



# **LATROBE CITY COUNCIL**

**AGENDA FOR THE  
ORDINARY COUNCIL**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM  
CORPORATE HEADQUARTERS, MORWELL  
AT 5.30PM ON  
03 MARCH 2014**

**CM431**



## *Latrobe Community* **Vision**

*"In 2026 the Latrobe Valley is a liveable and sustainable region with collaborative and inclusive community leadership."*

## *Council* **Mission**

Latrobe City continues to implement the values, corporate directions and partnerships necessary to bring reality to the Latrobe's 2026 community vision for a liveable and sustainable region with collaborative and inclusive community leadership.

## *Council* **Values**

Latrobe City Council's values describe how it is committed to achieving the Latrobe 2026 community vision through:

- Providing responsive, sustainable and community focused services;
- Planning strategically and acting responsibly;
- Accountability, transparency and honesty;
- Listening to and working with the community; and
- Respect, fairness and equity.



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**ORDINARY COUNCIL MEETING AGENDA  
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*Our Father in Heaven, hallowed be your Name, your kingdom come, your will be done on earth as in Heaven. Give us today our daily bread. Forgive us our sins as we forgive those who sin against us. Save us from the time of trial and deliver us from evil. For the kingdom, the power, and the glory are yours now and forever.*

**2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**

*We respectfully acknowledge that we are meeting here today on the traditional land of the Braiakaulung people of the Gunnai/Kurnai Clan and pay our respect to their past and present elders*

**3. APOLOGIES AND LEAVE OF ABSENCE****4. DECLARATION OF CONFLICT OF INTEREST****5. ADOPTION OF MINUTES****RECOMMENDATION**

That the minutes of the Ordinary Council Meeting meeting held on 17 February 2014 be confirmed.

**6. PUBLIC QUESTION TIME**

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**7. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION**

| <b>Council Meeting Date</b> | <b>Item</b>   | <b>Status</b>  | <b>Responsible Officer</b>                    |
|-----------------------------|---|--|---|
| 19/09/11                    | Traralgon Activity Centre Plan Key Directions Report  | That having considered all submissions received in respect to the Stage 2 Key Directions Report September 2011, Council resolves the following:<br>1. To defer the endorsement of the Stage 2 Key Directions Report September 2011 until:<br>(a) Council has been presented with the Traralgon Growth Area Review<br>(b) Council has received information on the results of the Latrobe Valley Bus Review<br>2. That Council writes to the State Government asking them what their commitment to Latrobe City in respect to providing an efficient public transport system and that the response be tabled at a Council Meeting.<br>3. That Council proceeds with the Parking Precinct Plan and investigate integrated public parking solutions.<br>4. That the Communication Strategy be amended to take into consideration that the November/December timelines are inappropriate to concerned stakeholders and that the revised Communication Strategy be presented to Council for approval.<br>5. That in recognition of community concern regarding car parking in Traralgon the Chief Executive Officer establish a Traralgon Parking Precinct Plan Working Party comprising key stakeholders and to be chaired by the Dunbar Ward Councillor. Activities of the Traralgon Parking Precinct Plan Working Party to be informed by the Communication Strategy for the Traralgon Activity Centre Plan Stage 2 Final Reports (Attachment 3). | General Manager<br>Planning and<br>Governance |
| 5/12/11                     | Investigation into Mechanisms Restricting the sale of Hubert Osborne Park Traralgon         | That a draft policy be prepared relating to Hubert Osborne Park and be presented to Council for consideration.   | General Manager<br>Planning and<br>Governance |
| 19/12/11                    | Traralgon Greyhound Racing Club – Proposed Development and Request for Alterations to Lease | That a further report be presented to Council following negotiations with the Latrobe Valley Racing Club, Robert Lont and the Traralgon Greyhound Club seeking Council approval to the new lease arrangements at Glenview Park.  | General Manager<br>Planning and<br>Governance |

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| Council Meeting Date | Item   | Status  | Responsible Officer                     |
|----------------------|--|---|---|
| 3/12/12              | Public Highway Declaration – Verey Lane, Morwell | <ol style="list-style-type: none"> <li>1. That Council write to Jammatt Pty Ltd and Nestlan Pty Ltd requesting that they remove all obstructions from the road reserve contained in Certificate of Title Volume 9732 Folio 422, being part of Verey Lane, Morwell, pursuant to Schedule 11, Clause 5 of the <i>Local Government Act 1989</i>.</li> <li>2. That Council approach Jammatt Pty Ltd and Nestlan Pty Ltd regarding the possible transfer of the road reserve contained in Certificate of Title Volume 9732 Folio 422, being the road created on LP 33695, being part of Verey Lane, Morwell.</li> <li>3. That Council obtain an independent valuation of the road reserve contained in Certificate of Title Volume 9732 Folio 422, being the road created on LP 33695, owned by Jammatt Pty Ltd and Nestlan Pty Ltd as a basis for negotiations.</li> <li>4. That Council seek agreement from the owners of the properties at 24-28 Buckley Street, Morwell, to contribute towards the costs of acquiring the road reserve contained in Certificate of Title Volume 9732 Folio 422, being the road created on LP 33695, from Jammatt Pty Ltd and Nestlan Pty Ltd.</li> <li>5. That Council write to Simon Parsons &amp; Co. requesting that the temporary access to 24-28 Buckley Street, Morwell, be extended past 31 December 2012.</li> <li>6. That a further report be presented to Council detailing the outcomes of discussions with Jammatt Pty Ltd and Nestlan Pty Ltd and the owners of the properties at 24-28 Buckley Street, Morwell.</li> </ol> | General Manager Planning and Governance |

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

| Council Meeting Date | Item   | Status  | Responsible Officer                                      |
|----------------------|--|---|--|
| 3/12/12              | Geotechnical Investigation and Detailed Design Remediation Treatments of Landslips     | <ol style="list-style-type: none"> <li>1. That Council resolve that the geotechnical investigations and detailed design for the remediation treatment of landslips meets the requirements of Section 186 of the <i>Local Government Act 1989</i> and that the contract must be entered into because of an emergency.</li> <li>2. That Council resolves to enter into a schedule of rates contract with GHD Pty Ltd for the geotechnical investigations and detailed design for the remediation treatment of landslips due to it being an emergency.</li> <li>3. That a report be presented to a future Council meeting at the completion of the geotechnical investigations and detailed design for the remediation treatment of landslips outlining the actual costs incurred.</li> <li>4. That Council authorise the Chief Executive Officer to advise those residents impacted by landslips of Council's process and timelines for remediating landslips throughout the municipality.</li> </ol> | General Manager Recreation, and Community Infrastructure |
| 18/02/13             | Affordable Housing Project – Our future our place                                      | <ol style="list-style-type: none"> <li>1. That Council proceeds to publically call for Expressions of Interest as a mechanism to assess the viability and interest in developing an affordable housing project on land known as the Kingsford Reserve in Moe.</li> <li>2. That a further report be presented to Council for consideration on the outcome of the Expression of Interest process for the development of an affordable housing project on land known as the Kingsford Reserve in Moe.</li> </ol>   | General Manager Recreation, and Community Infrastructure |
| 6/05/13              | Latrobe City International Relations Advisory Committee - Amended Terms of Reference   | That the item be deferred pending further discussion by Councillors relating to the Terms of Reference.   | General Manager Economic Sustainability                  |
| 6/05/13              | Latrobe City International Relations Advisory Committee - Motion Re: Monash University | That the item be deferred until after the amended Terms of Reference for the Latrobe City International Relations Advisory Committee have been considered by Council.   | General Manager Economic Sustainability                  |

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| Council Meeting Date | Item   | Status  | Responsible Officer  |
|----------------------|--|---|--|
| 6/05/13              | Former Moe Early Learning Centre                           | <ol style="list-style-type: none"> <li>1. That a community engagement process be undertaken to inform a potential Expression of Interest for funding from the State Government's <i>Putting Locals First Program</i> to redevelop the former Moe Early Learning Centre as a centre for community organisations, addressing the stated funding criteria.</li> <li>2. That subject to the community engagement process identifying a community need meeting the funding criteria, that an Expression of Interest for funding from the State Governments Putting Locals First Program be prepared and submitted.</li> <li>3. That a further report be presented to Council for consideration outlining the draft design of the former Moe Early Learning Centre based on feedback received during the community engagement process.</li> </ol> | General Manager<br>Community Liveability                   |
| 01/07/13             | Traffic Investigation At Finlayson Crescent Traralgon      | <ol style="list-style-type: none"> <li>1. That Council install temporary traffic calming devices in Finlayson Crescent, Traralgon for a period of six months.</li> <li>2. That a review of traffic flow during this six month period in Finlayson Crescent and adjoining cross streets be undertaken and reported back to Council.</li> <li>3. That a final determination be made by Council on review of these figures.</li> <li>4. That Council write to the head petitioner and all other residents who were invited to express their views informing them of Council's decision.</li> </ol>   | General Manager<br>Recreation and Community Infrastructure |
| 16/09/13             | 2013/20 - Notice Of Motion - Adam View Court, Tanjil South | That a report be provided to Council on options available for the mitigation of flooding at 25 Adam View Court, Tanjil South.   | General Manager<br>Recreation and Community Infrastructure |

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| <b>Council Meeting Date</b> | <b>Item</b>   | <b>Status</b>   | <b>Responsible Officer</b>                              |
|-----------------------------|---|---|---|
| 16/09/13                    | 14.3 Hazelwood Pondage Waterway And Caravan Park Lease                              | <p>1. That Council authorise the Chief Executive Officer to commence negotiations with IPH GDF Suez for the lease of the caravan park, southern boat ramp and surrounds, northern boat ramp and surrounds and management of the waterway for recreational purposes, ensuring the following principals are addressed:</p> <ul style="list-style-type: none"> <li>•GDF SUEZ to retain full accountability for Blue Green Algae and water quality testing;</li> <li>•GDF SUEZ to remain fully accountable for the pondage integrity;</li> <li>•Fair and equitable termination clauses should the power station close earlier than 2025;</li> <li>•Clarify risk, release and indemnity conditions;</li> <li>•Liquidated damages;</li> <li>•Clarify the end of lease conditions;</li> <li>•Clarify the early termination conditions</li> </ul> <p>2. That a further report be presented to Council following negotiations with IPH GDF SUEZ seeking Council approval of the new lease arrangements at Hazelwood Pondage.</p> <p>3. That Council write to the Minister for Regional &amp; Rural Development and advise of Council's resolution to commence negotiations with IPH GDF SUEZ .</p> | General Manager Recreation and Community Infrastructure |
| 6/11/13                     | Latrobe Regional Motorsport Complex   | <p>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.</p> <p>2. That Council officers meet with Energy Australia to discuss other possible sites for a motorsports complex on their land.</p> <p>3. That a further report be presented to Council at such time that site options have been investigated.</p>   | General Manager Recreation and Community Infrastructure |
| 18/11/13                    | 2013/26 – Notice Of Motion Car Parking At Traralgon, Morwell And Moe Train Stations | <p>1. That the Mayor write to the appropriate authorities and request an update, which includes timelines, on when improved car parking will be provided at the Traralgon, Morwell and Moe train stations</p> <p>2. That the response be tabled at an Ordinary Council meeting</p>  | General Manger Planning and Governance                  |



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| <b>Council Meeting Date</b> | <b>Item</b>   | <b>Status</b>   | <b>Responsible Officer</b>                              |
|-----------------------------|---|---|---|
| 2/12/13                     | Presentation Of Petition For The Proposed Removal Of 15 Corymbia Maculata Spotted Gum Street Trees Growing In Nature Strips In Fowler Street, Moe | <ol style="list-style-type: none"> <li>1. That Council lay the petition requesting the removal of gum trees in Fowler Street, Moe on the table.</li> <li>2. That Council initiate a consultation process with all residents of Fowler Street, Moe and the broader local community to determine public opinion in relation to the proposed removal of the gum trees.</li> <li>3. That a further report be presented to Council detailing the results of the community consultation.</li> </ol> | General Manager Recreation and Community Infrastructure |

# **NOTICES OF MOTION**

**8. NOTICES OF MOTION**

Nil reports

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

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

**9.1 WOOD AND FOREST PRODUCT BENEFITS AND OPPORTUNITIES**

**General Manager**

**Economic Sustainability**

**For Decision**

**PURPOSE**

The purpose of this report is to present an assessment of the value of the Wood and Forest Products industry sector to Latrobe City and to provide for the consideration of Council, an overview of opportunities and benefits presented by this sector.

**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 - Economy*

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

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

*Theme 1: Job creation and economic sustainability*

*Objectives:*

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

*Strategic Direction – Job Creation and Economic Sustainability*

- *Provide incentives and work proactively to attract new businesses and industry to locate in Latrobe City.*
- *Assist existing small and medium enterprises to expand and sustain employment opportunities.*
- *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.*

*Strategy & Plans –*

*Strategy 1- Economic Sustainability Strategy*

*Strategy 2- Positioning Latrobe City for a Low Carbon Emission Future*

**BACKGROUND**

Council has been proactively supportive of the Wood and Forest Products industry sector over many years as indicated by active membership of both the National Timber Council Victoria and Timbertowns Victoria organisations as well as providing ongoing support for local business within the sector.

At its 3 February 2014 Ordinary Meeting, Council resolved the following:

1. *That Latrobe City Council notes the role of the region's unique and abundant natural resources, particularly plantation timber, which support a productive timber and forestry industry providing softwood, value-added hardwood and paper products sold to domestic and export markets.*
2. *That Council notes the emergence worldwide of the adoption of wood encouragement policies where governments at all levels must consider wood where feasible as the primary building material for all newly constructed, publicly funded buildings within their jurisdiction and that these policies support environmental performance for the buildings as well as the use of responsibly sourced wood.*
3. *That a report be provided to Council on or before 3 March 2014 which:*
  - a) *Quantifies the economic contribution of the forestry, wood and paper sector within Latrobe City; and,*
  - b) *Provides an overview of the opportunities and benefits of Council becoming the first local government area in Australia to adopt a Wood Encouragement Policy.*
4. *That Council write to the Australian Minister for Agriculture requesting that the Australian Government work with Latrobe City Council to support the establishment of research facilities in*

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*Latrobe City to enable development of innovative technology for the forestry, wood and paper sector.*

### **ISSUES**

#### *Economic Contribution of the Forestry, Wood and Paper Sector*

An Economic Impact Assessment has been prepared (Attachment 1) detailing the contribution of the *Forestry, Wood and Paper* sector to the Latrobe City economy.

Key points from the Assessment include:

- The Sector is the fourth largest contributor to Latrobe City's economic output (9.98% of total output).
- The industry is estimated to generate \$8.6 billion each year to the local economy;
- There is estimated to be currently 1,325 full time direct jobs within the local industry; and
- For every 100 direct jobs within the sector, it can be expected that a further 102 flow-on jobs are generated within the community.

Local employment in the Sector incorporates the following sub-sectors:

- Forestry and Logging;
- Forestry Support Services;
- Sawmill Product Manufacturing;
- Other Wood Product Manufacturing;
- Pulp, Paper and Paperboard Manufacturing;
- Paper Product Manufacturing; and
- Timber Product Wholesaling.

Timber grower and harvester HVP has 80,000 hectares of plantation within the Gippsland region supplying Australia's only manufacturer of fine office paper, Australian Paper and structural timber framing manufacturer Carter Holt Harvey, both located within Latrobe City. Latrobe City is home to a range of additional processing companies including the Fisher Group, manufacturers of wooden pallets, crates and boxes.

As a direct outcome of these forestry, wood and paper sector attributes, Latrobe City has recently been selected to host the Australian timber industry's biggest four yearly event, AUSTimber in 2016, 2020 and 2024. The event is expected to attract over 7,500 attendees to Latrobe City in April 2016.

The primary purpose of AUSTimber is to facilitate industry understanding of the technology that is available to improve productivity while providing suppliers of such technology the opportunity to demonstrate that technology to prospective users and owners.

The event organisers have advised that the selection was based on:

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

- The abundance of tree growing in the Gippsland region;
- The strength of the timber industry in the general area;
- A reasonable amount of commercially available accommodation in the area;
- Proximity to Melbourne for further accommodation (particularly for international visitors);
- A regular and reliable passenger train service from Melbourne; and
- Active and engaged support from Latrobe City Council.

*Overview of the Opportunities and Benefits of Council becoming the first Local Government Area in Australia to Adopt a Wood Encouragement Policy.*

### *Context*

Policies that encourage the choice of wood in building construction can be found in a range of countries across the world including Canada, Japan, France, Finland, Netherlands and United Kingdom. There is to date, no identified Wood Encouragement Policy in operation in Australia.

While specifics differ across the identified policies, all aim to increase the use of wood as a key material in the construction of primarily public and commercial building projects.

The potential benefits of increased use of wood as a construction material are presented as:

- Removal of carbon from the atmosphere and reduction of new carbon emissions which would be generated by the manufacture of alternative construction material;
- Storage of carbon within the timber for the life of the building;
- Incorporating the product's natural insulation properties within the building;
- The potential for faster, more efficient and potentially cheaper construction than using alternative material;
- Aesthetic results; and
- The opportunity to retain and grow local jobs.

### *Indicative benefits and opportunities for Latrobe City*

In common with other policies in place in other countries, it can be expected that a future Latrobe City Wood Encouragement Policy would be limited to public building activity within the City. Importantly, the policy can be expected to be limited to including wood in the consideration of the core manufacturing material.

In addition to the potential benefits listed above, a number of indicative benefits and opportunities for the Latrobe City community have been identified as follows.



*Leaders in Australia*

Latrobe City supplies over 90% of Victoria's electricity generation requirements. The low cost electricity generated in the Latrobe Valley from brown coal resources has contributed to Victoria's economic prosperity over the last 90 years.

This role as major electricity producer also results in negative external perceptions as a significant producer of carbon emissions. The benefits and opportunities of being a leading municipality in addressing the carbon emission challenge may offer potential to reduce our municipality "carbon footprint" as well as help address negative external perceptions.

*Industry Attraction and Job Creation*

The introduction of a Wood Engagement Policy may generate new business investment opportunities. One example could be an increased ability to attract enterprises such as cross-laminated timber and particle board manufacturers to Latrobe City.

The existence of a local source and an increased ability to manufacture timber building material locally, rather than rely on regional imports provides an opportunity to potentially generate sustainable new jobs and support efforts to diversify the economy.

To further develop and maximise this potential, Council has resolved to request support for the establishment of research facilities in Latrobe City to enable development of innovative technology for the forestry, wood and paper sector.

*New renewable energy source*

Biomass energy is sourced from natural materials like wood and generated into heat or electricity. Its use is recognised as resulting in significantly lower carbon emissions when compared to coal and gas.

While much of existing locally produced wood residue, arising from current wood processing activity is used by local companies such as Australian Paper and Pine-Gro, increased volumes may result in sufficient supply for utilisation for electricity production by our existing companies or a new entrant power generator.

*Next Steps*

While it is likely to be tangible opportunities and benefits which would result from the introduction of a Wood Encouragement Policy, the matter is complex and potentially involves many stakeholders. Experience from around the world demonstrates that there can be opposition to Wood Encouragement Policies from sectors such as steel and plastic.

To facilitate engagement across all sectors it is proposed that an Industry Round Table be convened by Council to enable a more comprehensive understanding to be developed of the opportunities of adopting a Wood Encouragement Policy. Since the Council resolution of 3 February 2014, officers have received a range of emails including from Timber Towns, AusTimber, Australian Forest Products Association and Planet Ark indicating support for Council's decision to investigate this area further.

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It is envisaged that an industry roundtable would provide a valuable forum for the sharing of views, ideas and concerns regarding the introduction of a wood encouragement policy within Latrobe City. The forum could gain a valuable insight into the quantum of the opportunity and illuminate any unforeseen issues to be taken into account.

Importantly, an industry round table would provide representatives from the construction sector and existing users of the local resource with an opportunity to share views and concerns regarding the proposal.

It is proposed that invitees to the industry roundtable would include representatives from:

- Wood and forest products businesses operating within Latrobe City and the surrounding region;
- Construction companies and suppliers to the construction industry located within Latrobe City; and
- Relevant Industry Peak Bodies.

It is proposed that the roundtable would be convened prior to the 30 June 2014 by an independent facilitator and address a number of key questions on the proposal. While not exhaustive, questions are likely to include:

- What opportunities could be expected?
- What are the unforeseen impacts?
- What specific areas of construction could be included?

At the conclusion of the roundtable it is proposed that a further report be presented to Council providing a robust assessment and a recommendation for next steps.

*Correspondence to the Australian Minister for Agriculture*

As required by the resolution of the 3 February 2014, a letter has been prepared to be sent to the Australian Minister for Agriculture requesting that the Australian Government work with Latrobe City Council to support the establishment of research facilities in Latrobe City to enable development of innovative technology for the forestry, wood and paper sector.

**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 of facilitating an industry round table as proposed could be covered within the 2013 – 2014 Economic Sustainability budget.

**INTERNAL/EXTERNAL CONSULTATION**

Consultation has been held with a range of wood and forest product peak bodies including the National Timber Council, TimberTowns, AusTimber, Australian Forest Products Association and Planet Ark.

The proposed industry roundtable would enable broader consultation to be undertaken.

**OPTIONS**

1. That Council note the wood and forest products benefits and opportunities and the indicative benefits and opportunities of introducing a wood encouragement policy, facilitate an industry round table to further investigate the potential of adopting a formal Wood Encouragement Policy and report back to Council on outcomes.
2. That Council note the wood and forest products benefits and opportunities and the indicative benefits and opportunities of introducing a Wood Encouragement Policy and seek further information.
3. That Council note the wood and forest products benefits and opportunities and the indicative benefits and opportunities of introducing a Wood Encouragement Policy and take no further action.

**CONCLUSION**

The introduction of a Wood Encouragement Policy within Latrobe City Council has the potential to generate tangible benefits and opportunities for the Latrobe City community. To fully investigate the proposal it is proposed that an industry roundtable be facilitated and, following its conclusion, a further report on outcomes of the roundtable be presented to Council for its consideration.

**Attachments**

1. Economic Impact Analysis\_Forestry, Wood and Paper Products Industry\_Final

**RECOMMENDATION**

1. **That Council note the assessment of the value of the Wood and Forest Products industry sector to Latrobe City and the indicative benefits and opportunities of introducing a wood encouragement policy.**
2. **That an industry roundtable be undertaken prior to 30 June 2014 to further investigate the potential of introducing a wood encouragement policy in Latrobe City and a report provided to Council on outcomes of the roundtable.**

## **9.1**

### **Wood and Forest Product Benefits and Opportunities**

- 1 Economic Impact Analysis\_Forestry, Wood and Paper Products Industry\_Final..... 21**

**ECONOMIC IMPACT ANALYSIS:  
FORESTRY, WOOD AND PAPER  
PRODUCTS INDUSTRY**



PROJECT UNDERTAKEN FOR  
LATROBE CITY COUNCIL  
Feb 2014





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Economic Impact Analysis: Forestry, Wood and Paper Products Industry

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# ECONOMIC IMPACT ANALYSIS

## Forestry, Wood and Paper Products Industry

This project has been conducted by REMPLAN

### Project Team

Matthew Nichol  
Principal Economist

Hui Shi  
Economist

November 2013

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### RESOURCES

All modelling has been undertaken using REMPLAN™ software that has been authored by Principal Research Fellow (ret.), Ian Pinge, at La Trobe University Bendigo.

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## Economic Impact Analysis: Forestry, Wood and Paper Products Industry

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## Economic Impact Analysis: Forestry, Wood and Paper Products Industry

## 1 Introduction

### 1.1 Purpose and Aim

This report has been undertaken in response to a request by Latrobe City Council to identify the economic contributions of the Forestry, Wood and Paper Products industry (“the Sector”) to the Latrobe City economy in terms of output, employment, wages and salaries and value-added.

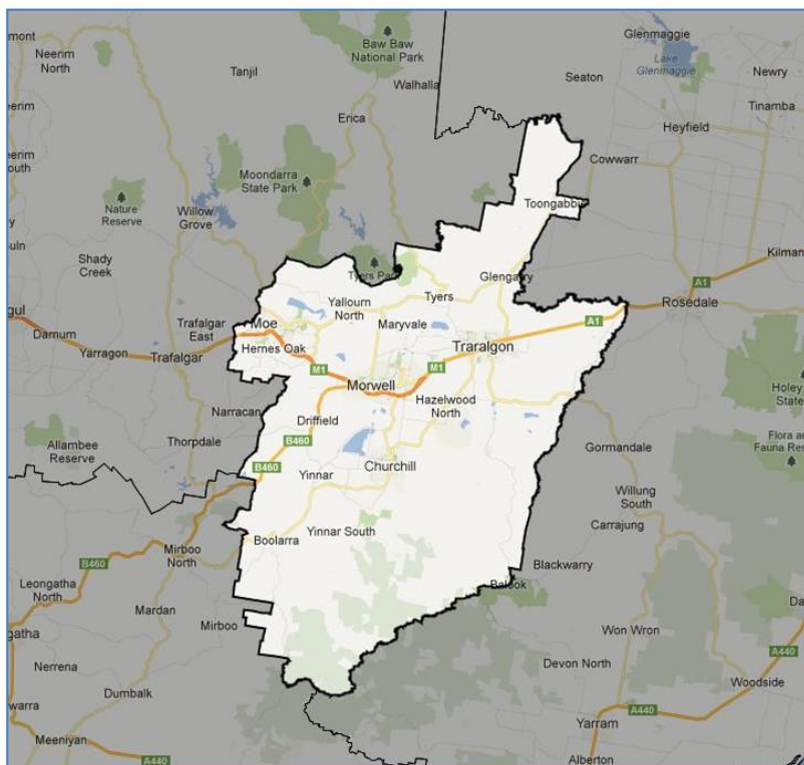
Economic impact analysis in this report was undertaken using REMPLAN – *regional economic modelling and analysis system*<sup>1</sup>. This study applies REMPLAN economic data for the defined region of Latrobe City, incorporating data sourced from the ABS 2011 Census, 2008/2009 ABS National Input / Output Tables, and ABS Gross State Product (June 2012).

The report also examines the demographic characteristics of the Sector’s workforce and changes that have occurred across Australian Bureau of Statistics’ Census years.

