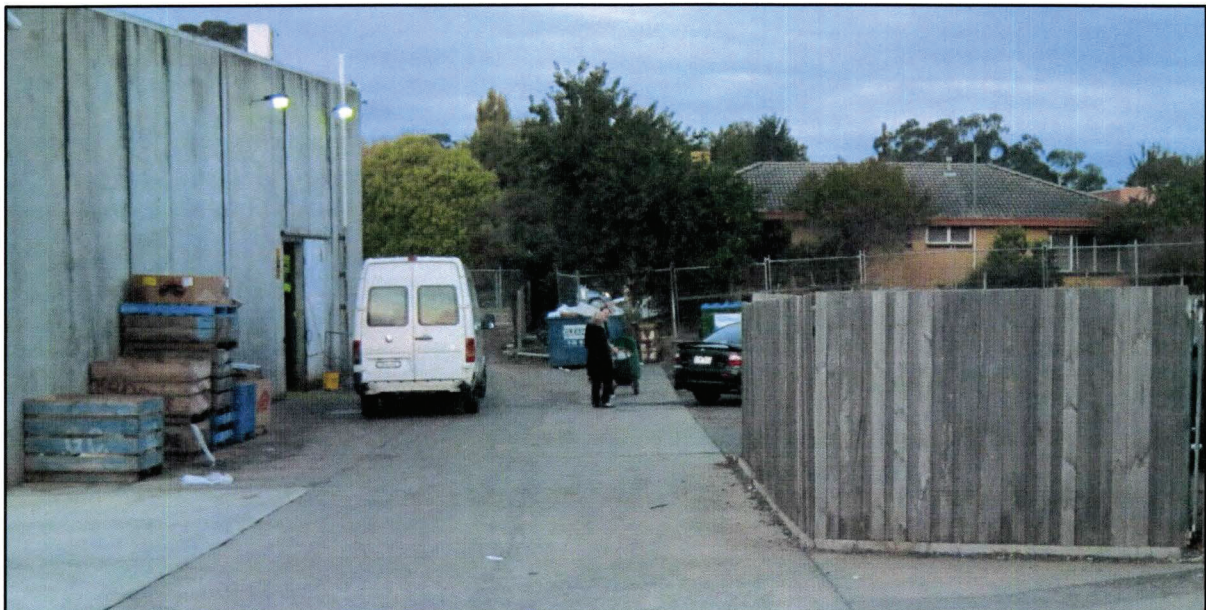
Figure 3-4 Post Office Place facing West



3.3.3 Unnamed R.O.W

Access to the rear of the site is provided via a ROW which is orientated east-west between Seymour Street and Post Office Place. The ROW is accessible through the Manny's Market car park and the car parking aisle immediately west of Manny's Market. Egress from the ROW is provided via a second ROW which is exit only onto Seymour Street. The existing ROW serves waste collection and a staff parking function for a number of the properties abutting both Seymour Street and Post Office Place. The ROW at the rear of the subject site is shown in Figure 3-5.

Figure 3-5 Unnamed R.O.W



4 Proposed Development

It is proposed to develop the site as a Quest Serviced Apartments building with associated café, conference, office and gym facilities. The proposed development schedule is summarised in Table 4-1.

Table 4-1 Development Schedule

Component	Quantity
1 Bedroom	33
Dual Key Studio	33
2 Bedroom	9
3 Bedroom	3
Total Dwellings	78

Access to the site is proposed via the access location approved as part of the existing permit, with a single access being provided to Post Office Place in the north-west corner of the site.

A total of 56 car parking spaces are proposed on the site, including 4 tandem parking spaces at the rear of the car park, and one disabled parking space near the main entrance to the site.

Eight bicycle parking spaces are proposed in an undercover area on the northern side of the building.

5 Design Considerations

5.1 Car Parking and Access

The car park and access design has been assessed against the requirements of the LaTrobe Planning Scheme and the Australian Standard for off-street car parking (AS/NZS 2890.1).

All car spaces meet the minimum dimension requirements of the LaTrobe Planning Scheme, being 2.6 metres wide and 4.9 metres long, with an aisle width of at least 6.4 metres.

Tandem car parking spaces are provided with an additional 500mm length to allow clearance between parked cars in accordance with the LaTrobe Planning Scheme. It is proposed that tandem car parking spaces will be allocated to staff only.

Standard car parking spaces on a ramp have been provided at a maximum grade of 1:20, measured from 90 degrees to the parking space which is in accordance with the Australian Standard.

Disabled Parking has been provided in accordance with the Australian Standard for Off-street parking for people with disabilities (AS/NZS 2890.6).

The location of structural columns within the car park adjacent to car parking spaces have been provided in accordance with the Planning Scheme parking envelope, which recommends that columns be located within 250mm-1250mm from the open end of the space.

Dead end aisles have been typically been provided with an aisle extension length of 1m in accordance with the Australian Standard specifications. A swept path analysis has been undertaken for car parking adjacent the reduced dead end aisle extension of 650mm to demonstrate that vehicles will be able to enter and exit the space without the requirement for a correctional manoeuvre, and as such is considered acceptable.

Access to the on-site car parking areas is proposed to be provided via 6.4m wide access which is in accordance with the Australian Standard specifications for two-way two-lane access.

5.2 Bicycle Parking and Access

All bicycle spaces and access aisles meet the minimum dimension requirements of the La Trobe Planning Scheme and Australian Standard, and are therefore considered appropriate. Furthermore, appropriate envelopes are provided along the access path to the bicycle parking area, to allow for easy bicycle access.

5.3 Garbage Collection

A bin storage area is shown within the at-grade car park, adjacent the maintenance area. It is understood that bins will transferred to the kerbside of Post Office Place by building management to be collected as part of Council's municipal waste services, or by a private contractor.

6 Bicycle Parking Considerations

Clause 52.34 of the LaTrobe Planning Scheme specifies the bicycle parking requirements for employees, residents and visitors to the site based on land use. Whilst Clause 52.34 does not specify parking for 'serviced apartments' it is considered that the bicycle parking requirements for a motel use are the nearest land use approximation to the proposal, and is summarised in Table 6-1.

Table 6-1 Bicycle Parking Requirements – Clause 52.34

Component	Number/Area	Resident / Employee Rate	Spaces	Visitor Rate	Spaces
Motel	78	1 to each 40 rooms	2	None	0
Office	58 m2	1 space per 300m2 for employees	0	1 space per 1000m2 for visitors	0
Place of Assembly (Conference)	135 m2	1 space per 1,500m2 of for employees	0	2 + 1 space per 1,500m2 for visitors	2
Restaurant	88 m2	1 space per 100m2 for employees	1	2 + 1 space per 200m2 for visitors	2
Total			3		4

The proposed provision of 8 bicycle parking space is in accordance with the Planning Scheme requirements, and is considered appropriate.

7 Loading Considerations

Clause 52.07 of the La Trobe Planning Scheme outlines the requirements for the loading and unloading of vehicles, and specifies loading requirements for developments which include the manufacture, servicing, storage or sale of goods or materials. It specifies that:

- > No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:
 - Space is provided on the land for loading and unloading vehicles as specified in Table 7-1;
 - The driveway to the loading bay is at least 3.6 metres wide;
 - The driveway that provides access to the loading bay is at least 3.6 metres wide.
 - A permit may be granted to reduce or waive these requirements if either
 - The land area is insufficient; or
 - Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

Table 7-1 Planning Scheme Loading Requirements – Clause 52.07

Floor Area of Building	Minimum Loading Bay Dimensions	
2,600 m ² or less in single operation	Area	27.4 m ²
	Length	7.6 m
	Width	3.6 m
	Height clearance	4.0 m
For every additional 1,800 m ² or part	Additional 18 m ²	

It is noted that the only component of the development which would attract a requirement for loading under the Planning Scheme is the proposed café. It is noted however that the café component of the site is ancillary to the proposed serviced apartments which would not generate a requirement for loading.

Notwithstanding the above, it is considered acceptable for a waiver of the on-site loading requirement given the small size of the café and the infrequent deliveries anticipated. Deliveries to the site are expected to be via passenger vehicle or small van in which instance it is considered that the on-site car parking area is suitable to accommodate any short-term loading requirements.

8 Car Parking Considerations

8.1 Statutory Requirements

'Serviced apartments' is not a specified use under the Latrobe Planning Scheme, which states that "When a use is not specified in the table at Clause 52.06-5, an adequate number of car spaces must be provided to the satisfaction of the responsible authorities".

The nearest land use to the proposal for which the Planning Scheme specifies a parking rate is considered to be a 'motel'. Clause 52.06 of the LaTrobe Planning Scheme specifies the following parking provision requirements for Motel.

- > 1 space to each unit
- > 1 space to each manager dwelling
- > 50 per cent of the relevant requirement of any ancillary use

It is noted that the dual key apartments could operate as two single dwellings (as they are provided with a separate access to the common areas and a separate bathroom) and as such will be conservatively assessed as separate units.

With regard to the ancillary components such as café, office and conference facilities, Clause 52.06 states the statutory parking requirements which are listed in Table 8-1. Application of the Planning Scheme rates for a 'motel' to the proposed serviced apartment development summarised in Table 8-2.

Table 8-1 Planning Scheme Car Parking Requirements – Clause 52.06-5

Component	Land Use	Rate	Car Parking Measure
Café	Food and drink premises other than listed in this table	4	to each 100 sq m of leasable floor area
Reception/Office	Office	3.5	to each 100 sq m of net floor area
Conference	Place of assembly	0.3	0.3 to each patron catered for

Table 8-2 Planning Scheme Car Parking Requirements – 'Motel'

Component	Quantity	Rate	Spaces
1 Bedroom	33	1 per dwelling	33
Dual Key Studio	33	1 per dwelling	33
2 Bedroom	9	1 per dwelling	9
3 Bedroom	3	1 per dwelling	3
Sub-Total Dwellings	78		78
Cafe	88 m ²	(4 per 100 m ²)/2	2
Conference	135 m ² (assuming 50 patrons)	(0.3 per patron)/2	8
Reception + Office	58 m ²	(3.5 per 100 m ²)/2	1
Sub-Total Ancillary			11
Total			89

Review of Table 8-2 indicates the total Planning Scheme requirement would be equal to 89 car spaces (78 resident + 11 ancillary = 89).

Furthermore Clause 52.06-6 states that an application to reduce or waive the requirement for car spaces must be accompanied by a Car Parking Demand Assessment, which includes an assessment of the following:

- > The variation of car parking demand likely to be generated by the proposed use over time.
- > The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- > The availability of public transport in the locality of the land.
- > The convenience of pedestrian and cyclist access to the land.
- > The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- > Any empirical assessment or case study.

8.2 Empirical Assessment

8.2.1 ABS Data

Latrobe City Council undertook a Tourism Product Audit for the municipality in 2011 which was summarised within a final report dated May 2011.

As part of the audit, ABS data for the municipality was reviewed. The ABS data for hotels, motels and serviced apartments with 5 or more rooms in the La Trobe area over the past 3 years reveals a slight downward trend in average occupancy rates, from 49.7% (2007/2008) to 46.2% (2009/2010).

Further review of ABS data indicates the peak occupancy rates for the 2009-2010 (most recent) period occurred in May when around 56% of tourism accommodation was occupied.

8.2.2 Quest Serviced Apartments

A large proportion of the dwellings proposed are to be dual key units. It is the experience of Quest that the dual key arrangement whilst increasing occupancy numbers, generally results in shared transport to the site due to the intimate and proximal locations of the room entries.

Cardno have sourced case study data from a wide range of established Quest serviced apartment sites to determine typical car parking rates for the proposed. Car parking surveys were undertaken at four Quest developments across a one week period in May 2006 during both the morning and evening periods to identify peak demands. A summary of the survey results is provided in Table 8-3.

It is noted that Quest parking data sourced comprised a mix of single and dual key units, in addition to ancillary conference, gym and office facilities typical to Quest properties and similar to that of the proposed.

Table 8-3 Case Study Data Quest Apartments

	Single Units	Dual Key Units	Total Units	Peak Parking Demand	Time	Parking Rate / Occupied Unit
Quest Geelong	19	8	35	29	Mon, 11am	1.11
Quest Dandenong	0	35	35	19	Sat, 11pm	0.55 ¹
Quest Townsville	0	69	138	127	Sat, 7:30pm	0.68
Quest Ascot	25	12	49	13	Sun, 11am	0.46
Average						0.70

¹100% occupancy assumed

Based on the preceding, it is anticipated that the peak parking demand generated by the serviced apartments would be generated at a rate of 0.70 spaces per occupied unit.

8.3 Adequacy of the Proposed Car Parking Supply

With consideration to the proceeding ABS and case study data reviewed, it is conservatively expected that during the peak accommodation periods the proposed serviced apartments would be at most 60% occupied (based on ABS data), resulting in $78 \times 60\% = 47$ occupied units.

Based on case study data, the occupied units of the proposed development are anticipated to generate a car parking demand at a rate of 0.7 spaces / dwelling, resulting in a demand of $47 \times 0.7 = 33$ car spaces.

The proposed provision of 56 car parking spaces on-site meets and exceeds the peak car parking demands to be associated with the site and is considered appropriate.

9 Traffic Considerations

The RTA (NSW) Guide to Traffic Generating Developments recommends the adoption of a traffic generation rate of 3 daily vehicle trips per apartment and a rate of 0.4 movements per apartment during the PM peak hour, for motel uses. The RTA Guide to Traffic Generating Developments also states that the above mentioned rates conservatively assume 100% occupancy of units.

In view of the foregoing, a peak hour (AM & PM) traffic generation rate of 0.4 vehicle movements per room has been adopted to assess the likely traffic impacts of the proposed development. For the 78 rooms available to be let, this equates to a generation of 31 vehicle movements during both commuter peak hours.

It is noted that this assessment is considered very conservative given that the apartments are not anticipated to be 100% occupied at any time.

The previously approved office development was projected to generate traffic up to 45 and 38 vehicle movements during the AM and PM peak hours, respectively.

The proposed serviced apartments results in a net reduction of traffic generation by the site when compared to the approved office development. As such the proposed use of the site as a serviced apartment building is expected to have no significant impact in the operation of the surrounding road network.

10 Conclusions

Based on the foregoing analysis it is concluded that;

- > It is proposed to develop the site as a Quest Serviced Apartments with a total of 78 units and ancillary conference, gym and café components;
- > The car park and access design has been provided generally in accordance with the requirements of the LaTrobe Planning Scheme and the Australian Standard for off-street car parking (AS/NZS 2890.1), and is considered appropriate;
- > The proposed provision of 8 bicycle parking spaces exceeds the Planning Scheme Requirements, and is considered appropriate;
- > It is anticipated that the site will generate a peak parking demand of 33 car spaces based on case study data and an empirical assessment of the site;
- > The proposed provision of 56 on-site car parking spaces exceeds the car parking demands anticipated for the site and is considered appropriate;
- > The approved development of the site as an office building was projected to generate up to 45 vehicle trips during the peak periods;
- > The proposed development is expected to generate up to 31 vehicle trips during the AM and PM peak periods, resulting in a net reduction of traffic to be generated by the site;
- > The proposed use of the site as a serviced apartment building is expected to have no significant impact in the operation of the surrounding road network, and is considered appropriate.

Traffic and Transport Assessment

APPENDIX

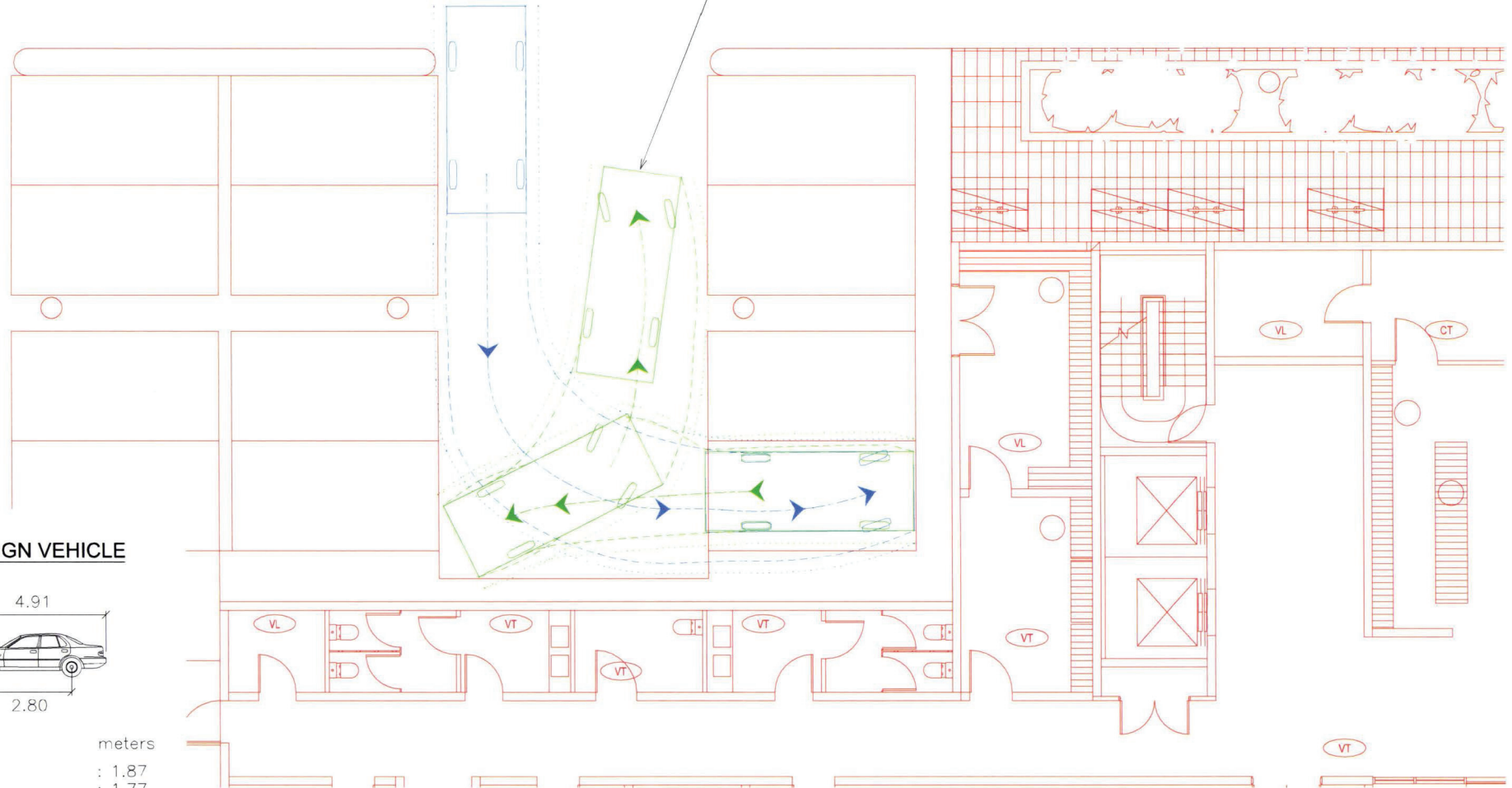
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SWEPT PATH ANALYSIS

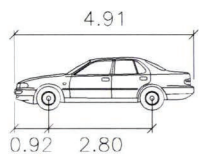


**SUBJECT SITE
GROUND FLOOR PLAN**

B85 CAR SWEEP PATH
0.3m CLEARANCE SHOWN



DESIGN VEHICLE



B85		meters
Width	: 1.87	
Track	: 1.77	
Lock to Lock Time	: 6.0	
Steering Angle	: 34.0	

CG108258SK01P2 - QUEST TRARALGON - CNR PRINCES HWY & POST OFFICE PLACE - TRARALGON
B85 CAR SWEEP PATH ANALYSIS - 0.3m CLEARANCE SHOWN

SCALE - 1:100 @ A1 DATE - 23/05/13

**QUEST TRARALGON
PLANNING SUBMISSION**

MB122-01F02 (REV 2) ACOUSTIC REPORT FOR PLANNING.DOCX

3 MAY 2013

Prepared for:

Ceej Developments Pty Ltd

C/- MGS Architects 10-22 Manton Lane Melbourne, Vic 3000

Attention: Vince Giagnorio





Jody Riordan
Latrobe City Planning Unit
PO Box 264 MOREWELL
VIC 3840

13 September 2013

Dear Jody

**Re: Objection to Planning Permit Application 2013/139, 51-57 Post Office Place, Traralgon
Further Information Request**

Thank you for forwarding the objection from B. Lee, Managing Director of "Bridges on Argyle Motel and Serviced Apartments" dated 21 August 2013 regarding planning permit application 2013/139.