### 1.2 Region

The impact analysis will be undertaken in the context of the Latrobe City Local Government Area.

**Map 1-1-1 Latrobe (C) Local Government Area**



<sup>1</sup> [www.rempln.com.au](http://www.rempln.com.au)



## Economic Impact Analysis: Forestry, Wood and Paper Products Industry

## 2 Latrobe's Forestry, Wood and Paper Products Industry

According to Victoria State Government Department of Environment And Primary Industries (DPI)<sup>2</sup>, Victoria's State forests are concentrated in the east of the state and cover 3.4 million hectares. Approximately 1.54 million hectares are available for timber harvesting via the Allocation to VicForests (Further Amendment) Order 2012. Victoria's timber plantation estate is around 451, 500 hectares and accounts for more than 20 per cent of Australia's plantation forest estate.

The Gippsland region where Latrobe city is located has large natural advantage in resources. The region's high annual rainfall, temperate climate and highly productive soils make it particularly conducive to agricultural activities and forestry industry.

Gippsland's forestry processing industry supports a diverse range of processors which includes Australia's largest pulp and paper mill (Maryvale mill in Latrobe Valley) and a wide range of small, predominantly hardwood mills. The 4.2 million hectare area of Gippsland has 1.1 million hectares of harvestable forest, with most wood production sourced from over one million hectares of harvestable public native forest and over 100,000 hectares of plantations. The plantation resources in the region are managed as large scale industrial plantations. Wellington Shire contains most of Gippsland's plantations (52%), followed by Latrobe City (30%) and Baw Baw (7%). (Source: Regional Development Victoria<sup>3</sup>)

In Latrobe the Sector incorporates the following sub-sectors:

- Forestry & Logging
- Forestry Support Services
- Sawmill Product Manufacturing
- Other Wood Product Manufacturing
- Pulp, Paper and Paperboard Manufacturing
- Paper Product Manufacturing
- Timber Product Wholesaling

Employment in the Sector (both native and plantation) is concentrated in the secondary processing sector, which accounts for approximately 62 per cent of the industry's workers.

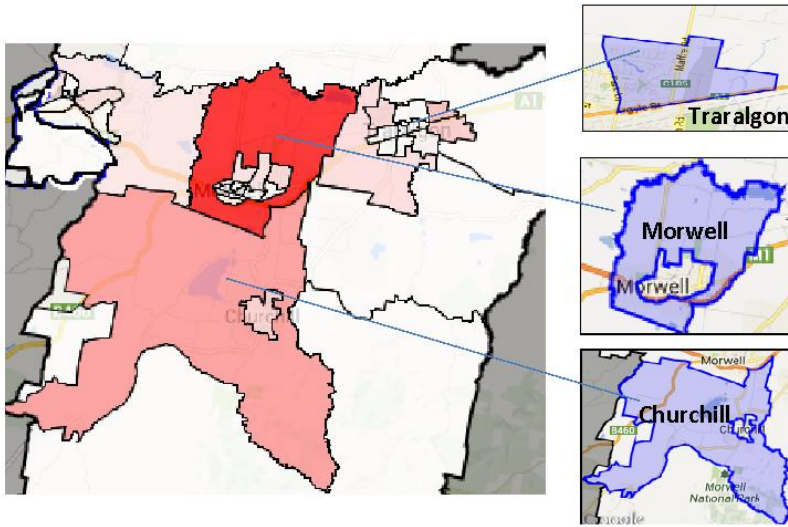
The Sector is mainly concentrated in destination zones of Morwell, Churchill, Traralgon, detailed in the thematic map below. The map highlights concentrations distribution of Sector employment.

<sup>2</sup> <http://www.dpi.vic.gov.au/forestry/about-forestry/publications/victorias-timber-industry-profiles>

<sup>3</sup> [http://www.rdv.vic.gov.au/\\_data/assets/pdf\\_file/0011/195734/Latrobe-Valley-industry-and-employment-roadmap-WEB\\_v2.pdf](http://www.rdv.vic.gov.au/_data/assets/pdf_file/0011/195734/Latrobe-Valley-industry-and-employment-roadmap-WEB_v2.pdf)

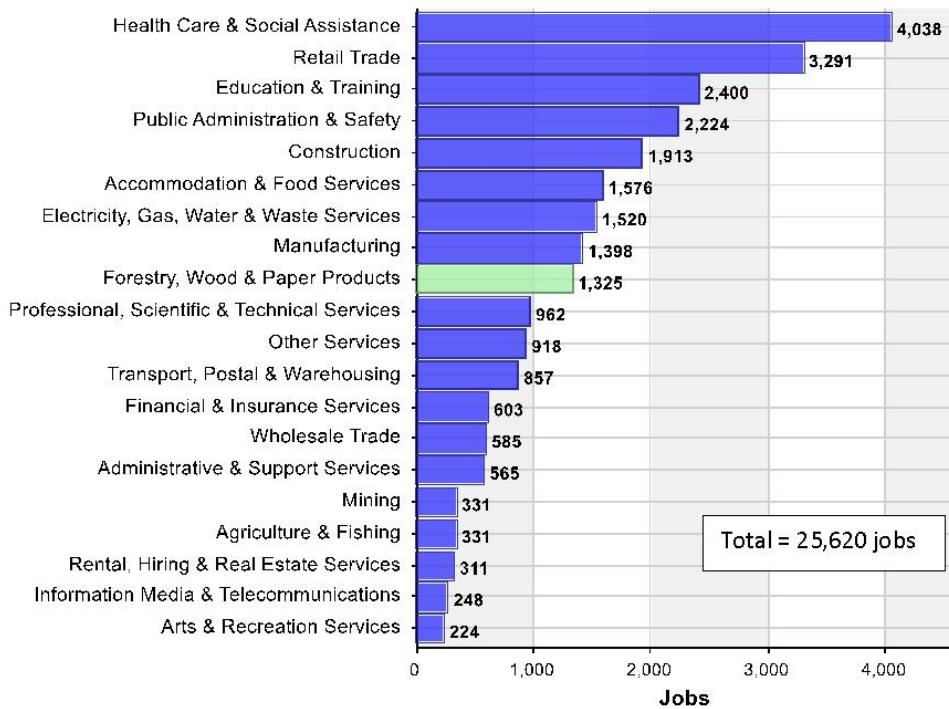
Economic Impact Analysis: Forestry, Wood and Paper Products Industry

Map 2-1 Distribution of Forestry, Wood and Paper Products Industry Employment



The employment in the Sector in Latrobe (C) is 1,325, contributing 5.17% of the region’s total employment.

Figure 2-1 Latrobe’s total employment by industry



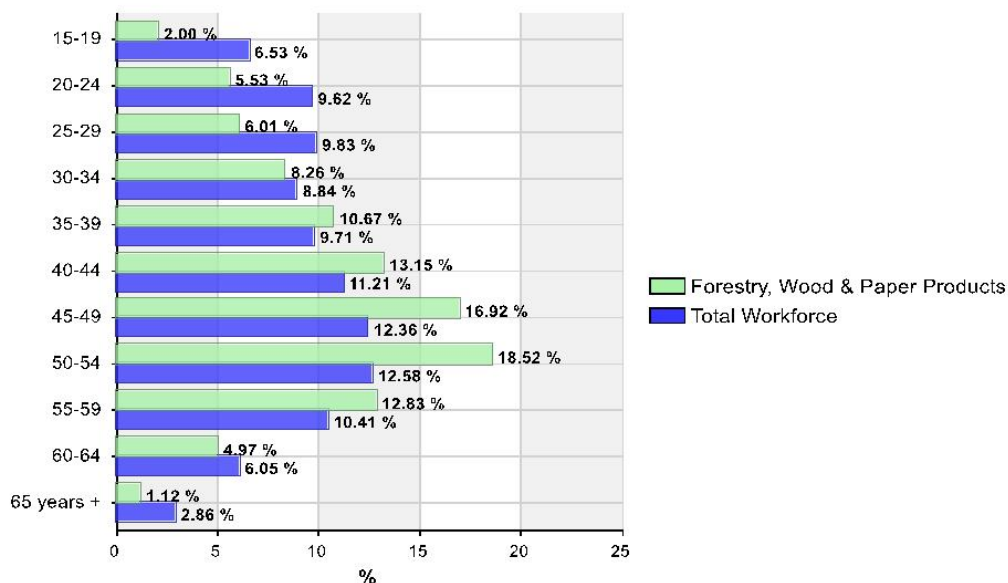
Source: REMPLAN Economy<sup>4</sup>

<sup>4</sup> Based on ABS 2011 Census Place of Work Employment Data, [www.remplan.com.au/products/remplan-economy](http://www.remplan.com.au/products/remplan-economy)

Economic Impact Analysis: Forestry, Wood and Paper Products Industry

The workforce characteristics for the Sector are detailed below, in comparison to the workforce in Latrobe across all industries.

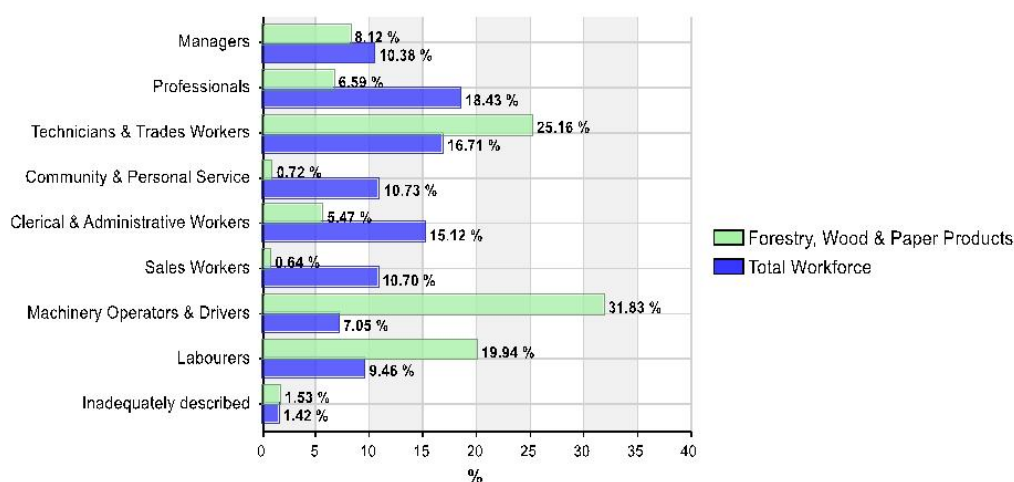
Figure 2-2 Workforce by age



Source: ABS 2011 Census, REMPLAN Community<sup>5</sup>

The workers in the Sector are mainly in the 35-59 years age band. This age cohort accounts for 72% of employed persons in the Sector, compared to 56% in the total workforce. The percentage of young and old workers (15-29 years and over 60 years) in the Sector is smaller relative to the total workforce.

Figure 2-3 Workforce by occupation



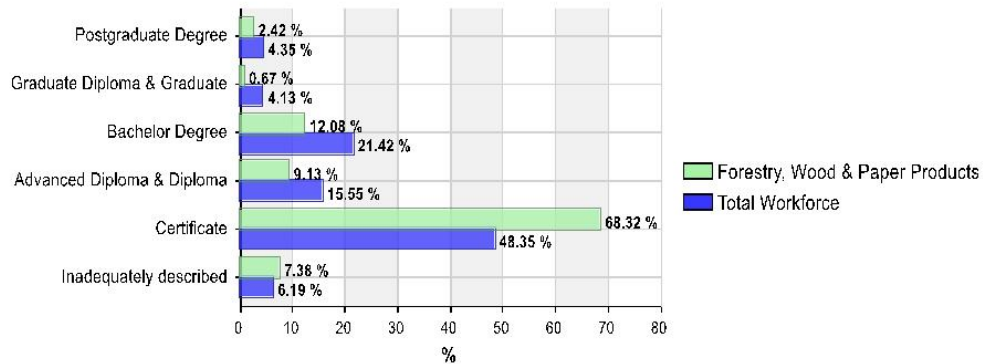
Source: ABS 2011 Census, REMPLAN Community

<sup>5</sup> Based on data sourced from ABS 2011 Census Place of Work Employment Data; [www.remplan.com.au/products/remplan-community](http://www.remplan.com.au/products/remplan-community)

Economic Impact Analysis: Forestry, Wood and Paper Products Industry

In comparison to the overall workforce, the sector is characterised by workers in occupations such as 'Technicians & Trade Workers', 'Machinery Operators & Drivers', and 'Labourers'.

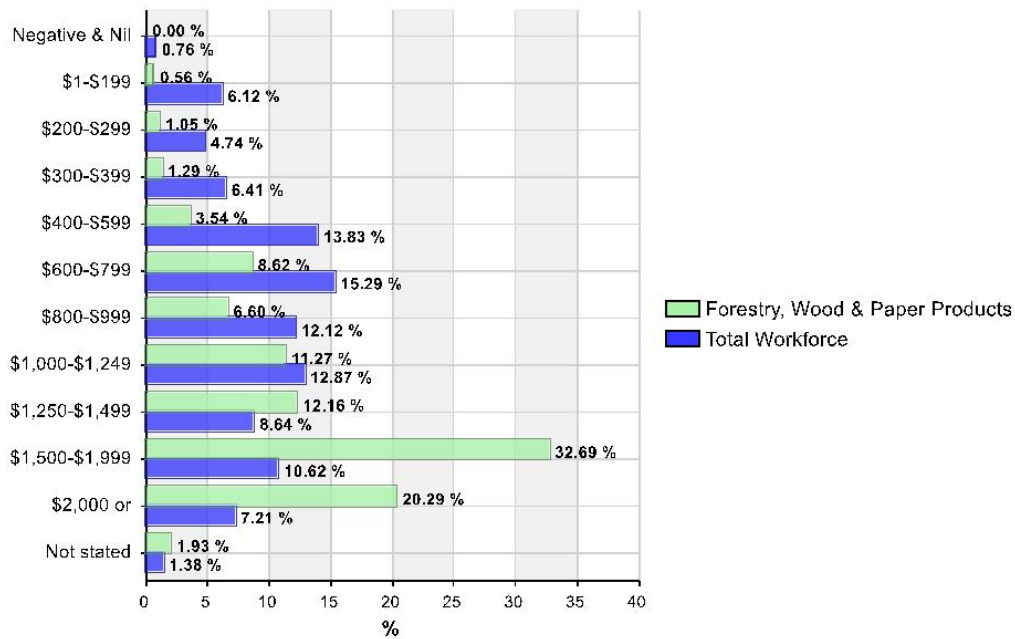
Figure 2-4 Workforce by education



Source: ABS 2011 Census, REMPLAN Community

Education levels in the Sector are relatively low with 15% of workers holding bachelor and postgraduate degrees, which is half the portion of tertiary degree workers in Latrobe overall. In contrast, 68.32% of workers in the Sector hold a Certificate level qualification.

Figure 2-5 Workforce by income



Source: ABS 2011 Census, REMPLAN Community

Compared with the overall workforce in Latrobe city, a relatively high percentage of workers in the Sector earn high incomes with 53% earning more than \$1,500 a week.



Economic Impact Analysis: Forestry, Wood and Paper Products Industry

**Table 2-1 Workforce’s wellbeing and diversity**

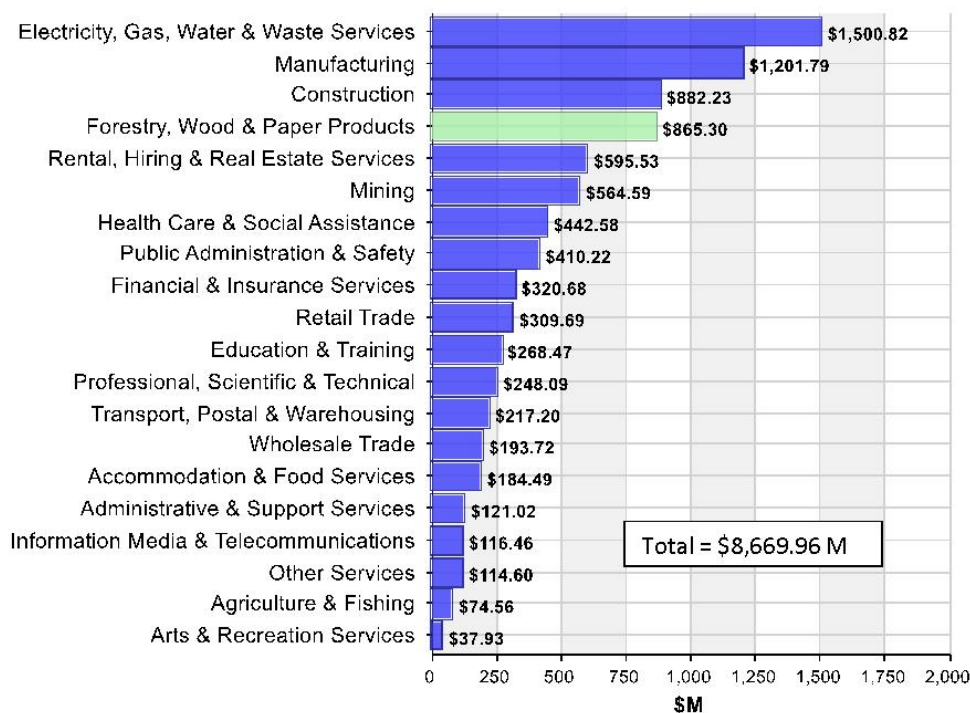
|                       | Long working hours (49 hrs+)    |                 | Female employment               |                 | Indigenous employment           |                 | Disability employment           |                 |
|-----------------------|---------------------------------|-----------------|---------------------------------|-----------------|---------------------------------|-----------------|---------------------------------|-----------------|
|                       | Forestry, Wood & Paper Products | Total workforce | Forestry, Wood & Paper Products | Total workforce | Forestry, Wood & Paper Products | Total workforce | Forestry, Wood & Paper Products | Total workforce |
| Latrobe (C)-Moe       | 11.2%                           | 20.8%           | 12.7%                           | 47.0%           | 0.0%                            | 0.7%            | 0.0%                            | 1.0%            |
| Latrobe (C)-Morwell   | 15.2%                           | 21.6%           | 11.4%                           | 46.1%           | 0.0%                            | 1.1%            | 1.7%                            | 1.1%            |
| Latrobe (C)-Traralgon | 20.3%                           | 24.4%           | 5.6%                            | 47.1%           | 0.4%                            | 0.6%            | 0.4%                            | 0.6%            |
| Latrobe (C)Bal        | 25.0%                           | 26.7%           | 10.6%                           | 46.5%           | 0.0%                            | 0.4%            | 0.0%                            | 0.3%            |

Source: AFWPS Socioeconomic tables index, 2011 Statistics<sup>6</sup>.

There is a lower percentage of workers working 49 hours or more a week in the Sector in comparison with the total workforce. Combined with relatively high incomes workers in the Sector enjoy above-average employment conditions. Female, indigenous and disability employment in the Sector is relatively low.

At \$865.30 million per annual, the Sector is the fourth largest contributor to Latrobe’s economic output (9.98% of total output). The top three contributors in the region are Electricity, Gas, Water & Waste Services, Manufacturing, and Construction.

**Figure 2-6 Output by industry**



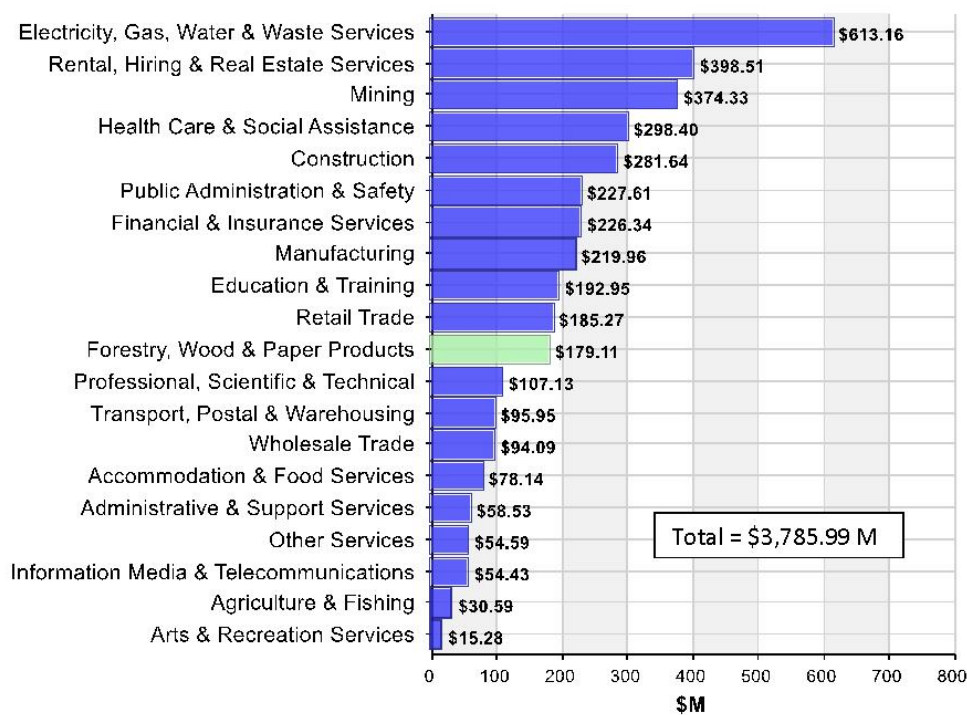
Source: REMPLAN Economy

<sup>6</sup> Source: Australian forest and wood products statistics (AFWPS): Sep and Dec quarter 2012, Socio-economic tables index, ABARES. Employment numbers include full-time and part-time workers.

## Economic Impact Analysis: Forestry, Wood and Paper Products Industry

In terms of value-added<sup>7</sup>, the Sector generates \$179.11 million, which is 4.73% of total value-added in Latrobe. Value added represents the marginal economic value added by economic activity, and it is a measure of the net worth of an industry to the region. Value added by industry sector is the major element in the calculation of Gross Regional Product.

Figure 2-7 Value-added by industry



Source: REMPLAN Economy

<sup>7</sup> Value-added can be calculated by subtracting expenditure on intermediate goods from output, or alternatively, by adding the wages & salaries paid to local employees, the gross operating surplus and taxes on products and production.

Economic Impact Analysis: Forestry, Wood and Paper Products Industry

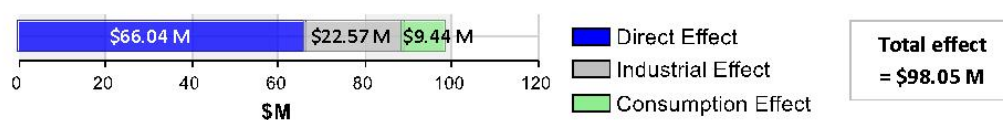
### 3 Economic Impact Assessment – 100 Jobs

#### 3.1 Output

For every 100 jobs in the Sector in Latrobe it is estimated that a direct output of \$66.04 million is generated. From this direct output, the associated demand for intermediate goods and services sourced from within the local economy is estimated at \$22.57 million. These industrial effects include multiple rounds of flow-on effects, as servicing sectors increase their own output and demand for local goods and services in response to the direct contribution to the economy.

Corresponding to direct and indirect employment support in the Latrobe economy wages and salaries are paid to employees and a proportion of these wages and salaries are typically being spent on local consumption. The consumption effects under this scenario are estimated at \$9.44 million.

Figure 3-1 Impact on Output



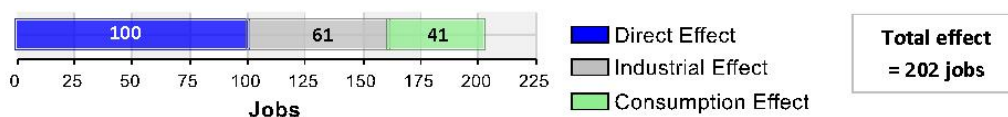
Total output under this scenario, including all direct, industrial and consumption effects is estimated at up to \$98.05 million. This represents a Type 2 Output multiplier<sup>8</sup> of 1.48. That is, for every direct dollar of output generated by the Sector, the broader Latrobe economy is estimated to be up to a further \$0.48 once flow-on industrial and consumption effects are taken into consideration.

#### 3.2 Employment

From 100 direct jobs<sup>9</sup> in the Sector it is anticipated that indirect industrial effects in terms of local purchases of goods and services support a further 61 jobs. The consumption effects under this scenario are estimated to contribute a further 41 jobs.

Total employment, including all direct, industrial and consumption effects is estimated at up to 202 jobs. This represents a Type 2 Employment multiplier of 2.02. That is, for every 100 direct jobs generated by the Sector, a further 102 jobs are supported in the broader Latrobe economy once flow-on industrial and consumption effects are taken into consideration.

Figure 3-2 Impact on Employment



<sup>8</sup> Type 2 multiplier is equal to total effect/direct effect.

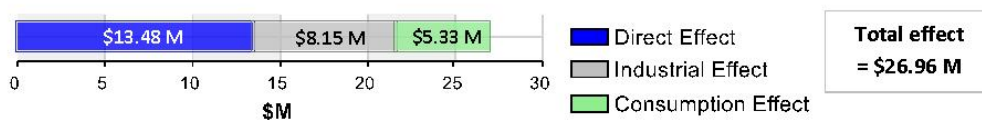
<sup>9</sup> Jobs represent the number of employed people in industry sectors. Here, the employment represents total number of employees without conversions to full-time equivalence.

## Economic Impact Analysis: Forestry, Wood and Paper Products Industry

**3.3 Value Added**

From 100 jobs in the Sector, the corresponding direct value-added is estimated at \$13.48 million. It is estimated that indirect industrial impacts would result in additional value-added of \$8.15 million.

The consumption effects under this scenario are expected to further contribute to value-added by \$5.33 million. Total value-added, including all direct, industrial and consumption effects is estimated at up to \$26.96 million. This represents a Type 2 Value-added multiplier of 2.

**Figure 3-3 Impact on Value-Added****3.4 Economic Impact Summary – 100 Jobs**

Under the above scenario, the total impact of 100 jobs in the Sector are estimated output of \$98.05 million, 202 jobs and \$26.96 million in terms of value-added for the Latrobe economy.