In the objection B. Lee raises 2 issues of concern regarding the proposal namely;

- Land use definition of 'Residential Hotel,' verse 'Motel'; and
- Adequacy of car parking on site for the proposed use.

Each of these issues has been addressed under the following headings.

Land use definition

B. lee disputes the land use nomination of the proposal being for a 'Residential Hotel'. B. Lee suggests that the correct land use nomination should be as a 'Motel'. To help clarify the why the definition of a 'Residential Hotel' has been used for this proposal we have refer to the Latrobe Planning Scheme.

The Latrobe Planning Scheme sets down the meaning of land use terms, providing a definition for each land use under Clause 74.

Clause 74 defines a 'Motel' use as,

"Land used to provide accommodation in serviced rooms for persons away from their normal place of residence, and where provision is made for parking guests' vehicles convenient to the rooms."

The key terms for this definition have been underlined. This definition defines a 'Motel' as an accommodation type that a guest is able to park their car in front of with only a few metres to traverse to their room. Furthermore this particular use is for accommodation only.

Conversely a 'Residential Hotel' is defined by Clause 74 as,

"Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and

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MESSAGE

gambling."

This definition accurately describes the proposed land use. The proposal contains more than 20 rooms and has ancillary uses such as a conference room and café for the use of guests. Therefore the proposed land use can be more accurately defined as a 'Residential Hotel' rather than as a 'Motel'.

On site car parking

Turning to the matter of car parking Cardno traffic consultants has provided a detailed response to the concerns raised in B. Lee's letter regarding car parking demands and traffic movements. The Cardno letter is enclosed.

From a town planning perspective we would like to provide the following comments.

Car parking for a particular use is set down at Table 1, Clause 52.06-5. The proposed use for 'Residential Hotel' is not a specifically nominated use under Table 1 Clause 52.06-5. The land use for a 'Motel' is however listed.

As discussed above, the definition of a 'Motel' does not accurately describe the proposed use. Clause 52.06A does not set down a prescribed ratio or number of car spaces for a 'Residential Hotel' rather *"an adequate number of car spaces must be provide to the satisfaction of the Responsible Authority"* pursuant to Clause 52.06A.

As there is no set car parking rate for a 'Residential Hotel' it is up to the responsible authority (ie Council) to decide whether the proposed 55 on site car spaces are sufficient for the proposal.

We consider that 55 space are sufficient for this proposed development and this has been confirmed by the Traffic and Transport Assessment prepared by Cardno and dated 31 May 2013 and their additional advice dated, 13 September 2013.

I hope this letter has provided some clarification regarding the definition of the land use and how the proposal is assessed under the provisions of the Latrobe Planning Scheme.

If you have any further questions regarding the proposal please contact me on 9934 6500 or alternatively email claire@messageconsultants.com.

Yours sincerely

Claire Romaszko

Message Consultants Australia Pty Ltd

CC via email:

Vincent Giagnorio, Business Development Manager, CEEJ Developments

Chris Jones, Director, MGS Architects

Our Ref: CG108258\AL
Contact: Adam Law



13 September 2013

Latrobe City Council
PO Box 264
MORWELL VIC 3840

Attention: Jody Riordan

Cardno Victoria Pty Ltd
ABN 47 106 610 913

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Australia

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Fitzroy VIC 3065
Australia

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Dear Jody,

**PROPOSED QUEST SERVICED APARTMENTS
51-57 POST OFFICE PLACE, TRARALGON**

Introduction

Cardno have been engaged by CEEJ Developments to provide traffic and car parking advice for the proposed Quest Serviced Apartments at 51-57 Post Office Place, Traralgon.

A town planning application was submitted for the site in June 2013. Cardno prepared a Traffic and Transport Assessment (Cardno Report CG108258REP003F02 dated 31 May 2013) to accompany the town planning application.

The application progressed to advertising and received one objection; citing traffic and car parking grounds. The objection, raised by Bridges on Argyle, is attached to this letter.

In summary the objection was raised on the following grounds:

- The car parking provision does not comply with the La Trobe Planning Scheme;
- Ancillary uses will generate a car parking demand;
- Parking for staff has not been considered;
- No provision for visitor, delivery and general inquiry vehicles; and
- Traffic distribution from the site.

Further following information is provided in response the abovementioned items as follows.

Proposed Development

Through consultation with Council and the State Government the proposed development schedule and car parking provision have been revised since the original application.

The current proposal is for a Quest Serviced Apartments building with 78 apartments and associated café (110m² including outside seating), conference (135m²), office/reception (58m²) and gym (92m²) facilities.

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The associated conference, office and gym facilities will be made available for use by Quest guests only. It is now understood that the café component will be made available for use by the public, but is anticipated to be primarily utilised by guests of Quest.

A total of 55 car parking spaces are now proposed, comprising 1 disabled space, 6 tandem spaces and 48 standard spaces.

Car Parking Considerations

LaTrobe Planning Scheme – Clause 52.06

The proposed land use as 'Residential Hotel' is not a specified use under the LaTrobe Planning Scheme, which states that "When a use is not specified in the table at Clause 52.06-5, an adequate number of car spaces must be provided to the satisfaction of the responsible authorities".

It is noted that the Café may be utilised by the public. Clause 52.06-5 specifies a rate of 4 spaces per 100m² for a 'Food & Drink premises', application of this rate to the 110m² of Café (including outdoor seating) would result in a statutory requirement for 4 car spaces.

An empirical assessment of the likely car parking demands of the site is considered appropriate for this application, given that the proposed use is not defined under the Planning Scheme. Furthermore the proposal is specific for a 'Quest' serviced apartments and as such will function similarly to other Quest serviced apartment developments.

Empirical Assessment

ABS Census Data

Latrobe City Council undertook a Tourism Product Audit for the municipality in 2011 which was summarised within a final report dated May 2011.

As part of the audit, ABS data for the municipality was reviewed. The ABS data for hotels, motels and serviced apartments with 5 or more rooms in the La Trobe area over the past 3 years reveals a slight downward trend in average occupancy rates, from 49.7% (2007/2008) to 46.2% (2009/2010).

Further review of ABS data indicates the peak occupancy rates for the 2009-2010 (most recent) period occurred in May when around 56% of tourism accommodation was occupied.

Quest Serviced Apartments

A total of 78 serviced apartments are proposed on the site although notably the majority of apartments are 'dual key' which operate with a 1 one-bedroom apartment adjacent a studio apartment and can be linked as part of a booking.

If each of the dual key apartments were to be rented as a single apartment then the maximum number of serviced apartments to be leased on site would be equal to 33 dual key + 9 two-bedroom + 3 three-bedroom = 45 apartments total.

Conservatively the following analysis has been undertaken assuming that of the dual key apartments are leased separately, for a total of 78 apartments on-site.

It is the experience of Quest that the dual key arrangement whilst increasing occupancy numbers, generally results in shared transport to the site due to the intimate and proximal locations of the room entries.

Cardno have sourced case study data from a wide range of established Quest serviced apartment sites, which surveyed car parking demands for both staff and visitors. Additionally, the Quest site reviewed included the following ancillary facilities which are similar to the proposal:

- Quest Geelong: Meeting space for up to 10 people seated,
- Quest Dandenong: Meeting space for up to 40 people seated, on-site swimming pool, BBQ facilities,

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- Quest Townsville: BBQ facilities, on-site swimming pool
- Quest Ascot: Meeting spaces for up to 15 people seated, small kitchen, on-site gym

Table 1: Case Study Data Quest Apartments

	Single Units	Dual Key Units	Total Units	Peak Parking Demand	Time	Parking Rate / Occupied Unit
Quest Geelong	19	8	35	29	Mon, 11am	1.11
Quest Dandenong	26	4	34	19	Sat, 11pm	0.55 ¹
Quest Townsville	0	69	138	127	Sat, 7:30pm	0.68
Quest Ascot	25	12	49	13	Sun, 11am	0.46
Average						0.70

¹ 100% occupancy assumed

It is noted that the above case study data has been sourced for 'Quest' serviced apartments only, which cater to predominately business clientele and operate distinct from other serviced apartment sites.

Based on the case study data provided, it was revealed that for Quest sites with a high proportion of 'dual key' units that on average, the peak parking demand was equal to 0.70 spaces per occupied unit inclusive of both staff and visitors to the site.

Anticipated Car Parking Demands

Conservatively adopting a peak occupancy for the site of 60% (which is supported by ABS data for the area which shows a peak of 56% occupancy for tourism accommodation), the peak parking demands anticipated for the site are calculated as:

$78 \text{ (proposed apartments)} \times 60\% \text{ (peak occupancy)} \times 0.70 \text{ (peak parking demand)} = 33 \text{ spaces.}$

It is noted that even if the café were to generate external visitors to the site, that a requirement of 4 car spaces is specified under the Planning Scheme.

Conservatively allowing for the additional café parking demands to be accommodated on-site, a peak parking demand of 33 (serviced apartments) + 4 (café open to public) = 37 car spaces.

The proposed provision of 55 spaces exceeds the peak demands anticipated for both visitors and staff of the site and is considered appropriate.

The provision of 55 on-site car parking spaces is equivalent to 0.71 spaces per apartment which is in excess of the surveyed peak parking rate even if the proposed development was to operate at 100% occupancy.

The four tandem spaces located in the south end of the car park will be allocated to staff only to ensure the effective operation of the tandem space.

Summary

The proposed provision of 55 car parking spaces on-site exceeds the anticipated peak parking demands for the site. It is noted that the peak demand of 37 spaces includes demands associated with staff, guests, visitors, general inquiries and independent visitors to the café.

Furthermore the Quest case study data for which the peak parking demands have been derived include components of conference, restaurant and gymnasium facilities, and any additional demands generated by these uses would be included within that case study data.

Quest have a robust understanding of their own parking requirements and look to accommodate all parking demands on-site for each of their development; being part of the service and convenience that they provide.

The proposed development and parking provision is anticipated to have no significant impact on the operation of Post Office Place or the surrounding road network, and all peak parking demands are anticipated to be accommodated on-site.

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Loading Considerations

It is noted that the only component of the development which would attract a requirement for loading under Clause 52.07 of the La Trobe Planning Scheme is the proposed café. It is noted however that the café component of the site is ancillary to the proposed 'Serviced Apartments' land use which would not generate a requirement for loading.

Deliveries to the site, albeit infrequent, are expected to be limited to small vans and passenger vehicles and take place outside of peak periods. It is considered that the on-site car parking area is suitable to accommodate any short-term loading requirements and will not have any significant impact of the operation of the surrounding road network.

Traffic Considerations

Traffic Generation

As outlined in the Traffic and Transport Assessment report prepared by Cardno, a peak hour (AM & PM) traffic generation rate of 0.4 vehicle movements per room is anticipated. If it is very conservatively assumed that the 78 rooms are 100% occupied, this equates to a generation of 31 vehicle movements during both commuter peak hours.

It is noted that this assessment is considered very conservative given that the apartments are not anticipated to be 100% occupied at any time. In practice, the traffic generation of the site is expected to be in the order of $31 \times 60\% = 19$ vehicle movements.

It is noted that the site has previously approved for use as an office development. The proposed site access location for the 'Quest' serviced apartments is the same as the approved office development.

The previously approved office development was projected to generate traffic up to 45 and 38 vehicle movements during the AM and PM peak hours, respectively. The proposed serviced apartments results in a net reduction of traffic generation by the site when compared to the approved office development.

Traffic Distribution

It is acknowledged that given the current layout of Princes Highway / Post Office Place, that development traffic would be restricted to left in and left out from Post Office Place.

Development traffic wishing to depart to the south on Princes Highway will do so via Post Office Place – Franklin Street – Seymour Avenue – Princes Highway. It is noted that this would be necessary regardless of the access arrangement as the intersection of Princes Highway / Post Office Place does not permit traffic to turn right from Post Office Place to Princes Highway.

Development traffic wishing to depart to the north on Princes Highway will likely do so via Post Office Place – Franklin Street – Seymour Avenue – Princes Highway. The level of traffic generated by the development is not considered to be significant in traffic engineering terms and will not have a noticeable impact of the surrounding streets.

Again it is noted that the traffic generated by the current proposal is less than what was previously approved and will be subject to the same access constraints.

The traffic generation and distribution of the site has been reviewed by both Council and VicRoads who have offered no objection to the proposal.

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Summary

With consideration of the preceding we consider that the proposed car parking and access provisions are appropriate for the use of the site as a 'Quest' Serviced Apartments building. It is expected that all car parking demands will be contained within the bounds of the site and that traffic generated to and from the development will not have any noticeable impact on the surrounding road network.

If you have any queries please do not hesitate to contact the undersigned.

Yours sincerely,

Adam Law
Design Engineer - Traffic Transport & Parking
for Cardno
Direct Line: 8415 7524
Email: adam.law@cardno.com.au



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21st August 2013

Latrobe City Council,
 Planning Department,
 P. O. Box 264
 MORWELL VIC 3840

LATROBE CITY COUNCIL
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Dear Sir / Madam,

RE : Planning Permit Application 2013/139
51-57 Post Office Place & 10 Argyle Street, Traralgon.

I write with reference to the above Planning Permit application and hereby wish to register my objection to this application.
 To clarify this objection it should be noted that I have in fact no overall objection to the actual development and proposed use of this site but only to certain aspects of its proposed design and operational elements.
 These design elements are, from my experience in building and operating a similar business, crucial to owning and operating of such a business.

The terminology of a 'Residential Hotel' in this application, in my opinion, is not correct and implies a different use as to what this building will operate as and be used for. This building will be operated, used and advertised as a motel.

After viewing the submitted documentation and details therein the main concern, or basis, of my objection is the obvious lack of sufficient on and off site car parking for guests, staff, management, deliveries and visitors.

The usage of the building (motel) and the appropriate number of onsite car parking spaces required for this type of development has to conform to Clause 52.06.8 of the Latrobe Planning Scheme.

Latrobe Planning Scheme
 Table 1: Car parking requirement

USE	RATE	RATE	CARPARKING MEASURE
	COLUMN A	COLUMN B	
	Applies the Standard rate to all zones	Applies where specified in a schedule to the Parking Overlay	
Motel	1	1	To each unit, and to each manager dwelling, plus 50 percent of the relevant requirement of any ancillary use

The Consultant responsible for preparing the required Traffic Demand Assessment uses Clause 52.06.8 - Table 1 and the correct definition of the proposed use of the building (motel) and calculates the total number of required car spaces as eighty nine (89) for all types of vehicles.

The submitted drawings show fifty six (56) on site car spaces, with some even in tandem, to service seventy eight (78) rooms, Conference Room Café and Gymnasium is as I have previously stated is totally inadequate.

The written documentation states in various parts that there are only fifty five (55) car spaces to be provided on site.

The justification given in the application to reduce the required eighty nine (89) on site car spaces is by stating that thirty three (33) of the proposed apartments (rooms) are 'twin key' or 'dual key' operation and hence negate the need for thirty three (33) on site car is erroneous.

The submitted drawings clearly indicate that all rooms are designed and are to be provided with all facilities to operate as individual rooms. Even if these 'twin key' or dual key rooms had no individual facilities this proposal would still not fully comply with the Latrobe Planning Scheme car parking requirements.

In a further attempt to further justify the reduced number of car parking spaces that this application requires, it states that the Conference Room and Café (not Dining Room) as being ancillary uses and that these areas are for 'house quests' only.

These ancillary areas will in fact, from my experience, actually generate additional people to the building for various reasons and it would be difficult to restrict these ancillary areas to 'house guest' use only.

The vehicle parking for staff, company or resident manager(s) has also not appeared to have been considered, or indicated, in this application. Staff numbers, from my experience, for a business of this size would be approximately twenty seven (27) including the required resident managers.

Vehicles for deliveries, visitors and or general enquires to the building have no actual access to any on street parking abutting the site and would obviously have to enter the site adding further to congestion.

This lack of on street parking will therefore put pressure on adjoining businesses to this site, which like me, have provided the appropriate number of required onsite parking combined with access to an adequate number of on street parking bays.

A second point I would like to raise is more of an observation, (not a specific objection) that relates to the traffic movements to and from the site that will be generated on a daily basis, from vehicles accessing the development.

Under the current proposal all traffic will have to enter the site from the Princes Highway, which is logical, however there is no direct and easy access back on to the Princes Highway.

There is no option for vehicles to legally turn right when exiting the development nor is there an option for vehicles to enter the site by turning right in Post Office Place. All vehicles therefore leaving the site will have to travel via Post Office Place, Franklin and Seymour Streets to return to the Princes Highway causing additional traffic in those streets, all be it at limited times.

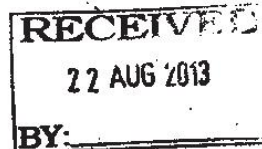
Without being factious a solution rectify these problem in this proposed development, in my opinion, would be to either construct another level of car parking or remove one floor of motel rooms.

I am more than willing if required to meet with Council to discuss, expand or clarify any of these areas of my objection.

Yours sincerely,



B. Lee
Managing Director



CORRESPONDENCE

9. CORRESPONDENCE

10.1 TRARALGON MEN'S SHED AND WOODWORK INC - REQUEST FOR CONTINUED FINANCIAL ASSISTANCE.

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is for Council to consider a request from the Traralgon Men's Shed and Woodworking Inc for ongoing reimbursement of the groups energy costs and the annual rental payment, refer attachment 1.

DECLARATION OF INTEREST

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

OFFICER COMMENTS

At the ordinary Council meeting on 7 May 2012 the following Notice of Motion presented by Councillor Harriman was adopted:

"That Council officers investigate paying the rental (\$1285 pa) and power costs (Approx. \$1500) of "The Men's Shed" in Traralgon and report back to Council at the next normal Council meeting of the feasibility of this."

Council considered a follow up report at the ordinary Council meeting held on 21 May 2012 and resolved:

1. *"That Council pay the rental and power costs of the Traralgon Mens Shed for one year.*
2. *That Council write to representatives of the Traralgon Men's Shed and encourage them to contact the Department of Human Services, Australian Men's Shed Association (Victorian Chapter) and the Traralgon Neighbourhood House in relation to assistance with funding."*

Refer attachment 2 for a copy of Council's letter to the Traralgon Men's Shed notifying the group of the above Council decision.

The one year reimbursement of both rental and electricity payments commenced 1 July 2012 and concluded 30 June 2013 with Council reimbursing the following amounts:

2012-13 Traralgon & District Agricultural Society rental	\$1250.00
Electricity Invoices	<u>\$1541.29</u>
TOTAL	<u>\$2791.29</u>

In addition to the above reimbursements, Council also provided the Traralgon Men's Shed and Woodworking Inc with a \$3,000 grant from the 2012/13 Community Grants Program.

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

This grant was for the purchase of a digital television and aerial, computer system upgrade and repairs to the roof.

Men's Sheds play an important role within local communities by providing a place where men can socially connect, learn new skills, source information regarding health and wellbeing or just have a chat. There are a range of Men's Sheds operating or emerging within Latrobe City:

- Traralgon South,
- Churchill,
- Boolarra,
- Morwell,
- Traralgon (emerging through Neighbourhood House),
- Moe and
- Traralgon, (Howitt Street, Traralgon).

No funds have been allocated in the current 2013/14 budget to reimburse the Traralgon Men's Shed ongoing rental and electricity charges. If Council wished to continue to pay these costs, this would need to be funded from within an existing budget at the expense of other Council services.

There is a risk that other Mens Sheds and like organisations will request Council reimburse their operating expenses if Council continues to reimburse the Traralgon Men's Shed. With a large number of community groups and clubs that play a significant role for members of our community, Council could be perceived to be not treating all of those associations and clubs with equity should Council elect to continue to pay the operating costs of the Traralgon Men's Shed.

Attachments

1. Letter - Traralgon Men's Shed and Woodworking Inc
2. Council Letter - Traralgon Men's Shed and Woodworking Inc

RECOMMENDATION

That Council advise the Traralgon Men's Shed and Woodworking Inc that no funds have been set aside in the current annual budget to reimburse future energy costs and the annual rental payments payable by the group.

Moved: Cr O'Callaghan

Seconded: Cr Rossiter

That the Recommendation be adopted.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)**

For the Motion

Councillors White, O'Callaghan, Sindt, Kam, Rossiter

Against the Motion

Councillors Harriman, Gibson, Middlemiss, Gibbons

The Mayor confirmed that the Recommendation had been CARRIED

10.1

TRARALGON MEN'S SHED AND WOODWORK INC - REQUEST FOR CONTINUED FINANCIAL ASSISTANCE.