**Figure 3-4 Summary**

| Impact Summary    | Direct Effect | Industrial Effect | Consumption Effect | Total Effect   | Type 1 Multiplier | Type 2 Multiplier |
|-------------------|---------------|-------------------|--------------------|----------------|-------------------|-------------------|
| Output (\$M)      | \$66.04       | \$22.57           | \$9.44             | <b>\$98.05</b> | 1.34              | 1.48              |
| Employment (Jobs) | 100           | 61                | 41                 | <b>202</b>     | 1.61              | 2.02              |
| Value-added (\$M) | \$13.48       | \$8.15            | \$5.33             | <b>\$26.96</b> | 1.60              | 2.00              |



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

**General Manager**

**Planning and Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to consider public submissions received relating to Councils intention to consider declaring Deakin Lane Traralgon a public highway and recent developments concerning this matter.

**DECLARATION OF INTEREST**

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

**STRATEGIC FRAMEWORK**

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

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives - Governance*

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

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

*Theme 3: Efficient, effective and accountable governance*

*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 a public highway or to be open to the public:

- (1) 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.
- (2) A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

- (3) A road does not become a public highway by virtue of a Council resolution made under sub-section(2).

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

Schedules 10 and 11 of the *Local Government Act 1989* provide Council with the powers to maintain public access to a road. Clause 5 of schedule 11 provides:

“A Council may –

- (a) move any thing that encroaches on or obstructs the free use of a road or that reduces the breadth, or confines the limits, of a road (including any thing placed on a road under clause 9,10 or 11);
- (b) require any person responsible for, or in control of, the thing to move it.”

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 (Attachment 1).

Deakin Lane was originally created in 1957 on LP 41285 as *land appropriated or set apart for easements of way and drainage*. The lane is now described on Certificate of Title Volume 10246 Folio 309 as “*Road R1 on Plan of Subdivision 041285*”. The registered proprietors of the road are also the owners of 2 Deakin Street, Traralgon. (Attachment 2)

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 2013 Register of Public Roads as a ‘Road Not Maintained by Latrobe City Council’. Council also has drainage assets contained with the road reserve.

As the owners of 2 Deakin Street are the registered proprietors of the road reserve they were of the opinion that Council should discontinue the road and transfer the land back to them for a nominal consideration where it would be retained as a private access laneway.

**ORDINARY COUNCIL MEETING AGENDA  
03 MARCH 2014 (CM431)**

In examining this request, it was found that there is an expressed entitlement on the respective Certificates of Title for each of the four lots created on LP 41285 to use Deakin Lane. Three of these lots comprise 2 Deakin Street with the fourth lot being 1 Church Street which is owned by Petroleum Property Holdings Pty Ltd.

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.

In view of the above mentioned expressed entitlement for the use of Deakin Lane by the tenants of 3 Church Street officers reached agreement with the owners of 2 Deakin Street to amend their request from discontinuance of the road to the placement of permanent barriers, in the form of gates, across the entrance from Deakin Street.

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.*

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 owner of 2 Deakin Street that Council defer consideration of this matter for another month pending the provision of additional information. Council subsequently resolved:

*That Council defer this item for one month.*

Council again considered this 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. *The Beveridge Williams, acting on behalf of Petroleum Property Holdings Pty Lt 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 the owner of 2 Deakin Street in support of their application. The legal advice obtained by the owner of 2 Deakin Street is summarised as follows:

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

- 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 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 owner of 2 Deakin Street has concluded that Deakin Lane is not a public road and they are 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 owner of 2 Deakin Street 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 replaced in July 2013 with a substantial steel and colour bond fence, refer attachment 3.

Maddocks Lawyers have written to John Morrow, representing the owners of 2 Deakin Street, on behalf of Council on 28 June 2013 and 5 July 2013 formally requesting removal of the fence however these requests were not complied with.

At the Ordinary Council meeting held on 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.*

Council officers subsequently received confirmation that neither the Victorian Ombudsman nor the Office of Local Government would be taking any action in this matter. The latter advised that it is at Council’s discretion to declare a public highway and it would not intervene in what it considers to be a Council decision.

A further report was considered that the Ordinary Council meeting held on 6 November 2013, again recommending that Council commence the statutory process to declare Deakin Lane a public highway however this recommendation was not adopted.

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

Following the 6 November 2013 Council decision, a letter was received from Paul McDonough & Co Solicitors on behalf of Parody Glade Pty Ltd. This letter requested Council either restore access by commencing the statutory process to declare Deakin Lane a public highway or take action to remove the fence to provide access to the parking at the rear of 3 Church Street. Council considered this request at the Ordinary Council Meeting held 16 December 2013 and subsequently resolved:

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 17 February 2014.*
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 McDonough & Co, acting on behalf of Parody Glade Pty Ltd, be advised accordingly.*

In subsequent developments, between Council adopting the above resolution on the 16 December 2013 and prior to Monday 20 January 2014 (the date officer were notified), two substantial steel gates (Attachment 4) have been erected across the entrance of Deakin Lane preventing access. When the photograph was taken the gates were locked closed with a chain and padlock.

### **ISSUES**

Since the erection of the fence across the eastern end of Deakin Lane in June 2013, the occupiers of 3 Church Street have not been able to gain direct access to the rear of the property. As a temporary solution the occupiers have been forced to park in Church Street or access has been gained across the neighbouring property, 5-7 Church Street, as a short term yet impractical solution.

It has previously been noted that the former City of Traralgon issued a Planning Permit, 93/745/PO, on the 8 September 1993, later amended in May 1994, for the office complex at 3 Church Street. This permit recognised that the off street car park at the rear of the property would be accessed via Deakin Lane. A condition of this Planning Permit required that the land owner would transfer a 1.7 metre wide section of land abutting the eastern length of the laneway would be transferred to Council. This requirement was recently brought to the attention of owner of 3 Church Street and officers have been given an undertaking that the land will be transferred to Council.

Deakin Lane is considered 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) in 1957 on LP 41285, is shown as a road 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 and more recently relating to this specific lane. 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*
- *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 of 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 proprietor does not enjoy exclusive possession with respect to the road (as opposed to ordinary parcels 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.

Following Council's decision at the Ordinary Council Meeting held on 22 April 2013 officers sought legal advice from Maddocks Lawyers on the status of Deakin Lane and, in particular, the information provided by the owner of 2 Deakin Street.

Maddocks advice is summarised as follows:



**ORDINARY COUNCIL MEETING AGENDA  
03 MARCH 2014 (CM431)**

- 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 fronting 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.

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

A recent relevant example of Council exercising this power occurred in 2010 when part of Wilmot Court, Traralgon East, was declared a public highway to preserve public access to 37 properties in Turnbull Drive, Varney Crescent, Kings Way and Tait Court.

The first 400 metres of Wilmot Court from the Princes Highway were created in 1979 as road on LP 130953 however the remaining 300 metres was constructed within an easement of way and drainage over two properties including 49 Turnbull Drive, Traralgon East.

This section of Wilmot Court was declared a public highway via a notice placed in the Victoria Government Gazette thereby vesting the land in Council.

No compensation was payable to the owners of 49 Turnbull Drive as the declaration of the road as a public highway would not have a negative impact financially as neither the current nor preceding owners of the property ever had free use of the land given its long standing and intended use as a road.

Likewise, since the owners of 2 Deakin Street (Tripodi Family) acquired the property in 1995, after the plan of subdivision creating the road reserve and the issue of the planning permit for the development of 3 Church Street, the land that is contained in Certificate of Title Volume 10246 Folio 349 has always been used as a laneway and at no time did they seek to prevent such access, refer photo in attachment 5.

The declaration of the road as a public highway will therefore not change the physical characteristics of the land other than ensuring the public right



## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

to use the road, an ongoing use that only became an issue following the objection to the proposed gates by Parody Glade Pty Ltd.

For the information of Council, the property owners whilst knowing that Council intended to consider public submissions relating to the declaration of a public highway, erected substantial locked gates across the entrance of the laneway. The concrete works and steel foundation were undertaken on the 16 December 2013 and the gates (refer Attachment 4) were erected on or before Monday 20 January 2014, post Council decision to commence the statutory process and giving public notice of its intention to consider declaring Deakin Lane a public Highway.

Council can use its powers under the *Local Government Act 1989* to remove any obstruction, such as the recently erected gates and the fence erected in June 2013 that encroach on or restricting access to a road.

To do so Council would again need to write to the owners of 2 Deakin Street requesting that the fence and gates be removed within a reasonable time frame.

If the owners of 2 Deakin Street refuse to do so the fence and gates can be removed by Council and impounded. The owners will then be required to pay any costs incurred by Council as part of this process to have the impounded fencing released.

### **Recent developments**

The Acting Chief Executive Officer has had discussions with Mr Gino Tripodi and the Director of Parody Glade Pty Ltd and subject to Council endorsement has proposed as a way forward the following:

- Council, Mr Gino Tripodi and Parody Glade Pty Ltd (the parties) agree to engage an independent barrister in order to obtain a non-binding legal opinion regarding the status of Deakin Lane.
- Costs of the independent barrister up to a total cost of \$10,000 will be split between the parties (Council \$5,000, Tripodi Family \$2,500 and Parody Glade \$2,500) with Council covering all costs greater than \$10,000.
- The legal opinion obtained from the independent barrister is non-binding on the parties and the respective parties may take further legal action or withdraw from the proposal at any time.

A copy of the Acting Chief Executive Officer correspondence confirming the above proposal, a qualified response from John Morrow, legal representative for the Tripodi Family generally agreeing to the proposal and a response from Parody Glade Pty Ltd agreeing to contribute \$2,500 is provided for information, refer attachment 10.

The above information was provided to Council at the Ordinary Council Meeting held 17 February 2014 and Council resolved to defer consideration of this matter until the next Council Meeting.

**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 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.

Council may incur costs associated with physical removal of the gates and fence, and if the matter proceeds to litigation additional legal costs may become payable.

As indicated above, there is no obligation for Council to provide compensation to the owners of 2 Deakin Street as part of this process as was the case with the declaration of part of Wilmot Court as a public highway.

Given that a large majority of the laneways in Traralgon are comprised of pieces of land in private ownership making an exception in the case of Deakin Lane would set a costly precedent for any similar actions in the future.

It is possible that Parody Glade Pty Ltd may take legal action and possibly seek compensation from Council if access to the rear of the property is not restored to the rear car park as required by the former City of Traralgon as part of planning permit 93/745/PO.

**INTERNAL/EXTERNAL CONSULTATION**

*Engagement Method Used:*

- Public notices in the Latrobe Valley Express on Monday 23 December 2013, and Thursday 9 January 2014.
- Letters to property owners of 1 Church Street, 3 Church Street, 72 Princes Street and Paul McDonough & Co Solicitors inviting written submissions concerning Councils intention to consider declaring Deakin Lane a public highway.

*Details of Community Consultation / Results of Engagement:*

In response to the public notices and correspondence, 3 written submissions and 50 form letters were received.

The written submissions are summarised below:

Supporting Submission - Paul McDonough Solicitors on behalf of Parody Glade Pty Ltd, 3 Church Street Traralgon, refer attachment 6.

Deakin Lane has been a public highway for a period in excess of fifty years and provides access to the rear of their client's property at 3 Church Street, Traralgon.

Access via Deakin Lane is in accordance with the planning permit issued by the Traralgon City Council on the 8th September, 1993.

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

“The wrongful installation of barricades on Deakin Lane has caused a disruption to our client, and our client’s tenants at 3 Church Street, Traralgon.”

Objecting Submission - S & C Tripodi, refer attachment 7

Owners of the land in dispute and adjoining building, purchased 19 years ago.

Long term residents of Traralgon having established a business in the town and their sons now run a business in transport.

Their legal advice supports that “we own the title and there is no privileges, rights or special treatments stated on this for the rear title holder. Really this is a disagreement that is better left for those that are part of the dispute to work out between themselves, without council intervention.”

Objecting Submission - Gino Tripodi, refer attachment 8 –

Registered proprietor of Deakin Lane,

Grounds for the submission-

- Council would be confiscating private property without compensation;
- There is no need for Deakin Lane to be declared a public highway, and
- It would be a misuse of Council’s powers under the Local Government Act to do so.”

Extracts from the submission that are highlight in bold type and accompany text are provided for information –

“a. Deakin Lane was created over private land by private owners in 1957 for private use. ...

b. Because Deakin Lane is a private road, Council has never spent a cent on making or maintaining the lane. ...

e. All the neighbouring easement holders, who have private easement rights of access over Deakin Lane, continue to have rights of access to the lane without obstruction or difficulty. ...

g. All other properties abutting the lane have alternative, perfectly acceptable and usable street access to their properties (from Church Street, Princes Highway or Deakin Street). ...

h. No public purpose would be served by making a declaration of the lane as a public highway. The only person who would benefit by a declaration is the owner of 3 Church Street. ...

i. ... However, there is no moral or legal basis for the owner of 3 Church Street to claim assistance of Council: since 1993-1994, the owner has flouted the conditions on which the predecessor Council granted them a planning permit by refusing to transfer land to the Council. Latrobe City Council has no obligation to the owner of 3 Church Street now.”

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

Objecting Form Letters – 50 Objections, refer sample attachment 9 –

... “of the opinion that declaring the lane a public highway would have no benefit to the people of Traralgon and can see no reason why this should change. ...the ‘lane’ is a ‘dead end’ and therefore can see no relevance as to why it should or how it could be of benefit to those require unnecessary access.”

### OPTIONS

Council having considered submissions received may now:

1. Form the opinion that Deakin Lane is reasonably required as a road for public use and resolves to declare Deakin Lane, Traralgon, a public highway under section 204 of the *Local Government Act 1989* and publish a notice in the Government Gazette, or
2. Form the opinion that Deakin Lane is not reasonably required as a road for public use and resolve not to take any further action regarding this matter, or
3. Support the proposal put forward by the Acting Chief Executive Officer to engage an independent barrister in order to obtain a non-binding legal opinion regarding the status of Deakin Lane.

### CONCLUSION

Council has committed considerable time, finances and staff resources since December 2012 to the deliberation of this matter.

The Acting Chief Executive Officer has negotiated a way forward that may result in a resolution of this matter. Council’s endorsement of this proposal to engage an independent barrister in order to obtain a non-binding legal opinion regarding the status of Deakin Lane is required to allow this matter to proceed.

#### **Attachments**

1. Location Plan & Aerial Image - Deakin Lane Traralgon
2. Plan of Subdivision LP 41285 showing Deakin Lane as Road R1
3. Deakin Lane - Photos of Tempory Fence June 2013 & Permanent Fence July 2013
4. Deakin Lane - Photo of Gates Erected January 2014
5. Photo of Deakin Lane date 24 July 1999
6. Supporting Submission - Paul McDonough Solicitors on behalf of Parody Glade Pty Ltd
7. Objecting Submission - S & C Tripodi
8. Objecting Submission - Gino Tripodi & Sample of Form Letter
9. Objection - Sample of 50 Form Letters
10. Independent Barrister Proposes and Responses from the TRipodi Family and Parody Glade Pty Ltd.

**RECOMMENDATION**

- 1. That Council notes the written submissions received in relation a proposal to declare Deakin Lane a public highway.**
- 2. That Council resolves to support the proposal that Council, Mr Gino Tripodi and Parody Glade Pty Ltd (the parties) agree to engage an independent barrister in order to obtain a non-binding legal opinion regarding the status of Deakin Lane.**
- 3. That the costs of the independent barrister up to a total cost of \$10,000 be split between the parties on the following basis, Council \$5,000, Tripodi Family \$2,500 and Parody Glade \$2,500 with Council covering all costs greater than \$10,000.**
- 4. Council acknowledges that the legal opinion obtained from the independent barrister is non-binding on the parties and the respective parties may take further legal action or withdraw from the proposal at any time.**
- 5. Those persons who submitted a written submission and property owners adjoining Deakin Lane be advised of the above Council decisions.**

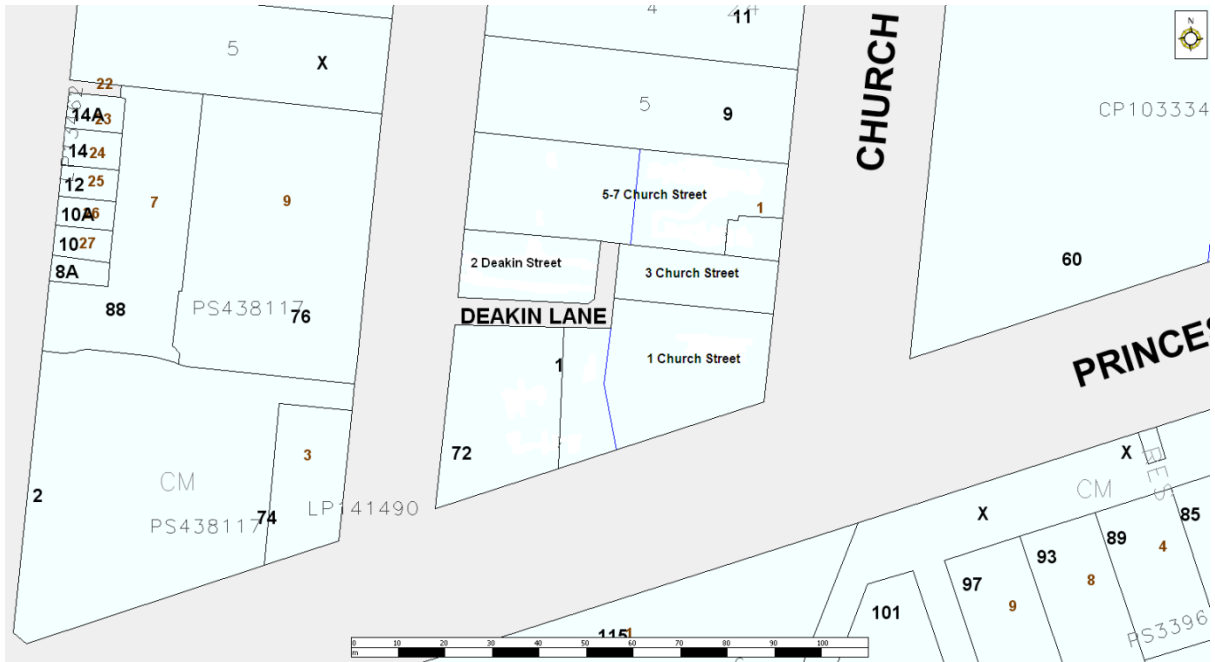
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### PROPOSED PUBLIC HIGHWAY DECLARATION - DEAKIN LANE, TRARALGON

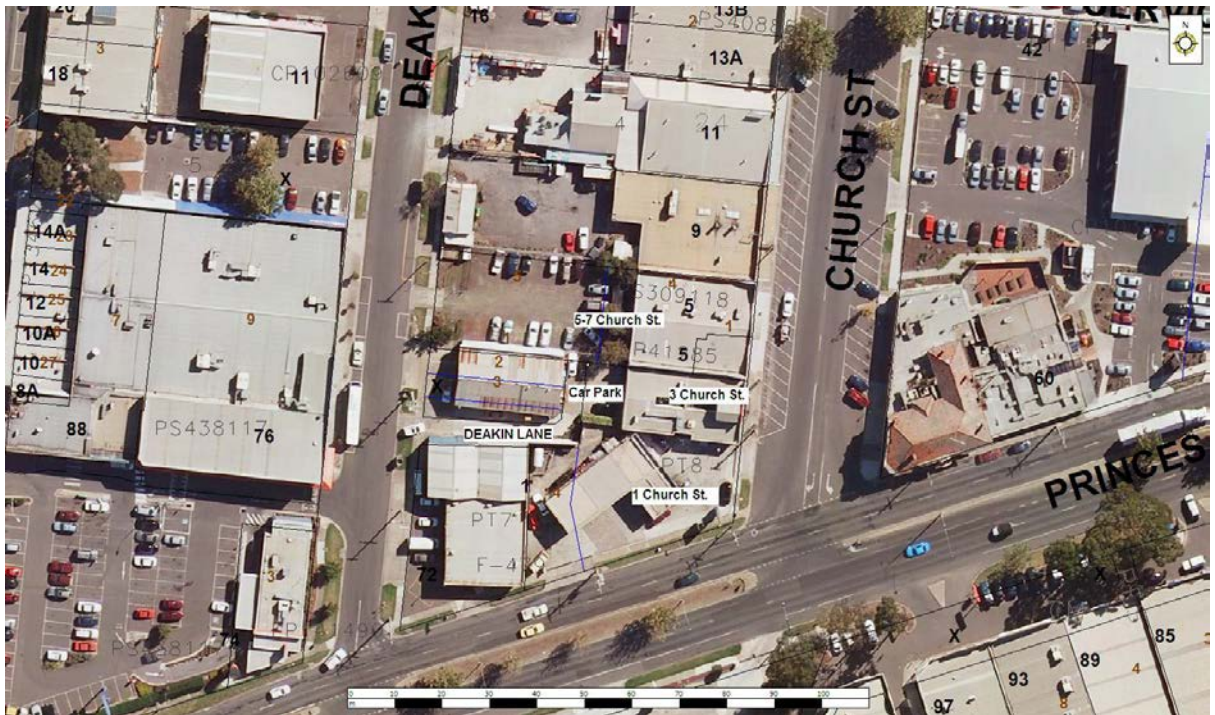
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| 2  | Plan of Subdivision LP 41285 showing Deakin Lane as<br>Road R1 .....                                   | 49 |
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Location Plan – Deakin Lane Traralgon



Aerial Image – Deakin Lane Traralgon





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

**LP 41285**  
 EDITION 1  
 PLAN MAY BE LODGED 5/9/57

Measurements are in Feet & Inches

Conversion Factor  
 FEET X 0.3048 = METRES

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

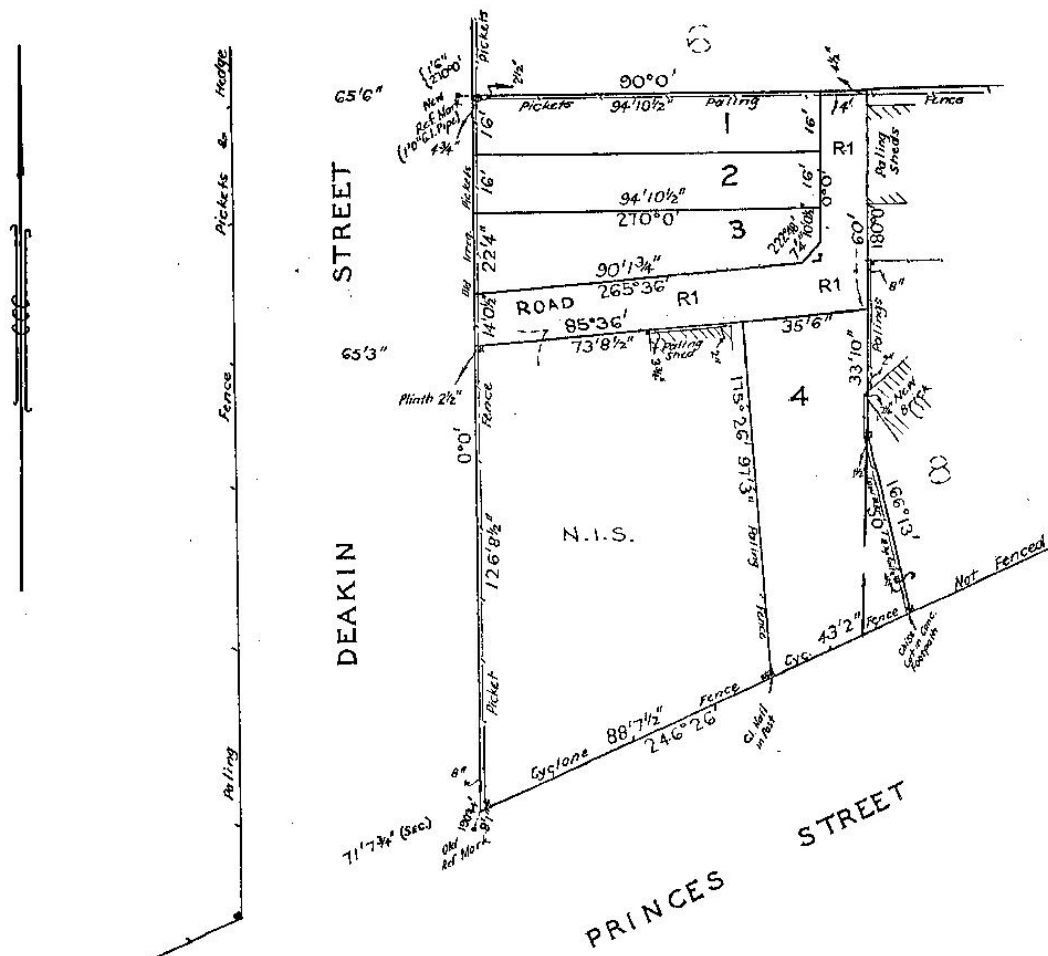
COLOUR CONVERSION

BROWN = R1

APPROPRIATIONS

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

~~PARISH/TOWNSHIP~~



WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.

Temporary Fence Erected June 2013





Permanent Fence Erected July 2013







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





McDonough Legal Pty Ltd  
ABN 93 117 567 692

## SOLICITORS

Paul McDonough  
B. Bus., LL.B.  
Accredited Business Law &  
Property Law Specialist

Vivienne Petts-Jones  
LL.B (Hons)

Our Ref: PMD:FT:27099

Your Ref:

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ROSEDALE  
40 Princes Street, 3847  
Ph: (03) 5199 2400

16 January 2014

Mr Peter Schulz  
Property & Statute Officer  
Latrobe City Council  
DX 217733  
MORWELL

|   |  |
|---|--|
| <b>LATROBE CITY COUNCIL</b>                           |  |
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Dear Sir

**Parody Glade Pty Ltd**  
**Deakin Lane, Traralgon**

We refer to our letter of the 21<sup>st</sup> November, 2013 and Council's reply of the 18<sup>th</sup> December, 2013.

We note that Council now proposes to declare Deakin Lane, Traralgon as a public highway.

On behalf of Parody Glade Pty Ltd, we write to support the Council's proposed declaration.

As stated in our earlier correspondence:

- (a) Deakin Lane has been a public highway for a period in excess of fifty years and access to the rear of our client's property at 3 Church Street, Traralgon is obtained via Deakin Lane.
- (b) Access via Deakin Lane is in accordance with the planning permit issued by the Traralgon City Council on the 8<sup>th</sup> September, 1993.