- 1 Letter - Traralgon Men's Shed and Woodworking Inc 197**
- 2 Council Letter - Traralgon Men's Shed and
Woodworking Inc..... 199**



TRARALGON MEN'S SHED AND WOODWORKING INC.

Traralgon's Men's Shed and Woodworking Inc
PO Box 699 Traralgon 3844
14th May 2013

Mr Henry Morrison
Coordinator Property & Statutory Services
Latrobe City Council
PO Box 264
Morwell 3840

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Dear Henry

On behalf of the Traralgon Men's Shed and Woodworking Inc. we wish to sincerely thank you for paying our rental and power costs for the twelve months beginning the 1st of July 2012.

This has been a great help in enabling us to continue providing support to people in the community.

We appreciate your generosity and we trust we would be considered for this kind of support for the next twelve months.

Yours sincerely

Ron Holderness
Chairperson
Traralgon Men's Shed and Woodworking Inc.



Victoria Men's
Shed Association



Australian
Men's Shed
Association

Supporters of

Traralgon Men's
Shed and
Woodworking Inc

Membership No. 100520

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ABN: 64481013407
Email: traralgonmensshed@bigpond.com

HJM

18 July 2012

Mr C Reid
Traralgon Mens Shed
PO Box 699
TRARALGON VIC 3844

Dear Mr Reid

ELECTRICITY AND RENTAL REIMBURSEMENT

I refer to your discussions with both Tom McQualter and myself concerning the following Council resolution:

- 1. "That Council pay the rental and power costs of the Traralgon Mens Shed for one year.**
- 2. That Council write to representatives of the Traralgon Men's Shed and encourage them to contact the Department of Human Services, Australian Men's Shed Association (Victorian Chapter) and the Traralgon Neighbourhood House in relation to assistance with funding."**

To receive a reimbursement of both rental and electricity payments for the financial year commencing 1 July 2012, please forward copies of respective invoices direct to my email address below so that a refund can be authorised.

If you require further information please contact me on (03) 5128 5641 or via email henry.morrison@latrobe.vic.gov.au.

Yours sincerely

HENRY MORRISON
Coordinator Property & Statutory Services

**10.2 CORRESPONDENCE FROM THE HON PETER HALL IN
RELATION TO THE MONASH GIPPSLAND CHANGE TO
FEDERATION UNIVERSITY AUSTRALIA.**

General Manager

Economic Sustainability

For Decision

PURPOSE

The purpose of this report is to present to Council correspondence from the Hon Peter Hall in response to correspondence from Council prepared as a result of Council's resolution of 16 September 2013.

DECLARATION OF INTEREST

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

OFFICER COMMENTS

At Council's Ordinary meeting on 16 September, Council resolved as follows:

1. *That the Mayor of Latrobe City write to the State Minister for Tertiary Education Hon peter Hall requesting an urgent meeting regarding inaccuracies in a letter received from the Vice Chancellor of Monash University, Ed Byrne, dated 9 September 2013, which was in response to Latrobe City Council resolutions of 18 March 2013 and 5 August 2013.*
2. *That at that meeting attendees discuss the funding of \$300,000 which was granted to Yarra Ranges Council to look at educational opportunities at the previous Swinburne University site and whether any similar opportunity will be provided to Latrobe City Council.*

In accordance with this resolution, the Acting Mayor, Cr Sharon Gibson, wrote to the Hon Peter Hall, Minister for Higher Education and Skills, on 24 September 2013.

Minister Hall responded by letter received on 8 October 2013 (attached).

To summarise, Minister Hall has requested that Council reconsider convening a meeting in view of the following points:

1. The process of change from Monash Gippsland to Federation University Australia is now complete; and
2. Financial assistance provided to Yarra Ranges Council was in the amount of \$100,000 and was provided where there was no institution wishing to deliver any form of education programs at the Swinburne University of Technology at Lilydale, unlike the situation at Churchill; and

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)**

3. If after consideration of these points, Council still wishes to proceed with a meeting, Minister Hall requires to know the purpose of the meeting and to be provided with an outline of the inaccuracies claimed in Council's correspondence in advance.

Given the Minister has stated that the process of changing Monash Gippsland to Federation University of Australia is complete, together with his explanation about the funding provided to Yarra Ranges Council, Council may wish to consider whether it still requires a meeting with Minister Hall to discuss these issues.

Attachments

1. Correspondence from the Hon Peter Hall, 1 October 2013

RECOMMENDATION

That the correspondence from the Hon Peter Hall in relation to the Monash Gippsland change to Federation University be noted.

Moved: Cr Sindt
Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

10.2

Correspondence from the Hon Peter Hall in relation to the Monash Gippsland change to Federation University Australia.

- 1 Correspondence from the Hon Peter Hall, 1 October 2013 203**



The Hon. Peter Hall, MLC

Minister for Higher Education and Skills
Minister responsible for the Teaching Profession

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Cr Sharon Gibson
Acting Mayor
Latrobe City
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Sharon
Dear Cr Gibson

Thank you for your letter of 24 September conveying resolutions carried at Council's Ordinary Meeting on 16 September. While I have been happy to meet with Council on this issue in the past and would also be now, I would like Council to reconsider convening such a meeting in view of the following points.

1. The Parliament of Victoria has now unanimously passed legislation that changed the name of Ballarat University to Federation University Australia from 1 January 2014. In doing so, members who spoke on the bill clearly demonstrated their support for Fed Uni operating the Gippsland campus of Monash. The then Federal Minister Senator Kim Carr on behalf of the Commonwealth Government also approved the transfer of Commonwealth Supported Places from Monash Gippsland to Fed Uni. I have also recently approved the transfer of assets at Monash Gippsland to Fed Uni for to do otherwise would have been against the will of both the Federal and State Parliaments. The process of change from Monash Gippsland to Federation University Australia is now complete. It should be noted that there has been overwhelming public support for this proposal.
2. In regards to financial assistance provided to Yarra Ranges Council to consider future options for use of the former Swinburne University of Technology at Lilydale, the amount was \$100,000 not as claimed in your letter \$300,000. The \$100,000 assistance to Yarra Ranges Council is to enable them to employ someone who is attempting to put together a viable consortium of educational providers. However, the circumstances were quite different to those at Churchill. Swinburne had announced they intended to cease delivery of all forms of education at Lilydale and indeed did so in June this year. There is currently no institution wishing to deliver any form of education programs from this site. This is much different to the situation at Churchill where there has been continuity of program delivery and a very willing alternative provider set to take over. I am pleased this was the case as quite possibly Monash could have done the same as Swinburne, closed the campus and left an unoccupied facility at Churchill which would have been the worst possible outcome for the region.



This original has been printed in black and white on recycled paper to reduce cost and environmental impact.

3. If, after consideration of the above comments, Council still wished to proceed with a meeting, I would request Council inform me of the purpose in doing so. If it is to include discussion of claimed inaccuracies in the letter attached to your correspondence, it would be helpful if these could be pointed out in advance so I am best able to respond.

I look forward to learning of Council's reconsideration of the meeting request.

Yours sincerely



**The Hon. Peter Hall, MLC
Minister for Higher Education and Skills
Minister responsible for the Teaching Profession**

1/10/13

10.3 VICTORIA POLICE BAND**Chief Executive Officer****For Decision****PURPOSE**

The purpose of this report is to present to Council correspondence received from Cr Wayne Phillips, Mayor of Banyule City Council regarding the Victoria Police Band.

DECLARATION OF INTEREST

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

OFFICER COMMENTS

Cr Wayne Phillips, Mayor of Banyule City Council has written to Latrobe City Council requesting support for the Victorian Police Bands.

The bands create a positive image of the Police and play a vital role in enhancing the relationships between members of the public and the Police Force.

Due to funding issues it is intended that the Victorian Police Pipe Band, Victoria Police Code One Band and the Victorian Police Show band will need to disband.

Banyule City Council are asking for Latrobe City Council's support and urging Council to oppose the move.

Attachments

1. Letter received from Cr Wayne Phillips, Mayor, Banyule City Council

RECOMMENDATION

1. That Council replies to Banyule City Council advising that it supports their action to reverse the decision to disband the Policy Bands.
2. That Council writes to the following representatives requesting that the decision to disband the Police Bands be reversed:
 - Local Members of Parliament Russell Northe, Member for Morwell and Gary Blackwood, Member for Narracan;
 - The Chief Commissioner Victoria Police; and
 - The Hon. Kim Wells MP, Minister for Police and Emergency Services.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)****ALTERNATE MOTION**

That Council write to the Chief Commissioner of the Victorian Police and request he provides a detailed explanation for the decision to disband the Victoria police band, Victoria police code one band and the Victoria police show band.

Moved: Cr Rossiter
Seconded: Cr Harriman

That the Motion be adopted.

For the Motion

Councillor/s Harriman, White, O'Callaghan, Kam, Gibson, Middlemiss, Gibbons, Rossiter

Against the Motion

Councillor Sindt

The Mayor confirmed that the Motion had been CARRIED

10.3

Victoria Police Band

- 1 Letter received from Cr Wayne Phillips, Mayor, Banyule
City Council..... 209**

**Cr Wayne Phillips**

Beale Ward

Mayor - 2012-2013

2009-2010

2007-2008

2006-2007

2005-2006

**Banyule**

CITY COUNCIL

Our Ref: File BS10/035/003
CO2013/355 & CO2013/356

18 October 2013

All Victorian Local Government Councils Mayors

Dear Mayor

Victoria Police Band

It has been brought to the attention of Banyule City Council the intention to disband the Victoria Police Pipe Band, Victoria Police Code One Band and the Victoria Police Show Band due to funding issues. These bands have made a big contribution to local councils within Victoria, providing community involvement and enjoyment. Councils and the community have enjoyed listening and dancing to the Bands over many years of community service.

The Bands have contributed to a positive public image of the Police and have had a vital role in enhancing the relationship between local communities and the Police.

Banyule City Council believes it will be a major loss to the Victorian community if these bands are disbanded and urges all councils to oppose this move.

You may have received a request from the support group 'Band Together' seeking to support the Victorian Police Bands. I am also writing to all Victorian councils to request support of Banyule City Council's position and ask that you write to your local Member of Parliament, the Chief Commissioner Victoria Police and the Minister for Police and Emergency Services The Hon. Kim Wells MP seeking to reverse the decision to disband these bands.

Yours sincerely

CR WAYNE PHILLIPS
Mayor

All correspondence to PO Box 134 Greensborough 3088
Mobile 0408 999 189
Email: wayne.phillips@banyule.vic.gov.au www.banyule.vic.gov.au

PRESENTATION OF PETITIONS

10. PRESENTATION OF PETITIONS

Nil reports

CHIEF EXECUTIVE OFFICER

11. CHIEF EXECUTIVE OFFICER

Nil reports

ECONOMIC SUSTAINABILITY

12. ECONOMIC SUSTAINABILITY

13.1 LATROBE REGIONAL AIRPORT SEPTEMBER 2013 QUARTERLY REPORT

General Manager

Economic Sustainability

For Decision

PURPOSE

The purpose of this report is to provide Council with information on the operations of the Latrobe Regional Airport for the quarter ended 30 September 2013.

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

Shaping Our Future

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 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.

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

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.

ISSUES

The significant activities undertaken during the quarter are outlined below.

Bureau Of Meteorology

The Bureau of Meteorology previously indicated that it was considering removing the Terminal Area Forecast (TAF) service from Latrobe Regional Airport.

The Board lodged an objection to this proposal and provided further information to the Australian Airports Association (AAA) for them to make representations on behalf of its affected airport members. It was expected that a decision would have been made by the end of June 2013, however the matter is still being considered by the appointed panel. The General Manager contacted the Bureau of Meteorology representative and was informed that no announcement was likely prior to the Federal election. A “95%” assurance was given verbally that Latrobe Regional Airport TAF services would remain unchanged.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)***Regional Aviation Fund update*

The Board has received a letter from the Victorian Minister for the Aviation Industry, the Hon Gordon Rich-Phillips, suggesting that the Latrobe Regional Airport may wish to take advantage of the Regional Aviation Fund (RAF) monies that are currently available through the Victorian Government.

After consideration the Latrobe Regional Airport Board decided to apply for funding from the RAF to construct an additional hardstand for the heavy lift helicopters and the installation of a Mogas facility.

The Board and the Latrobe Valley Aero Club are currently investigating the possibility of providing Mogas at Latrobe Regional Airport as it appears that Avgas will be in short supply by 2017.

The position of the installation needs to be given careful consideration, as the Master Plan indicates that all future fuel outlets are to be placed in a consolidated "fuel farm" attached to the new concrete pad. In these circumstances the pad could not be used by the Ericson Skycrane or other large emergency helicopters. This means that the Board would need to explore other options for further concrete hardstand to be available for the heavy helicopters. Costs for the additional hardstand and the fuel facility are estimated to be in the vicinity of \$120,000.

An application for funding from the Regional Aviation Fund will be prepared in conjunction with Latrobe Valley Aero Club who are the current fuel agents.

Australian Airports Association

Over the past twelve months the Australian Airports Association (AAA) has released three major papers about the state of the airport sector in Australia and future policies for the development of the industry. The AAA sought industry input to these policy documents and Latrobe Regional Airport responded in each case.

The latest paper titled "*Airport Industry Priorities Paper*" is designed to provide the basis upon which to lobby governments on behalf of the member airports. The Board accepts that these documents provide sound evidence and advice on industry matters. As a member of the Australian Airports Association the Board recognises that these policy documents are an important lobbying tool for Latrobe Regional Airport and others to ensure that the future needs of the aviation industry, at all levels, remains a focus for all governments.

Master Plan 2014 Review Project Brief

During the September quarter the Board considered the initial draft Master Plan Review Project Brief which has now been completed.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)**

This is an important five yearly review of the 2009 Master Plan given the many changes that have occurred since it was adopted. The success of the grant applications from the Victorian and Federal Governments and Latrobe City Council, has enabled works to be commenced well in advance of the program envisaged in 2009.

The Master Plan review will provide the vision and direction for Latrobe Regional Airport until 2034. It will be a revitalised and vibrant document that will address the future direction of airport development and give consideration to the external airport environs.

Gippsland Aviation Industries Policy and Opportunities Paper

The Gippsland Aviation Industries Policy and Opportunities Paper is a joint project between Latrobe City, Wellington Shire and Regional Development Victoria (RDV). The project sought to engage a consultant to identify opportunities for a Victorian Aviation/Aerospace hub based in Gippsland.

Consultants *The Airport Group* (TAG) were selected to undertake this project and following the initial meeting a stakeholders workshop, mainly consisting of Latrobe Regional Airport commercial tenants was held as part of the consultation process during July.

A similar program was conducted by the consultant with Wellington Shire. This meeting was followed by the consultant's initial draft reports on "Aeronautical Review" and "Economic Benefits of Gippsland Aviation Industry".

Following further engagement and consultation with Council and the Airport Board, the final report is expected by late November 2013.

FINANCIAL, RISK 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.

The Airport was operated in line with the 2013/14 budget allocation as detailed in the finance report attached.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

There is no consultation required as this is a quarterly report on activities, as required by the Latrobe Regional Airport Deed of Delegation from Council.

Details of Community Consultation / Results of Engagement:

Not Applicable

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)****OPTIONS**

Council has the following options:

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

CONCLUSION

The 2013/2014 financial year is progressing on track 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.

Attachments
Nil

RECOMMENDATION

That Council notes the report on Airport Operations for the quarter ended 30 September 2013.

Moved: Cr Middlemiss

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Monthly Operating Report

LATROBE REGIONAL AIRPORT Division



Month: September 2013

Comment on Year to Date Result	
Minor variance	
Comment of Full Year Forecast	
It is expected that the end of year result will be in line with the adopted budget.	

	Year to Date			Full Year Forecast		
	Actual	Adopted Budget	Variance (Fav)/Unfav	Forecast	Adopted Budget	Variance (Fav)/Unfav
Net Results by Cost Centre						
Latrobe Regional Airport Management	39,976	42,982	(3,006)	187,299	189,500	(2,201)
Latrobe Regional Airport - LANDSIDE	(107,753)	(98,650)	(9,103)	(292,427)	(298,900)	6,473
Latrobe Regional Airport - AIRSIDE	(39,151)	(36,285)	(2,866)	2,228	6,500	(4,272)
Latrobe Regional Airport - General Mainte	22,124	24,073	(1,950)	102,900	102,900	0
Net Result	(84,804)	(67,880)	(16,925)	0	0	0
Net Results by Account Group						
Income:						
Other	(39,285)	(40,285)	1,000	(97,785)	(98,785)	1,000
Residence	(3,500)	(3,250)	(250)	(13,250)	(13,000)	(250)
Terminal Building	(937)	(950)	13	(937)	(950)	13
Commercial	(84,560)	(93,675)	9,115	(369,803)	(370,950)	1,147
Trading / Light Commercial	(25,791)	(9,718)	(16,073)	(34,696)	(42,600)	7,904
Recreational / Non-Trading	(47,526)	(41,800)	(5,726)	(47,526)	(41,800)	(5,726)
Community Group/Service	(150)	(150)	0	(150)	(150)	0
Farm / Agistment	(5,342)	(5,338)	(4)	(21,354)	(21,350)	(4)
Total Income	(207,091)	(195,166)	(11,925)	(585,501)	(589,585)	4,084
Expenditure:						
Salaries Wages & Oncosts	42,393	43,180	(787)	190,728	190,900	(172)
Other Employee Costs	4,437	3,975	462	16,651	15,900	751
Materials & Contracts	29,183	33,856	(4,673)	193,022	197,685	(4,663)
Internal Charge Costs	46,275	46,275	0	185,100	185,100	0
Total Expenditure	122,288	127,286	(4,998)	585,501	589,585	(4,084)
Net Result - Recurrent	(84,803)	(67,880)	(16,924)	0	0	0

RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

13. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

Nil reports

COMMUNITY LIVEABILITY

14. COMMUNITY LIVEABILITY

Nil reports

GOVERNANCE

15. GOVERNANCE**16.1 PROCUREMENT POLICY AMENDMENT****General Manager****Governance****For Decision****PURPOSE**

The purpose of this report is to provide the Procurement Policy 13 POL-6 for Council consideration.

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***

Efficient, effective and accountable governance.

To achieve the highest standards of financial probity and meet all statutory obligations

To provide open, transparent and accountable governance

Strategic Directions

Continuously review our policies and processes to increase efficiency and quality of our facilities and the services we provide.

Increase local procurement of goods and services received by Council where feasible.

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

Establish and maintain rigorous Council policies that comply with legislation and respond to community expectation.

*Continuously improve financial management and reporting.
Continuously improve decision-making structures and processes.*

Legislation – Local Government Act 1989

Sections 186A Procurement Policy of the Local Government Act 1989

1. A Council must prepare and approve a procurement policy.
2. A Council must within 12 months after the commencement of section 67 of the Local Government Amendment (Councillor Conduct and Other Matters) Act 2008 prepare and approve a procurement policy.
3. A procurement policy must include any matters, practices or procedures which are prescribed for the purposes of this section.
4. A Council must have regard to guidelines made under subsection (5) in preparing a procurement policy.
5. The Minister may make guidelines with respect to the form or content of a procurement policy.
6. Guidelines made under subsection (5) must be published in the Government Gazette.
7. At least once in each financial year, a Council must review the current procurement policy and may, in accordance with this section, amend the procurement policy.
8. A copy of the current procurement policy must be available for inspection by the public—
 - (a) at the Council office; and
 - (b) on the Council's Internet website.
9. A Council must comply with its procurement policy.
10. In this section procurement policy means the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council.

Policy - Council Policy Development Policy 13 POL-6

Policy development has a key role to play in the good governance of Latrobe City Council. Policy sets the broad parameters for guiding and setting the boundaries to influence the actions and operations of the organisation. Policies are designed to provide clear, unambiguous guidelines and to provide continuity and a consistent point of accountability. Policy-making shall therefore follow set procedures to ensure the efficacy of the process and the overall policy framework.

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:-

- Conduct regular review of Latrobe City Council policies to ensure that they reflect the aspirations of the community.
- Ensure that Council decision-making considers adopted policies.
- Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.

BACKGROUND

At a Special Council Meeting held on the 16 September 2013 Council resolved;

1. *That council adopt the policy presented immediately.*
2. *That the revised 2013 procurement policy be produced and made available to the public.*

Council considered a Notice of Recission in relation to the above resolution at the Ordinary Council meeting held on 7 October 2013. Council resolved to not rescind that decision and as such the Procurement Policy 13 POL-5 has been in operation since the 7 October 2013 ordinary Council meeting,

At the Ordinary Council meeting held on the 7 October 2013 Council resolved in relation to the Local Government Investigations and Compliance Inspectorate Audit of the Governance Processes associated with the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project;

That council note the report that was received in relation to the Review of Governance processes associated with the Moe Activity Centre Plan/Moe Rail Precinct Revitalisation Project and that it be made available for public scrutiny.

This report identified a number of recommendations in relation to Latrobe City Council's Procurement Policy. These are outlined in the issues section of this report.

ISSUES

The Local Government Investigations and Compliance Inspectorate Audit of the Governance Processes associated with the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project identified the need for Council's Procurement Policy to incorporate the requirement for;

- a. All tender evaluation panel members are to complete and sign a conflict of interest declaration prior to any evaluation of tender documentation

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)**

- b. That a post implementation review for high value and complex projects be undertaken to ensure adherence to probity principles and confirm that all policies and procedures have been complied with.

The Procurement Policy adopted on the 7 October 2013 requires amending to incorporate these requirements.

The Procurement Policy adopted on the 7 October 2013 also requires a number of administrative corrections in relation to inaccuracies associated with position titles and a reference to Whitehorse City Council

FINANCIAL, RISK 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:

Nil

OPTIONS

The following options are available to Council:

1. Adopt the amended policy document as presented.
2. Amend and adopt the policy.
3. Not adopt the amended policy as presented

CONCLUSION

The Local Government Investigations and Compliance Inspectorate Audit of the Governance Processes associated with the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project recommended that Council implement the completion of conflict of interest declarations prior to the tender evaluation process and that the introduction of a post implementation review for high value and complex projects be introduced.

The Procurement Policy 13 POL-5 adopted on the 7 October 2013 does not currently include reference to the outcomes of the Inspectorate report and also includes a number of administrative inaccuracies.

Attachments

1. Amended Procurement Policy

RECOMMENDATION

1. That Council adopts the amended Procurement Policy [13 POL-6].
2. That the 2013-2016 Council Policy Manual be updated with the revised Procurement Policy [13 POL-6].

ALTERNATE MOTION

1. That Council adopt the Procurement Policy 13 POL-6 as presented subject to the following amendments;
 - That a procurement level be added to the policy requiring one verbal quote for goods and services with a value up to \$150 including GST which must be recorded.
 - Variations up to \$15,000 including GST to be approved by the Chief Executive Officer.
 - Variations above \$15,000 can be approved by an appropriately delegated section 86 Committee or Council.
 - That all relevant reference and items be updated to incorporate these amendments.
2. That the 2013-2016 Council Policy Manual be updated with the revised Procurement Policy [13 POL-6].

Moved: Cr Harriman

Seconded: Cr Rossiter

That the Recommendation be adopted.

For the Motion

Councillors Harriman, Sindt, Kam, Gibson, Gibbons, Rossiter

Against the Motion

Councillors White, O'Callaghan, Middlemiss

The Mayor confirmed that the Motion had been CARRIED.

ADDITIONAL MOTION

1. That Council request the Audit Committee to instruct an independent auditor appointed by Council to undertake a detailed and comprehensive review of procurement policy, process, procedure and governance and make recommendations accordingly.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)**

Moved: Cr O'Callaghan
Seconded: Cr White

That the Motion be adopted.

CARRIED UNANIMOUSLY

16.1

PROCUREMENT POLICY AMENDMENT

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Document Name: Procurement Policy

13 POL-6

Adopted by Council:

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1 Background

1.1 Purpose

The purpose of this Procurement Policy is to -

- provide a framework to assist and ensure the efficient, effective, socially and ecologically responsible procurement of goods, services and works for Latrobe City Council (Council).
- ensure consistency and control over procurement activities;
- demonstrate accountability to ratepayers;
- demonstrate the application of best practice in procurement; and
- increase the probability of obtaining the right procurement outcome.

- where procurement is defined as the whole process of acquisition of external goods (either outright or by rental or lease), services and works.

1.2 Relationship to Latrobe 2026 and Council Plan

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:

Latrobe 2026

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.

Regulation and Accountability:

In 2026, Latrobe Valley demonstrates respect for the importance of rules and laws to protect people's rights, outline obligations and support community values and cohesion.

Council Plan 2013-2017

Theme:

Efficient, Effective & Accountable Governance

Objectives:

- To achieve the highest standards of financial probity and meet all statutory obligations
- To provide open, transparent and accountable governance
- Work to minimise rate increases for our community

Strategic Directions:

- Continuously review our policies and processes to increase efficiency and quality of our facilities and the service we provide.
- Increase local procurement of goods and services received by Council where feasible.
- Establish and maintain rigorous Council policies that comply with legislation and respond to community expectations.
- Increase community awareness and satisfaction with Council's services and facilities.
- Continuously improve financial management and reporting.
- Continuously improve decision-making structures and processes.

1.3 Best Practice

Council recognises that:

- Developing a procurement strategy and adopting appropriate best practice procurement policies, principles, processes and procedures for all goods, services and works will enhance achievement of Council objectives.
- The elements of best practice applicable to local government procurement incorporate:
 - broad principles covering ethics, value for money, responsibilities and accountabilities;
 - guidelines giving effect to those principles;
 - a system of delegations;
 - procurement processes with appropriate procedures; and
 - a professional approach.

Council requires that Council's contracting, purchasing and contract management activities:

- support the Council's corporate strategies, aims and objectives;
- consider the whole life cycle of an acquisition from initial concept to the end of the useful life of an asset, including its disposal;
- achieve value for money;
- can demonstrate that public money has been well spent;
- are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
- seek continual improvement including the embrace of innovation and technological initiatives;
- generate and support business in the local community;
- consider human rights.

1.4 Scope

The procurement function for Council is decentralised and utilises an electronic purchasing system. Central control of the procurement function is achieved by the Procurement Policy.

The Procurement Policy articulates the expectations that exist on Council officers, councillors and temporary employees conducting procurement on behalf of Council. Council officers undertaking procurement are required to develop a comprehensive understanding of the Procurement Policy and procurement procedures to ensure that all requirements are met.

The Procurement Policy applies to all purchases made by Council, regardless of the funding source.

Council's Purchasing, Tendering and Contract Administration Guidelines exemplify the Procurement Policy.

2 Framework Policies and Legislation

2.1 Standards

Council's procurement activities are carried out to the professional standards required by best practice and in compliance with:

- The Local Government Act 1989;
- Competition and Consumer Act 2010;
- Council's Code of Conduct;
- Relevant Council policies; and
- Relevant legislation.

Procurement actions and outcomes meet the requirements of the following relevant policies and legislation, including any subsequent amendments:

2.2 Local Government Act

This Procurement Policy is made under Section 186a of the Local Government Act 1989.

This section of the Act requires Council to prepare, approve and comply with a procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by Council.

The Local Government Act 1989, as amended, is the core legislation governing local government procurement.

2.3 National Competition Policy

The National Competition Policy (NCP) impacts on Council's procurement processes. In brief, NCP extends the Australian Consumer Law to Councils and introduces Competitive Neutrality Policy.

2.4 Competition and Consumer Act 2010

The Competition and Consumer Act (CCA) protects businesses and its customers from unfair trading practices. Council's rights and responsibilities under the CCA are considered in all procurement transactions.

The requirements of the CCA are applied to all aspects of Council business to ensure that it is operating fairly and competitively in the marketplace.

2.5 Competitive Neutrality

All tenders submitted by Latrobe City Council comply with the Competitive Neutral Pricing Principles as outlined in the Victorian State Government's "Competitive Neutrality Policy Victoria 2000".

Competitive Neutrality pricing principles are applied when tendering against external or private companies. The State Government has introduced competitive neutrality policy to ensure that where government's business activities involve it in competition with private sector business activities, the net competitive advantages, or disadvantages that accrue to a

government business as a result of their public ownership are offset. Competitive Neutrality policy promotes efficient competition between public and private businesses operating in the same market.

Competitive Neutrality pricing principles are also applied when evaluating tenders received from other Councils.

2.6 Best Value

The State Government's "Best Value" legislation is applied to the procurement of all goods, services and works. Services to the community satisfy the following best value principles:

- meet quality and cost standards;
- responsive to the needs of the community;
- accessible to those for whom they are intended; and
- demonstrate continuous improvement in social, economic and environmental value.

2.7 Goods and Services Tax (GST)

When obtaining quotations/tenders, the value of the GST is included in the quoted/tendered price unless the goods or services are GST-exempt under legislation.

All monetary values stated in this policy include GST.

2.8 Occupational Health & Safety

The requirements of the Victorian Occupational Health and Safety Act 2004 and Council's Health and Safety Policy are applied to the procurement of goods, services and works.

Latrobe City Council is obliged to ensure that its employees and Suppliers/Contractors/Consultants (and their employees) carry out their activities:

- in a safe manner;
- using proper and safe plant and substances; and
- employing systems of work that are safe and in which there has been adequate instruction, training and supervision.

This obligation applies to each and every aspect of the activity to be carried out.

Outsourcing work to Contractors/Consultants contributes to the quality of outcomes for an activity but does not remove Latrobe City Council's obligation and accountability to ensure that those who actually perform the activity are protected from risks to their health and safety.

2.9 Equal Opportunity

The requirements of the Victorian Equal Opportunity Act 1995, Council's Equal Opportunity Policy and Commonwealth anti-discrimination legislation are applied to the procurement of goods, services and works.

2.10 Disability Considerations

The legislative requirements of the Disability Discrimination Act 1992 are considered to ensure that procurement processes and decisions do not directly or indirectly discriminate against people with a disability.

2.11 Privacy Compliance

Privacy protocols in accordance with the Information Privacy 2000 (VIC) Act and the Health Records 2001 (VIC) Act are observed in all transactions containing personal and health information held and gathered by Council. Council ensures that personal information held is stored, managed, used, disclosed and transferred in a fair and appropriate way and that people have the right to access and correct information about themselves.

2.12 Sustainability

Council is committed to being sustainable and will ensure that it minimises adverse environmental impacts in the procurement of goods, services and works to the best of its ability.

Council constructs, operates and maintains economic, social and environmental infrastructure and leads by example through its own sustainable actions.

Council views sustainability in terms of achieving a triple bottom line with actions aimed at improving the environment, the health and well-being of the community, and promoting a sustainable local economy.

2.13 Human Rights

The requirements of the Victorian Charter of Human Rights and Responsibilities Act 2006, ensure that Council gives proper consideration to human rights during the procurement of goods, services and works.

3 Key Purchasing Principles

3.1 Responsible Financial Management

The principle of responsible financial management is applied to all procurement activities by ensuring that:

- The availability of funding within an approved budget, or other source of funding, is established prior to the commencement of any procurement activity.
- Delegated officers do not authorise expenditure of funds in excess of the approval levels detailed in clause 4.6;
- Funds are spent efficiently and effectively;
- Every attempt is made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

3.2 Value for Money

All procurement activities are carried out on the basis of obtaining value for money.

Value for money is achieved by minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinant of value for money.

In accordance with Section 186(3) of the Local Government Act, Council gives preference to goods, equipment, material or machinery manufactured in Australia and New Zealand when practical.

3.3 Probity

Procurement processes are visible, defensible and auditable. The integrity of the procurement process is upheld to ensure that stakeholders have utmost confidence that procurement outcomes can be justified and that policy and legislative obligations are being met.

All documentation supporting procurement processes and decisions are stored in Council's records and information management system. This requirement applies equally to third parties managing procurement processes on behalf of Council.

3.4 Ethics

In accordance with, and further to, the conduct principles outlined in Section 95 of the Local Government Act, procurement is conducted ethically to enable Council to deal with its suppliers on a basis of mutual trust and respect and conduct business fairly, reasonably and with integrity. All Council officers involved in procurement ensure that they:

- Avoid and disclose conflicts of interest;
- Deal with suppliers even-handedly;
- consider seeking appropriate probity advice and/or the appointment of a probity auditor for high value purchases and projects of a lesser value but of a complex nature;
- uphold Council's standing by not accepting gifts or hospitality;
- are scrupulous in their use of public property;
- comply with all legislative obligations including those required by trade practices, safety and consumer affairs legislation;

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- have regard to the cost to suppliers in submitting prices, proposals and tenders;
 - invite quotations and tenders only where there is a clear intent to procure the goods/services/works in the near future;
 - do not behave in a fraudulent or criminal manner as detailed in Council's Fraud Policy;
 - protect Commercial in Confidence information;
 - do not endorse any unauthorised products or services; and
 - do not use Council's purchasing system for personal use items.

3.5 Conflict of Interest

All Council officers involved in procurement:

- ensure that they avoid whenever possible personal or private interests that intersect or overlap with their official duties;
- disclose all personal or private interests that might compromise their ability to act in the public interest;
- follow the specific procedures defined in the Local Government Act to remove themselves from decision-making processes in the event that a conflict of interest is identified.

3.6 Risk Management

Risk management is applied at all stages of procurement activities which are planned and carried out in a manner that protects and enhances Council's ability to prevent, withstand and recover from interruption to the supply of goods, services and works.

3.7 Sustainable Purchasing

3.7.1 Principles

Sustainable principles and practices are considered in all procurement decisions.

Council supports and encourages the use of quality products that have recycled content and are ecologically responsible, over products made from virgin or inappropriate materials.

Council gives preference to:

- companies or organisations that follow ecologically sustainable and Fair Trade work practices; and
- ecologically sustainable goods and services within the context of purchasing on a value for money basis.

3.7.2 Objectives

Council strives to:

- minimise unnecessary purchasing through the conscious and thoughtful purchasing of goods and services;
- minimise waste by using the waste hierarchy to assess purchases (Avoid, Re-use, Recycle, Treatment, Containment & Disposal);
- minimise greenhouse gas emissions by considering the energy efficiency rating of products, including the manufacture & transport energy costs;
- minimise habitat destruction by purchasing goods and services from renewable resources; minimise toxicity by purchasing goods that are free of toxic or polluting materials;

- minimise soil degradation by using goods and services that do not degrade or pollute the soil, or result in erosion through their use;
- maximise recycled content by giving preference to high quality products containing recycled content; and maximise water efficiency by purchasing goods or services that conserve water.

3.8 Buy Local

Council's Vision for Latrobe City aims to develop a regionally significant economy and as such encourages the procurement of goods, services and works within Latrobe City. Local providers are given an equal opportunity to quote and tender. Where a local provider can match or better other providers on price, quality and availability, preference is given to the local provider as per weightings.

3.9 Buy Fairtrade

Fairtrade products are given consideration where practical. These are products labelled as Fairtrade or produced under Fairtrade conditions.

Fairtrade is an internationally recognised trading system that ensures decent working conditions, local sustainability, gender equity and fair terms of trade for farmers and workers in the developing world.

Fairtrade certification ensures that small-scale farmers and plantation workers work under safe conditions and receive a fair price for their crops and labour. Fairtrade actively encourages better environmental practices such as organic production methods.

4 Procurement Levels and Procedures

4.1 Total Value - Definition

For quotations, the total value is the estimated value or reasonably anticipated value of the goods, services or works to be procured.

The annual cumulative expenditure against all suppliers, contractors and consultants is audited annually by the Procurement Department to determine whether tendering of the goods/services/works is required.

For contracts, the total value is the estimated value or reasonably anticipated value of the goods, services or works to be procured over the term of the contract, including project management costs, contingencies, provisional sums and any contract extension options that may or may not eventuate.

4.2 General Requirements

A record of all verbal quotations and written quotations received and all other documentation supporting procurement processes and decisions is stored in Council's records and information management system.

The following procurement levels and procedures are applied to the procurement of all goods, services and works, including fee-for-service retainer arrangements:

4.2.1 \$0 to \$1,000

For goods, services and works with a total value up to \$1,000, including GST, the number of verbal quotations to be obtained is two, however "best value" principles need to be demonstrated and followed at all times

4.2.2 \$1,001 to \$5,000 for Goods, Services and works – Written Quotations

For goods and services with a total value from \$1,001 to \$5,000, including GST, a minimum of 2 written or emailed quotations must be obtained and filed.

Written or emailed quotations can be reused for a maximum period of 12 months provided that the total value of the goods, services or works does not exceed \$5,000 in the 12 month period.

Invitations to quote may be publicly advertised or tenders may be called if these processes are likely to lead to a better procurement outcome.

A Schedule of Rates (annual supply) contract should be established in cases where goods and services are ordered from the same supplier/contractor on a regular basis.

4.2.3 \$5,001 to \$50,000 for Goods, Services and Works – Written Quotations

For goods, services and building and construction works with a total value from \$5,001 to \$50,000, including GST, a minimum of 3 written or emailed quotations must be obtained and filed.

Written or emailed quotations can be reused for a maximum period of 12 months provided that the total value of the works does not exceed \$50,000 in the 12 month period.

Invitations to quote may be publicly advertised or tenders may be called if these processes are likely to lead to a better procurement outcome.

A Schedule of Rates (annual supply) contract should be established in cases where works are ordered from the same contractor on a regular basis.

4.2.4 Above \$50,000 for Goods, Services and Works – Public Tender

For goods and services with a total value exceeding \$50,000, including GST, a formal contract is established. Tenders are publicly advertised for the contract in accordance with Section 186 of the Local Government Act.

Expressions of interest may be invited prior to tendering.

Tenders may be called for goods and services with a total value below \$50,000, including GST, if a public tender process is likely to lead to a better procurement outcome.

A public tender for goods and services is also considered when:

- goods, services and works are a part of Council's everyday business activities; and
- value of purchases from one or more vendor supplying the same or similar goods and services over a period of 1 to 3 years exceeds, or is likely to exceed, \$50,000, including GST; and
- the goods and services are required on a daily or periodic basis; or
- a public tender can be justified and is considered to be beneficial for other reasons.

4.2.5 Schedule of Rates Contracts – Public Tender

For the procurement of goods, services and works based on a Schedule of Rates (annual supply), a formal contract is established. Tenders are publicly advertised for the contract in accordance with Section 186 of the Local Government Act, regardless of the total value of the goods, services and works.

Expressions of interest may be invited prior to tendering.

If a lump sum quotation is invited under a Schedule of Rates contract, the total value of the goods and services must not exceed \$50,000, including GST and the total value of the works must not exceed \$50,000, including GST.

Contractors engaged under a Schedule of Rates contract are not excluded from tendering for fixed price work in accordance with subclause 4.2.4 and 4.2.5. Fixed price work forms an agreement that is separate and distinct from any contract for Schedule of Rates work.

4.3 Exemptions to Procurement Levels & Procedures

The Procurement Levels and procedures detailed in subclause 4.2.1, 4.2.2, 4.2.3 are not applied under the following circumstances, subject to written approval by a General Manager for purchases up to the value of \$10,000 including GST and by the Chief Executive Officer for purchases over the value of \$10,000 including GST.

- in matters of extreme urgency including public health, security or safety as a consequence of an unforeseen event or occurrence;
- where quotes were invited from 3 or more vendors and no quotes were submitted or no quotes were submitted that conform to the essential requirements of the procurement;
- where insufficient quotes were submitted and the goods, services or works have been publicly advertised;
- an absence of competition for technical reasons;
- for additional delivery of goods and services that are intended either as replacement parts, extensions or continuing services for existing equipment, software, services or installations where a change in supplier would necessitate the procurement of goods and services that do not meet the requirements for interoperability or interchangeability;
- to the procurement of goods, services and works using approved aggregated purchasing arrangements with other councils and approved contracts entered into by MAPS Group Limited (trading as Procurement Australia), MAV Procurement, the Victorian Government, or other approved bodies;
- to the procurement of approved goods and services by officers for the purpose of entering into a salary sacrifice arrangement with Council in accordance with Council's Salary Sacrifice Policy; and
- to the procurement of performing arts defined as forms of creative activity that are performed in front of an audience, such as drama, music and dance.
- to non-contestable services and works undertaken by and on behalf of Utility and Service owners.

The Procurement Levels and procedures detailed in subclause 4.2.4 and 4.2.5 are not applied to the procurement of goods, services and works if:

- the Council resolves that a contract must be entered into because of an emergency;
- a contract is entered into with a Council acting as the agent for a group of Councils and the Council has otherwise complied with the requirements of the Local Government Act;
- a contract is entered into in accordance with arrangements approved by the Victorian Minister for Local Government;
- the contract is a type of contract that has been exempted by the Local Government (General) Regulations 2004 (e.g. a contract for legal services); or
- the contract is entered into following the appointment of a third party to act as Council's agent for the purpose of conducting a tendering process (provided that the appointment is revocable at any time and the power to make a decision to award any subsequent contract remains with Council).