The wrongful installation of barricades on Deakin Lane has caused a disruption to our client, and our client's tenants at 3 Church Street, Traralgon.

Yours faithfully,  
**McDonough & Co.**

Per:

Liability limited by a scheme approved under Professional Standards Legislation

Latrobe City Council  
PO Box 264  
Morwell VIC 3840

To Mr. John Mitchell

|   |  |
|---|--|
| LATROBE CITY COUNCIL<br>INFORMATION MANAGEMENT        |  |
| RECEIVED<br>23 JAN 2014                               |  |
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**Declaration of Deakin lane – Public Highway**

As owners of the land in dispute we, Stefano and Concetta Tripodi wish to submit this letter as an objection to the 'declaration of Deakin lane as a Public Highway'

We have been part of the Traralgon community for well over 50 years now and in this time we have worked hard to now have a name and reputation that is high regard too many in the township.

We came to Traralgon with little knowledge of Australia, but worked hard to be part of the community and in time established a business's (S&C Tripodi & Sons) that has been a part of Traralgon for more than 57 years and although we retired recently our boys have continued being part industry.

We started our family in Traralgon, raising two boys that have stayed in Traralgon, who also have developed a reputation that is of good nature, caring and very supportive to those in need. Damian and his wife are now raising their two boys here, while Gino (with Damian) continue to run a business in transport, moving local produce from local farms to Melbourne Fruit Market.

We have never had any trouble within our community, we have kept to ourselves as a family, but have shared many good times and bad with customers that have become lifelong friends.


Now in our retirement we have had to put up the biggest fight of our lives and that is to save what is ours!! We have to watch our boys stand up to people that have now decided that because the title that we brought 19 years ago doesn't suit our rear neighbour. Tell us, How is this fair? We have ran a very successful family business from this building for many years and now we have to protect this with legal advice, from continuous council meetings and demands from people that think they are better than the law itself. Please we have never asked for anything from Latrobe City, but, with all the facts from our Lawyer Mr. John R Morrow and Barrister Mr. Peter G Willis is this a matter that needs to be disputed to such great lengths. As stated time and time again the law is the law and what evidence we have bought to the attention of Latrobe City shows there is no grey area, we own the title and there are no privileges, rights or special treatments stated on this for the rear title holder. Really this is a disagreement that is better left for those that are a part of the dispute to work out between themselves, without council intervention.

So why should we allow the council to come and take our land, when it would serve no purpose to any other persons of the community, there is access for those that may need to attend to the easement, (Gippsland water) but this parcel of land is used for the purpose of a business that runs from the building, built on this title. But more importantly it is what we brought, it is ours and we intend for it to stay that way.

Stefano Tripodi



Concetta Tripodi





LATROBE CITY COUNCIL  
INFORMATION MANAGEMENT

RECEIVED

23 JAN 2014

**SUBMISSION TO CITY OF LATROBE****AGAINST PROPOSED DECLARATION OF PUBLIC HIGHWAY, DEAKIN LANE, TRARALGON**

BY OWNERS OF DEAKIN LANE

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1. This submission is lodged in response to a public notice under s 223 of the *Local Government Act 1989* calling for submissions in respect of a proposal to declare Deakin Lane, Traralgon to be a public highway.
2. As registered proprietors of the affected area (Deakin Lane), we respectfully submit Council should not proceed with the declaration.
3. The grounds for this submission are that:
  - Council would be confiscating private property without compensation;
  - there is no need for Deakin Lane to be declared a public highway, and
  - it would be a misuse of Council's powers under the Local Government Act to do so.
4. Relevantly:
  - a. Deakin Lane was **created over private land by private owners in 1957 for the private use** of the adjoining properties (Lots 1 – 4 on Lodged Plan 41285, being 2 Deakin St and 1 Church Street). Rights of access to the lane were granted by an easement only in favour of four specific landowners. This means that the lane is different from other roads and laneways laid out in Crown surveys. Those other roads vest in Council automatically by operation of law. Deakin Lane does not.
  - b. **Because Deakin Lane is a private road, Council has never spent a cent on making or maintaining the lane.** Council will be taking on new financial obligations for the upkeep of the road, whereas historically and at present, it is a private responsibility of the owners.
  - c. Council does not own the land of a private road and will be taking private property. Council will be taking the benefit of the expense laid out by the owners of Deakin Lane in forming and maintaining the lane (for their own use) over many years, with no compensation. This will be a very bad precedent to set and is likely to increase demands on Council's engineering and roads department and budget.

- d. Separately, Council has drainage assets in the lane. These are intact and undisturbed and are not affected by the lane being private property. There is no need to declare a public highway in order to continue to have the benefit of those assets. They are fully protected by legal rights as things stand.
  - e. **All the neighbouring easement holders, who have private easement rights of access over Deakin Lane, continue to have rights of access to the lane without obstruction or difficulty. The private easement gives all the necessary rights of access to the lane.**
  - f. The lane is a cul-de-sac. It leads nowhere and simply provides access to warehouses on the easement-holders' properties. The lane has no official name but has been referred to in Council correspondence as "Deakin Lane".
  - g. **All other properties abutting the lane have alternative, perfectly acceptable and useable street access to their properties (from Church Street, Princes Highway or Deakin Street). The owners on Princes Highway and on Deakin Street (5 - 7 Church St) have never used the lane.**
  - h. **No public purpose would be served by making a declaration of the lane as a public highway. The only person who would benefit by a declaration is the owner of 3 Church Street. This owner is trying to make use of the lane without permission of the owners of the lane. The owner of 3 Church Street relies on an erroneous assumption by the predecessor Council when in 1993 it granted a planning permit for redevelopment of 3 Church Street. As a condition of permitting the use of the back of their property for off street parking, the then Council required that the owner of 3 Church Street transfer land at the back of their property to the Council.**
  - i. The council of 1993 made a mistake in thinking that public access to 3 Church Street could be allowed from the lane, without consulting the owners of Deakin Lane. It would compound this mistake for Council to declare the lane a public highway. **However, there is no moral or legal basis for the owner of 3 Church Street to claim the assistance of Council: since 1993 – 1994, the owner has flouted the conditions on which the predecessor Council granted them a planning permit by refusing to transfer land to the Council. Latrobe City Council has no obligation to the owner of 3 Church Street now.**
5. Council has received conflicting legal opinions about the status of Deakin Lane – advice from our lawyers and advice from Council's solicitors. There is no disagreement about the basic legal principles, but stark differences about the

application of the principle to the facts at hand. Because the facts are different in every case, it is a mistake to rely on advice obtained about different roads in other parts of the City. The registered owners of Deakin Lane have never dedicated the lane as a public road. Our advice is very clear – Deakin Lane is a private road and is not a public highway. The alternative advice assumes, without any proof, that the road has been dedicated to the public by the owners and has been accepted by public use. Victorian Courts and Victorian legislation state that the description of a lane on a private plan of subdivision as a “road” on private land (as in this case) does not amount to a dedication of the lane as a public road.

6. In any case, this dispute about the common law is irrelevant to the proposed exercise by Council of the power in section 204 of the Local Government Act. By proposing to use this power, Council is acknowledging that Deakin Lane is not already a public highway. This confirms that the Council’s powers under the *Road Management Act* and *Local Government Act* do not extend to the lane at present: they only apply to roads on Crown land and roads declared to be public highways.
7. The questions for Council then in this case are:
  - **why** is it proposed to declare this little private lane to be a “public highway”?
  - How will the public benefit??
  - How is it reasonably necessary for the public for the lane to be a public highway?
  - What contribution to the economic development of the City will be added by turning this dead-end private lane into a public highway?
  - How can one person be said to be “the public” for the purpose of exercising Council’s powers
8. The answer is that there is no need in the public interest to make this private road a public highway. The lane leads nowhere; contrary to the bluster of a solicitor’s letter, no business will be affected by it staying as it is. Naturally, these solicitors not mention a major weakness in their clients position, namely his refusal to satisfy the condition upon which the planning permit was granted, namely the requirement to transfer 1.7 meters of land to the Council.
9. Council is simply being asked to become involved in a private disagreement between two neighbours. It is a waste of public resources and unnecessary to exercise public power over private land simply to benefit one other landowner, who has perfectly adequate access to his property from an existing public highway – Church St - as

well as having private rights arranged with its associate, the owner of 5-7 Church St, which has a large car park on the abutting block to the north.

10. Like all statutory powers, the power in section 204 of the Local Government Act may only be used reasonably and for a proper purpose. Otherwise, the declaration would be invalid and ineffective.
11. Council would be acting invalidly if it proceeds with the declaration of Deakin Lane as a public highway.
12. Rather than have the matter litigated in the Supreme Court with Council as the defendant, Council should take no further action and leave Deakin Lane as a private road and the neighbours to sort things out between themselves.
13. For these reasons, we respectfully urge Council to take no further action with respect to the declaration of Deakin Lane as a public highway.



GINO TRIPODI

For 23 January 2013

January 2014

Latrobe City Council  
PO Box 264  
Morwell VIC 3840

Please find enclosed:- 50 OBJECTION LETTERS.

Written Submission in regard to  
Proposed Public Highway Declaration *Deakin Lane, Traralgon*

*Addressed to*

*Mr. John Mitchell  
Chief Executive Officer,  
Latrobe City Council.*

Latrobe City Council  
PO Box 264,  
Morwell VIC 3840

Re; Deakin Lane – Public Highway.

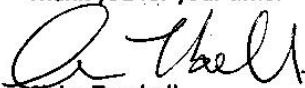
To John Mitchell,

I Claire Turnbull, wish to submit an objection in regards to Latrobe City Council wanting to declare Deakin Lane a public highway.

I feel that as a member of the community who has resided in Traralgon for many years and in those years has shopped at Tripodi's Fruit & Vegetable Market at 2 Deakin Street Traralgon, so I am very aware of the "Lane" in dispute, I am of the opinion that declaring this lane a public highway would have no benefits to the people of Traralgon and can see no reason why this should change. To me the 'lane' is a 'dead end' and therefore can see no relevance as to why it should or how it could be of any benefit to those who require unnecessary access.

I hope this issue can be resolved in a dignified way and businesses and families can get on with their livelihoods without any disruption.

Thank you for your time.

  
Claire Turnbull



Our Ref:  
JM

13 February 2014

Mr G Tripodi  
**HAND DELIVERED**

Dear Mr Tripodi

**DISPUTE REGARDING STATUS OF DEAKIN LANE TRARALGON**

I refer to our telephone conversation and meeting on 13 February 2014 in relation to the above.

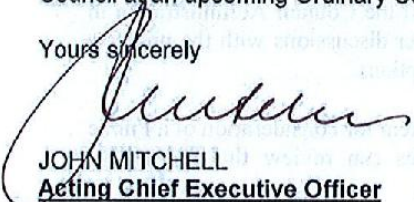
The status of Deakin Lane, Traralgon has been the subject of disagreement between yourself and Latrobe City Council. Subject to the formal approval of Council I propose that we attempt to resolve the dispute regarding the status of Deakin Lane as follows:

- Latrobe City Council and you, representing the owners of the disputed Deakin Lane, Traralgon will jointly brief an independent barrister in order to obtain an independent legal opinion regarding the status of Deakin Lane, Traralgon.
- The independent barrister will be agreed to between Council and yourself.
- Costs of the independent barrister will be split evenly between the parties up to a total cost of \$10,000 (\$5,000 each). Council will cover all costs greater than \$10,000.
- The legal opinion obtained from the independent barrister is non-binding on the parties. Either party may take further legal action should they feel the need to.
- This proposal is non-binding upon the respective parties and either party may withdraw at any time.

I am hopeful that an independent advice obtained from a senior barrister will provide yourself and us with a greater level of certainty as to the status of the road whilst avoiding the need for a drawn out dispute in the Victorian court system.

Please feel free to contact me if you wish to discuss this further or alternately, if you are happy to the above, please sign and return the duplicate copy of this letter and return it to my office. Should this be acceptable to you I will present the proposal to Council at an upcoming Ordinary Council Meeting.

Yours sincerely

  
**JOHN MITCHELL**  
**Acting Chief Executive Officer**



**Latrobe City** ABN 92 472 314 133  
**Telephone** 1300 367 700  
**Facsimile** (03) 5128 5672  
**TTY (NRS)** 133 677  
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CLIFTON HILL 3068 AUSTRALIA

Liability limited by a scheme approved under Professional Standards Legislation

14 February 2014

Latrobe City  
34-38 Kay Street  
Traralgon VIC 3844

Attention: Mr John Mitchell

Dear Mr Mitchell

**Re: Proposed Public Highway Declaration – Deakin Lane, Traralgon**

I refer to your letter addressed to Gino Tripodi of 13 February 2014 and Mr Shultz's letter to me of 20 December 2013, which includes an invitation for me to discuss this matter directly with Mr Schultz by telephone or email. In the circumstances, I am writing this letter to you on the assumption that, at this point in time, the Council is not using the services of Maddocks Lawyers, on its behalf, in relation to the above matter. (For the sake of caution I am forwarding a copy of this letter directly to Maddocks Lawyers.)

I am instructed by my clients to inform you that they would be willing to proceed with the proposal to obtain a non binding opinion from independent Senior Counsel, subject to my clients' agreement on the procedure to be adopted for providing instructions to Senior Counsel.

While my clients also agree with the principle of sharing costs, up to an aggregate amount of \$10,000, and Council covering any excess, we consider that a more appropriate split would be for the contending private parties (Tripodi and Parody Glade) each to contribute 25%, and Council 50% of the initial \$10,000.00. I accordingly seek your response to this aspect of the proposal.

My clients further agree to those recommendations of the Council Administration in the current Agenda notes, that the ACEO have further discussions with the property owners including the potential to explore mediation options.

In the meantime my clients propose that the Agenda item for consideration of a Public Road Declaration be withdrawn, so that all parties can review their respective positions after a Senior Counsel's opinion is obtained.

In the circumstances I would be pleased if you would confirm by return email that while the reference to Senior Counsel and the Administration's recommendations are pursued, the current agenda item scheduled for Monday, 17 February 2014 will be withdrawn.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J.R. Morrow', written in a cursive style.

J.R. Morrow  
Solicitor

**Peter Schulz**

---

**From:** LEO DIFABRIZIO <ldf2@me.com>  
**Sent:** Monday, 17 February 2014 8:31 AM  
**To:** Peter Schulz  
**Subject:** Parody Glade Pty Ltd

Hi Peter,

I wish to confirm that Parody Glade Pty Ltd as owner of the property known as 3 Church Street, Traralgon is prepared to commit the sum of \$2500. towards the proposed legal assessment of the Deakin Lane ,Traralgon,issue currently before Latrobe City Council.

Regards,

Leo Di Fabrizio  
Director  
Parody Glade Pty Ltd

**Leo DiFabrizio**  
Director

### **9.3 REVIEW OF LOCAL LAW NO. 1**

**General Manager**

**Organisational Excellence**

**For Decision**

#### **PURPOSE**

The purpose of this report is to present Council with the amended version of Local Law No.1 Meeting Procedures for adoption.

#### **DECLARATION OF INTEREST**

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

#### **STRATEGIC FRAMEWORK**

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

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

*Strategic Objectives - Governance*

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

##### *Latrobe City Council Plan 2013 - 2017*

##### *Theme and Objectives*

*Theme 3: Efficient, effective and accountable governance*

*Strategic Direction – To provide open, transparent and accountable governance.*

##### *Legislation*

Local Government Act 1989

Council must comply with Part 5 of the Local Government Act 1989 (“the Act”), in regards to the procedure for making a local law. Council’s requirement to make a local law governing the conduct of Council meetings is detailed in section 91 of the Act.

The following legislation sets out the procedure for making a local law.

#### **s111. Power to make local laws**

Section 111 of the Local Government Act 1989 provides councils with the authority to make local laws. These local laws are designed to assist councils to balance the needs of the individual against the needs of the broader community. They are limited to areas which local councils have jurisdiction (except those things dealt with under the planning scheme) and cannot be inconsistent with any other laws (either state or federal).



**s119. Procedure for making a local law**

Before a Council makes a local law it must comply with the procedure contained within section 119. This procedure includes giving a notice in the Government Gazette and a public notice stating the purpose and general purport of the proposed local law, that a copy of the proposed local law can be obtained from the Council office, and that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.

After a local law has been made the Council must give a notice in the Government Gazette and a public notice specifying the title of the local law; and the purpose and general purport of the local law; and that a copy of the local law may be inspected at the Council office. In addition, Council must send a copy to the Minister.

**s223. Right to make a submission**

Section 223 of the Local Government Act 1989 details that the submissions received must be heard by Council and that a person making a submission can specify in their submission that they (or representative) wish to appear before Council to be heard in support of the submission. In addition, Council must notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.

**BACKGROUND**

The purpose of Local Law No.1 is to:

- Provide for the election of the Mayor;
- Regulate the use of the common seal;
- Prohibit unauthorised use of the common seal or any device resembling the common seal;
- Provide for the procedures governing the conduct of Council meetings and Special Committee Meetings;
- To promote and encourage community participation in the system of local government by providing a mechanism for Council to ascertain the community's views and expectations; and
- To revoke Council's Process of Municipal Government (Meetings and Common Seal) Local Law No.1 – 2004.

Local Law No1 is not due to sunset until 2019, subject to section 122 of the Act. However the 2012-2016 Council Plan identified the review of Local Law No1 as a major initiative following the general election. As a result of this Councillors have undertaken a review of this Local Law which commenced as the review of the Councillor Code of Conduct.

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

The draft Local Law No.1 was released for public comment in accordance with s.223 of the Local Government Act 1989 and Council's resolution on 18 November 2013 when Council resolved that:

1. *That Council, pursuant to sections 119 and 223 of the Local Government Act 1989, gives notice in the Government Gazette and a public notice placed in the Latrobe Valley Express of its intention to consider amending Local Law No.1 (09 LLW-3) and invited written submissions in regards to the draft Local Law No.1 [13 LLW-1];*
2. *That Council, in accordance with section 223 of the Local Government Act 1989, considers any submissions received in relation to the draft Local Law No.1 at Ordinary Council Meeting to be held on 3 February 2014.*
3. *That Council considers adoption of the draft Local Law No.1 at the Ordinary Council Meeting to be held on 17 February 2014.*

*NOTE – amendment 'order of business include the CEO and Mayor' (division 3 section 23), also include 9.4 – previously removed*

Council received one submission in regard to the draft local law and considered this at its previous Ordinary Council meeting on 3 February 2014, whereby Council resolved:

*That Council notes the submission received in regard to the draft Local Law No.1.*

### **ISSUES**

The draft Local Law No.1 was released for public exhibition on Monday, 25 November 2013 and closed on Friday 10 January 2014.

Prior to this Council has undergone a process of reviewing Local Law No.1 and has identified a need to amend the Local Law with the following changes:

1. Expansion of clause 9 (Election of the Mayor) by inserting a subclause to the effect that immediately following the election, the Mayor is to take the chair.
2. Deletion of clause 9.3 (Candidates addressing the Council on their suitability for the office of Mayor, Deputy Mayor or Chair).
3. Expansion of clause 63 (Petitions) to require each page of a petition to contain the entire wording of the petition.
4. Amending clauses 28.1 and 28.3 (Notice of motion) by allowing for lodgement by 10:00 AM on the Friday before the next Council meeting and deleting the wording "to allow sufficient time for him or her to give each Councillor at least 96 hours' notice of such notice of motion." (Note that clause 28.1 currently allows for lodgement by email).
5. Amending clause 49 (Addressing the meeting) to provide for Councillors to remain seated when addressing the meeting and to stand when moving or seconding a motion. (Note that prior to this amendment, any person addressing the Chair must stand if the Chair



## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

so determines). (Also note that clause 45.2 infers that Councillors will stand given the reference to "...the Chair may direct the speaker to be seated.")

6. Expansion of Division 13 (Behaviour) to allow the Chair to adjourn the meeting if it is disrupted by the public, after having warned the meeting of the Chair's intention to do so if further disruption occurs.
7. Amending clause 62 (Question time) to require receipt of questions by 12 noon on the day of the meeting.
8. Amending clause 88 (Criticism of members of Council staff) to prohibit criticism of members of Council staff and despite the prohibition, allow the CEO to respond to any such criticism.
9. Distinct from Question Time, a provision has been inserted to formalise the current practice of allowing the public to address a meeting, including –
  - a. a requirement that persons requesting to speak notify Council in by 12 noon on the day of the meeting; and
  - b. provision for the Mayor to exercise discretion on who may speak, the maximum number of speakers, and time limits.
10. Insertion of a clause that allows for a protocol to be incorporated by reference into the local law. The protocol may deal with matters outside the meeting such as –
  - a. Consultation with the Mayor by the CEO about the content of a proposed agenda;
  - b. Electronic confirmation to be sent to Councillors acknowledging receipt of emailed notices of motion;
  - c. The introduction of the term "preliminary agenda" to replace the currently issued agenda and the further term "final agenda" to expand on the contents of the preliminary agenda by including notices of motion;
  - d. Foreshadowing proposed notices of motion at an assembly of Councillors ("I & D" meeting).

In addition to the proposed changes identified above, Councillors have also expressed some interest in the development of a document known as a 'protocol' to work in conjunction with Local Law No1. This is identified as item 10 above, and such a document would be incorporated into the Local Law by reference but would not be subject to the same review process as a Local Law. It would cover more operational matters outside of the meeting procedures and would serve to provide improved administration of Council meetings. This document should be developed following the adoption of the proposed amendment to Local Law No1.

**ORDINARY COUNCIL MEETING AGENDA  
03 MARCH 2014 (CM431)****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.

There are minimal financial implications in the review of Local Law No.1. Costs of approximately \$400 has been incurred for the placing of a notice in the Government Gazette Notice and public notices in the Latrobe Valley Express. Minor consultancy fees were incurred for the review of Local Law No. 1 and the Councillor Code of Conduct

These items were budgeted for in the 2013-2014 budget.

**INTERNAL/EXTERNAL CONSULTATION***Details of Community Consultation / Results of Engagement:*

The draft Local Law No.1 was released and advertised for public exhibition for 28 days following Council's resolution at its Ordinary Meeting on 18 November 2013. All submissions have been treated in accordance with section 223 of the Local Government Act 1989.

A notice informing the community of the availability of the draft document and inviting written submissions was placed in the Victoria Government Gazette on 9 January 2014 and a public notice was placed in the Latrobe Valley Express on 16 and 19 December and 6 and 9 January 2014.

Copies of the draft Local Law No.1 were made available on the website and hard copies were able to be viewed in all Council Service Centres and libraries.

**OPTIONS**

The options available to Council are:

- To adopt the amended Local Law No.1
- To defer the adoption of Local Law No.1
- To note the Local Law No.1 and continue to operate under the current version that was adopted in June 2009 although this would negate the work that Council has put into amending the Local Law.

**CONCLUSION**

The amended Local Law No.1 was released for public comment in accordance with s.223 of the Local Government Act 1989 and Council's resolution on 18 November 2013 and submissions heard at the Ordinary Council meeting on 3 February 2014.

These actions will fulfil the 2012-2016 Council Plan Action 'Review Local Law No.1 and are presented to Council for consideration.

**Attachments**  
1. Local Law No.1

**RECOMMENDATION****That Council**

- **Adopts the amended Local Law No.1 as presented**
- **Writes to the Moe and District Residents Association and thanks them for their submission.**
- **Writes to the Minister for Local Government and provides a copy of the revised Local Law No.1**
- **Makes copies of the amended Local Law No.1 available on Council's website and in Service Centres and libraries for the public.**

## **9.3**

### **Review of Local Law No. 1**

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# LATROBE CITY COUNCIL

## LOCAL LAW NO.1 [14 LLW-1]

*Adopted 17 February 2014*

### MEETING PROCEDURE LOCAL LAW

Consideration of all rights contained within the *Charter of Human Rights and Responsibilities Act 2006* took place in the preparation of this Local Law; and any reasonable limitation to human rights can be demonstrably justified.

For enquiries please contact  
Tom McQualter  
Manager Council Operations & Legal Services  
Ph. 1300 367 700



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**PART A**  
**INTRODUCTION**

**1. Title**

This Local Law will be known as the "Meeting Procedure Local Law".

**2. Purpose and objective of this Local Law**

The purpose and objective of this Local Law is to:

- 2.1 Provide for the election of the Mayor;
- 2.2 Regulate the use of the common seal;
- 2.3 Prohibit unauthorised use of the common seal or any device resembling the common seal;
- 2.4 Provide for the procedures governing the conduct of Council meetings and Special Committee Meetings;
- 2.5 To promote and encourage community participation in the system of local government by providing a mechanism for Council to ascertain the community's views and expectations; and
- 2.6 To revoke Council's Process of Municipal Government (Meetings and Common Seal) Local Law No. 1 – 2004.

**3. Authorising Provision**

This Local Law is made under section 111(1) of the *Local Government Act* 1989.

**4. Operation and Commencement and End Dates**

This Local Law:

- 4.1 commences on the day following the day on which notice of the making of this Local Law is published in the *Victoria Government Gazette*, and operates throughout the municipal district; and
- 4.2 ends on the 10<sup>th</sup> anniversary of the day on which it commenced operation.

**5. Revocation of Local Law No. 1 - 2004**

On the commencement of this Local Law, Council's Process of Municipal Government (Meetings and Common Seal) Local Law No. 1 - 2004 is revoked.

**6. Definitions and Notes**

6.1 In this Local Law:

"Act" means the *Local Government Act* 1989 (Vic);

"agenda" means the notice of a meeting setting out the business to be transacted at the meeting;

"Authorised Officer" means a member of Council staff who is authorised by Council or the Chief Executive Officer under delegation to carry out specific functions under this Local Law;

"Chair" the position of responsibility for conducting the meeting; the Chair usually takes their physical place at the head of the meeting table and includes an acting, a temporary and a substitute Chair;

"Chief Executive Officer" means the Chief Executive Officer of Council;

"common seal" means the common seal of Council;

"Council" means Latrobe City Council;

"Councillor" has the same meaning as the *Local Government Act 1989*.