4.4 Evaluation of Quotations

Quotations are awarded to the supplier providing the best value for money outcome as per weighting system.

4.5 Approval of Quotations & Invoices

Verbal and written quotations and invoices for goods, services and works, are approved in accordance with the Approval Levels detailed in clause 4.6.

The approval of a purchase order or invoice using the electronic purchasing system is deemed to be an approval under delegation.

The conflict of interest requirements detailed in clause 3.5 apply equally to approving officers.

4.6 Approval Levels

The procurement of all goods, services and works and the refund or reimbursement of moneys (including cash refunds, bank guarantees, bonds etc.) is approved by delegated officers in accordance with the following levels:

4.6.1 Up to the Value of \$1,000

The procurement of goods, services and works and the refund or reimbursement of moneys up to the value of \$1,000, including GST is approved by authorised team leaders, supervisors, co-ordinators and other nominated Council officers.

4.6.2 Up to the Value of \$5,000

The procurement of goods, services and works and the refund or reimbursement of moneys up to the value of \$5,000, including GST, is approved by third level managers.

4.6.3 Up to the Value of \$25,000

The procurement of goods, services and works and the refund or reimbursement of moneys up to the value of \$25,000, including GST, is approved by General Managers.

4.6.4 Up to the Value of \$50,000

The procurement of goods, services and works including project management costs, contingencies and provisional sums up to the value of \$50,000, including GST, is approved by the Chief Executive Officer.

The refund or reimbursement of moneys up to and above \$50,000, including GST, is approved by the Chief Executive Officer.

4.6.5 Above \$50,000

The procurement of goods, services and works with a total value exceeding \$50,000, including GST, is approved by the Council at a Council Meeting or a Special Committee Meeting.

4.6.6 Variations

When total variations reach 5% of contract or \$5000, whichever is least, they must then be approved by a meeting of council. Below 5% of contract whichever is least, approval must be given by the Chief Executive Officer.

4.6.7 Transfer of Approval Authority

The authority to approve the procurement of goods, services and works can be transferred to a nominated officer by the Procurement Department if requested by a delegated officer in writing when the delegated officer is on leave or is unavailable due to other reasons.

4.7 Additional Approvals

The following additional approvals are obtained:

- Chief Executive Officer approval for the purchase of additional fleet vehicles and interstate conferences or travel;
- General Manager and Chief Executive Officer approval for the engagement of temporary staff for a period exceeding 3 months where the placement is additional to the current staff compliment (i.e. an additional EFT);
- Department Manager approval for advertising a permanent position that must be filled to meet statutory requirements (such as a child carer, home carer or pool attendant), where there is an existing budget allocation and no variation to the position description;
- General Manager and Chief Executive Officer approval for advertising a permanent position where there is no budget variation or no variation to the position description;
- General Manager, General Manager Governance and Chief Executive Officer approval for advertising a new permanent position created as a budget initiative;
- General Manager, General Manager Governance and Chief Executive Officer approval for advertising a permanent position that requires a variation to the position description or has budget implications.
- General Manager, General Manager Recreation & Community Infrastructure and Chief Executive Officer approval for advertising a permanent position that will be charged against a Capital Works account;
- General Manager Governance approval following recommendation by the Manager Finance for all new financial leases and agreements (including financial leases and operating leases) for a term exceeding 3 months. The ongoing management of financial leases and agreements is the responsibility of Department Managers;
- **Manager Council Operations – Legal Council** approval for all new leases and licence agreements for Council owned properties. The ongoing management of leases and licence agreements is the responsibility of Department Managers;
- Manager Information Services and General Manager Organisational Excellence approval for the procurement of mobile devices;
- Manager Finance approval for capital works expenditure;
- Manager Information Services approval for the procurement of new hardware and software that will be connected to Council's computer network;
- Coordinator Procurement approval for the lease of plant and the hire, maintenance and repair of vehicles.
- General Manager Governance approval for the purchase of replacement fleet vehicles.

4.8 Council Contracts

Existing Council contracts are utilised for the procurement of goods, services and works whenever practicable.

Council is committed to developing constructive long-term relationships with suppliers.

4.9 Use of Credit Cards and Purchasing Cards

4.9.1 Corporate Credit Cards and Purchasing Cards

Corporate credit cards and purchasing cards are used in accordance with Council's Credit Card Policy which states that corporate credit cards are not to be used for personal use.

4.9.2 Personal Credit Cards

Personal credit cards are not used for Council business purchases unless prior approval has been obtained from a General Manager or the Chief Executive Officer.

The use of personal credit cards to avoid the Procurement and Approval Levels detailed in this Policy is not permitted.

4.10 Petty Cash

The petty cash system operates to reimburse legitimate, urgent and operational business expenses incurred by Council officers in the conduct of Council activities.

The maximum claim for petty cash reimbursement is \$100 (including GST) per receipt.

All petty cash claims exceeding \$100 (including GST) are authorised by the responsible Program Manager and the Manager Finance.

4.11 New Vendors

New vendor requests are approved by a designated manager or team leader.

The officer requesting a new vendor does not approve their own new vendor request.

An approval by a designated manager or team leader is not required for a new vendor that has been awarded a contract through a public tender process in accordance with subclause 4.2.4, 4.2.5 or 4.2.6.

4.12 Purchase Orders

4.12.1 Raising and Approving Purchase Orders

A purchase order is raised and approved for the procurement of all goods, services and works using Council's electronic purchasing system.

All officers ensure that purchase orders are raised and approved for all goods, services and works prior to ordering and receiving the goods, services or works.

No officers authorise or raise multiple purchase orders to avoid the Procurement and Approval Levels specified in this Policy.

No officers authorise a purchase or reimbursement from which they will receive a personal benefit (e.g. a training course, travel arrangements).

A blanket order is raised for repetitive purchases from a single vendor. The blanket order has a fixed start and end date, has a maximum lifespan of 3 months and a maximum value of \$20,000, including GST, unless otherwise approved by a General Manager. Purchases are made against the order until the amount of the order is depleted or the order expires.

Council's Purchase Order Terms and Conditions, which can be viewed on Council's website, apply to all purchases.

4.12.2 Use of Electronic Purchasing System

The electronic purchasing system is never used by any Council officer for personal purchases or for any financial gain by themselves, friends or relatives. Misuse of the Council purchasing system is contrary to Council's Employee Conduct Policy.

Access to the electronic purchasing system is not granted to any Council officer until an approved training course has been completed.

4.12.3 Purchase Order Tolerances

The amount of the invoice should not exceed the value of the purchase order. Invoices where the invoiced amount exceeds the purchase order amount (including GST) by a value of up to 10% and \$300 whichever is least are automatically approved without the need for an additional purchase order.

4.13 Exemptions for Purchase Orders

Purchase orders are not raised for:
for the procurement of goods, services and works using petty cash (maximum \$100.00 per receipt, including GST);
utilities charges for Council facilities;
corporate credit card and purchasing card transactions; and
where payments for approved purchases are made by direct debit transactions.

4.14 Payment Terms

Vendor invoices are paid on a 30 day payment cycle, generally within 30 days from the date of the invoice and after completion/receipt of the goods, services or works, whichever is the latter.

Payment terms are only changed with the approval of the Manager Finance.

The preferred payment method is by electronic funds transfer, directly to the relevant bank. Bank account details are obtained for all new vendors whenever possible, except for credit card payments.

5 Tendering Requirements and Procedures

5.1 Risk Management

A risk management plan is prepared and a probity auditor is appointed for high value purchases and projects of lesser value but of a complex nature. The risk management plan considers all stages of the procurement cycle.

5.2 Term of Contract

There are no limitations on the duration of a contract. The contract term is selected to provide the best procurement outcome for Council.

Any decision made under delegation to award a contract does not include the awarding of any extension options for the contract.

Any extension of a contract containing an extension option requires a further, separate decision close to, and prior to, the expiry of the initial term.

The extension of a contract containing an extension option is approved by the same delegated officer that approved the original contract. If the original contract was approved by Council, then the contract extension is also approved by Council, unless otherwise approved by Council.

5.3 Rate Adjustments

For all contracts longer than 12 months, provisions are made in the contract for rate adjustments based on the Consumer Price Index (Melbourne All Groups Index Numbers), minimum wage increases as provided by the Australian Fair Pay Commission or other approved methods.

Reasonable requests for rate increases resulting from circumstances that are clearly beyond the control of the supplier/contractor/consultant or that could not have been foreseen at the time of submitting a tender are given due consideration.

If a contract is silent in relation to the rates payable during any contract extension, then because Council has discretion to exercise the option, it may also propose the applicable rates to apply during the extension period.

5.4 Contract Security

Successful tenderers lodge a security deposit in the form of a bank guarantee, cash payment or cheque.

The amount of the security deposit is as follows, unless otherwise approved by **the Manager Finance**:

5.4.1 Contracts for Goods

A security deposit is not required.

5.4.2 Contracts for Physical Services

The minimum amount of the security deposit is 2.5% of the annual contract sum, including GST.

5.4.3 Contracts for Works

The minimum amount of the security deposit is 5% of the contract sum, including GST or \$2,000, whichever is greater.

5.4.4 Contracts for Consultants

A security deposit is not required.

5.4.5 Schedule of Rates and Annual Supply Contracts

The minimum amount of the security deposit is \$1,000 including GST.

5.5 Insurances

Successful tenderers take out and maintain insurance cover for the term of the contract and provide evidence of cover prior to providing goods and services and prior to commencing works under the contract.

The insurance policies do not contain policy exclusions that are relevant to the contract.

The type and minimum amount of insurance cover required varies depending on the type of contract, as follows:

5.5.1 Contracts for Goods

- WorkCover Insurance; and
- Public Liability Insurance for a minimum of \$10M.
- Products Liability Insurance for a minimum of \$10M.

5.5.2 Contracts for Physical Services

- WorkCover Insurance;
- Public Liability Insurance for a minimum of \$10M; and
- Plant and Equipment Insurance.

5.5.3 Contracts for Works

- WorkCover Insurance;
- Public Liability Insurance for a minimum of \$10M;
- Plant and Equipment Insurance; and
- Insurance of the Works for building projects (including an allowance for demolition and consultants' fees).

5.5.4 Contracts for Consultants

- WorkCover Insurance;
- Public Liability Insurance for a minimum of \$10M; and
- Professional Indemnity Insurance for a minimum of \$5M.

Council's Manager Risk & Compliance can approve different types and levels of insurance cover to those specified in clause 5.5.

5.6 Advertising Tenders

All tenders for the procurement of goods and services and works with a value exceeding \$50,000, including GST for goods and services and \$50,000 including GST for works, are publicly advertised.

All tender advertisements are approved by the Chief Executive Officer prior to being publicly advertised.

Letters authorising a third party to act as a tendering agent on behalf of Council are signed by the CEO prior to the tender being publicly advertised. The third party must disclose in the tender advertisement that it is tendering on behalf of Latrobe City Council.

5.7 Tender Period

The tender period is 21 days unless otherwise approved by the Manager Finance.

5.8 Charges for Tender Documents

Tender documents are issued to tenderers free of charge.

5.9 Receipt of Tenders

Tenders are received exclusively in either the tender box or in the electronic tender box by the specified closing time.

5.9.1 Receipt of Tenders in the Tender Box

When closing tenders in the tender box, tenders received electronically or by facsimile are not accepted.

No responsibility is accepted for tenders sent by post or by courier.

5.9.2 Receipt of Tenders in the Electronic Tender Box

The use of the electronic tender box is approved by the **Coordinator Procurement** prior to inviting tenders.

When closing tenders in the electronic tender box, tender submissions, other than those received in the electronic tender box are not accepted.

Late tenders due to delays in electronic transmission are not accepted.

5.10 Opening of the Tender Box

The tender box or the electronic tender box is opened in the presence of two officers, one of whom is an officer from the Procurement Department. The second officer is the Contract Manager or a nominated representative.

5.11 Opening of Tenders

Tenders are opened in the presence of two officers, one of whom is an officer from the Procurement Department. The second officer is the Contract Manager or a nominated representative. Tenders are recorded and signed by the officers present at the tender opening.

Only the names of the tenderers are disclosed to the public at the time of opening of tenders.

5.12 Late Tenders

Tenders submitted after the advertised closing date and time are not accepted under any circumstances and are considered to have never been received. The date and time of receipt is recorded. The late tender is returned to the tenderer with an explanation that it arrived too late to be eligible for consideration.

6 Evaluation of Tenders

6.1 Terms of Reference

Tenders are evaluated in accordance with the terms of reference detailed in Council's Procurement Handbook Tender Evaluation Module.

6.2 Weighted Attribute Method

Tenders are evaluated using the weighted attribute method.

6.3 Weightings

Tenders will be evaluated against the established criteria and standard weightings will apply, with any deviation from this to be approved by Council.

The following criteria and weightings are mandatory and will be stated in the respective tender documents;

Criteria Weightings

Price	30%
Capacity	13%
Track Record	13%
Time Performance	13%
Occupational Health and Safety	13%
Benefit to the Regional Economy	13%
Employment of Trainees/Apprentices	5%

6.4 Tender Assessment Panel

The tender assessment panel consists of a minimum of 3 persons including:

- Contract Manager or delegate;
- appropriately qualified Council officer; and
- an independent representative (internal or external) with expertise relevant to the subject matter of the tender.

If the contract is considered to be politically sensitive or contentious, the tender assessment panel also includes an independent external representative (probity officer) and a representative from the Finance Department.

6.5 Declarations

Members of the Tender Assessment Panel sign and submit a statement declaring that they do not have a perceived or actual conflict of interest in the tenders being evaluated prior to any evaluation of tender documentation.

Members of the Tender Assessment Panel acknowledge that information concerning the tenders being evaluated is confidential and sign and submit a statement declaring that they will not divulge any information in recognition of the importance of protecting and preserving the confidential nature of the information.

6.6 Business Viability Assessment

A business viability assessment is considered for complex, high value and relatively important purchases and projects. However, procurement value is not used as the sole indicator of risk. In assessing whether a business viability assessment is required, consideration is given to the likelihood and consequence of a financial viability issue in the purchase or project and subsequent contract, as well as any other factors that have the potential to impact on the overall level of risk.

6.7 Post Implementation Review

A post implementation review for high value and complex projects is to be undertaken to ensure adherence to probity principles and confirm that all policies and procedures have been complied with.

7 Approval

7.1 Signing of Tender Evaluation Form

The completed weighted attribute tender evaluation form is signed off by every member of the Tender Assessment Panel.

7.2 Signing of Letters of Acceptance

Letters of acceptance for tenders are signed by the Chief Executive Officer.

7.3 Signing of Contracts & Agreements

All contracts are signed by the Chief Executive Officer.

All agreements and leases are signed by a delegated officer in accordance with the Approval Levels detailed in clause 4.6.

8 Review

8.1 Responsible Manager

The General Manager Governance is responsible for this policy.

8.2 Review Date

This policy is reviewed annually.

8.3 Human Rights Charter Compliance

This policy has been reviewed for Human Rights Charter compliance

16.2 PLANNING PERMIT APPLICATION 2013/131, TWO LOT RE-SUBDIVISION AT THE CORNER OF MATTINGLEY HILL ROAD AND CLARKES ROAD, TRARALGON**General Manager****Governance****For Decision****PURPOSE**

The purpose of this report is to determine Planning Permit Application 2013/131 for a two lot re-subdivision at the corner of Mattingley Hill Road and Clarkes Road in Traralgon (Lot 2 on Plan of Subdivision 504155L and Crown Allotment 84A Section A Parish of Traralgon).

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 surroundings and which provides for connected and inclusive community.

Latrobe City Council Plan 2013 - 2017***Strategic Direction – Planning for the future***

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

Legislation

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

BACKGROUND

SUMMARY

Land:	Corner of Mattingley Hill Road and Clarkes Road in Traralgon, known as Lot 2 on Plan of Subdivision 504155L and Crown Allotment 84A Section A Parish of Traralgon
Proponent:	John Black c/- Beveridge Williams
Zoning:	Farming Zone
Overlay:	State Resource Overlay 1 (SRO1)
Cultural Heritage Sensitivity:	There is a site of cultural heritage sensitivity on the property which is approximately 330 sq. metres in size. A two lot subdivision is not classified as a high impact activity therefore, a mandatory Cultural Heritage Management Plan is not required.

Clause 35.07-3 of the Scheme provides for subdivision of land which allows for the re-subdivision of existing lots provided the number of lots is not increased.

Refer to Attachment 1 for a zoning map.

PROPOSAL

The proposal seeks to re-subdivide the land into two lots as follows:

Proposed lot 1 would contain the existing farming land, including the productive grazing pasture, watercourses and associated vegetation, dams, hay shed, stock yards and loading ramp. It would have an area of 156.4 hectares.

Access to this lot would be obtained from the existing driveways in either Cochranes Road or Clarkes Road.

No connection to any reticulated infrastructure is proposed for Lot 1.

Proposed lot 2 would comprise 4 hectares of vacant land in the northwest corner of the site.

Access to this lot would be obtained from Clarkes Road via a new driveway, located approximately 130 metres from the north-west corner of the lot. Proposed lot 2 would be connected to reticulated electricity via an extension of the existing service along Clarkes Road.

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As detailed in the planning report submitted with the application, the permit applicant is a full time grazer who owns and operates a large scale beef cattle and sheep grazing enterprise both the subject land and other farm holdings on the northern side of Mattingley Hill Road. It is the land owner's intention to re-subdivide the land, sell the 4 hectare portion of the land (i.e. proposed Lot 2) and use the sale proceeds to improve the existing farming operation on proposed Lot 1.

The number of lots would not be increased as a result of the proposed subdivision.

It is submitted by the applicant/land owner that if necessary, he is prepared to have a Section 173 Agreement on title preventing the use and development of a dwelling on proposed Lot 1.

A plan of subdivision is included as Attachment 2 of this report.

SUBJECT LAND

The subject land is located on the southeast corner of Clarkes Road and Mattingley Hill Road in Traralgon and comprises two allotments as follows:

- Lot 2 on Plan of Subdivision 504155L, being land contained in Certificate of title Volume 10710 Folio 551. The lot is irregular in shape, 133.3 hectares in area and abuts Mattingley Hill Road along its part of its northern boundary, Cochranes Road along the full length of its eastern boundary and Clarkes Road along the full length of its western boundary. Easements for both electricity transmission and water supply bisect this allotment in an east-west direction and have a total width ranging between 69.9 metres and 73.64 metres.
- Crown allotment 84A, being land contained in Certificate of Title Volume 8285 Fol. 077. The lot is slightly irregular in shape, 27.12 hectares in area and abuts Church road along the full length of its western boundary. It is not affected by any easements.

As submitted by the applicant, the land is used for beef cattle and sheep grazing as part of a large family owned and long established agricultural enterprise that includes other land owned by the permit applicant and his brother on the northern side of Mattingley Hill Road. Currently, there are approximately 240 cows and 250 ewes on the subject site.

The site comprises predominately cleared grazing pasture, with scattered eucalyptus trees and some native vegetation lining the banks of three watercourses/gullies.

An open-sided hay shed, two sets of stock yards and a loading ramp are located in the north eastern corner of the site. These structures are accessed from Cochranes Road via two separate gates and gravel driveways. The balance of the land is vacant.

The site is traversed by two unnamed watercourses and associated gullies, which are tributaries of the Traralgon Creek.

Farming Zone lots to the north and northwest of the site (on the southern side of Mattingley Hill Road and extending in a westerly direction to Hazelwood Road) is used and developed for rural residential purposes at a variety of densities. This area comprises nine existing allotments ranging in area between approximately 2 and 4 hectares that each contains an existing dwelling and associated outbuildings. Many of these properties also accommodate a small number of livestock or horses.

Land to the north of the site on the opposite side of Mattingley Hill Road is used for agricultural purposes in conjunction with the subject land. Land to the east is also used for agriculture and there are several dwellings in Cochranes Road to the east and south of the site.

To the south of the site is a timber plantation that is currently being harvested. Land to the west, on the opposite side of Clarkes Road, has also been used for timber plantation purposes in the past. Further to the south-west is a large water storage dam and beyond this are more timber plantations.

HISTORY OF APPLICATION

A history of assessment of this application is set out in Attachment 3.

The provisions of the Scheme that are relevant to the subject application are included in Attachment 4.