"Council meeting" means an Ordinary Meeting or a Special Meeting;

"Deputy Mayor" means the Deputy Mayor of Council;

"division" means a formal count and recording in the minute book, of those Councillors for and against a motion;

"Executive Team" means the team or group of senior officers designated as such in Council's organisational chart or, if no such designation exists, which meets regularly to superintend Council's administration;

"Mayor" means the Mayor of Council;

"Minister" means the Minister responsible for administering the *Local Government Act 1989*;

"minute book" means the collective record of proceedings of Council;

"municipal district" means the municipal district of Council;

"notice of motion" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"notice of rescission" means a notice of motion to rescind a resolution made by Council;

"offence" means an act or default contrary to this Local Law;

"Ordinary Meeting" means any meeting of Council which is not a Special meeting;

"Penalty units" mean penalty units as prescribed in the *Sentencing Act 1992*;

"senior officer" has the same meaning as in the *Local Government Act 1989*;

"Special Committee" means a special committee established by Council under section 86 of the Act;

"Special Meeting" means a Special Meeting of Council convened and held in accordance with section 84 or 84A of the Act;



“Resolution” means a formal expression of opinion or intention made by Council.

"visitor" means any person (other than a Councillor, member of a Special Committee or member of Council staff) who is in attendance at a Council meeting or a Special Committee meeting; and

"written" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form.

- 6.2 Introductions to Parts, headings and notes are explanatory and do not form part of this Local Law. They are provided to assist understanding.

## **PART B**

### **ELECTION OF MAYOR**

**Introduction:** This Part is concerned with the election of the Mayor and any Deputy Mayor. It describes how the Mayor and Deputy Mayor are to be elected.

#### **7. Election of Mayor**

The Chief Executive Officer or a member of Council staff nominated by the Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

#### **8. Method of Voting**

The election of the Mayor or temporary Chair must be carried out by a show of hands.

#### **9. Determining the Election of the Mayor**

9.1 The Chief Executive Officer or a member of Council staff nominated by the Chief Executive Officer must open the meeting at which the Mayor is to be elected, and call for nominations for the election of a Councillor as a temporary Chair.

9.2 Upon the meeting electing a temporary Chair:

9.2.1 The temporary Chair takes the Chair;

9.2.2 The temporary Chair must invite nominations for the office of Mayor; Councillors may nominate themselves but each nomination must be seconded. If there is only one nomination, the candidate nominated is deemed to be elected; and in the event that a Councillor nominates themselves and they are the only Councillor who is nominated, then that Councillor is elected even if the nomination is not seconded;

9.2.3 If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;

- 9.2.4 In the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
- 9.2.5 In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;
- 9.2.6 If one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
- 9.2.7 In the event of two or more candidates having an equality of votes and one of them having to be declared:
- 9.2.7.1 a defeated candidate; or
- 9.2.7.2 a candidate or candidates being declared a defeated candidate and the other duly elected,
- the declaration will be determined by lot.
- 9.2.8 If a lot is conducted, the Chief Executive Officer or a member of Council staff nominated by the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
- 9.2.8.1 each candidate will draw one lot;
- 9.2.8.2 the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- 9.2.8.3 as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine which is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates). Where there are only 2 candidates remaining and the lot is being conducted to determine which candidate is to be duly elected, the word "Elected" must be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Elected" written on it must be declared to have been duly elected.
- 9.2.9 The procedure provided for in this clause 9.2 also applies to the election of a temporary Chair and Chair of a Special Committee.

**Explanatory Note**

*As an example, if 4 candidates are nominated and candidate A receives 3 votes and candidates B, C and D each receive 2 votes, a lot must be used to determine which of candidates B, C or D is considered defeated. This is because candidate A did not receive an absolute majority of the votes (having received only 3 of a possible 9 votes).*

*In this instance, a lot is used to determine which of the 3 candidates is defeated and then the vote is re-taken for all candidates to determine if a candidate receives an absolute majority.*

*If the vote is taken and 2 candidates each receive equal votes, a lot is used to determine which candidate is elected. In this instance, the word "Elected" is written on the paper and the person who draws that piece of paper is elected.*

9.3 Immediately following the election, the Mayor is to take the chair

9.4 Prior to the taking of the vote, any person nominated to the position of Chair, Mayor or Deputy Mayor must be given a reasonable opportunity to address Council as to their suitability for the office for which they have been nominated.

**10. Determining the Election of any Deputy Mayor**

If Council resolves that there be an office of Deputy Mayor, the Deputy Mayor is to be elected in the manner provided for in clause 9.2 except that any reference in that sub-clause to:

10.1 a temporary Chair is to be taken as a reference to the Mayor; and

10.2 the Mayor is to be taken as a reference to the Deputy Mayor.

**PART C**

**COUNCIL'S COMMON SEAL**

**Introduction:** The common seal is a device which formally and solemnly records the collective will of Council. The provisions in this Part are designed to protect the integrity of the common seal, and describe when it may be affixed to a document.

**11. Council's Common Seal**

11.1 The Chief Executive Officer must ensure the security of Council's common seal at all times.

11.2 The Council's common seal must only be used on the authority of the Council given either generally or specifically to a matter that is being or has been presented to Council;

11.3 The affixing of Council's common seal to any document must be attested to by the signature of the:

- 11.3.1 Mayor; or
- 11.3.2 the Chief Executive Officer, or any other member of Council staff authorised by Council.
- 11.4 A person must not use the common seal or any device resembling the common seal without the authority of Council.

**Penalty:** 10 penalty units

***Explanatory Note***

Council may resolve to authorise the seal to be affixed to a specific document, or may authorise that the seal be affixed to a particular type or class of documents which may or may not be in existence at the time of the Council resolution.

**PART D**

**MEETINGS PROCEDURE**

**Introduction:** This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting and the particular circumstances of Special Committee meetings.

▪ ***DIVISION 1 - NOTICES OF MEETINGS AND DELIVERY OF AGENDAS***

**12. Dates and Times of Meetings**

Council must from time to time fix the date, time and place of all Ordinary meetings.

**13. Council may alter Ordinary and Special Meeting dates**

Council may change the date, time and place of any Ordinary or Special Meeting which has been fixed and must provide reasonable notice of the change to the public.

**14. Special Meetings**

14.1 Council may by resolution call a Special Meeting.

14.2 The Mayor or at least 3 Councillors may by a written notice call a Special Meeting.

14.3 The written notice described in clause 14.2 must specify the date and time of the Special Meeting and the business to be transacted.

14.4 The Chief Executive Officer must convene the Special Meeting as specified in the notice.

14.5 The notice necessary to call a meeting in accordance with section 84 of the Act must be delivered to the Chief Executive Officer in sufficient time to

enable reasonable notice of the Special Meeting to be given to the Councillors.

- 14.6 In giving such a notice to the Chief Executive Officer under this clause 14, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken at the Special Meeting.
- 14.7 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice or resolution is to be transacted at the Special Meeting.
- 14.8 Subject to any resolution providing otherwise, the order of business of any Special Meeting must be the order in which such business stands in the agenda for the meeting.

## **15. Emergencies**

- 15.1 In the case of an emergency, the Chief Executive Officer or, in his or her absence, a senior officer appointed as a member of Council's Executive Team may postpone a Council meeting provided reasonable attempts are made to notify every Councillor.
- 15.2 The Chief Executive Officer must submit a full report of the circumstances which required action under clause 15.1 at the next Ordinary Meeting.

## **16. Notice of Meeting**

- 16.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered to every Councillor for all Ordinary Meetings at least 48 hours before the meeting.
- 16.2 The notice of meeting must state the date, time and place of the meeting and the business to be dealt with and can be sent by post, facsimile, electronic mail, personally delivered or otherwise as specified by the Councillors or Chief Executive Officer from time to time.
- 16.3 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered to every Councillor for any Special Meeting within a reasonable time of the Special Meeting being called. Generally, this means that a notice of meeting must be delivered to every Councillor at least 24 hours before the Special Meeting. A period less than 24 hours may, however, be justified if exceptional circumstances exist.
- 16.4 Reasonable notice of each Ordinary and Special Meeting must be provided to the public. Council may do this for Ordinary Meetings by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule in a newspaper generally circulating within the municipal district and/or on Council's internet website either at various times throughout the year, or just prior to each Ordinary Meeting.
- 16.5 It will not be necessary for a notice of meeting under clause 16 to be served on any Councillor who has been granted a leave of absence, unless the Councillor has requested in writing to the Chief Executive Officer to continue to be given notice of any meeting to be held during the period of his or her absence and must provide details to the Chief Executive Officer how this notice is to be reasonably delivered.

▪ **DIVISION 2 – QUORUMS**

**17. Ordinary Meetings**

The quorum for Ordinary Meetings is the presence of a majority of the Councillors.

**18. Special Meetings**

The quorum for Special Meetings is the presence of a majority of the Councillors.

**19. Inability to gain a Quorum**

If, after 30 minutes from the scheduled starting time of any Ordinary or Special Meeting, a quorum cannot be obtained:

19.1 those Councillors present; or

19.2 if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a senior officer appointed as a member of Council's Executive Team,

must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

**20. Inability to maintain a Quorum**

If, during any Ordinary or Special Meeting or any adjournment of the meeting, a quorum cannot be maintained:

20.1 those Councillors present; or

20.2 if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a senior officer appointed as a member of Council's Executive Team,

must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

**21. Inability to achieve or maintain a Quorum due to Conflicts of Interest of Councillors**

If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, the Chief Executive Officer, or, in his or her absence, a senior officer appointed as a member of Council's Executive Team, must adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister.

**22. Adjourned Meetings**

22.1 Council may adjourn any meeting.

22.2 The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.



- 22.3 The Chief Executive Officer must provide written notice of a meeting adjourned under clause 17, 18, 19, 20 or 21 but where this is not practicable because time does not permit that to occur, then, provided every reasonable attempt is made to contact every Councillor, notice by telephone, facsimile, email, in person or by some other means is sufficient.

▪ **DIVISION 3 – BUSINESS OF MEETINGS**

**23. The Order of Business**

The order of business for any Ordinary Meeting will be determined by the Chief Executive Officer and the Mayor to facilitate and maintain open, efficient and effective processes of government. Without detracting from this:

- 23.1 although preparation should aim at consistent agendas from meeting to meeting, this should not preclude altering the order of business to enhance the fluent and open process of government of Council, to meet identified needs of Council or to take advantage of opportunities which may arise from time to time; and
- 23.2 the Chief Executive Officer and the Mayor may include any matter in an agenda which he or she thinks should be considered by that meeting.

**24. Change to Order of Business**

Once an agenda has been sent to Councillors, the order of business for that meeting may be altered with the consent of the Mayor.

**25. Conflicts of Interest**

- 25.1 A Councillor must disclose any conflict of interest which that Councillor has in an item of business at the time specified in the agenda.
- 25.2 Nothing in clause 25.1 detracts from a Councillor's duty under the Act to disclose the existence, type and, if necessary, nature, of any conflict of interest which that Councillor has in an item of business immediately before the consideration or discussion of that item of business.

**Explanatory Note**

Section 77A of the Act defines when a Councillor will have a direct and indirect interest. Any Councillor who has a conflict of interest must comply with the requirements of section 79 of the Act.

Among these requirements is the requirement to disclose the existence and type of the conflict of interest. This must be done 'immediately' before the consideration or discussion of the item in which the Councillor has a conflict of interest.

So, even if the Councillor has disclosed the conflict of interest earlier in the meeting, the existence and type (and, if necessary, nature) of the conflict of interest must again be disclosed immediately before any consideration or discussion of the agenda item occurs.

**26. Urgent Business**

Business cannot be admitted as urgent business other than by resolution of Council and only then if it:

- 26.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 26.2 cannot safely or conveniently be deferred until the next Ordinary Meeting or involves a matter of urgent community concern.

▪ **DIVISION 4 – MOTIONS AND DEBATE**

**27. Councillors may propose Notices of Motion**

- 27.1 Councillors may ensure that an issue is listed on an agenda by completing a Councillor's Notice of Motion form.
- 27.2 A notice of motion cannot be accepted by the Chair, unless it has been listed on the agenda for the meeting at which it was proposed to be moved or unless it is accepted by Council as urgent business.

**28. Notice of Motion**

- 28.1 A notice of motion must be in writing. The Councillor must lodge with or email to the Chief Executive Officer a signed notice of motion no later than 10.00 am on the Friday before the next meeting of Council, to allow sufficient time for him or her to give each Councillor notice of such notice of motion.
- 28.2 The full text of any notice of motion accepted by the Chief Executive Officer must be included in the material accompanying the agenda.
- 28.3 If the notice of motion is not sufficiently clear or is not received prior to 10.00 am on the Friday before the next meeting of Council, in time to allow the Chief Executive Officer to distribute the notice to each Councillor before the next Ordinary Meeting, the notice of motion can only be accepted as urgent business by resolution of Council under clause 26 of this Local law.
- 28.4 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion book in the order in which they were received.
- 28.5 Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion book.
- 28.6 If a Councillor who has given a notice of motion is absent from the meeting, any other Councillor may move the motion.
- 28.7 If a notice of motion is not moved at the meeting at which it is listed, it lapses.

**29. Rejection of a Notice of Motion**

The Chief Executive Officer may reject any proposed notice of motion that in his or her opinion is too vague. In that event, the Chief Executive Officer must:

- 29.1 give the Councillor delivering the rejected notice of motion an opportunity to amend the proposed notice of motion; and
- 29.2 provide the Councillor with reasons for rejecting their notice of motion.

**30. Chair's Duty**

Any motion or amendment which is determined by the Chair to be:

- 30.1 defamatory;
- 30.2 objectionable in language or nature;
- 30.3 vague or unclear in intention;
- 30.4 outside the powers of Council; or
- 30.5 irrelevant to the item of business on the agenda and has not been admitted as urgent or general business, or purports to be an amendment but is not,

must not be accepted by the Chair.

**31. Introducing a Motion or an Amendment**

The procedure for moving any motion or amendment is:

- 31.1 the mover must state the motion without speaking to it;
- 31.2 the motion must be seconded and the seconder must be a Councillor other than the mover; if a motion is not seconded, the motion lapses for want of a seconder;
- 31.3 if a motion or an amendment is moved and seconded the Chair must ask:  
"Is the motion or amendment opposed?"
- 31.4 if no Councillor indicates opposition, the Chair must ask:  
"Does any Councillor wish to speak in favour of the motion?"
- 31.5 if no Councillor indicates that they oppose the motion and if no Councillor wishes to speak in favour of the motion, the Chair must declare the motion or amendment carried without discussion;
- 31.6 if a Councillor indicates opposition under clause 31.3 contained herein, then the Chair must call on the mover to address the meeting; and
- 31.7 after the mover has addressed the meeting, the seconder may address the meeting or reserve their right to address the meeting at a later point in the debate; and

- 31.8 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting or reserves their right,) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
- 31.9 if, after the mover and seconder have addressed the meeting, or after the mover or seconder has declined to address the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.
- 31.10 if a Councillor wishes to speak in favour of the motion following a call from the Chair under clause 31.4, then the Chair must call on the mover to address the meeting; and
- 31.11 after the mover has addressed the meeting, the seconder may address the meeting or reserve their right to address the meeting; and
- 31.12 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite and provide an opportunity for any Councillor to speak in favour of the motion; and
- 31.13 if, the Chair has invited any Councillor to speak in favour of the motion and no further Councillors wish to speak in favour of the motion, then the Chair must put the motion to the vote.

## **32. Right of Reply**

- 32.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- 32.2 After the right of reply has been exercised but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

## **33. Moving an Amendment**

- 33.1 Subject to clause 33.2, a motion which has been moved and seconded but not put to the vote may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion. The added words or deletion must not be contradictory to the form or substance of the motion.
- 33.2 A motion to confirm a previous resolution of Council cannot be amended.

## **34. Who may propose an Amendment**

An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

**35. Who may debate an Amendment**

A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion, but debate must be confined to the terms of the amendment.

**36. How many Amendments may be Proposed**

36.1 Any number of amendments may be proposed to a motion but only 1 amendment may be accepted by the Chair at any one time.

36.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

**37. An Amendment Once Carried**

37.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting and is declared carried and no further vote is taken on the original motion.

37.2 If the amendment is not carried, the amended motion is declared lost.

37.3 If there are no further proposed amendments to the original motion, the original motion is then put to the vote.

**38. Withdrawal of Motions and Amendments**

38.1 Before any motion or amendment is put to the vote, it may be withdrawn by the mover and seconder with leave of Council.

38.2 If the majority of Councillors object to the withdrawal of the motion or amendment, it may not be withdrawn.

**39. Separation of Motions and Amendments**

Where a motion or amendment contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate parts.

**40. Chair may Separate or Aggregate Motions and Amendments**

The Chair may decide to put any motion to the vote in:

40.1 several parts; or

40.2 its aggregate form.

**41. Foreshadowing Motions**

41.1 At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

- 41.2 A foreshadowed motion must substantially relate to an item already listed on the agenda of the Ordinary Meeting, otherwise it can only be accepted by Council as urgent business.
- 41.3 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 41.4 Upon a motion being foreshadowed, the Chair may request the Councillor who foreshadowed it to move that motion immediately or after the business currently before the meeting is disposed of.
- 41.5 The Chief Executive Officer or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

**42. Motions and Amendments in Writing**

- 42.1 The Chair must require that a complex or detailed motion or amendment be in writing.
- 42.2 Council may adjourn the meeting while a motion or amendment is being written.
- 42.3 Council may defer a matter until a motion has been written, allowing the meeting to proceed uninterrupted.

**43. Repeating Motion and/or Amendment**

The Chair may request the Chief Executive Officer or the person taking the minutes to read the motion or amendment to the meeting before the vote is taken.

**44. Notice of Motion that is Lost**

Unless the Council resolves to re-list the notice of motion at a future meeting of Council, a notice of motion which has been lost must not be put before Council in its substantive or amended form for at least three months from the date it was lost.

**45. Debate must be relevant to the Motion**

- 45.1 Debate must always be relevant to the motion before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion.
- 45.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to not speak further in respect of the motion then before the Chair.
- 45.3 A speaker to whom a direction has been given under clause 45.2 contained must comply with that direction. Should the speaker fail to adhere to the direction, the Chair may require the speaker to leave the chamber until the motion has been put to the vote. The speaker must comply with any such requirement.



**46. Priority of address**

In the case of competition for the right to speak, the Chair must decide the order in which the Councillors concerned will be heard.

**47. Speaking Times**

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:

47.1 the mover of a motion or an amendment which has been opposed or where a Councillor has asked to speak in favour of the motion under clause 31: 3 minutes;

47.2 any other Councillor: 3 minutes; and

47.3 the mover of a motion exercising a right of reply: 3 minutes.

**48. Extension of Speaking Times**

48.1 An extension of speaking time may be granted by resolution of Council at any time before, during or immediately after debate, but only one extension is permitted for each speaker on any question and the extension cannot be granted for longer than 3 minutes.

48.2 A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced participation in the debate.

**49. Addressing the Meeting**

If the Chair so determines:

49.1 any person addressing the Chair must refer to the Chair as:

49.1.1 Madam Mayor; or

49.1.2 Mr Mayor; or

49.1.3 Madam Chair; or

49.1.4 Mr Chair

as the case may be;

49.2 any Councillor moving or seconding a motion shall stand to address Council;

49.3 all Councillors, other than the Mayor, must be addressed as Cr

\_\_\_\_\_ (name).

49.4 all members of Council staff, must be addressed as Mr or Ms

\_\_\_\_\_ (name) as appropriate or by their official title.

**50. Right to Ask Questions**

- 50.1 A Councillor may, at any time when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
- 50.2 The Chair has the discretion to restrict the number of questions asked and answered to allow for the orderly flow of the meeting.

▪ **DIVISION 5 – PROCEDURAL MOTIONS**

**51. Procedural Motions**

- 51.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- 51.2 Procedural motions require a seconder.
- 51.3 Procedural motions do not need to be recorded in the minutes of the meeting, unless requested by the Chair.
- 51.4 Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the following table:

**PROCEDURAL MOTIONS TABLE**

| <b>Procedural Motion</b>                           | <b>Form</b>  | <b>Mover and Seconder</b>   | <b>When Motion Prohibited</b>  | <b>Effect if Carried</b>  | <b>Effect if Lost</b>       | <b>Debate Permitted on Motion</b> |
|--|--|---|--|---|-----------------------------|-----------------------------------|
| 1. Adjournment of debate to later hour and/or date | That this matter be adjourned to *am/pm and/or *date | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | (a) During the election of a Chair;<br>(b) When another Councillor is speaking   | Motion and amendment is postponed to the stated time and/or date                            | Debate continues unaffected | Yes                               |
| 2. Adjournment of debate indefinitely              | That this matter be adjourned until further notice   | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | (a) During the election of a Chair;<br>(b) When another Councillor is speaking;<br>(c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with section 85 of the Act; or<br>(d) When the motion would have the effect of causing Council to be in breach of a legislative requirement | Motion and any amendment postponed but may be resumed at any later meeting if on the agenda | Debate continues unaffected | Yes                               |

| <b>Procedural Motion</b>        | <b>Form</b>                        | <b>Mover and Secunder</b>   | <b>When Motion Prohibited</b>   | <b>Effect if Carried</b>   | <b>Effect if Lost</b>       | <b>Debate Permitted on Motion</b> |
|---------------------------------|------------------------------------|---|---|--|-----------------------------|-----------------------------------|
| 3. The closure                  | That the motion be now put         | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | During nominations for Chair  | Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion                   | Debate continues unaffected | No                                |
| 4. Laying question on the table | That the question lie on the table | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | (a) During the election of a Chair;<br>(b) During a meeting which is a call of the Council has been made for that meeting in accordance with section 85 of the Act; or<br>(d) When the motion would have the effect of causing Council to be in breach of a legislative requirement | Motion and amendment is not further discussed or voted on until:<br>(a) Council resolves to take the question from the table at the same meeting; or<br>(b) The matter is placed on a subsequent agenda and Council resolves to take the question from the table | Debate continues unaffected | No                                |

| <b>Procedural Motion</b> | <b>Form</b>                      | <b>Mover and Secunder</b>   | <b>When Motion Prohibited</b>   | <b>Effect if Carried</b>  | <b>Effect if Lost</b>   | <b>Debate Permitted on Motion</b> |
|--------------------------|----------------------------------|---|---|---|---|-----------------------------------|
| 5. Previous question     | That the question be not now put | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | <p>(a) During the election of a Chair;</p> <p>(b) When another Councillor is speaking;</p> <p>(c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with section 85 of the Act;</p> <p>(d) When an amendment is before Council; or</p> <p>(e) When a motion would have the effect of causing Council to be in breach of a legislative requirement</p> | <p>(a) No vote or further discussion on the motion until it is placed on a subsequent agenda for a later meeting; and</p> <p>(b) Proceed to next business</p> | Motion (as amended up to that time) put immediately without further amendment or debate | Yes                               |

| <b>Procedural Motion</b>       | <b>Form</b>   | <b>Mover and Secunder</b>   | <b>When Motion Prohibited</b>  | <b>Effect if Carried</b>   | <b>Effect if Lost</b>       | <b>Debate Permitted on Motion</b> |
|--------------------------------|---|---|--|--|-----------------------------|-----------------------------------|
| 6. Proceeding to next business | <p>That the meeting proceed to the next business</p> <p>Note: This motion:</p> <p>(a) may not be amended;</p> <p>(b) may not be debated; and</p> <p>(c) must be put to the vote as soon as seconded</p> | Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion | <p>(a) During the election of a Chair;</p> <p>(b) When another Councillor is speaking;</p> <p>(c) When the matter is one in respect of which a call of the Council has been made in accordance with section 88 of the Act; or</p> <p>(d) When a motion would have the effect of causing Council to be in breach of a legislative requirement</p> | <p>If carried in respect of:</p> <p>(a) An amendment, Council considers the motion without reference to the amendment:</p> <p>(b) A motion - no vote or further discussion on the motion until it is placed on an agenda for a later meeting</p> | Debate continues unaffected | No                                |



▪ **DIVISION 6 – RESCISSION MOTIONS**

**52. Notice of Rescission**

52.1 A Councillor may propose a notice of rescission provided:

52.1.1 the resolution proposed to be rescinded has not been acted on; and

52.1.2 the notice of rescission is lodged with or emailed to the Chief Executive Officer setting out;

52.1.2.1 the resolution to be rescinded; and

52.1.2.2 the meeting and date when the resolution was made.

**Explanatory Note**

It should be remembered that a notice of rescission is a form of notice of motion.

Accordingly, all provisions in the Local Law regulating notices of motion equally apply to notices of rescission.

When the notice of rescission is before the meeting, it is like any other form of motion. It is referred to as a "rescission motion".

52.2 A resolution will be deemed to have been acted on if:

52.2.1 its contents or substance has been formally communicated to a person whose interests are materially affected by it; or

52.2.2 a statutory process has been commenced,

so as to vest enforceable rights in or obligations on Council or any other person.

52.3 The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:

52.3.1 has not been acted on; and

52.3.2 is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with clause 52.1.2,

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

**Explanatory Note**

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Thursday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being after the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Clause 52.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

**53. If Lost**

- 53.1 If a rescission motion is lost, a similar motion may not be put before Council for at least 3 months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.
- 53.2 If a rescission motion is lost, the Chief Executive Officer or an appropriate member of Council staff is not prevented from acting upon the original resolution even if a subsequent notice of rescission has been listed for a Council meeting at least 3 months subsequent to when the motion for rescission was lost.

**Explanatory Note**

By way of example, assume that Council resolves to write a letter to a Minister relating to a planning matter. Immediately after the resolution is made, a Councillor lodges a notice of motion to rescind that resolution at the next Council meeting. The notice of rescission is subsequently lost. Assume that the Councillor seeks to lodge a further notice of rescission to be heard in not less than 3 months time.

Clause 53.2 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the original resolution rather than deferring implementation of it until after the further notice of rescission.

**54. If Not Moved**

If a rescission motion is not moved at the meeting at which it is listed, it lapses and can not be put before Council for at least 3 months from the date it lapsed.

**55. May be Moved by any Councillor**

A rescission motion listed on an agenda may be moved by any Councillor present but may not be amended.

**56. When Not Required – Changes to Council Policy**

- 56.1 A rescission motion is not required where Council wishes to change policy.
- 56.2 The following provisions apply if Council wishes to change policy:

- 56.2.1 if the policy has been in force in its original or amended form for less than 12 months, a motion revoking the policy must first be passed; and
- 56.2.2 any intention to change a Council policy which may result in a significant impact on any person should be communicated to those affected. This may entail publication and consultation, either formally or informally.