LATROBE PLANNING SCHEME

State Planning Policy Framework

There are a number of State and Local planning policies that apply to the consideration of this application.

In particular, State Planning Policy relates to the protection of the State's agricultural base, including protecting productive farmland which is of strategic significance in the local or regional context.

The objective of Clause 11.05-3 'Rural Productivity' is to manage land use change and development in rural areas to promote agricultural and rural production. The strategies to achieve this include preventing inappropriately dispersed urban activities in rural areas; and limiting new housing development in rural areas. This includes directing housing growth into existing settlements and discouraging the development of isolated small lots in rural zoned areas from use for single dwellings.

The objective of Clause 14.01-1 'Protection of Agricultural Land' is to protect productive farmland. The strategies to achieve this include:

- *Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.*
- *Take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity.*

- *Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors'.*

These policies are designed to direct residential growth into designated rural residential areas and prevent fragmentation of productive farmland by encouraging subdivision pattern contrary to the Farming Zone.

The objective of Clause 14.03 'Resource Exploration and Extraction' is 'to encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation'.

The subdivision proposal will not create additional lots or new dwelling entitlements therefore the opportunity for exploration and extraction of natural resources will not be directly limited as a result.

The Victorian State Government has recently released the Draft Regional Growth Plan, June 2013. This document will provide a broad direction for regional land use and development. For our region it highlights that by 2030 Gippsland will be a major contributor to achieving the aim of doubling food production in Victoria.

Some key strategies identified for future land use in this document is;

- Support the implementation of state policy by protecting the identified areas of strategic significance (agriculture and forestry) and irrigation assets to help grow Gippsland and the state as an important food bowl for Australia and Asia.
- Ensure rural housing and subdivision is for an agricultural or forestry purpose, and critically assess other proposals for non agricultural uses within the areas of strategic significance (agriculture and forestry) for their comparative economic, social and environmental benefits.

Local Planning Policy Framework

The Municipal Strategic Statement (MSS) of the Scheme, under Clause 21.04-3 'Rural Living Overview', acknowledges pressure for rural residential development and it also states that high value rural land and natural resources need to be protected from encroachment from rural living development pressures.

As outlined by the applicant, the subject land is suitable for farming, as it is currently used for beef cattle and sheep grazing.

Clause 21.07-3 'Coal Resource Overview' aims to ensure that new development is not undertaken in such a way as to compromise the effective and efficient use of existing or future infrastructure, and to maximize the protection of the coal resource to ensure resource security in the future.

In the Gippsland Coalfields Map incorporated into Clause 21.07-3, the site is identified within the 'Other Coal Areas' being a Category C coalfield which may be required for development in 60+ years.

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It is reasonable to consider that the proposed subdivision will not directly hinder the ability to utilise the coal resource in the future.

Clause 21.07-5 (Agriculture Overview), further states that *'there remains a need to improve dairy industry efficiency, protect the agricultural land resource base and encourage new sustainable enterprises amid ongoing structural changes in rural industries'*.

One of the strategies under Clause 21.07-5 of the Agriculture Overview is to *'limit subdivision, use or development of land that should be incompatible with the utilisation of the land for sustainable resource use'*.

The key issue in the consideration of this application is the lack of policy support for the re-subdivision proposal, as the proposal effectively seeks to reduce the area available for productive farming and to create a small 4 hectare lot suited to rural lifestyle purposes.

As detailed in the planning report submitted with the application, the proposed subdivision is deemed necessary by the land owner for his personal financial reasons:

'Like many farmers, the land owner is asset-rich but cash poor. To enable him to continue to operate a productive and economically viable agricultural enterprise, he needs to implement immediate improvements by way of additional stock, new fencing and new farming machinery. He does not have the funds available to pay for these improvements, as his money is tied up in his assets (i.e. land). To generate the required funds, it is now necessary for the land owner to sell part of this farm. He is prepared to sell a 4 hectare portion of land in the north-west corner that is the least productive from an agricultural perspective. It is located adjacent to existing rural residential land uses in Clarkes Road and is on elevated land in a corner of the farm that is significant distance from the stock yards and loading ramp. The location and area of the land to be excised has been specifically chosen to have minimal impact on the continued productivity of the land owner's farming operation, as he obviously does not want to compromise his livelihood'.

Whilst the above financial reason for subdivision is acknowledged, the proposal is contrary to the intent of the State and Local Planning Policy Framework that calls for the protection of agricultural land and orderly planning. Although it is claimed by the land owner that the north-west corner of the land is the least productive for his agricultural needs, it is nevertheless land suitable for farming and has been used for farming purpose for many years. The proposed re-subdivision to create a small lot (with the intention for disposal) would reduce the area available for productive farming use and result in fragmentation of agricultural land.

Whilst the land owner's personal circumstances are acknowledged, they cannot outweigh orderly and proper planning considerations. There have been many VCAT Tribunal decisions affirming this position. In *White v Yarra Glen SC* [1999] VCAT 254, the Tribunal concluded that:

'It is clear that both State and regional planning policies look to the protection of productive rural land from incremental loss due to rural residential subdivision and house lot excisions.'

The applicants' personal and understandable reasons for the proposal cannot outweigh the need for orderly and proper planning of the area so that for the above reasons no permit will issue'.

In *Woodward v East Gippsland SC* [2001] VCAT 1268, the Tribunal stated that:

'...when consideration is given to the provisions of the planning scheme and the particular matters to be taken into account, the reality is that the applicant's personal circumstances are not matters which can be given any significant weight'.

In addition, whilst the land owner's intention is to improve the existing agricultural operation on the land through the sale of proposed Lot 2, there is no guarantee of this outcome. Rather, the potential impact associated with the re-subdivision and a future dwelling upon the existing agricultural operations in the broader area is an important consideration in this application.

On the above basis, it is considered that the proposed subdivision does not comply with relevant agricultural State and Local planning policies which seek to retain productive agricultural land; rather it seeks to create a rural-residential allotment within the Farming Zone.

ZONE AND OVERLAY

Farming Zone

It is noted that amendment VC103, which implemented some changes to the Farming Zone, does not affect the assessment of this proposal.

There are two key issues that require consideration under the Farming Zone which are applicable to this application. The first is whether a subdivision is appropriate having regard to the purpose and decision guidelines of the zone. The second issue is the likelihood of the smaller lot being used for rural living purpose and its potential impact on the existing farming operations in the area.

It is submitted by the applicant that the primary purpose of this re-subdivision is to enable the land owner to dispose of a small portion of his farm to generate cash-flow to fund immediate and necessary improvements to his agricultural enterprise. However, the application has provided no detail as to what improvements will be provided to the existing agricultural operation on the land. More importantly, the argument put forward by the applicant is based on the assumption that the re-subdivision proposal and the potential future rural living use of the land would not disturb the status quo. It should be noted the interpretation of the purpose and decision guidelines of the Farming Zone require a higher test, namely an encouragement of an integrated approach to land management, protection and creation of an effective rural infrastructure and land resource, protection and enhancement of the bio-diversity and the proposal compatibility with rural activities.

The proposal achieves none of the above; rather, it would reinforce the fragmentation of the land by creating an allotment so small that cannot be reasonably used for productive agricultural purposes, and prejudice any improvement or promotion of agricultural activity of the land. Other than financial reasons, there is no evidence to suggest that the proposed re-subdivision is required for the reasonable operation of the farming activities currently conducted on the land. With the reduction in land available for farming, it is questionable as to how the productivity and sustainability of the overall land would be improved. In addition, no positive environmental impacts have been identified as a result of the proposed subdivision.

An additional factor in the assessment of this proposal is the potential that a new dwelling could be constructed on proposed Lot 2 as a result of approval of this subdivision proposal. Any rural living use or development unrelated to farming in the area is likely to heighten expectations, in terms of amenity and the provision of services, in an area that is suited to and zoned for farming. Proliferation of dwellings unnecessarily may impact on the agricultural productivity of not just this landholding but adjoining farms.

As outlined above, it is reasonable to consider that the proposed subdivision does not meet the relevant agriculture objectives and strategies set out currently within the Scheme. If approved, the subdivision is likely to disrupt the ongoing use of land for agricultural purposes, and the potential use of a dwelling on Lot 2 is incompatible with the utilisation of the land for sustainable resource use as identified under the purpose and decision guidelines of the zone.

State Resource Overlay – Schedule 1

Earth Resources Victoria of the Department of State Development, Business and Innovation (DSDBI) has evaluated the proposal and has no objection to a permit being granted. It was submitted by the DSDBI that *'the nature and scale of the proposed re-subdivision will not adversely affect the future development of the coal reserve'* and *'the proposed use re-subdivision will not be adversely impacted by the adjacent existing mining activities'*.

It is reasonable to consider that the proposed re-subdivision will not inhibit the productive use of the resource nor will it have a detrimental impact on the possible long term use of the land for brown coal extraction. However, in considering the application for subdivision we must take into account likely future use and development.

Clause 65 – Decision Guideline

Clause 65 of the Scheme states that *'because a permit can be granted does not imply that a permit should or will be granted.'*

The decision guidelines contained in Clause 65.02 – Approval of an application to subdivide land set out matters that the responsible authority must consider, as appropriate, including:

- To provide for the use of land for agriculture.

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- The suitability of the land for subdivision. The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.

All the relevant decision guidelines have been assessed and discussed in detail in the above report.

In particular, it should be noted that 'the need for the creation of further lots' is one of the important decision guidelines. As submitted by the applicant in the application, the need for re-subdivision is based upon the permit applicant/land owner's specific financial requirements.

The application if approved would allow the further fragmentation of the parent title which is considered to be productive agricultural land by the Responsible Authority and the applicant.

Land in the vicinity is used for both agricultural and rural living purposes. More specifically the land to the north-west of the site is used and developed for rural residential purposes and comprises of nine existing allotments between 2 and 4 hectares each containing dwellings. Land to the east is also used for agriculture and there are several dwellings south-east of the site. The application if approved would contribute to the rural living size allotments resulting in potential increase of dwellings in the vicinity.

As a result the proposal runs contrary to the decision guidelines of Clause 65.02.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

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:

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and an A3 notice was displayed on the site frontage for 14 days.

**ORDINARY COUNCIL MEETING MINUTES
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No objection was received.

External:

The application was referred to the West Gippsland Catchment Management Authority in accordance with Section 52 of the Act.

The application was referred to the Department of State Development, Business and Innovation (DSDBI) in accordance with Section 55 of the Act.

None of the authorities objected to the application.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning Team who gave consent to the granting of a planning permit subject to appropriate conditions and notes. Internal officer comments were also sought from Council's Health Team who gave consent to the granting of a planning permit.

OPTIONS

Council has the following options in regard to this application:

1. Issue a Notice of Refusal to Grant a Planning Permit; or
2. Issue 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:

- Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Inconsistent with the purpose of the Farming zone by furthering the fragmentation of productive land;
- Inconsistent with the decision guidelines of the Farming zone;
- Inappropriate having regard to the implication of the State Resource Overlay and the possible future development of Lot 2;
- Inappropriate having regard to the proper and orderly planning of the area;
- Inconsistent with Clause 65 (Decision Guidelines).

Attachments

1. Zoning Map
2. Proposed Plan of Subdivision

**ORDINARY COUNCIL MEETING MINUTES
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3. History of Application
4. Relevant Provisions of the Scheme

RECOMMENDATION

That Council issues a Notice of Refusal to grant a planning permit, for the two lot subdivision at the corner of Mattingley Hill Road and Clarke road Traralgon (being Lot 2 on Plan of Subdivision 504155L and Crown Allotment 84A Section A Parish of Traralgon), on the following grounds:

1. The proposal is inappropriate having regard to the proper and orderly planning of the area.
2. The proposed subdivision is inconsistent with Clauses 14.01-1, 21.07-3 and 21.07-5 of the Latrobe Planning Scheme.
3. The proposal is contrary to the purpose and decision guidelines of Clause 35.07 (Farming zone) of the Latrobe Planning Scheme.
4. The proposal is inconsistent with Clause 65 (Decision Guidelines) of the Latrobe Planning Scheme.
5. The proposal is inappropriate having regard to the implication of the State Resource Overlay and the possible future development of Lot 2.

ALTERNATE MOTION

Council issues a Planning Permit for a two lot re-subdivision at the corner of Mattingley Hill Road and Clarkes Road in Traralgon (Lot 2 on Plan of Subdivision 504155L and Crown Allotment 84A Section A Parish of Traralgon) with the following 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. **The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
3. **All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
4. **The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with section 8 of that Act.**
Appropriate measures must be implemented

5. 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.
6. 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:
 - a) A vehicle crossing must be constructed to provide access to lot 2 from Clarkes Road in a location approved by the Responsible Authority. The vehicle crossing must be constructed at right angles to the road and must comply with the standards as set out in Latrobe City Council's Standard Drawings LCC 306 and LCC 212 including provision of an all-weather sealed surface from the edge of the existing road pavement for a distance of six (6) metres toward the property boundary.
7. Before the plan of subdivision is Certified under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987 and must make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act, which provides that there will be no subsequent dwelling development on lot 1 of the plan of subdivision as per the endorsed plan of Planning Permit 2013/131.

The owner must pay the reasonable costs of preparation, review, execution and registration of the agreement.

Prior to Certification the permit operator must provide Council with a copy of the dealing number issued by the Titles Office. Once titles are issued Council requires the Applicant 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.

8. 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.

Note 1. A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.

Moved: Cr Harriman

Seconded: Cr Middlemiss

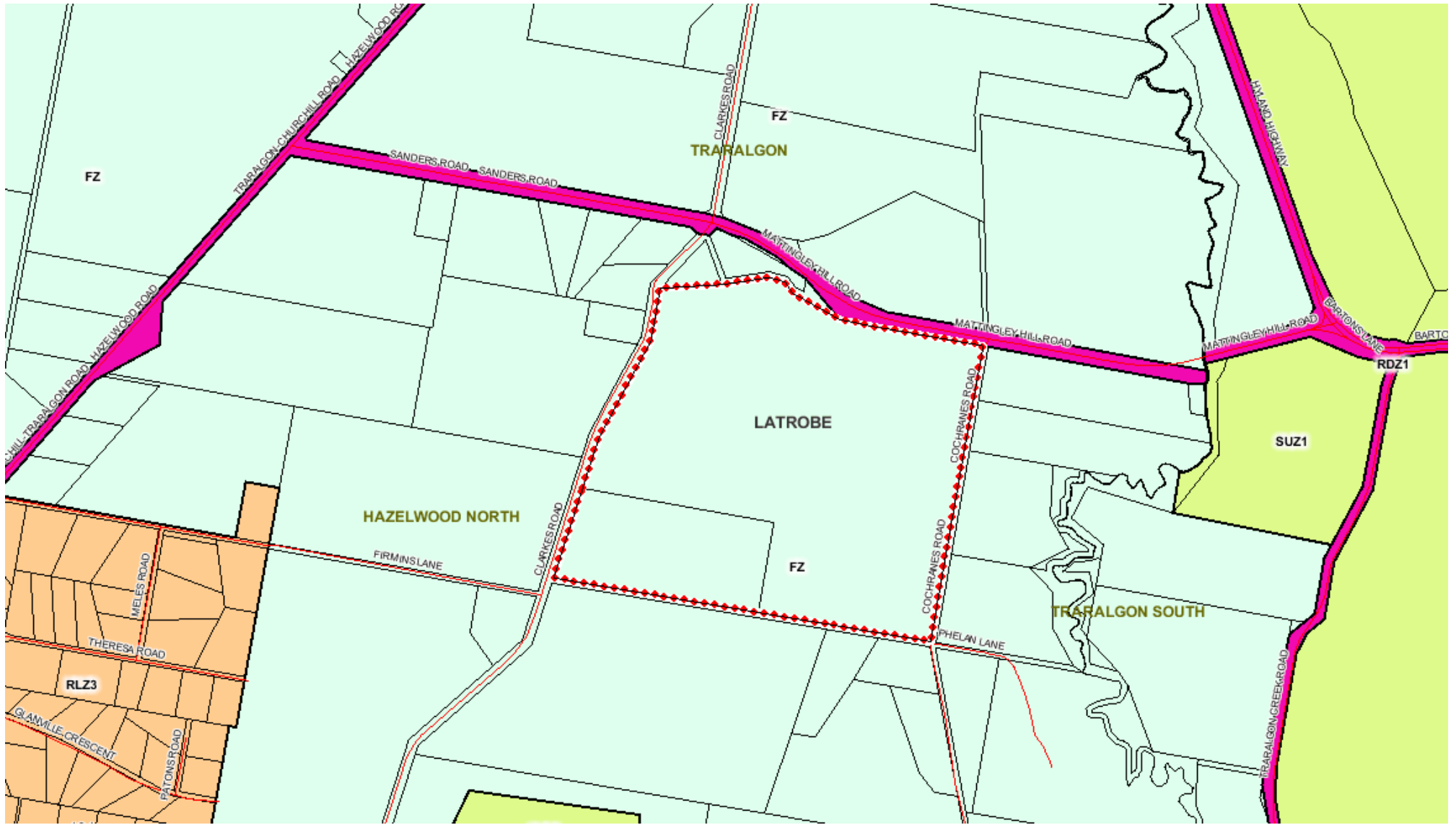
That the Motion be adopted.

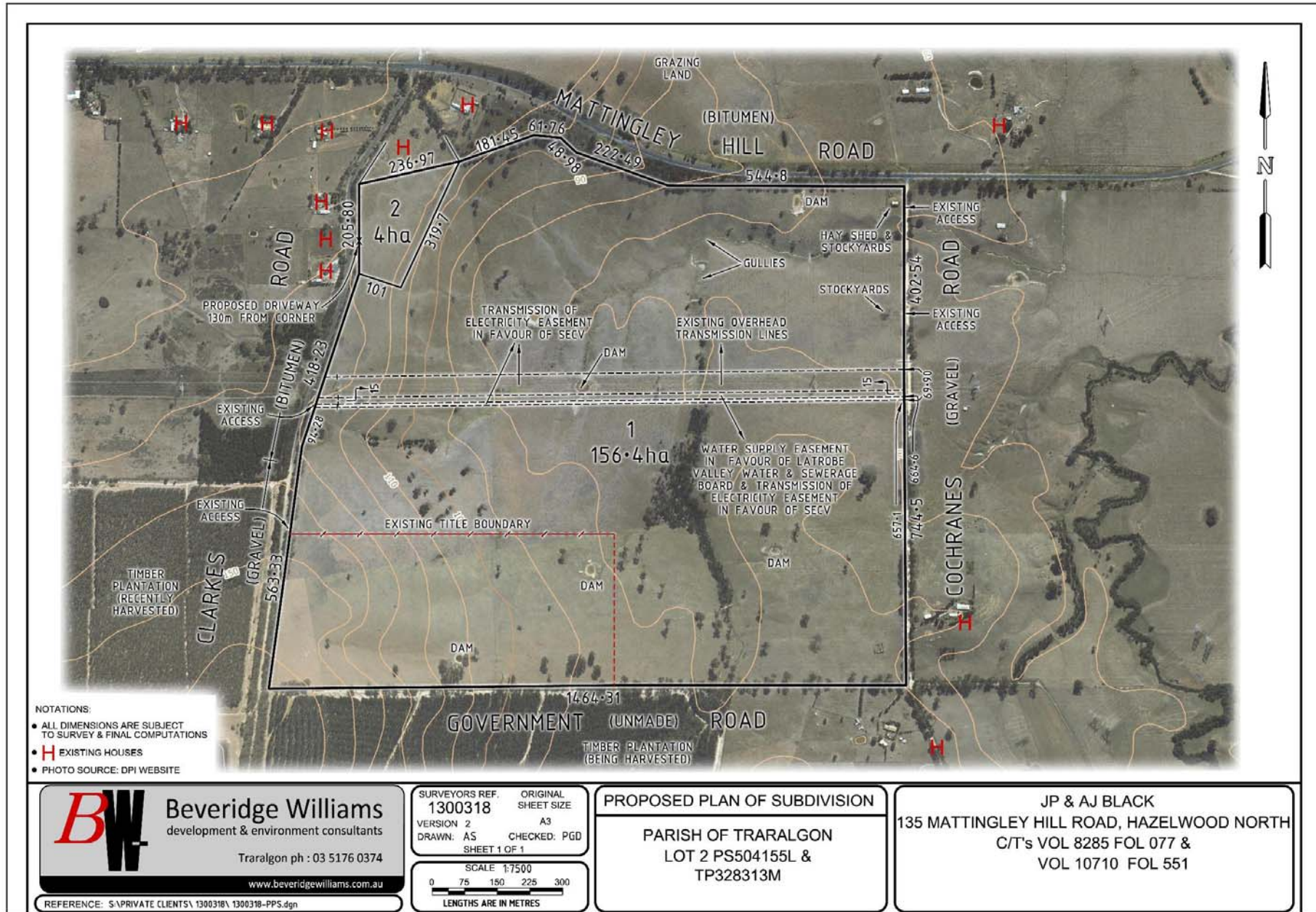
CARRIED UNANIMOUSLY

16.2

PLANNING PERMIT APPLICATION 2013/131, TWO LOT RE-SUBDIVISION AT THE CORNER OF MATTINGLEY HILL ROAD AND CLARKES ROAD, TRARALGON

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History of Application

30 May 2013	Planning Permit application received by Council via spear.
20 June 2013	The applicant requested an amendment to the planning permit application.
3 July 2013	Application referred to the following authorities: <ul style="list-style-type: none"> - Department of State Development, Business and Innovation - West Gippsland Catchment Management Authority - Council's Infrastructure Planning Department
3 July 2013	Referral response received from Council's Infrastructure Planning Department. No objection.
5 July 2013	The applicant was instructed to advertise the application to adjoining owners and occupiers.
11 July 2013	Referral response received from West Gippsland Catchment Management Authority. No objection.
1 August 2013	Referral response received from the Department of State Development, Business and Innovation. No objection.
7 August 2013	Signed statutory declaration for advertising submitted to Council by the applicant.
14 August 2013	Application referred internally to Council's Health Department
24 September 2013	Referral response received from Council's Health Department

Latrobe Planning Scheme

State Planning Policy Framework:

- Clause 11.05-3 – Rural Productivity
- Clause 14.01-1 – Protection of Agricultural Land
- Clause 14.01-2 – Sustainable Agricultural Land Use
- Clause 14.02-1 - Catchment Planning and Management
- Clause 14.03 – Resource Exploration and Extraction
- Clause 19.03-2 - Water Supply, Sewerage and Drainage

Municipal Strategic Statement:

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Municipal Vision
- Clause 21.04-3 – Rural Living Overview
- Clause 21.07-3 - Coal Resources
- Clause 21.07-5 - Agriculture

Zoning:

The subject site is zoned Farming.

Overlays:

The subject site is affected by Schedule 1 to the State Resource Overlay (SRO1).

Particular Provisions:

No Particular Provisions are considered to be relevant to this application.

General Provisions:

Before deciding on an application, the Responsible Authority must also consider the 'Decision Guidelines' of Clause 65 as appropriate.

Incorporated Documents:

No Incorporated Documents are considered to be relevant to this application.

16.4 REVIEW OF SPECIAL CHARGE SCHEME POLICY 13 POL-1**General Manager****Governance****For Decision****PURPOSE**

The purpose of this report is to present to Council the Special Charge Scheme Policy 13 POL-2, with amended changes due to an administrative error.

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

Appropriate, affordable and sustainable facilities, services and recreation:

To provide facilities and services that are accessible and meet the needs of our diverse community.

Efficient, Effective & Accountable Governance:

To provide open, transparent and accountable governance.

Shaping Our Future

An active connected and caring community supporting all.

Legislation***Local Government Act 1989***

Provides Council with powers to implement a Special Charge Scheme.

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

BACKGROUND

The new Special Charge Scheme Policy 13 Policy 13 POL-1 was adopted at the Ordinary Council meeting on 7 October 2013, where Council resolved the following:

1. *That Council adopts the new Special Charge Scheme Policy 13 POL-1 and revokes the Contributory Scheme Policy 11 POL-3, the Sealing of Unsealed Roads Policy 11 POL-4, the Construction of New Footpaths in Residential Areas Policy 11 POL-4 and the Construction of Pathways in Rural Areas Policy 11 POL- 3.*
2. *That the Council Policy manual be updated and made available to the public.*

Due to an administrative error in which the contribution percentages of landowner and Council being transposed, the policy has been amended as follows:

This amendment has also now allowed for the inclusion of appendix 1, the Process Flow to better explain the application of the policy.

Scheme	Contribution %	
	Landowner	Council
Construction of new roads	25%	75%
Sealing / upgrade of unsealed roads	25%	75%
Residential Kerb & Channel	25%	75%
Residential Footpaths / Nature Strips	50%	50%
Rural Footpaths / Nature Strips	50%	50%
Traffic Management / Calming Devices	25%	75%
Drainage	*TBD	

FINANCIAL, RISK 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:

A range of Community Consultation was engaged.

OPTIONS

1. Adopt the amended version of policy.
2. Not adopt the amended version and continue with the existing Council policy.
3. Seek further information and amend policy.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)****CONCLUSION**

The Special Charge Scheme Policy was compiled in accordance with statutory requirements of the *Local Government Act 1989*.

Attachments

1. Special Charge Scheme Policy 13 POL-2

RECOMMENDATION

That Council adopts the amended Special Charge Scheme Policy 13 POL-2 and revokes Special Charge Scheme Policy 13POL-1. That the Council Policy manual 13 POL-6 be updated and made available to the public.

Moved: Cr White

Seconded: Cr Rossiter

That the Recommendation be adopted.

For the Motion

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

Against the Motion

Councillor Gibson

The Mayor confirmed that the Recommendation had been CARRIED.

16.4

Review of Special Charge Scheme Policy 13 POL-1

1	Special Charge Scheme Policy 13 POL-2	285
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Document Name: **Special Charge Scheme Policy** **13 POL-2**

Adopted by Council: **<Date of Council meeting>**

Policy Goals

To ensure an equitable and consistent approach is used to implement, administer and deliver Special Charge Schemes under Section 163 of the Local Government Act 1989 in relation to the construction of new roads, sealing / upgrade of unsealed roads, kerb and channel, footpaths, nature strips, traffic calming & management devices, drainage works, including easements, drains and associated infrastructure works throughout the municipality.

Relationship to Latrobe 2026 & Council Plan

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:-

Latrobe 2026:

In 2026, Latrobe Valley demonstrates respect for the importance of rules and laws to protect people's rights, outline obligations and support community values and cohesion.

Appropriate, Affordable & Sustainable Facilities, Services & Recreation

Latrobe 2026:

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

Council Plan 2013 - 2017

- To promote and support a healthy, active and connected community.
- To provide facilities and services that are accessible and meet the needs of our diverse community.
- To enhance the visual attractiveness and liveability of Latrobe City.

Policy Implementation

In accordance with Section 163 of the Local Government Act 1989, Council can impose a special charge for works or services on property owners who Council believes receive a 'special benefit' from the provision of those works or services.

In September 2004, Local Government Victoria established the *Special Rates and Charges Ministerial Guidelines* which ensure the schemes are fair and equitable.

This policy relates to all property owners in the Latrobe City who are affected by a special charge scheme where it is considered that the construction of such works will be of special benefit to those who would be required to pay a Special Charge to assist in the funding of local street infrastructure schemes. Refer also Appendix 1 for a summarised process flow.

Scheme	Contribution %	
	Landowner	Council
Construction of new roads	25%	75%
Sealing / upgrade of unsealed roads	25%	75%
Residential Kerb & Channel	25%	75%
Residential Footpaths / Nature Strips	50%	50%
Rural Footpaths / Nature Strips	50%	50%
Traffic Management / Calming Devices	25%	75%
Drainage	*TBD	

*In accordance with the Local Government Act 1989, Section 163B(1) Drainage works including easements, drains, upgrades & renewal programs can be enforced where it is deemed necessary by Council.

A scheme may be initiated by recommendation of Council, a request from a resident/owner or by other interested or affected parties.

Where the final costs exceeds the Council estimated cost because of design and market influences rather than changes requested by residents, Council will meet the additional costs based on 10% beyond the original estimated cost.

It is important to note programmed capital maintenance and rehabilitation works are planned for and funded by Council and cannot take part in a special charge scheme arrangement. Where residents prefer to have the scoped works altered and/or undertaken sooner, a Special Charge Scheme may be considered.

Council may survey property owners to determine their support towards a proposed scheme and consider these findings during its deliberations. Generally, a majority of support from property owners is required for a scheme to proceed, however Council may choose to proceed with works without the majority of support, where it is deemed the works will provide benefit to abutting properties and the broader community.

An internal panel will be assembled to determine the level of benefit the potential scheme will provide to not only the property owners, but also the surrounding community. An assessment will be completed to determine which properties will derive direct benefit from the works in question. In determining the apportionment of costs for each property Council take into consideration frontage, area, benefit, access, usage and town planning zoning of land within the Scheme resulting in a recommendation as to which properties are to be included in the scheme. A concept design will be completed to assist in the cost analysis

process, with the design being completed in line with Councils current construction standards. This assessment will be presented to Council when considering the scheme.

One or more of the following will be assessed for each scheme type:

Construction of new roads and Sealing / upgrade of unsealed roads:

- Current usage / anticipated usage (of all vehicle types);
- Property owner and/or community support;
- Demonstrated need / necessity;
- Link to schools, community facilities, existing roads, other transport modes, etc.; and
- Road class assessment, e.g. width, road base, depth of pavement, alignment, etc.

Residential Kerb & Channel:

- Current / proposed capacity and/or table drain / pit location;
- Rainfall trends and topographical assessment;
- Property owner and/or community support; and
- Demonstrated need / necessity.

Residential Footpaths / Nature strips and Rural Footpaths / Nature strips:

- Current usage / anticipated usage;
- Property owner and/or community support;
- Demonstrated need / necessity; and
- Link to schools, community facilities, existing pathways/nature strips, other transport modes, etc.

Traffic Management / Calming Devices:

- Current road way usage;
- Property owner and/or community support;
- Demonstrated need / necessity; and
- Link to schools, community facilities, existing road types, other transport modes, e.g. emergency services, etc.

Drainage:

- Current / proposed capacity;
- Existing / proposed development area considerations;
- Rainfall trends and topographical assessment;
- Property owner and/or community support; and
- Demonstrated need / necessity.

Council will notify all affected property owners and may hold a public meeting advising interested parties of the conceptual design, overall process, proposed apportionment, method of payments, submissions and objections process, etc.

Special Charge Schemes will generally be prepared at least 12 months in advance of proposed construction to provide sufficient time for a detailed consultation process to be undertaken, and in cases where Council is required to contribute a share of the cost of the works, time to provide sufficient funding in its capital works program.

Schemes may include all works, materials, charges, overheads and costs to install the required infrastructure, including project management, design, traffic management, road

pavement works, nature strip works, driveway, drainage works, kerb and channel, street furniture, landscaping services, lighting and intersection works, etc.

The Ministerial Guidelines made under Section 163(2C) of the Local Government Act 1989 is used to calculate the maximum total amount that may be levied as a special charge to be recovered from property owners for each particular project. There are no definitive guidelines for the calculation of the actual amount, known as the apportionment, to be charged to individuals. The underlying principle is that a property must receive benefit from the proposed works before a cost can be levied. The apportionment method must be reasonable, fair, and equitable for each individual proposal. Consultation with affected people will assist in this determination prior to the declaration of the proposed Special Charge Scheme. Previous determinations of the Victorian and Civil Administrative Tribunal may be used as a guide.

Project, engineering and administrative costs may be associated with the preparation and implementation of a scheme. These costs will be recovered as part of the overall scheme amount. Charges levied under Special Charge Schemes may be paid in a lump sum immediately following completion of the works or via a payment arrangement to be paid within 5 years. Current interest rates will apply to the latter method of payment.

Once Council resolves to declare a Special Charge Scheme and in accordance with Section 223 *Hearing* of the Local Government Act 1989, a public notice of 'Intention to Declare' will be published in local newspapers, along with a formal notice of scheme details and costs sent to each property owner inviting submissions from all interested parties. Hardcopy details of the special charge scheme will also be available at each Council Service Centre for viewing by the general public.

Only written submissions received within the consultation period (28 days) will be considered by Council. Following a review of these submissions, Council may resolve to:

- proceed without any modification to the original declaration, "declares" the special charge and proceed by serving formal notice;
- abandon the scheme; or
- undertake significant modifications to the original scheme which would require the process to recommence; or
- undertake minor modifications to the original scheme, return to the "*Intention to Declare*" stage or proceed by serving formal notice.

The authors of all submissions received and property owners affected by the proposed scheme will be notified regarding Council's discretion.

Property owners have the right to appeal to the Victorian Civil and Administrative Tribunal (VCAT) regarding Council's decision. Objections should address the criteria in Section 185 of the Local Government Act 1989. All applications will be administered by the VCAT and must be submitted within 30 days of the notice levying the special charge being issued.

VCAT may determine in favour of the scheme where Council will initiate the special charge scheme process and works, or they may notify Council of their objection to the scheme, to which Council may review and modify or abandon the special charge scheme.

Where multiple sealing of rural unsealed roads special charge schemes have been declared, the roads shall be prioritised using the assessment and scoring method detailed in appendix two.

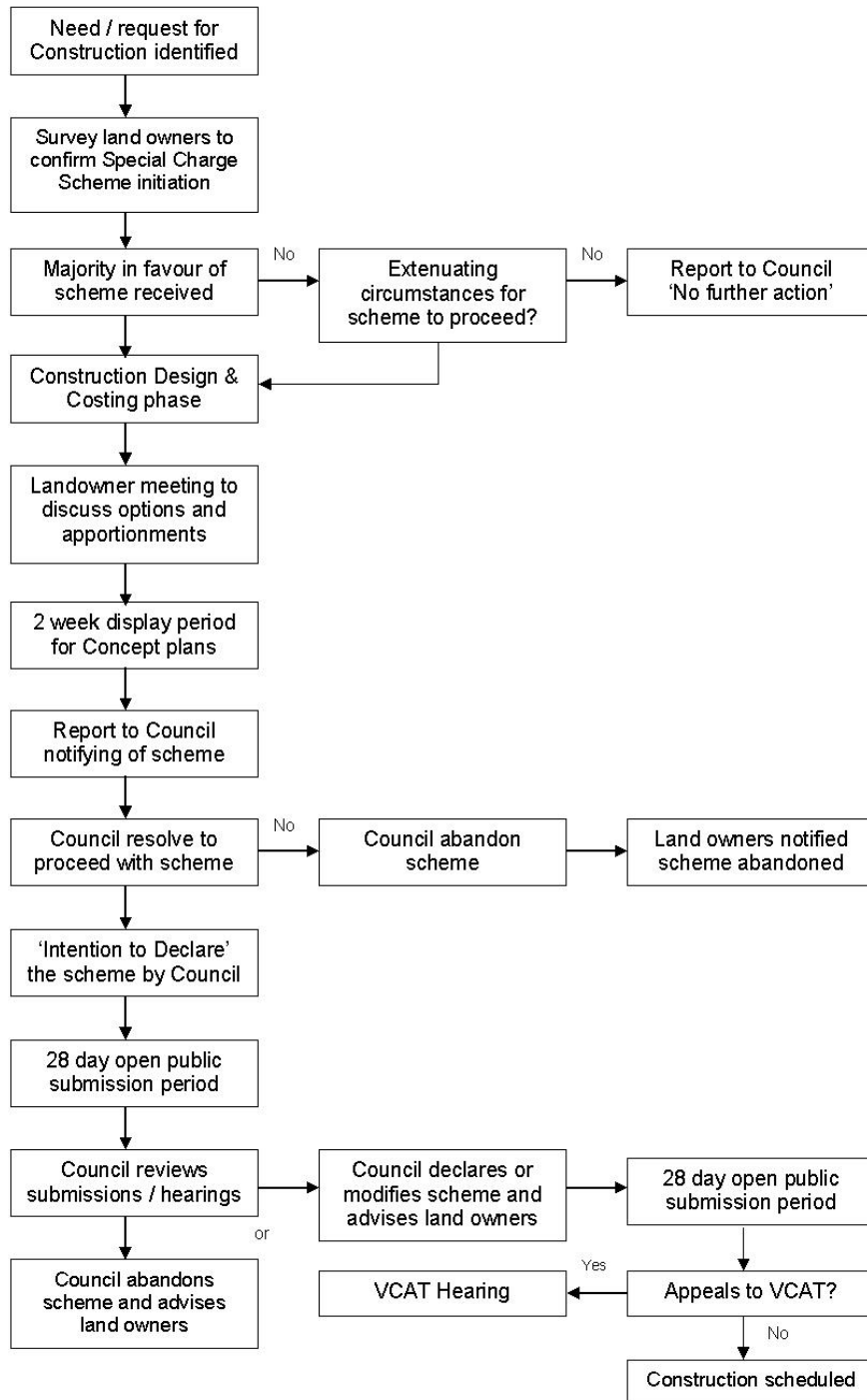
This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Charter acknowledgement - for internal auditing purposes only:

YES / NO Name: _____ Date: / / 2013

Signed: _____ Date:
Chief Executive Officer

Appendix 1 – Special Charge Scheme Process Flow



Appendix 2 – Evaluation Criteria for Sealing of Rural Unsealed Roads

(to be read in conjunction with Policy 13 POL-2 Special Charge Scheme Policy)

CRITERIA	SCORING POINTS	WEIGHTING
Traffic Volumes	Score 1 point for every 25 vehicles, rounded to the nearest. Add one additional point for every 1% of commercial vehicles.	7
Strategic Significance	Eg. Tourist facility/focus, land development (abutting or servicing), complete a sealed road link, food producing farms, etc. Score 0 Nil 3 Low 6 Medium 10 High	10
Maintenance Considerations	Take into account relative maintenance cost for that particular road or segment of road. Low 1 Medium 2 High 5	8
Safety Considerations	Actual/potential accidents, vertical/horizontal alignment issues, sight distance problems, school bus route. (add 1 point if school bus route) Score 0 Nil 2 Low 4 Medium 5 High	10
Owner contribution / other external funding (other than Roads to Recovery Grants)	10 points – greater than 66% of owners agreeing to pay contribution amount set down in the Policy via a Special Charge Scheme. 5 points – 33% to 66% of owners agreeing to pay contribution amount set down in the Policy via a 173 Agreement. 2 points – 1% to 33% of owners agreeing to pay contribution amount set down in the Policy via a 173 Agreement. Add additional 5 points if funding from other sources is identified eg developer contribution.	10
Number of Houses	Number of houses along a particular section of road within 100 metres of the road. One point per house, add additional point if tank water is used.	6

CRITERIA	SCORING POINTS	WEIGHTING
<i>DISTANCE OF HOUSE FROM ROAD</i>	< 15 metres 4 points 15 – 50 metres 3 points 51 - 100 metres 2 points > 100 metres 1 point Add one point for each additional house located within 100 m from the road.	
Domestic Water Supply	3 Points- water tanks in use Reticulated water supply – Nil.	
<i>OWNER / OCCUPIER CONCERNS</i>	1-6 points - Issues to be considered are: Health issues, eg. Asthma etc. Effect of dust on business. Type of material used on road, eg. High dust.	

**16.5 HOUSING STRATEGY AND LATROBE PLANNING SCHEME
REVIEW PROJECT GOVERNANCE AND PROJECT REFERENCE
GROUP TERMS OF REFERENCE**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to present the proposed project governance structure and seek Council endorsement of the draft Terms of Reference for the Housing Strategy and Latrobe Planning Scheme Review Project Reference Group.

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, Latrobe City Council Plan 2013-2017 and adopted Project Governance Policy.

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 – 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 3: Efficient, effective and accountable governance

To provide open, transparent and accountable governance

Strategic Direction - Efficient, effective and accountable governance

Conduct all Council and committee meetings in strict accordance with the law and in an open and transparent manner.

Theme 5: Planning for the future

To provide clear and concise policies and directions in all aspects of planning.

Strategic Direction – Planning for the future

Explore the establishment of a Council planning committee to guide land use planning, development and growth.

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

Review our policy and guidelines for new residential development in particular lot density, unit development, road widths and emergency vehicle access.

In consultation with the community, review Council's Municipal Strategic Statement and the Latrobe City Planning Scheme.

Legislation

The discussions and recommendations of this report are consistent with the provisions of the *Planning and Environment Act 1987* and the Latrobe Planning Scheme.

Policy

Latrobe City Council Project Governance Policy (11POL-1)

BACKGROUND

The Latrobe City Council Plan 2013-17 includes both the Housing Strategy and Latrobe Planning Scheme Review as key strategic directions.

At its Ordinary Council Meeting on 3 September 2012 Council resolved:

That Council undertake a review of the municipal strategic statement with regard to the recommended lots per hectare in future residential subdivision development on the preferred basis of 11 lots per hectare.