▪ **DIVISION 7 – POINTS OF ORDER**

**57. Chair to Decide**

The Chair must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

**58. Chair may Adjourn to Consider**

- 58.1 The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 58.2 All other questions and matters before Council are suspended until the point of order is decided.

**59. Dissent from Chair's Ruling**

- 59.1 A Councillor may move that the Council disagree with the Chair's ruling on a point of order, by moving:
  - "That the Chair's ruling [setting out that ruling or part of that ruling] be dissented from".
- 59.2 When a motion in accordance with this clause is moved and seconded, the Chair must invite the mover to state the reasons for his or her dissent and the Chair may then reply.
- 59.3 The Chair must put the motion in the following form:
  - "That the Chair's ruling be dissented from."
- 59.4 The Chair must remain in the Chair during the motion of dissent and he or she maintains their right to a second vote.
- 59.5 If the vote is in the negative, the meeting proceeds.
- 59.6 If the vote is in the affirmative, the Chair must reverse or vary (as the case may be) his or her previous ruling and proceed.
- 59.7 The defeat of the Chair's ruling is in no way a motion of censure or non-confidence in the Chair, and should not be so regarded by the meeting.

**60. Procedure for Point of Order**

60.1 A Councillor raising a point of order must:

60.1.1 state the point of order; and

60.1.2 state any section, clause, paragraph or provision relevant to the point of order;

before resuming his or her seat.

60.2 Any Councillor interrupted by another Councillor calling for a point of order must sit down and remain silent until the Councillor raising the point of order has been heard and the question disposed of by the Chair.

**61. Valid Points of Order**

A point of order may be raised in relation to:

61.1 a motion, which, under clause 31, or a question which, under clause 62.5, should not be accepted by the Chair;

61.2 a question of procedure; or

61.3 any act of disorder.

**Explanatory Note**

Rising to express a difference of opinion or to contradict a speaker is not a point of order.

Raising issues irrelevant to the motion before the meeting can be considered a basis of a valid point of order.

Making defamatory remarks or verbally personally attacking another Councillor would be considered a basis for a valid point of order.

▪ ***DIVISION 8 – PUBLIC QUESTION TIME***

**62. Question Time**

62.1 There will be a public question time at every Ordinary Meeting to enable members of the public to submit questions to Council.

62.2 Public Question Time will have a duration determined by the Chair from time to time.

62.3 Questions submitted to Council no later than 12 noon on the day of the meeting and must be prefaced by the name and address of the person submitting the question and generally be in a form approved or permitted by Council.

62.4 If a person has submitted 2 or more questions to a meeting, the second question and beyond:

- 62.4.1 may, at the discretion of the Chair, be deferred until all other persons who have asked a question have had their first question asked and answered; or
- 62.4.2 may not be asked if the time allotted for public question time has expired.
- 62.5 A question may be disallowed by the Chair if the Chair determines that it:
  - 62.5.1 relates to a matter outside the duties, functions and powers of Council;
  - 62.5.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - 62.5.3 deals with a subject matter already answered;
  - 62.5.4 is aimed at embarrassing a Councillor or a member of Council staff;
  - 62.5.5 relates to personnel matters;
  - 62.5.6 relates to the personal hardship of any resident or ratepayer;
  - 62.5.7 relates to industrial matters;
  - 62.5.8 relates to contractual matters;
  - 62.5.9 relates to proposed developments;
  - 62.5.10 relates to legal advice;
  - 62.5.11 relates to matters affecting the security of Council property; or
  - 62.5.12 relates to any other matter which Council considers would prejudice Council or any person.
- 62.6 All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.
- 62.7 The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.
- 62.8 A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, the answer to it must be incorporated in the minutes of the meeting at which it was asked and a written copy of the answer sent to the person who asked the question.
- 62.9 A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

▪ **DIVISION 9 – PETITIONS AND JOINT LETTERS**

**63. *Petitions and Joint Letters***

- 63.1 A petition shall be defined as a formal written complaint or request, typed or printed without erasure, requesting Council to take action, from ten or more persons and is signed by all persons whose name and physical address appears on a page of the petition bearing the wording of the whole petition and shall include the name and address of the head petitioner.
- 63.2 A petition must be addressed to the Council, Mayor, Councillor or a Council Officer.
- 63.3 A petition must not be defamatory, indecent, abusive or offensive in language or content.
- 63.4 A petition must not relate to matters beyond the powers of Council or be related to a statutory planning application.
- 63.5 Unless Council determines by resolution to consider it as an item of urgent business, no motion (other than a motion to receive the same and advise the head petitioner of council's decision) may be made on any petition, joint letter, memorial or other like application until the next Ordinary Meeting after that at which it has been presented.
- 63.6 It is incumbent on every Councillor presenting a petition or joint letter to acquaint him or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to Council and that the contents do not violate any Local Law.
- 63.7 Every Councillor presenting a petition or joint letter to Council must write his or her name at the beginning of the petition or joint letter.
- 63.8 Every petition or joint letter presented to Council must be in writing (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 10 people.
- 63.9 Each page of a Petition shall bear the whole of the wording of the Petition. Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

▪ **DIVISION 10 – MEMBERS OF PUBLIC SPEAKING BEFORE COUNCIL**

**64. *Request to speak before Council to be referred to Mayor***

- 64.1 At every Ordinary Meeting, time may be allocated to enable any member of the public who has made a request under clause 64.2 to address Council and answer questions put to them.
- 64.2 A member of the public wishing to be heard by Council at a meeting must make a request no later than 12 noon on the day of the meeting to the Chief Executive Officer who must refer the request to the Mayor.



64.3 Approval to address Council at an Ordinary Meeting will be at the discretion of the Mayor and shall have regard to:

64.3.1 the nature of the matter to be discussed;

64.3.2 the number of speakers;

64.3.3 time limits that may be imposed upon speakers;

64.3.4 priorities in relation to other Council business;

64.3.5 other members of the community present who also wish to address the Council; and

64.3.6 whether such an opportunity has already been provided to the person at this meeting or another meeting.

## **65. Consideration of Request**

If the Mayor permits a member of the public to be heard he or she may direct the Chief Executive Officer as to the meeting at which the member of the public will be heard. Alternatively, the Mayor can ask the Chief Executive Officer to refer the request to Council.

## **66. Notification of Hearing**

If the Mayor permits a member of the public to be heard, the Chief Executive Officer must notify all Councillors of that permission, and also notify the member of the public of the date, time, and place at which they will be heard.

## **67. Summary of Submissions**

67.1 A member of the public may lodge with the Chief Executive Officer a written submission detailing the subject matter of their address prior to the member of the public addressing Council. The submission must be provided to the Chief Executive Officer at least 30 minutes prior to the commencement of the Council Meeting to enable the submission to be distributed to Councillors. A failure to adhere to this requirement may result in the submission not being distributed to Councillors and is at the discretion of the Mayor.

67.2 All material distributed to the Councillors by the member of the public is at the discretion of the Chair, to allow for the orderly conduct of the meeting.

## **68. Limitations upon Speakers**

The Mayor may set time limits on the length and address of each speaker and if appropriate may request the member of public to shorten, summarise or finalise their address to Council or their answers to questions posed by Councillors to allow ordinary business to continue.

## **69. Questions but no discussion permitted**

Councillors and the Chief Executive Officer may question the member of the public on matters raised by it for purposes of clarification but no discussion will be allowed.

**70. Matter to be Determined at a subsequent meeting**

No motion must be allowed on any address made to Council until the next Ordinary Meeting after the address has been heard, unless Council, by resolution, decides otherwise.

**71. When public participation inappropriate**

A request to address a meeting of Council may be rejected if Council has resolved to close the meeting in respect of a matter under section 89(2) of the Act.

▪ **DIVISION 11 – VOTING**

**72. How Motion Determined**

Subject to clause 31, to determine a motion before a meeting the Chair must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.

**73. Casting Vote**

In the event of a tied vote, the Chair must exercise the casting vote in accordance with the Act.

**74. By Show of Hands**

A vote will be taken by a show of hands and recorded in the minutes of the meeting.

**75. Procedure for a Division**

75.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

75.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment, and therefore no Councillor is prevented from changing his or her original vote at the voting on the division and the voting on the division will determine the Council's resolution on the issue.

75.3 When a division is called for, the Chair must:

75.3.1 first ask each Councillor wishing to vote in the affirmative to raise their hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise their hand. The Chair must then state, and the Chief Executive Officer or any member of Council staff taking the minutes must record in the minutes, the names of those Councillors voting in the affirmative; and

75.3.2 then ask each Councillor wishing to vote in the negative to raise their hand and, upon such request being made, each Councillor wishing to vote in the negative must raise their hand. The Chair must then state, and the Chief Executive Officer or any member of Council staff taking the minutes must record in the minutes, the names of those Councillors voting in the negative; and

75.3.3 the Chair must declare the result to the meeting.

**76. No Discussion Once Declared**

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- 76.1 a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 76.2 foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

**Explanatory Note**

For example, clause 76.2 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, clause 76.2 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo; hence the reference in clause 76.2 to discussion about a positive motion where a resolution has just been rescinded.

▪ **DIVISION 12 – MINUTES**

**77. Confirmation of Minutes**

At every meeting of Council the minutes of the preceding meeting(s) must be dealt with as follows:

- 77.1 A copy of the minutes must be delivered to each Councillor no later than 48 hours before the next meeting;
- 77.2 If no Councillor indicates opposition, the minutes must be declared to be confirmed;
- 77.3 If a Councillor indicates opposition to the minutes:
  - 77.3.1 He or she must specify the item(s) to which he or she objects;
  - 77.3.2 The objected item(s) must be considered separately and in the order in which they appear in the minutes;
  - 77.3.3 The Councillor objecting must move accordingly without speaking to the motion;
  - 77.3.4 The motion must be seconded;

77.3.5 The Chair must ask;

“Is the motion opposed?”

If no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in clause 77.3.9;

If a Councillor indicates opposition, then the Chair must call on the mover to address the meeting;

77.3.6 After the mover has addressed the meeting, the seconder may address the meeting;

77.3.7 After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;

77.3.8 If, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion; and

77.3.9 The Chair must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

"The question is that the minutes, as amended, be confirmed",

and he or she must put the question to the vote accordingly;

77.4 A resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed as soon as practicable after the minutes have been confirmed;

77.5 The minutes must be entered in the minute book and each item in the minute book must be entered consecutively;

77.6 Unless otherwise resolved or required by law, minutes of a Special Committee requiring confirmation by Council must not be available to the public until confirmed by Council; and

77.7 The Chief Executive Officer (or other member of Council staff taking the minutes of such meeting) must keep minutes of each Council meeting, and those minutes must record:

77.7.1 The date, place, time and nature of the meeting;

77.7.2 The names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;

77.7.3 The names of the members of Council staff present;

- 77.7.4 Any disclosure of the existence and type (and, where appropriate, nature) of a conflict of interest made by a Councillor, and when such disclosure occurred;
- 77.7.5 Arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- 77.7.6 Each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
- 77.7.7 The vote cast by each Councillor in accordance as described in clause 74;
- 77.7.8 The vote cast by each Councillor upon a division;
- 77.7.9 The vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
- 77.7.10 Questions upon notice;
- 77.7.11 The failure of a quorum;
- 77.7.12 The date and time the meeting was commenced, adjourned, resumed and concluded;
- 77.7.13 Any adjournment of the meeting and the reasons for that adjournment; and
- 77.7.14 The time at which standing orders were suspended and resumed; and
- 77.7.15 Any other matter that the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.

**78. No Debate on Confirmation of Minutes**

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

**79. Deferral of Confirmation of Minutes**

Council may defer the confirmation of minutes until later in the meeting or until the next meeting if considered appropriate.

**80. Recording of Meetings**

A person must not operate audiotape or other recording equipment at any Council meeting without first obtaining the consent of Council or the Chair (as the case may be). Such consent may at any time during the course of such meeting be revoked by Council or the Chair (as the case may be).

**Penalty:** 5 penalty units.

▪ **DIVISION 13 – BEHAVIOUR**

**81. Public Addressing the Meeting**

Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.

**82. Chair May Remove**

The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction.

**83. Suspensions**

Council may by resolution suspend from a portion of the meeting, or for the balance of the meeting, any Councillor whose actions have disrupted the business of Council at that meeting, and have impeded its orderly conduct.

**84. Offences**

It is an offence for:

- 84.1 a Councillor to not withdraw an expression considered by the Chair to be offensive or disorderly, and apologise when called on twice by the Chair to do so;

**Penalty:** 2 penalty units

- 84.2 any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the Chair to do so;

**Penalty:** 5 penalty units

- 84.3 any person to fail to comply with a lawful direction of the Chair in relation to the conduct of the meeting and the maintenance of order;

**Penalty:** 2 penalty units

- 84.4 a Councillor to not leave the Chamber on suspension;

**Penalty:** 5 penalty units

- 84.5 any person to fraudulently sign a petition or joint letter which is presented to Council or has the intention of being presented to Council.

**Penalty:** 10 penalty units

**Explanatory Note**

Some (but not all) breaches of this Local Law result in an offence being committed. Those breaches which result in an offence being committed are to be found in clause 84 and those clauses where a penalty and 'penalty units' appear below the text.

The penalty units shown are the maximum penalty units which a Court can impose. It is always open to a Court to impose no penalty unit or a lesser number of penalty units than are shown.

If an offence has been committed, the person who committed the offence can be prosecuted in a Court.

**85. Chair may adjourn disorderly meeting**

If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of clause 22.2 and 22.3 apply.

**86. Removal from Chamber**

The Chair, or Council in the case of a suspension, may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Local Law and whom the Chair has ordered to be removed from the gallery under clause 83 of this Local Law or whom Council has suspended under clause 83.

**87. Infringement Notices**

- 87.1 An authorised officer may issue an infringement notice in the form of the notice in Schedule 1 of this Local law.
- 87.2 A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Latrobe City Council, PO Box 264, Morwell 3840.
- 87.3 To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- 87.4 A person issued with an infringement notice is entitled to defend the prosecution in Court.

▪

▪ **DIVISION 14 – MISCELLANEOUS**

**88. The Chair's Duties and Discretions**

In addition to the duties and discretions provided in this Local Law, the Chair must:

- 88.1 not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, or member of the community; and
- 88.2 call to order any person who is disruptive or unruly during any meeting.

**89. Acting Chair**

If the Mayor is unable to attend a Council meeting for any reason;



- 89.1 the Deputy Mayor will be Acting Chair; and
- 89.2 if a Deputy Mayor has not been elected, the Acting Chair is to be elected at the commencement of the meeting in accordance with clause 9.

**90. Matters Not Provided For**

Where a situation has not been provided for under this Local Law, the Council may determine the matter by resolution.

▪ **DIVISION 15 – SUSPENSION OF STANDING ORDERS**

**91. Suspension of Standing Orders**

- 91.1 To expedite the business of a meeting, Council may suspend standing orders.

**Explanatory Note**

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

Its purpose is to enable the formalities of meeting procedures to be temporarily disposed of while an issue is discussed.

- 91.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the governance of Council. An appropriate motion would be:

"That standing orders be suspended to enable discussion on....."

- 91.3 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

▪ **DIVISION 16 – SPECIAL COMMITTEES**

**92. Application Generally**

- 92.1 If Council establishes a Special Committee, all of the provisions of Divisions 1-15 of this Local Law apply to the conduct of the Special Committee.
- 92.2 For the purposes of clause 93.1, a reference in Division 1-15 of this Local Law to:
  - 92.2.1 A Council meeting is to be read as a reference to a meeting of the Special Committee;

92.2.2 A Councillor is to be read as a reference to a member of the Special Committee; and

92.2.3 The Mayor is to be read as a reference to the Chair of the Special Committee.

**93. Application Specifically**

Notwithstanding clause 93, if Council establishes a Special Committee:

93.1 Council may; or

93.2 the Special Committee may, with the approval of Council,

resolve that any provision(s) of Divisions 1-15 is or are (as appropriate) not to apply, whereupon that provision or those provisions shall not apply until Council resolves, or the Special Committee with the approval of Council resolves, otherwise.

**94. Meeting Procedures Protocol**

The following document is incorporated by reference into this Local Law –

a) Latrobe City Council Meetings Procedure Protocol;

▪ **SCHEDULE 1 – INFRINGEMENT NOTICE**

**LATROBE CITY COUNCIL  
INFRINGEMENT NOTICE**

Date of Notice: \_\_\_\_\_ No. of Notice: \_\_\_\_\_

To: Surname of: \_\_\_\_\_ Reg. No. of any vehicle: \_\_\_\_\_

Organisation Name: \_\_\_\_\_ State: \_\_\_\_\_

Other Names: \_\_\_\_\_ Type: \_\_\_\_\_

Address: \_\_\_\_\_ Postcode: \_\_\_\_\_

I, \_\_\_\_\_ (full name of authorised officer) being a duly authorised officer of the above Council have reason to believe that you have committed an offence against the Local Laws of Council. The nature of the alleged offence and the amount of penalty is indicated by the ticked box below:

Your offence:

|                             |                          |                          |                          |
|-----------------------------|--------------------------|--------------------------|--------------------------|
| Local Law Number            | <input type="checkbox"/> | Clause Number            | <input type="checkbox"/> |
| Nature of Infringement Code | <input type="checkbox"/> | Applicable Penalty Units | <input type="checkbox"/> |
|                             | <input type="checkbox"/> |                          |                          |

Other \_\_\_\_\_ offences:

Other particulars of alleged offence: \_\_\_\_\_

How to pay:

If you pay the penalty indicated within 28 days from the date of this notice to the Latrobe City Council, by CHEQUE or MONEY ORDER for the FULL AMOUNT POSTED to PO Box 264 Morwell, 3840, Victoria, by CHEQUE or MONEY ORDER or CASH to Municipal Offices at \_\_\_\_\_, Victoria \_\_\_\_\_. (CHEQUES SHOULD BE CROSSED "NOT NEGOTIABLE" AND MADE OUT TO THE LATROBE CITY COUNCIL), this matter will not be brought to Court and no conviction will be recorded.

IF YOU DON'T PAY WITHIN 28 DAYS, COSTS WILL BE ADDED AND THE MATTER WILL BE TAKEN TO COURT.

You are entitled to disregard this infringement notice and defend the prosecution for the offence in Court. Should you wish to make any submission concerning this infringement notice, contact should be made with the Chief Executive Officer.

\_\_\_\_\_  
(Signed by authorised officer)

**CERTIFICATION OF LOCAL LAW NO. 1**

This is to certify that the writing above contained on 36 pages of paper is a true copy of the Local Law of the Latrobe City Council and that I have informed Council of the legislative requirements necessary to giving validity to such Local Law and as to Council's observance and belief that such requirements have been fulfilled. And I further certify that such Local Law came into force on 17 February 2014.

The Common Seal of the **Latrobe City Council** )  
was hereunto affixed this 18th day of February 2014)  
in the presence of: )

---

JOHN MITCHELL  
**Acting Chief Executive Officer**

**9.4 AMENDMENT TO A PLANNING PERMIT APPLICATION**  
**2013/206/A - TWO LOT SUBDIVISION AT 64-70 TRARALGON**  
**MAFFRA ROAD, GLENGARRY**

**General Manager**

**Planning and Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to determine an Amendment to a Planning Permit Application 2013/206/A for a two (2) Lot Subdivision at 64-70 Traralgon Maffra Road, Glengarry (Lot 1 on Title Plan 217511).

**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 a connected and inclusive community.

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

*Theme 5: Planning for the future*

*Strategic Direction – Built Environment*

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:      | 64-70 Traralgon Maffra Road,<br>Glengarry, known as Lot 1 on TP<br>217511 |
| Proponent: | M A Hoppe & P J Hoppe<br>c/- Beveridge Williams & Co Pty Ltd              |
| Zoning:    | Residential 1 Zone (R1Z)<br>Abuts a Road Zone Category 1<br>(RDZ1)        |
| Overlay    | N/a   |

A Planning Permit is required for subdivision of land in a Residential 1 Zone in accordance with Clause 32.01-2 of the Scheme.

**PROPOSAL**

It is proposed to amend condition 1 of planning permit 2013/206 which states:

*Prior to the commencement of works, a revised plan of the proposed subdivision must be submitted to and approved by the Responsible Authority. The plans must be consistent with those provided but modified to show:*

- a) *Lot 1 reduced in size, to be consistent with Lot 1 as shown on the Indicative Future Subdivision Layout submitted with this application, and the remainder of the subject site as Lot 2;*

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

The applicant proposes not to amend the size of Lot 1 as requested by Council and to leave the arrangement of the lots as shown on the proposed plan of subdivision.

A copy of the proposed plan of subdivision and indicative future subdivision layout are included as *Attachments 1 and 2* of this report.

The current planning permit allows for a two lot subdivision with the following features:

Proposed Lot 1 will contain the existing dwelling, the timber outbuilding and existing landscaped gardens. The allotment will be almost rectangular in shape, with its long axis skewed to the south west; with a frontage to Traralgon-Maffra Service Road measuring 49.30 metres and a total area of approximately 2,400 square metres. Vehicular access will be provided from the Traralgon-Maffra Service Road via the existing access.

Proposed Lot 2 will be vacant, as condition 2 of planning permit 2013/206 requires that all outbuildings on this lot are to be removed before the issue of Statement of Compliance. The allotment will be a 'battle-axe' shape, with a frontage to Traralgon-Maffra Service Road measuring 42.84 metres and a total area of approximately 1.27 hectares, with an existing access gate from the Traralgon-Maffra Service Road.

**Subject Land:**

The site is located at 64-70 Traralgon-Maffra Road, Glengarry. It is more particularly described as Lot 1 on Title Plan 217511, formerly known as part of Crown Allotment 133 Parish of Toongabbie South.

The site is almost rectangular in shape, with its long axis skewed to the south west, has an area of 1.51 hectares and an abuttal to Traralgon-Maffra Service Road along the full length of its western boundary. The dimensions of the site are as follows:

- A frontage (western boundary) measuring approximately 92.14 metres;
- A southern side boundary measuring approximately 244.10 metres;
- A northern side boundary measuring approximately 192.52 metres; and
- A rear (eastern) boundary measuring 60.35 metres.

The land is used for residential purposes and is developed with a single storey weatherboard dwelling on site with several ancillary out-buildings. There is an existing crossover and driveway on the north west corner of the site serving the existing dwelling and an existing gate approximately 49.3 metres from the north west corner of the site with an open drain to the south of this gate along the Traralgon-Maffra Service Road frontage.

**Surrounding Land Use:**

The site is located within an established residential precinct approximately 0.7 kilometres north-west, Glengarry's primary activity centre.

Surrounding the site to the north, east and south west are residential allotments generally ranging between approximately 900 square metres and 0.55 hectares in area. The majority of these lots are developed with single dwelling and associated outbuildings. The land located to the south of the site is a recreational reserve. Traralgon-Maffra Service Road is a bitumen sealed road with kerb and channel and open drains on both sides. The service road extends generally from the north-west to south east of the Glengarry Township along the Traralgon-Maffra Road.

A site context plan is included in *Attachment 3*.

**HISTORY OF APPLICATION**

A history of this application is set out in *Attachment 4*.

The provisions of the Scheme that are relevant to the subject application are included in *Attachment 5*.

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

This matter was considered at the Ordinary Council Meeting held on 17 February 2014 and was deferred to the following meeting.

### ISSUES

#### **ASSESSMENT AGAINST THE RELEVANT PLANNING POLICIES**

The proposal has been considered against the relevant clause under State and Local Planning Policy Frameworks.

Within the State Planning Policy Framework, the following Clauses are relevant for this application:

#### **Clause 11.02-1 - Supply of urban land**

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

It is considered that the proposal is not consistent with this Clause as it does not facilitate the most efficient use of land. The proposal seeks to retain a 3,800 square metres Lot with the existing dwelling with several ancillary outbuildings within Residential 1 Zone in close proximity to the Glengarry's primary activity centre.

The Lot 1 arrangement as approved in planning permit 2013/206 and shown on the Indicative Future Subdivision Layout, Attachment 2, provides for a more efficient use of land consistent with this Clause by following the strategy in that it *'ensure(s) that sufficient land is available to meet forecast demand'*.

Furthermore, it is considered that the Indicative Subdivision Layout Lot 1 arrangements, Attachment 2, provides *'for the consolidation, redevelopment and intensification of existing urban areas'* within close proximity to the Glengarry Township and would assist in *'support(ing) sustainable urban development'* consistent with the strategies of this Clause.

#### **Clause 11.05-1 - Regional planning strategies and principles**

The objective of this Clause is *'to develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable'*.

It is considered that the proposal is not consistent with this Clause and will facilitate an inappropriate low density residential subdivision on land within the Residential 1 Zone.

Furthermore, it is considered that the proposed lot configuration will not provide for:

- the most *'positive land-use'* outcome in regards to a future development of the proposed Lot 2;
- the best outcome for *'ensure(ing) effective utilisation of land'*; and
- the best outcome for *'capitalising on opportunities for urban renewal and redevelopment'*.



The proposal is considered not to be consistent with all the directions discussed above and therefore not aligned with all of the relevant clauses of the State and Local Planning Policy Frameworks as it is not consistent with these it is considered that it is not compliant with Clause 65 (Decision Guidelines) either.

**Zone**

Residential 1 Zone

The proposal is not considered to be consistent with the Zone 'Purpose':

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

Furthermore, it is considered that the proposal is not consistent with Clause 32.01-2 (Decision Guidelines):

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The objectives and standards of Clause 56.*

As discussed above it is considered that the proposal is not aligned with all the relevant clauses of the State and Local Planning Policy Frameworks, therefore it is not compliant with the 'Purpose' and Decision Guidelines of the Zone.

Furthermore, the planning permit was assessed against the relevant provisions of Clause 56 of the Scheme and it is considered that it was not consistent with Clause 56.03-5 Neighbourhood Character Objective as the proposed layout does not '*respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme*' and does not '*respond to and integrate with the surrounding urban environment*'. The site is located within close proximity to the Glengarry Township and the proposed layout does not respond to the existing neighbourhood character in regards to the surrounding lot sizes and the preferred neighbourhood character in regards to lot sizes as discussed above.

**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).

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

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:

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

#### External:

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

#### Internal:

There were no internal referrals completed as part of the assessment of the application.

### **OPTIONS**

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant an Amendment to a Planning Permit; or
- 2 Issue a Refusal to Grant an Amendment to 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 generally inconsistent with State and Local Planning Policy Framework and purpose and decision guidelines of the Residential 1 Zone.

- Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks.
- Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone; and
- Inconsistent with Clause 65 (Decision Guidelines).

#### **Attachments**

1. ATTACHMENT 1 - Proposed Plan of Subdivision
2. ATTACHMENT 2 - Indicative Future Subdivision Layout
3. ATTACHMENT 3 - Site Context
4. ATTACHMENT 4 - History of the Application
5. ATTACHMENT 5 - Latrobe Planning Scheme

**RECOMMENDATION**

- 1 That Council issues a notice of refusal to grant an Amendment to Planning Permit 2013/206 for the 2 Lot Subdivision at 64-70 Traralgon-Maffra Road, Glengarry being Lot 1 on TP 217511 on/with the following grounds:**
  - **Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks;**
  - **Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone; and**
  - **Inconsistent with Clause 65 (Decision Guidelines).**

## **9.4**

### **AMENDMENT TO A PLANNING PERMIT APPLICATION 2013/206/A - TWO LOT SUBDIVISION AT 64-70 TRARALGON MAFFRA ROAD, GLENGARRY**


|          |  |            |
|----------|--|------------|
| <b>1</b> | <b>ATTACHMENT 1 - Proposed Plan of Subdivision .....</b>         | <b>131</b> |
| <b>2</b> | <b>ATTACHMENT 2 - Indicative Future Subdivision Layout .....</b> | <b>133</b> |
| <b>3</b> | <b>ATTACHMENT 3 - Site Context.....</b>                          | <b>135</b> |
| <b>4</b> | <b>ATTACHMENT 4 - History of the Application .....</b>           | <b>137</b> |
| <b>5</b> | <b>ATTACHMENT 5 - Latrobe Planning Scheme.....</b>               | <b>139</b> |



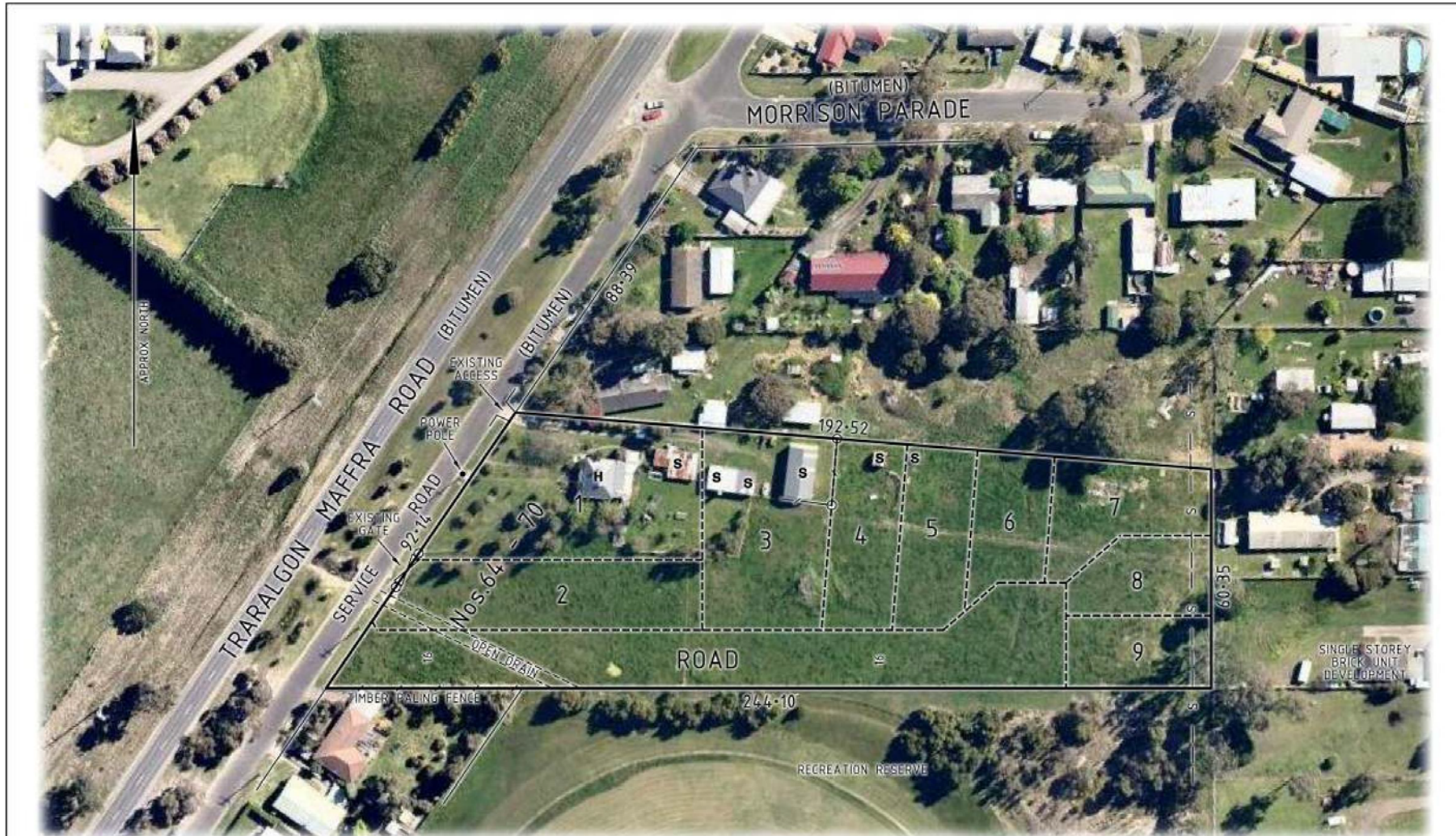


NOTE:  
 ALL DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY AND FINAL COMPUTATIONS.  
 PHOTO SOURCE: NEARMAP

H EXISTING HOUSE  
 S EXISTING SHED

|  |   |   |   |  |
|--|---|---|---|--|
|  <p><b>Beveridge Williams</b><br/>                 development &amp; environment consultants<br/>                 Traralgon ph : 03 5176 0374<br/>                 www.beveridgewilliams.com.au</p> | <p>ORIGINAL</p> <p>Scale 1:1000<br/>                 Sheet Size A3</p> <p>Dwg No 1200493PPS DGN<br/>                 Sheet 1 of 1</p> | <p><b>PLAN OF PROPOSED SUBDIVISION</b><br/> <b>CROWN ALLOTMENT 133 (PART)</b><br/> <b>PARISH TOONGABBIE SOUTH</b></p> | <p>PREPARED A. SPEIR</p> <p>CHECKED I.G. KEITH</p> <p>DATE 5/09/2013</p> <p>AUTHORISED FOR ISSUE</p> <p>Proj No 1200493</p> | <p><b>MA &amp; PJ HOPPE</b></p> <p><b>64-70 TRARALGON-MAFFRA ROAD,</b><br/> <b>GLENGARRY</b><br/> <b>TP217511C LOT 1</b><br/> <b>C/T VOL 5033 FOL 474</b><br/> <b>LATROBE CITY COUNCIL</b></p> |
|--|---|---|---|--|





NOTE:  
 ALL DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY AND FINAL COMPUTATIONS.  
 PHOTO SOURCE: NEARMAP

H EXISTING HOUSE  
 S EXISTING SHED

|  |   |   |   |  |
|--|---|---|---|--|
|  <p><b>Beveridge Williams</b><br/>                 development &amp; environment consultants<br/>                 Traralgon ph : 03 5176 0374<br/>                 www.beveridgewilliams.com.au</p> | <p>ORIGINAL</p> <p>Scale 1:1000<br/>                 Sheet Size A3</p> <p>Dwg No 1200493PPS DGN<br/>                 Sheet 1 of 1</p> | <p><b>INDICATIVE FUTURE SUBDIVISION LAYOUT</b></p> <p><b>CROWN ALLOTMENT 133 (PART)</b></p> <p><b>PARISH TOONGABBIE SOUTH</b></p> | <p>PREPARED A. SPEIR</p> <p>SURVEY</p> <p>CHECKED I.G. KEITH</p> <p>DATE 7/10/2013</p> <p>AUTHORISED FOR ISSUE</p> <p>Proj No 1200493</p> | <p><b>MA &amp; PJ HOPPE</b></p> <p><b>64-70 TRARALGON-MAFFRA ROAD,</b></p> <p><b>GLENGARRY</b></p> <p><b>TP217511C LOT 1</b></p> <p><b>C/T VOL 5033 FOL 474</b></p> <p><b>LATROBE CITY COUNCIL</b></p> |
|--|---|---|---|--|



64-70 Traralgon-Maffra Road, Glengarry.





### **History of the Application**

|                  |  |
|------------------|--|
| 20 December 2013 | Application lodged on SPEAR  |
| 10 January 2014  | An initial assessment was completed by the Planner.                                  |
| 16 January 2014  | Site Visit with Planner, Nicole Stow of Beveridge Williams and applicant Peta Hoppe. |



●  
**LATROBE PLANNING SCHEME**

**State Planning Policy Framework**

Clause 11.02-1 Supply of urban land

Clause 11.05-1 Regional planning strategies and principles

**Zoning – Residential 1 Zone**

The subject land is located within a Residential 1 Zone

**Overlay**

There are no overlays that affect this property.

**General Provisions**

Before deciding on an application, the Responsible Authority must also consider the 'Decision Guidelines' of Clause 65 as appropriate.

# CORRESPONDENCE

**10. CORRESPONDENCE**

Nil reports

# PRESENTATION OF PETITIONS

**11. PRESENTATION OF PETITIONS**

Nil reports

# CHIEF EXECUTIVE OFFICER

**12. CHIEF EXECUTIVE OFFICER**

Nil reports



# ECONOMIC SUSTAINABILITY

**13. ECONOMIC SUSTAINABILITY**

Nil reports

# RECREATION AND COMMUNITY INFRASTRUCTURE

14. RECREATION AND COMMUNITY INFRASTRUCTURE

**14.1 MOE TENNIS COURTS NEEDS ASSESSMENT**

General Manager

Recreation and Community  
Infrastructure

For Decision

**PURPOSE**

The purpose of this report is to present the outcomes from the Moe Tennis Courts Needs Assessment and seek Councils endorsement of the proposed recommendations.

**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.*

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

*Theme 2: Appropriate, affordable and sustainable facilities, services and recreation.*

*Objective - To promote and support a healthy, active and connected community.*

*Objective - To provide facilities and services that are accessible and meet the needs of our diverse community.*

*Objective - To enhance the visual attractiveness and liveability of Latrobe City.*

*Strategic Directions:*

- 1.2.1 Promote and support more involvement of children in active recreation and sport.
- 1.2.2 Develop and maintain community infrastructure that meets the needs of our community.
- 1.2.3 Promote and support opportunities for people to enhance their health and wellbeing.
- 1.2.4 Encourage and create opportunities for more community participation in sports, recreation, arts, culture and community activities.
- 1.2.8 Enhance and develop the physical amenity and visual appearance of Latrobe City.
- 1.2.9 Continue to maintain and improve access to Latrobe City's parks , reserves and open spaces.
- 1.2.10 Work collaboratively with our partners to engage and support volunteers in providing services to the community.

*Strategy & Plans – Recreation*

*Recreation and Leisure Strategy 2006*

*Moe Outdoor Recreation Plan 2007*

*Public Open Space Strategy 2013*

*Municipal Health and Wellbeing Plan*

**BACKGROUND**

The Moe Tennis Complex, comprising 15 plexi-pave tennis courts, is situated in the Moe Botanic Gardens adjacent to Narracan Drive in Moe (attachment 1).

The courts are home of the Moe Tennis Club, which currently has 58 current members, including junior and senior players. The complex contains a small clubroom, constructed in 1983 which provides a basic social room, toilets and kitchen facilities.

In early 2011, the Moe Tennis Club first raised concerns regarding the condition of the tennis courts.

At the Ordinary Council meeting held 23 May 2011, the following Notice of Motion was presented:

1. *That a report be prepared and presented to Council as soon as practicable outlining:*
  - *The condition of all courts at the Moe Tennis Complex;*
  - *The condition of the perimeter fencing at the Moe Tennis Complex;*

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

- *What modifications are required to ensure that the Moe Tennis Complex provides Access for all Abilities;*
- *The associated costs required to rectify any non-compliance identified with the above issues.*

2. *That a master plan be developed for the Moe Botanic Gardens precinct.*

Latrobe City Council officers subsequently arranged for an external audit of the facility to be completed by STI Sports who specialise in tennis courts, to report on the condition of the courts and perimeter fencing. This report identified a number of priority works as well as additional works.

A further report was presented to Council at the Ordinary Council Meeting held on 7 November 2011. The conditions of the tennis courts was highlighted, as were the below issues from the Moe Tennis Club. These issues addressed eight areas that the club believed required attention and included:

- Concerns regarding the perimeter fencing
- Concerns over cracking of the courts
- Lack of storage in existing clubrooms
- No disabled access
- Damage to small fence around the clubrooms
- Damage to footpaths and spectator seating
- Car parking and drainage problems
- Building compliance with fire exits

A range of solutions to the above issues were identified and Council resolved the following:

1. *That Council refer the total works valued at \$170,700 to the 2012/13 Capital Works program for consideration.*
2. *That the Master Plan for the Moe Botanic Gardens be referred to the Public Open Space Strategy project 2011/12 for consideration and prioritisation with other master plans.*
3. *That the Moe Tennis Club be advised of the above resolution of Council in writing.*

Note: Although the resolution states \$170,700, this figure was based on a potential grant that was not received. As such, \$132,000 was included in the 2012/13 Capital Works program.

### **ISSUES**

In late 2011, the Moe Tennis Club engaged 2MH Consulting to conduct an inspection of the fifteen courts at the facility. In a report provided to Council officers in February 2012, information was provided that all fifteen courts had significant damage (attachment 2).

The pavement was found to be cracking, plating and there were serious collapsed pavement issues. The fencing was aged, curling at the bottom, slack and damaged in numerous areas.

In addition, it was noted that all of the courts are non-compliant in regards to run off standards.

### **Earthquake**

On the 21 June 2012 the, Moe and its surrounds was significantly affected by a 5.4 magnitude earthquake. The earthquake and subsequent aftershocks caused additional cracking and damage to the Moe Tennis Complex courts.

Latrobe City Council lodged an insurance claim for the earthquake damage and in May 2013, Latrobe City Council was awarded a settlement of \$199,000 for the Moe Tennis Complex.

In August 2012 a detailed engineering assessment was undertaken of the Moe Tennis Facility by BCS Consulting Engineers Pty Ltd. The engineering assessment concluded the following (attachment 3)

- The site requires significant reconstruction works.
- The site is suitable for reconstruction, with an emphasis on the following infrastructure items:
  - Concrete spoon drains in lieu of the existing formed asphaltic spoon drains.
  - Subsurface agricultural drains
  - Root barriers.
  - Underground drainage with the court precinct.
  - Deepened and or underground drainage to replace the existing shallow drains.
- The composition of the courts can be asphaltic construction or concrete construction. The land is not prone to flooding therefore concrete construction is not mandatory. Nevertheless, some further investigation is recommended to ascertain the cause of the extensive fungal growth on the courts.

Following discussions with the Moe Tennis Club, it was agreed that a holistic permanent solution to the issues at the Moe Tennis Complex was required and that a planning project would be undertaken to provide recommendations to solve the court conditions issues.

In early 2013, a draft project brief for the Moe Tennis Courts Needs Assessment was developed in consultation with the Moe Tennis Club. Both the Moe Tennis Club and Tennis Victoria provided feedback about the project brief, prior to it being advertised to suitably qualified consultants.



The project brief objectives were:

1. Evaluate the current usage and capacity of the Moe Tennis Courts
2. Identify a range of court surfaces suitable for the site.
3. Determine the number of tennis courts required for the facility.
4. Provide a recommendation on what court surface would be feasible for this site.
5. Provide a staging or implementation plan for the construction of the tennis courts.
6. Provide a funding model for the reconstruction of the tennis courts.
7. Provide a detailed design for the reconstruction of the tennis courts.
8. Provide a detailed cost estimate based on the staging/implementation plan.

SGL consultants were appointed in July 2013 and community consultation for the project commenced in August 2013. Meetings and phone conversations were held with the following key stakeholders:

- Latrobe City Councillors
- Moe Tennis Club Committee, members and players
- Newborough Tennis Club Committee, members and players
- Local Tennis coaches
- Local community members
- Latrobe Valley Tennis Association Inc.
- Loy Yang Yinnar & District Tennis Association
- Local tennis players
- Tennis Victoria
- Tennis Australia

In addition, a community meeting was held on 20 August 2013 at the Moe Tennis Clubrooms which was attended by approximately 30 community members.

### **Statistics**

Membership numbers at the Moe Tennis Club has been in decline. The Club currently has 58 registered members compared to 134 in 2008/09.

The club have recognised that this is a worrying trend and have been very open about the situation. It should be noted that these figures do not include casual play numbers, which is occurring at the club.

Participation trends and memberships nationally have been trending down and over a similar period have decreased by 24% and recent years have seen a decline in the participation numbers in the Gippsland region.

The Traralgon Tennis Association has seen a decline in their junior teams from 44 teams 4 years ago to 24 teams presently; however they have experienced an increase in casual participation and night tennis.

In addition, there are now only two remaining local tennis associations after recent closures and amalgamations.

There are a number of reasons that can be attributed to the decline in membership at the Moe Tennis Club such as the court conditions, a general decline in tennis membership across Australia and the cultural shift away from the commitment to membership structures that a number of sports are experiencing.

The Moe Tennis Club believes that a recovery of sorts will occur with a change of surface that is 'softer' to play on and therefore will be more attractive to the older population. This contributes to the statement by the Moe Tennis Club to seek a change in the surface to clay.

#### **Needs Assessment**

The initial consultation with stakeholders expressed a preparedness to investigate the option of rebuilding the courts using the new clay surface (Conipur Pro) that is endorsed by Tennis Australia as a way of attracting events to Moe Tennis Club as well as providing a 'softer' surface to encourage older players to return to participating.

A detailed plan including costs was produced for the clay option but proved to be prohibitive in terms of the total cost and potential benefits it would provide for the small membership base at Moe Tennis Club.

Council officers instructed the consultants to investigate a number of options for the rehabilitation of the Moe tennis Complex including basic resurfacing of the existing courts as well as the option of the total replacement with hard court surfaces similar to the current ones.

The Moe Tennis Needs Assessment report and full reports prepared by the tennis court construction experts (2MH) are attached (attachments 4&5).

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

Both reports provide the following information in relation to the options for the rehabilitation of the Moe tennis complex:

| Option   | Description   | Estimated Costs  | Summary   |
|--|---|--|---|
| 1. Provision of clay courts                                  | <ul style="list-style-type: none"> <li>Construct 8 new Conipur pro clay courts and resurface the remaining 7 courts with a basic acrylic coating</li> </ul> | <ul style="list-style-type: none"> <li>Total \$1,784,564</li> </ul>                                | <ul style="list-style-type: none"> <li>Considered too expensive</li> <li>Limited opportunity for events</li> <li>Council recommended not to pursue</li> </ul> |
| 2A. Basic crack repair and re-coating with acrylic           | <ul style="list-style-type: none"> <li>Cut out and fill existing cracks with flexible material</li> <li>Resurface with a 2-coat acrylic</li> </ul>          | <ul style="list-style-type: none"> <li>\$10,000 per court</li> </ul>                               | <ul style="list-style-type: none"> <li>Not considered a viable solution that would not provide any longevity</li> </ul>                                       |
| 2B. Resheeting with asphalt and geofabric                    | <ul style="list-style-type: none"> <li>Apply a geofabric layer covered by a coat of asphalt and then 3-coat acrylic paint</li> </ul>                        | <ul style="list-style-type: none"> <li>\$35,000 per court</li> </ul>                               | <ul style="list-style-type: none"> <li>Not considered a viable solution that would not provide any longevity</li> </ul>                                       |
| 2C. Rubberised sports surface installed over existing courts | <ul style="list-style-type: none"> <li>Apply a rubberised layer then painted with five coats of acrylic</li> </ul>  | <ul style="list-style-type: none"> <li>\$37,000 per court</li> </ul>                               | <ul style="list-style-type: none"> <li>Not considered a viable solution that would not provide any longevity</li> </ul>                                       |
| 3. Staged replacement as new hardcourts                      | <ul style="list-style-type: none"> <li>Replacement of 6 acrylic courts as stage one then 4 additional courts as stage 2</li> </ul>                          | <ul style="list-style-type: none"> <li>Stage 1 = \$575,000</li> <li>Stage 2 = \$350,000</li> </ul> | <ul style="list-style-type: none"> <li>Would provide a long term solution with the minimal level of required maintenance</li> </ul>                           |

### ***Option 1 – Provision of Clay Courts***

Prior to the appointment of the consultants to this project the Moe Tennis Club had sought advice from Tennis Victoria as to the preferred surface options that were approved or recommended and would best fit the needs of the club as well as provide the potential to attract events and elite training camps to Moe.

The new clay surface (Conipur Pro) was suggested because of its likeness to European clay but also because of its lower use of water for maintenance. As an endorsed clay surface it attracted the potential for meeting the criteria for the rebate scheme of \$18,000 per court for assistance in the construction cost.

As this is a new product on the market there are only a couple of courts already constructed in Australia and it was felt by the club that this would provide the point of difference to allow them to attract events and other activities.

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The potential levels of funding and discussions with stakeholders inclusive of council officers and councillors supported the direction to explore the potential options for installing Conipur Pro clay courts at Moe Tennis Club.

The stakeholders expressed a desire to retain all fifteen courts at Moe Tennis Club however it was felt that the cost to replace all courts at once would be cost prohibitive. Therefore it was decided that the following plan be explored and costed:

- Construct 8 new clay courts over the existing western courts while relocating courts 11 and 12 (8 courts would provide an initial number of courts that may allow for events to be hosted)
- Repair and resurface the remaining 7 courts as hard courts with the intention that would be re-addressed in the future in terms of the surface type

The cost as provided in detail in the attached 2MH report (Appendix 2) showed a total cost of:

- 8 new clay courts \$1,645,119.00
- 7 repaired courts \$ 139,445.00
- TOTAL \$1,784,564.00

This cost was inclusive of all works including design and management provisions, new lighting towers, fencing and drainage.

For the purpose of comparison, 2MH also provided the alternative of provided the 8 new courts as hard court or plexipave surfaces.

The cost to construct the 8 hard courts was estimated at \$1,220,431 inclusive of all costs.

These cost estimates were provided to Council officers and the direction was given to investigate alternative options due to the cost of the potential installation of the clay courts given the low membership numbers at the club and the uncertainty of being able to attract events.

***Option 2 – Basic Repair of all courts***

As a baseline, tennis expert consultants 2MH were instructed to provide a plan and cost estimate for the basic repair and resurfacing of the courts.

In order to provide the best possible advice, 2MH conducted a site visit in January 2014 as a follow-up to their previous visits and reports in 2011 and 2012. They found that the earthquake had created more damage than they had first observed and that there was likely more damage to the subsurface than was previously estimated.

For the sake of providing a full suite of alternatives for consideration by Council, 2MH have explored three options for the basic repair and resurfacing of the courts but as can be seen from the reports they do not

encourage or endorse any of them for Moe Tennis Club given the potential damage that has been done to the subsurface by the earthquake and poor initial construction.

In summary the following three options for basic repair were provided. All options have been used on other facilities with mixed results.

#### **Option 2A – Basic crack repair and re-coating with acrylic**

This option looks at grinding and sanding of the existing sports surface and cutting out and filling all cracks with a flexible material followed by a surface treatment (2 coat acrylic).

The estimated cost to perform this work is \$10,000 per court with a total cost of \$80,000 for 8 courts.

The advice is that this approach does not address the non-compliance issues of runoff and drainage along with pavement collapses. It also does not resolve the potential issues with the subsurface and therefore it is felt that the cracks will re-appear within a 12-month period. It is not considered to be even a viable short to medium term solution.

#### **Option 2B – Resheeting with asphalt and geofabric**

This option requires the laying of a geofabric material over the entire courts and applying a 300mm thick layer of asphalt. The surface will then be covered with a 3 coat sports surface system.

The estimated cost to perform this treatment on one court is \$35,000 with a total cost of \$252,000 (with savings for multiples) for 8 courts.

The advice is that this approach does not address the non-compliance issues of runoff and drainage issues along with pavement collapses. It also does not resolve the potential issues with the subsurface and therefore it is felt that the cracks will re-appear over time. It is not considered by the consultants to be a viable long term solution.

#### **Option 3C – Rubberised sports surface installed over existing courts**

This option lays a 7mm thick floating rubber system over the existing courts and then paint with a sports surfacing product - with a minimum of 5 coats.

The estimated cost for this treatment is \$37,000 per court or \$296,000 for 8 courts.

This approach does not address the non-compliance issues with short rear run-offs. It fails to rectify on-going drainage issues, pavement collapses or major problems such as base problems. It is also highly unlikely to last more than 12 months without considerable failures occurring. It is not

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considered viable, as the existing court damage and cracking will overtime reflect through.

### ***Option 3 – Staged replacement as new hard courts***

As part of the thorough review of possibilities for the Moe Tennis courts the following option was discussed and marked as the preferred solution that would provide the club with a number of new courts immediately, and the opportunity to have further courts rebuilt as a second stage of the process.

Whilst it does not meet the desire of the club to have softer clay courts it potentially provides the new courts that would be an attractive option to new and returning players at a cost that is possible to fund.

The option is to conduct reconstruction works over a two-stage process as follows:

- **Stage 1**
  - Permanent removal of courts 11 and 12
  - Total rebuild of the 6 western courts as acrylic hard-court with new subsurface works
  - Replace all fences, equipment and pathways
  - Maintain the existing lights where possible
  - Realign the courts within the existing footprints to meet compliance needs
  
- **Stage 2**
  - Total rebuild of the 4 eastern courts as acrylic hard-court with new subsurface works
  - Replace all fences, equipment and pathways
  - Maintain the existing lights where possible
  - Realign the courts within the existing footprints to meet compliance needs

No works would be undertaken on the current courts 13, 14, 15 as these would be used as the public courts that are open at all times for casual use. The facility would ultimately be a 13 court venue with 10 new courts.