At its Ordinary Council Meeting on 19 November 2012 Council resolved:

That Council's preferred lot density is 11 lots per hectare on unencumbered land and that this foreshadows Council's intention with regard to the Latrobe Statutory Planning Scheme review.

In order to achieve Council's objectives the Housing Strategy and Latrobe Planning Scheme Review need to be developed, adopted and then incorporated into the Latrobe Planning Scheme.

Latrobe City Council's adopted Project Governance Policy directs Council Officers prior to the commencement of a project to establish best practice project governance arrangements. This includes a Project Reference Group, Project Board and Project Assurance Group. Terms of Reference must be adopted by each governance group.

ISSUES

In order to facilitate the commencement of the Housing Strategy and Latrobe Planning Scheme Review it is proposed to establish a Project Reference Group, Project Board and Project Assurance Group. Terms of Reference have been prepared for the Project Reference Group to guide the input and development into the Housing Strategy and Latrobe Planning Scheme Review (Refer to Attachment One for draft Strategic Planning Projects 2013/14 - Housing Strategy and Latrobe Planning Scheme Review; Project Reference Group Terms of Reference).

Governance Structure

The proposed governance structure consists of a Project Reference Group, Project Board and Project Assurance Group in accordance with Council's adopted Project Governance Policy.

The Project Reference Group

A draft Strategic Planning Projects 2013/14 - Housing Strategy and Latrobe Planning Scheme Review; Project Reference Group Terms of Reference has been developed (Refer to Attachment One for draft Strategic Planning Projects 2013/14 - Housing Strategy and Latrobe Planning Scheme Review; Project Reference Group Terms of Reference). It includes the provision for five (5) Councillors and relevant Council Officers (project manager, senior management and administration support).

The major objectives of the Project Reference Group will be:

- To provide input into the development of the project brief and stakeholder engagement plan for the Housing Strategy and Latrobe Planning Scheme Review for future Council endorsement;
- To assist in the review and inclusion of community consultation feedback and suggestions to the Housing Strategy and Latrobe Planning Scheme Review;
- To be a key reviewer of draft documentation for the Housing Strategy and Latrobe Planning Scheme Review in accordance with the draft Terms of Reference.

The first task of the Project Reference Group will be to inform the development of the project brief, draft stakeholder engagement plan and to understand the constraints and opportunities of both the Housing Strategy and Latrobe Planning Scheme Review. The Project Reference Group may meet fortnightly or as required for a maximum of two hours. It is envisaged that workshops will start in November in order to develop the draft project brief and draft stakeholder engagement plan begin the development of these projects.

The Project Board

The role of the Project Board is to approve each stage of the project and authorise any changes that may occur throughout the life of the project. The Project Board is likely to consist of the Executive Team including Council officer support and the project manager. It is proposed the Board will meet monthly or as required.

The Project Assurance Group

The role of the Project Assurance Group is to monitor the progress of the project on behalf of the Project Board and provide specialist knowledge where required. The Project Assurance Group is likely to consist of relevant stakeholders including the Department of Planning, Transport and Local Infrastructure (DTPLI), state government agency representatives, internal Council Officers, community and/or industry representatives, the project manager and other Council officer support as required.

FINANCIAL, RISK 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.

The Housing Strategy and Latrobe Planning Scheme Review have each been allocated \$100,000 in the 2013/14 budget year to commence the projects.

INTERNAL/EXTERNAL CONSULTATION

Engagement activities are proposed to be undertaken as part of the Housing Strategy and Latrobe Planning Scheme Review projects in accordance with the *Community Engagement Plan 2010-2014*. The Project Reference Group will assist in the development of stakeholder engagement plan for future Council endorsement.

OPTIONS

Council has the following options:

1. That Council endorses the Strategic Planning Projects 2013/14 - Housing Strategy and Latrobe Planning Scheme Review; Project Reference Group Terms of Reference.
2. That Council not endorse the Strategic Planning Projects 2013/14 - Housing Strategy and Latrobe Planning Scheme Review; Project Reference Group Terms of Reference and requests further details regarding appropriate project governance arrangements for these projects.

CONCLUSION

In accordance with Latrobe City Council's adopted Project Governance Policy, prior to the commencement of a project Council Officers must establish a Project Reference Group, Project Board and Project Assurance Group with associated Terms of Reference.

The proposed governance structure as presented in this report is in accordance with the Project Governance Policy.

The adoption of the draft Terms of Reference for the Strategic Planning Projects Reference Group will allow the Housing Strategy and Latrobe Planning Scheme Review to commence.

Attachments

1. Strategic Planning Projects 2013/14 – Housing Strategy and Planning Scheme Review; Project Reference Group Terms of Reference

RECOMMENDATION

1. That Council adopt the Strategic Planning Projects 2013/14- Housing Strategy and Latrobe Planning Scheme Review Project Reference Group Terms of Reference as attached.
2. That Council appoints Councillors to the Strategic Planning Projects Reference Group.
3. That Council amend the Committee Delegations Register to include the Strategic Planning Projects Reference Group

ALTERNATE MOTION

1. **That Council adopt the Strategic Planning Projects 2013/14- Housing Strategy and Latrobe Planning Scheme Review Project Reference Group Terms of Reference as attached.**
2. **That Council appoints Councillors White, Gibbons, Middlemiss, Gibson and Kam to the Strategic Planning Projects Reference Group.**
3. **That Council amend the Committee Delegations Register to include the Strategic Planning Projects Reference Group**

Moved: Cr Rossiter

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

16.5

Housing Strategy and Latrobe Planning Scheme Review Project Governance and Project Reference Group Terms of Reference

- 1 Strategic Planning Projects 2013/14 – Housing Strategy
and Planning Scheme Review; Project Reference Group
Terms of Reference 299**

**Strategic Planning Projects 2013/14 –
Housing Strategy and Latrobe Planning Scheme Review**

Project Reference Group
Terms of Reference



Insert Date

1.

CONTENTS:

1. Preamble
2. Objectives
3. Membership
4. Length of appointment
5. Attendance at meetings
6. Chair
7. Meeting schedule
8. Meeting procedures
9. Voting
10. Minutes of the Meeting
11. Authority and Reporting
12. Administration

1. Preamble

- 1.1. The group shall be known as the **Strategic Planning Projects Reference Group** (hereinafter referred to as the “Project Reference Group”).
- 1.2. This group will act in accordance with Latrobe City Council’s adopted Councillor Code of Conduct.
- 1.3. This group will act in accordance with Latrobe City Council’s adopted **Project Governance Policy**. As per the policy, the function of a Project Reference Group is:
 - 1.3.1. *A group of key stakeholders who are to be engaged at key points throughout the project. Must include at least one Councillor and other critical community and agency stakeholders as identified [that] will be impacted by the project. Must not direct Council officers or consultants in the conduct of the project and does not have authority to approve any stages of a project or to change the scope of a project.*
- 1.4. These Terms of Reference are adopted by resolution of Latrobe City Council at the Ordinary Council Meeting (insert Meeting date).

2. Objectives

- 2.1. To provide input into the development of the Strategic Planning Projects 2013/14; Housing Strategy and Latrobe Planning Scheme Review.
- 2.2. To assist in the review and inclusion of community consultation feedback and suggestions.
- 2.3. To be a key reviewer of draft documentation during the development of the Strategic Planning Projects 2013/14; Housing Strategy and Latrobe Planning Scheme Review.

3. Membership

- 3.1. Composition of the Committee

The Strategic Planning Project Reference Group shall comprise representatives including:

- 3.1.1. Five [5] Councillors; including one each from the respective wards (one Councillor would be nominated Chair);
- 3.1.2. Respective Council Officers (includes Manager Future Planning and/or General Manager Governance, project managers and administration officer); and
- 3.1.3. At the request of the Project Reference Group external advice can be provided to the Project Reference Group (i.e. project consultant, project sponsor etc.).

4. Length of appointment

- 4.1. The Project Reference Group shall be in place until the finalisation of the Strategic Planning Projects 2013/14; Housing Strategy and Latrobe Planning Scheme Review. The appointment of members to the Project Reference Group shall be from the date of appointment by Council until the date that the final reports are adopted by Council.

5. Attendance at meetings

- 5.1. The project manager will reschedule the Project Reference Group meeting to an alternate time if 2 or more councillors are not available to attend.

6. Chair

- 6.1. A nominated Councillor shall chair the meetings. If the Chair is unavailable another Councillor will act as chair for that meeting.

7. Meeting schedule

- 7.1. Project Reference Group meetings may consider the Housing Strategy project and Latrobe Planning Scheme Review project issues separately or concurrently.
- 7.2. Project Reference Group meetings will be held as required. These meetings will be scheduled once members are appointed.
- 7.3. The duration of each meeting should not exceed two hours.

8. Meeting procedures

- 8.1. Meetings of the Project Reference Group are not open to the public; however non-members may attend at the invitation of the Project Reference Group.
- 8.2. Councillors not appointed to the Project Reference Group are openly invited to attend any meetings.
- 8.3. Documentation provided in the meeting will remain confidential. The Project Manager will indicate if draft documentation is available for public consultation.

9. Voting

- 9.1. There will be no official voting process. Majority and minority opinions will be presented to Latrobe City Council if necessary through usual reporting methods.

10. Minutes of the Meeting

- 10.1. The Project Manager or authorised agent (e.g. administration officer) shall take the Minutes of each Project Reference Group meeting.

- 10.2. The Minutes shall be in a standard format including a record of those present, apologies for absence, a list of agreed actions and key discussion points of the Project Reference Group.
- 10.3. The Minutes shall be stored in the Latrobe City Council corporate filing system (currently Latrobe Content Management System.)
- 10.4. A copy of the Minutes shall be distributed to all Project Reference Group members and the Strategic Planning Projects Project Board within 5 business days of the close of each Project Reference Group meeting. The minutes will be located in the relevant Councillor Committees Folders.

11. Authority and Reporting

- 11.1. The Project Reference Group's authority sits within a project governance structure and Latrobe City Council's adopted Project Governance Policy.
- 11.2. All recommendations, proposals and advice regarding community engagement for the project must comply with *Council's Community Engagement Plan 2010-2014* and any statutory land-use planning legislative and policy guideline requirements.

12. Administration

- 12.1. The Project Manager or an authorised agent (e.g. administration officer) will receive and distribute communications to the Project Reference Group, arrange meeting venues and prepare and distribute meeting agendas.

**ORDINARY COUNCIL MEETING MINUTES
06 NOVEMBER 2013 (CM423)**

16.6 ASSEMBLY OF COUNCILLORS

GENERAL MANAGER

Governance

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 21 October 2013.

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 between the 27 September 2013 and the 16 October 2013:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
27 September 2013	Traralgon East Community Centre Advisory Committee Council report for amendment of the Terms of Reference has been prepared. Material to promote the venue as a space for hire to community, schools and business. Flyer promoting current activities Development and Implementation of long term plan to maximise usage.Heather Further promotion of the Centre Website updating and management. Partner with Traralgon Neighbourhood House to possibly develop Facebook presence. Management and Operational issues Lock on office door installed.	Cr Michael Rossiter Amanda Owen, Heather Farley	NIL

ORDINARY COUNCIL MEETING MINUTES 06 NOVEMBER 2013 (CM423)

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
30 September 2013	Issues & Discussion Session 4.1 Tonight's Presentations 4.2 Previous Presentations 6.1 Forward Planner 7.1 New Issues 7.2 Outstanding Issues 8.1 Letter to Sandy Kam from Taxi Services Commission Regarding Government Tax Reforms 8.2 Letter from Australian Local Government Association 13.1 Morwell Land Movement Update 13.2 Delegations 13.3 Community Engagement Plan Review 13.4 Review of Council Policy – Building Over Easements Policy	Cr Gibbons, Cr Gibson, Cr Kam, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Zemeel Saba, Jamey Mullen, Jacinta Saxton	NIL
8 October 2013	Tyers & District Community Association Hall Upgrade Update Walking Track Update Crime Prevention Grant (Solar lights) Update Naming of the Road Morwell\Traralgon Bike track Rotunda Plumbing with hot water FRRR Grant application ANZAC grant suggestion for Hall Committee Replacement for Tony Hepplestone Electoral Boundary Changes LEAP update Flagpole repairs - Amanda	Cr Sandy Kam Amanda Owen	NIL
10 October 2013	Morwell Town Common Development Plan Project Control Group Refer to attachment	Cr Christine Sindt Simon Clark	NIL
16 October 2013	Victory Park Precinct Advisory Committee Refer to attachment	Cr Sandy Kam Simon Clark	NIL

Attachments

1. Assembly of Councillors - Not Confidential - 6 November 2013

RECOMMENDATION

That Council note this report.

Moved: Cr Rossiter

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

16.6

Assembly of Councillors

- 1 Assembly of Councillors - Not Confidential - 6 November
2013..... 309**



Assembly of Councillors Record

Assembly details: Traralgon East Community Centre Advisory Committee

Date: 27 September 2013

Time: 9.00AM

Assembly Location: Traralgon East Community Centre, Cameron Street, Traralgon

In Attendance:

Councillors: Cr Micheal Rossiter

Officer/s: Amanda Owen, Heather Farley

Matter/s Discussed:

Council report for amendment of the Terms of Reference has been prepared.
Material to promote the venue as a space for hire to community, schools and business.
Flyer promoting current activities
Development and Implementation of long term plan to maximise usage. Heather
Further promotion of the Centre
Website updating and management.
Partner with Traralgon Neighbourhood House to possibly develop Facebook presence.
Management and Operational issues
Lock on office door installed.

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Amanda Owen



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)

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Assembly of Councillors Record

Assembly details: Issues & Discussion Session

Date: Monday 30 September 2013

Time: 6.00 PM

Assembly Location: Nambur Wariga Meeting Room, Latrobe City Council Offices,
Commercial Road, Morwell

In Attendance:

Councillors: Cr Gibbons, Cr Gibson, Cr Kam, Cr Middlemiss, Cr O'Callaghan,
Cr Rossiter, Cr Sindt, Cr White

Officer/s: Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Zemeel Saba, Jamey
Mullen, Jacinta Saxton

Matter/s Discussed:

4.1 Tonight's Presentations

4.2 Previous Presentations

6.1 Forward Planner

7.1 New Issues

7.2 Outstanding Issues

8.1 Letter to Sandy Kam from Taxi Services Commission Regarding Government Taxi
Reforms

8.2 Letter from Australian Local Government Association

13.1 Morwell Land Movement Update

13.2 Delegations

13.3 Community Engagement Plan Review

13.4 Review of Council Policy – Building Over Easements Policy

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Meagan Bennetts



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

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

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

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- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

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

2. Section 76AA definition:

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

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Brief Explanation:

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- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
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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:

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Assembly of Councillors Record

Assembly details: Tyers & District Community Association

Date: 8 October 2013

Time: 7.30PM

Assembly Location: CFA Building, Tyers - Glengarry Road, Tyers

In Attendance:

Councillors: Cr Sandy Kam

Officer/s: Amanda Owen

Matter/s Discussed:

Hall Upgrade Update

Walking Track Update

Crime Prevention Grant (Solar lights) Update

Naming of the Road

Morwell/Traralgon Bike track

Rotunda Plumbing with hot water

FRRR Grant application

ANZAC grant suggestion for Hall Committee

Replacement for Tony Hepplestone

Electoral Boundary Changes

LEAP update

Flagpole repairs - Amanda

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Amanda Owen



Assembly of Councillors Record Explanation / Guide Notes

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Assembly of Councillors Record

Assembly details: Morwell Town Common Development Plan Project Control Group

Date: 10 october 2013

Time: 5:03pm

Assembly Location: Latrobe City Council Headquarters

In Attendance:

Councillors: Cr Christine Sindt.

Officer/s: Simon Clark

Matter/s Discussed: Business Arising From Previous Minutes

1. Simon said that all the current plantings from the Landscape Plan had been completed however he will carry out an onsite audit. Further planting works will be carried out after the construction of the Chapel Street Carpark. Action – Simon Clark

2. David stated that he will install heavy duty fully attached down pipes on the picnic shelter. Ongoing Action – David McInnes

3. Simon reported that the Playground Team will undertake an investigation into any drainage issues at the playground during the 2013 winter and conduct any required remedial works in the spring and summer. Ongoing Action – Simon Clark

4. Judy has been contacted by the Building Maintenance Team who informed her that they will inspect the Disabled Toilet door at the common and investigate if it can be converted to be wheelchair accessible.

5. Simon informed the Committee that he was yet to hear about the Latrobe City Council Minor Capital Works Community Grant for the historical sign project. Bruce and Simon recommended that no research action be commenced until the group had received word on the outcome of the grant.

6. David informed the meeting that the Rotary Club would submit a Latrobe City Council Minor Capital Works Community Grant for the installation of 3 phase power at the



common. Ongoing Action – David McInnes

7. Max requested that the Committee members consider an extension of the Project Control Group's initial brief. Promoting the common as a venue for the staging of events was discussed further. Simon recommended that he invite a representative from Council's Events and Tourism teams to the December meeting to discuss possible avenues for promotion and activation of the common. Action – Simon Clark

AAA Playground

Kat Marshall – Recreation and Open Space Development Officer presented concepts for the future AAA Playground. Kat explained that a design for the playground is needed before the second stage of Regional Development Victoria's, "Putting Locals First Program" (PLFP) funding program can be lodged. Kat explained that the design components were focused on sensory, adventure, musical and all senses experiences. The playground company consultant (Adventure Play) can provide a design to match the existing playground looks, design while using similar wood materials. Kat will present further information at the December meeting.

Simon noted that the PLFP funding grant would also comprise the Chapel Street Carpark.

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Simon Clark



Assembly of Councillors Record Explanation / Guide Notes

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3. Summer Concert – 9 December (Cancelled).
General Business

1. David informed the meeting that he had meet with Ian Round, GHD consultant with the Fire Memorial project to discuss the proposed design. David showed the Committee the proposed design with members liking what they saw. Final details are being finalised with construction to commence in the near future.

2. Lorrel said that the Scouts had experienced a break in. Simon to investigate if the pot holes in the driveway can be filled. Simon to investigate the removal of tree branches out the back of the scout hall. Action – Simon

3. Cr Kam suggested that Victory Park may require more lighting for security at night. Simon will ask the Recreation and Open Space Team to investigate. Action - Simon

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

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

Councillors: NIL

Officer/s: NIL

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Completed by: Simon Clark



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ORGANISATIONAL EXCELLENCE

16. ORGANISATIONAL EXCELLENCE

Nil reports

URGENT BUSINESS

URGENT BUSINESS

That Cr Middlemiss be permitted to introduce an item of urgent business

Moved: Cr Middlemiss

Seconded: Cr Gibson

That the Motion be adopted.

CARRIED UNANIMOUSLY

That this Council advise the Minister for Environment, the Deputy Premier and local members of State Parliament, that Council believes that the proposed changes to the make-up of the Gippsland Regional Waste Management Group considerably diminish the role and input of Gippsland Local Government into Waste Management Planning. Noting that Waste management is a key role of Local Government.

That Council also advises that the proposed GRWMG make-up flies in the face of the unity of purpose and effectiveness developed by all Gippsland councils through the equal representation model of the Gippsland Local Government Network.

That an eight person GRWMG board as proposed would much more effectively meet the needs of Gippsland, and the State Government, if composed of a director elected by each of the Gippsland councils and two Special Skills directors.

Moved: Cr Middlemiss

Seconded: Cr Gibson

That the Motion be adopted.

CARRIED UNANIMOUSLY

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:

18.1 ADOPTION OF MINUTES

Agenda item *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)

18.2 CONFIDENTIAL ITEMS

Agenda item *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)

18.3 ASSEMBLY OF COUNCILLORS

Agenda item *Assembly of Councillors* 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)

18.4 AUSTIMBER 2016

Agenda item *AUSTimber 2016* is designated as confidential as it relates to contractual matters (s89 2d)

18.5 CONTRACT VARIATION APPROVAL REPORT

Agenda item *CONTRACT VARIATION APPROVAL REPORT* is designated as confidential as it relates to contractual matters (s89 2d)

18.6 REQUEST FOR CONTRACT VARIATION EXEMPTION

Agenda item *REQUEST FOR CONTRACT VARIATION EXEMPTION* is designated as confidential as it relates to contractual matters (s89 2d)

18.7 SPONSORSHIP APPLICATION

Agenda item *Sponsorship Application* 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)

18.8 2014 MUSIC EXCHANGE

Agenda item *2014 Music Exchange* 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)

Moved: Cr Rossiter

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

The Meeting closed to the public at 9.21 pm