The detailed analysis and cost plan is provided in attachment 4. A summary of those costs is as follows:

### ***Stage 1A – Site master plan and design***

Works will include full electrical and lighting design, civil design and drainage design – and tennis specific design allowing for total site master planning. Cost Estimate = \$40,000.00 plus GST

### ***Stage 1 – Demolition of 2 existing courts and reconstruction of 6 new tennis courts***

Works are to include demolition of 2 existing courts (Courts 11 and 12)

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and the reinstatement back to Botanical Gardens – lawn only.  
Estimate \$15,000.00 plus GST

Light towers to the west of the site may be able to be relocated and reused. Exact pricing for this is unknown until lighting and electrical works have been undertaken. Cost Estimate = \$40,000.00 plus GST

The construction of 6 new tennis courts with asphalt pavement, new drainage, new fencing and tennis infrastructure. Costs based on “best guess” off current industry pricing and basic acrylic surfacing. Cost Estimate = \$480,000.00

***Stage 2 – Construction of 4 new tennis courts***

The construction of 4 new tennis courts with asphalt pavement, new drainage, new fencing and tennis infrastructure. Costs based on “best guess” based on current industry pricing and basic acrylic surfacing. Cost Estimate = \$320,000.00

Efficiencies can be made through undertaking all design works at the beginning for Stage 1A, tendering all construction works a package for Stage 1 and Stage 2 – even if spread over 2 financial years so as to get the best pricing overall. Project Management for 2 stages of construction works will be greater than constructing as 1 stage, therefore cost estimates for professional project management over 2 stages of construction will be - \$30,000.00 plus GST

*Stages 1 and 1A total estimated costs = \$575,000.00 plus GST*

*Stage 2 (with professional tennis specific project management) = \$350,000.00 plus GST*

*Total combined works Stage 1A, 1 and 2 = \$925,000.00 plus GST*

These estimates need to be considered as indicative costs and may vary depending on the final design. To meet the funding that may be available for the stages it may also be possible to reduce the number of courts supplied in stage 1.

**Funding options**

Council has approximately \$300,000 from remaining capital works allocations and from the insurance claim following the earthquake to provide for the restoration of the courts at Moe Tennis Club.

Additional funding could be sought from the capital works budget at the appropriate time and depending upon which option is preferred, potentially look to secure further major facilities funding for the State Government (available to a maximum of \$650,000 to successful applicants) and Tennis Australia’s National Court Rebate Scheme. Assuming all of this funding was available through the various sources this would provide in excess of \$1,000,000 to the project.



Tennis Australia

The National Courts Rebate Scheme (NCRS) provided through Tennis Australia, provides for a range of funding options for different projects and different surfaces. The amount of court funding provided is based on the size of the facility, surface type and number of courts being constructed or resurfaced.

Any new clay courts are to include water saving measures e.g. tanks, bores and subsurface irrigation systems. To be eligible for any Tier 1 clay court surface, consultation must be had with the Tennis Australia Clay Court and Development Manager prior to the commencement of the project.

For a Tier 1 Clay surface (such as Conipur clay) the maximum rebate could be up to \$18,000. For the reconstruction of 10 courts the total rebate from Tennis Australia would be \$180,000.

For an Acrylic surface (such as plexi-pave) the maximum rebate could be up to \$6,000. For the reconstruction of 10 courts, the total rebate from Tennis Australia would be \$60,000.

Victorian Government

The Victorian Government provides sport and recreation funding by of the annual Community Facility Funding program. There are a number of possibilities, depending on the scope and costings for the project:

*Community Facility Funding Program – Major Facilities*

Funding under the Major Facilities program encourages the development of community sports and recreation facilities that are innovative, effectively managed, accessible, environmentally sustainable and well used.

Council can submit one application and the total cost must be greater than \$500,000.

The maximum grant of \$650,000 per project is available under this program. The funding ratio for this program is \$1 State Government funding to \$1 Council funding.

*Community Facility Funding Program – Minor Facilities*

Applications under the Minor Facilities program are available for community groups, working in partnership with Council to develop or upgrade community sport and recreation facilities. The program is also designed to strengthen communities through the development of sustainable sport and recreational facilities where the total project cost does not exceed \$500,000 (GST exclusive).

Council can apply for a maximum of \$200,000 total funding under this grant, with a maximum of three applications per Council. Any single funding application cannot exceed \$100,000 in funding. The funding ratio for this program is \$2 State Government funding to \$1 Council funding.

**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 Moe Tennis Facility is a significant community asset. The current state of the courts requires it to be reconstructed to meet both community expectations and address safety guidelines.

This report identifies a number of options in regards to the rehabilitation of the Moe Tennis Complex, with each having cost implications.

Council has approximately \$300,000 from remaining capital works allocations and from the insurance claim following the earthquake to provide for the restoration of the courts at Moe Tennis Club.

Depending on which option is preferred, funds may need to be allocated through Council's capital works program as well as sourcing potential funding from Tennis Australia and the State Government.

**INTERNAL/EXTERNAL CONSULTATION***Engagement Method Used:*

Extensive community consultation was undertaken as part of the Moe Tennis Courts Needs Assessment and an initial meeting was held with Latrobe City Councillors, Sharon Gibson and Peter Gibbons.

Interested community members and identified stakeholders were able to provide submissions and feedback in writing to Latrobe City Council, as well as attending a community workshop.

Community workshops held on 20 August 2013 held at the Moe Tennis Clubrooms and were advertised in the Latrobe City Council Noticeboard in the Latrobe Valley Express on the following dates:

- Thursday 1 August 2013
- Monday 5 August 2013
- Thursday 8 August 2013
- Monday 12 August 2013
- Thursday 15 August 2013
- Monday 19 August 2013

In addition to this advertising, Brad Griffin President of the Moe Tennis Club spoke with ABC Radio Gippsland to promote the community workshop.

Meetings and phone conversations were held with the following key stakeholders:

- Latrobe City Councillors
- Moe Tennis Club Committee, members and players
- Newborough Tennis Club Committee, members and players

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- Local Tennis coaches
- Local community members
- Latrobe Valley Tennis Association Inc.
- Loy Yang Yinnar & District Tennis Association
- Local tennis players
- Tennis Victoria
- Tennis Australia

As part of the consultation activities, Latrobe City Council officers engaged with the Newborough Tennis Club. The Newborough Tennis Club is situated in Monash Road in Newborough. The club has eight plexi-pave courts. The Newborough Tennis Club currently has approximately four members.

The club was asked to consider a number of options, including relocating the Newborough Tennis Club to the Moe Tennis Club facility or a merger of both clubs. The Newborough Tennis Club Committee considered the options, however eventually declined either moving or a merger option.

Council officers have met with the Moe Tennis Club to provide them with an update on the Moe Tennis Courts Needs Assessment and the recommendations contained in the report.

*Details of Community Consultation / Results of Engagement:*

The community workshop held at the Moe Tennis Clubrooms on 20 August 2013 was well attended, with approximately 30 community members and club members attending.

### **OPTIONS**

Council has the following options in respect to the rehabilitation of the Moe Tennis Complex:

1. Adopt one of the options as outlined in the Moe Tennis Needs Assessment Report to rehabilitate the Moe Tennis Complex.
2. Not adopt any of the options outlined in the Moe Tennis Needs Assessment Report and request further investigation.

### **CONCLUSION**

The Moe Tennis Complex is a 15-court acrylic hard court facility that is in poor condition and requires a significant upgrade.

The complex is home to the Moe Tennis Club which has a declining membership base. Only 58 members are currently registered.

The conditions of the court were first identified in 2011 and initial investigations were undertaken by both Latrobe City Council and the Moe Tennis Club which indicated significant works were required to improve the facility.

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The standard of the courts were further compromised in June 2012 when an earthquake in the region caused additional cracking and damage to the courts.

Council were awarded an insurance claim of \$199,000 in relation to the earthquake and combined with approximately \$100,000 left in Council's capital account for this project, a total of \$299,000 is currently allocated.

Following discussions with the Moe Tennis Club and Council officers, it was agreed that a holistic permanent solution to the issues at the Moe Tennis Complex was required and that a planning project would be undertaken to provide recommendations to solve the court conditions issues.

In 2013, SGL consultants were engaged to prepare a Moe Tennis Needs Assessment and after significant consultation with key stakeholders and further investigation into the court conditions, a report was presented.

The options that have been presented provide details about the works to be undertaken and the approximate costs that would be incurred. Options 2, 2A, 2B, 2C provide only a temporary solution to the issues being experienced at the complex and in all likelihood would require significant ongoing works and maintenance.

Option 1 and Option 3 provide a permanent solution to the current issues. Option 1, costed at \$1.7 million is cost prohibitive and would require significant Council and external government funding for the project to be fully realised. Option 3 provides for a full reconstruction of 10 courts at the facility (2 courts permanently removed and 3 courts left for community use) within an achievable budget, and will provide for a fully reconstructed, compliant and low maintenance solution.

**Attachments**

1. Moe Tennis Complex (Aerial View)
2. 2MH Moe Tennis Audit and Inspection Report November 2011
3. BCS Moe Tennis Report 2012
4. 2MH Moe Tennis Updated Advice February 2014
5. SGL Moe Tennis Needs Assessment Report February 2014

**RECOMMENDATION**

1. That Council adopt a Staged replacement of new hard courts:
  - *Stage 1A – Site master plan and design*
  - *Stage 1 – Demolition of 2 existing courts and reconstruction of 6 new tennis courts*
  - *Stage 2 – Construction of 4 new tennis courts*as the preferred option for the reconstruction of the Moe Tennis Complex.
2. That Council proceed with the detailed design and cost planning.
3. That Council refer the following additional costs to the 2014/15 and 2015/16 capital works program:
  - 2014/15 Stage 1 works – \$275,000
  - 2015/16 Stage 2 works – \$350,000

## **14.1**

### **Moe Tennis Courts Needs Assessment**

|          |  |            |
|----------|--|------------|
| <b>1</b> | <b>Moe Tennis Complex (Aerial View) .....</b>                            | <b>167</b> |
| <b>2</b> | <b>2MH Moe Tennis Audit and Inspection Report November<br/>2011.....</b> | <b>169</b> |
| <b>3</b> | <b>BCS Moe Tennis Report 2012.....</b>                                   | <b>193</b> |
| <b>4</b> | <b>2MH Moe Tennis Updated Advice February 2014 .....</b>                 | <b>201</b> |
| <b>5</b> | <b>SGL Moe Tennis Needs Assessment Report February<br/>2014.....</b>     | <b>247</b> |



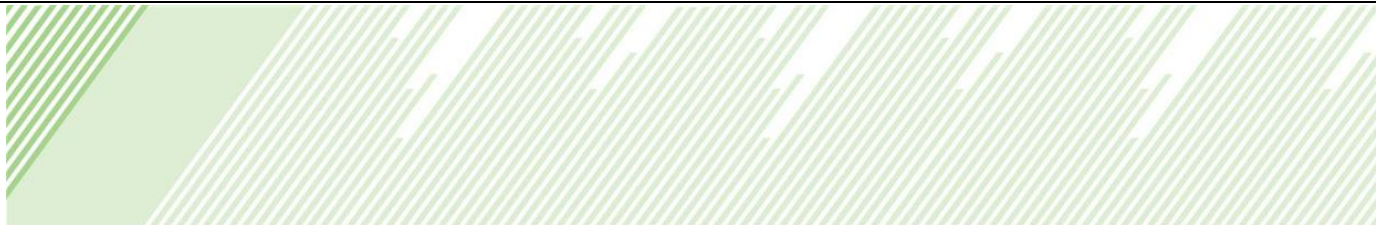






# Tennis Facility Audit and Inspection

Moe Tennis Club,  
Moe



## TENNIS FACILITY INSPECTION CHECKLIST

Site Name: **Moe Tennis Club**

Date: **16/11/2011**

Site Address: Botanic Drive, Moe

Contact Name: Brad Griffin/Lesa Domagala Phone No: 0418 524 413/0409 232 263

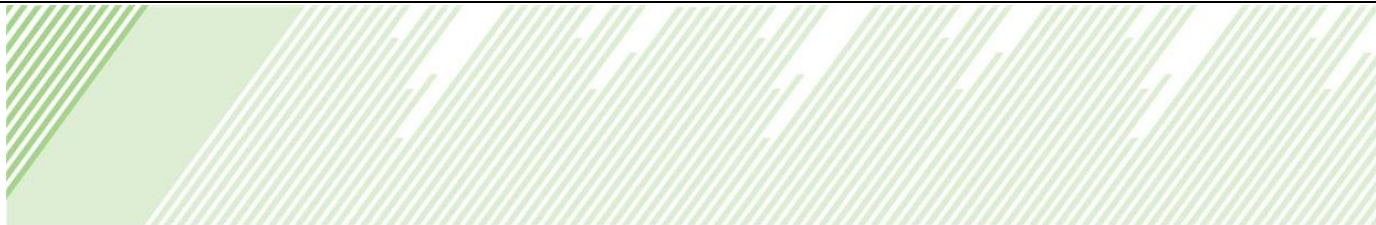
Club / Association (or Management):

| 1. SURFACE TYPE   | Number of Courts and Comments:  |
|---|---|
| Hardcourt   | 15 Acrylic  |
| Porous  |   |
| Synthetic   |   |
| Asphalt   |   |
| 2. GENERAL COURT CONDITION  |   |
| For each court located on the site, comment on the following detail:  | <p><b>Surface condition</b> should comment on; surface imperfections including: cracking (hairline to severe), gravel, undulations, fittings for other sports (i.e. netball hole caps), water retention (filled with water indentations which cover 20c piece), mould, mildew, leaves or sticks</p> <p><b>Court Line Marking</b> should comments on whether it is clear and well marked, multi-lined (i.e. for other sports) and if the run off distances meet minimum standards.</p> |
| Courts 1-3 in the one bank  |   |
| <p>North ↑<br/>To courts 8-12</p> <p style="text-align: center;"><b>The Spoon drain along this boundary is 1370mm wide inside the fence line, making the distance between the court baselines and the fence 6250mm.</b></p> <div style="border: 2px solid black; padding: 10px; margin: 10px auto; width: fit-content;"> </div> |   |





|   |  |
|---|--|
| <p><b>Courts 1-3:</b><br/><b>Acrylic Hardcourt</b></p>  | <p><b>Surface type/ condition:</b> These courts are positioned in front of the clubrooms and it would be assumed that these are highly utilised. All three courts have an Acrylic Hardcourt surface with an asphalt base; they were resurfaced four years ago. The repaired/resurfaced cracks are reflecting through the new surface, in addition there are many cracks along the Western boundary as a direct result of the large trees in close proximity. These large cracks are heaving and will continue to increase in size as the tree roots do. Repairs to these will be required to prevent further damage to the pavements base. There are numerous other cracked areas mainly along the Southern end that will also need repairing before any resurfacing is attempted. There are some sections of the courts which are plating within the playing areas (Northern end of Court 1 and the Southern ends of Courts 2 &amp; 3). This type of damage is usually associated with water inundation either by surface flooding or a rising water table under the court base.</p> <p>There are lower lying areas across these courts that allow water to sit on the pavement surface for long periods of time. This would decrease the longevity of the courts surface and increase the risk to player safety as the buildup of silty &amp; black sooty material within the ponding areas would become quite slippery when moist. This will need to be monitored as this may pose a serious risk to player safety if it continues to deteriorate. If resurfacing in the future a self-leveling compound may be needed to lessen the depth of these areas.</p> <p>There is an electrical conduit in galvanised tubing along the Eastern and Western boundary within the enclosure; it is recommended that this be buried outside of the enclosure if redeveloping this pavement to ensure minimum run-off distances are maintained for compliant courts.</p> <p>The courts have formed drainage with a spoon drain along the entire Northern boundary; this is formed as part of the asphalt pavement. It empties, without a pit, into the large swale drain surrounding the courts. However at the time of inspection there was water sitting in the spoon drain as it does not fall adequately. There was also debris and leaf litter in the North West corner of the spoon drain preventing the drain from operating efficiently in heavy downpours.</p> <p>There is significant debris across all of the courts, the Western side of the enclosure is the worst affected, this would be attributed to the large trees along this boundary. It would be advisable to trim the branches away from the fencing to minimise the impact. The courts should also be regularly maintained ensuring leaf litter, weeds and dirt have been removed from the acrylic surface on a regular basis.</p> <p>The type of damage to the pavement and acrylic surface of these courts would suggest that the pavement has been affected by a combination of age, lack of routine maintenance, tree damage, reflective cracking and water inundation from either the surface or rising water table as this facility has a creek running adjacent to the Western boundary. This pavement could be repaired, re-leveled/re-sheeted and then resurfaced however it is important to note that this may not offer long term results for the club, it is possible that cracking may reflect through the new surface. A soil test is recommended for this pavement area prior to any works due to the close proximity to the creek and to ensure sufficient works are being carried out given the soil conditions under the pavement (i.e.: is the rising water table pushing silty material up through the base material contaminating and undermining the base). Tree root barriers are also recommended along the Western boundary if a long term budget allows the redevelopment of these courts.</p> <p><b>Net Posts &amp; Nets:</b> The posts are old style with fixed rusty winders and are installed directly into the pavement. They are slightly bent. The nets on both are in good condition and tethered to the posts. They have centre net straps and they are in good condition.</p> <p><b>Court run-off:</b> Both courts fail to meet minimum run-offs for club competition. They are non-compliant in the following areas;</p> |
|---|--|



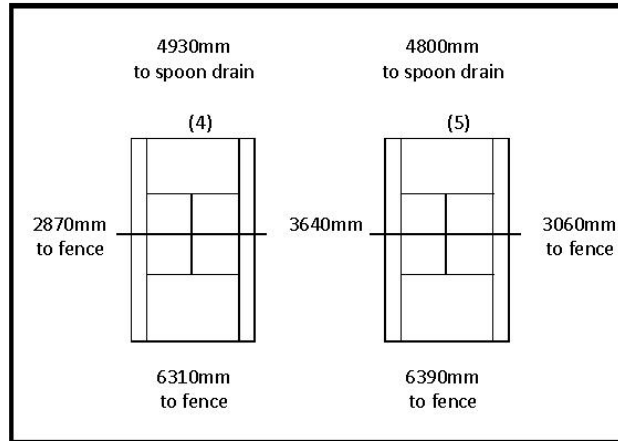
|  | <table border="1"> <thead> <tr> <th>Boundary Position</th> <th>Existing<br/>Min / max.</th> <th>Required</th> </tr> </thead> <tbody> <tr> <td>All Northern Baselines</td> <td>4880 / 4910mm</td> <td>5480mm</td> </tr> <tr> <td>b/w all courts</td> <td>3600 / 3620mm</td> <td>3660mm</td> </tr> <tr> <td>West and East sidelines</td> <td>2840 / 2920mm</td> <td>3050mm</td> </tr> </tbody> </table>  | Boundary Position             | Existing<br>Min / max.        | Required                                 | All Northern Baselines        | 4880 / 4910mm                    | 5480mm                        | b/w all courts | 3600 / 3620mm | 3660mm | West and East sidelines | 2840 / 2920mm | 3050mm |
|--|--|-------------------------------|-------------------------------|--|-------------------------------|----------------------------------|-------------------------------|----------------|---------------|--------|-------------------------|---------------|--------|
| Boundary Position                        | Existing<br>Min / max.   | Required                      |                               |  |                               |                                  |                               |                |               |        |                         |               |        |
| All Northern Baselines                   | 4880 / 4910mm  | 5480mm                        |                               |  |                               |                                  |                               |                |               |        |                         |               |        |
| b/w all courts                           | 3600 / 3620mm  | 3660mm                        |                               |  |                               |                                  |                               |                |               |        |                         |               |        |
| West and East sidelines                  | 2840 / 2920mm  | 3050mm                        |                               |  |                               |                                  |                               |                |               |        |                         |               |        |
|  | <p>It is important to note that although there is sufficient space to the fence on the Northern ends of the courts for compliance the spoon drain is a change in gradient and cannot be utilised as run-off area.</p> <p><b>The Current Standards requires the court surface and the run-offs to be of the same surface type and without change of level.</b></p> <table border="1"> <tbody> <tr> <td>Current Court layout Pavement</td> <td>34990mm (N/S) x 46010mm (E/W)</td> </tr> <tr> <td>Minimum Pavement required for compliance</td> <td>34730mm (N/S) x 46330mm (E/W)</td> </tr> <tr> <td>Available space within enclosure</td> <td>36360mm (N/S) x 46010mm (E/W)</td> </tr> </tbody> </table> <p>The pavement will need to grow at least 320mm East/West to be compliant to the current Standards for court dimensions and minimum run-offs. There is ample room within the enclosure for compliant North/South run-offs if the courts were shuffled to the South to take advantage of the excess run-off at that end.</p> <p><b>Court line marking:</b> Line marking is cracked, chipped and dirty reflecting the deteriorated state of the courts.</p> <p><b>Floodlights:</b> There are 4 high steel light towers positioned outside of the enclosure. 2 light towers have several light fittings mounted to them due to their multiuse with the surrounding courts. A lux level test is recommended if redeveloping to ensure competition standard lux levels are met.</p> <p><b>Maintenance / capital works recommendations:</b></p> <ul style="list-style-type: none"> <li>• Regular court grooming is required (weed, debris and dirt removal within court enclosure a priority).</li> <li>• Investigate the pavement, base and the soil conditions under the court to determine if remedial works would be successful long term.</li> <li>• If the base has been undermined considerably, reconstruct all 3 courts, extending the enclosure East/West and ensuring the spoon drain and electrical conduits are placed outside of the required run-off areas.</li> <li>• Install root barriers.</li> <li>• Net posts should be replaced when re-shuffling or reconstructing the courts; these should be replaced with black powder coated posts with collapsible winders and new ¾ length high quality nets with centre net straps.</li> <li>• When reconstructing, ensure all dimensions and run-offs are compliant with the current Standards for Club competition.</li> </ul> | Current Court layout Pavement | 34990mm (N/S) x 46010mm (E/W) | Minimum Pavement required for compliance | 34730mm (N/S) x 46330mm (E/W) | Available space within enclosure | 36360mm (N/S) x 46010mm (E/W) |                |               |        |                         |               |        |
| Current Court layout Pavement            | 34990mm (N/S) x 46010mm (E/W)  |                               |                               |  |                               |                                  |                               |                |               |        |                         |               |        |
| Minimum Pavement required for compliance | 34730mm (N/S) x 46330mm (E/W)  |                               |                               |  |                               |                                  |                               |                |               |        |                         |               |        |
| Available space within enclosure         | 36360mm (N/S) x 46010mm (E/W)  |                               |                               |  |                               |                                  |                               |                |               |        |                         |               |        |



**Courts 4&5 in the one bank**

North  
To courts 6&7 ↑

The Spoon drain along this boundary is 1350mm wide inside the fence line, making the distance between the court baselines and the fence 6150mm.



**Courts 4&5:  
Acrylic Hardcourt**



**Surface type/ condition:** Both courts are within the one enclosure. They have an Acrylic Hardcourt surface with an asphalt base, they are aged and in rapid decline due to the poor drainage and nearby trees on site. The playing surface has a number of hairline cracks throughout the court area, these are mainly in line with the courts playing lines, and they have weeds growing from them that require spraying out. There are numerous large, open & heaving cracks along the Southern and Eastern run-off areas; these appear to be a direct result of poor drainage and trees along these boundaries. There is an open swale drain that wraps around these boundaries and they had water sitting in them at the time of inspection. The pavement is not supported by a concrete plinth and is therefore more susceptible to collapsing; this is currently evident with heavy cracking along these boundaries. These courts would offer a variable ball bounce on the run-off surface and possible trip & slip hazards. This will need to be monitored as this may pose a serious risk to player safety if it continues to deteriorate and is not cleaned.

The courts have formed drainage with a spoon drain along the entire Northern boundary; this is formed as part of the asphalt pavement. It empties, without a pit, into the shallow swale drain surrounding the courts to the East. However at the time of inspection this outlet area was built up at the fence line with dirt and weed growth, preventing the water from getting away efficiently. This suggests that there is often a backlog of water sitting in the surrounding areas. Cleaning out the outlet area would dramatically increase the efficiency of this drain.

The courts should also be regularly maintained ensuring all dirt and silty material has been removed from the acrylic surface.

The type of damage to the pavement and acrylic surface of these courts would suggest that the pavement has been severely affected by a combination of age, poor drainage, tree root invasion and no form of pavement retention around the edges. It would be possible to patch repair the small cracks and cut out the affected run-off areas on the Southern and Eastern sides of the courts and replace with retained pavement. It would be advisable to have a full drainage assessment and remedial works conducted at this time to prevent the continuing of moisture in these areas and minimise the likelihood of damage re-occurring.



**Net Posts & Nets:** The posts are old style without winders and are installed directly into the pavement. They are slightly bent. The nets are in good condition and tethered to the posts. There are no centre net straps however there are anchors in place.

**Court run-off:** All courts do not meet minimum run-offs for club competition. They are non-compliant in the following areas;

| Boundary Position       | Existing      | Required |
|-------------------------|---------------|----------|
|                         | Min / max.    |          |
| All Northern Baselines  | 4800 / 4930mm | 5480mm   |
| b/w courts              | 3640mm        | 3660mm   |
| West and East sidelines | 2870mm        | 3050mm   |

It is important to note that although there is sufficient space to the fence on the Northern ends of the courts for compliance the spoon drain is a change in gradient and cannot be utilised as run-off area.

**The Current Standards require the court surface and the run-offs to be of the same surface type and without change of level.**

**Current Court layout Pavement** 34890mm (N/S) x 31530mm (E/W)

**Minimum Pavement required for compliance** 34730mm (N/S) x 31700mm (E/W)

**Available space within enclosure** 36240mm (N/S) x 31530mm (E/W)

The pavement will need to grow at least 170mm East/West to be compliant to the current Standards for court dimensions and minimum run-offs. There is ample room within the enclosure for compliant North/South run-offs if the courts were shuffled to the South to take advantage of the excess run-off at that end.

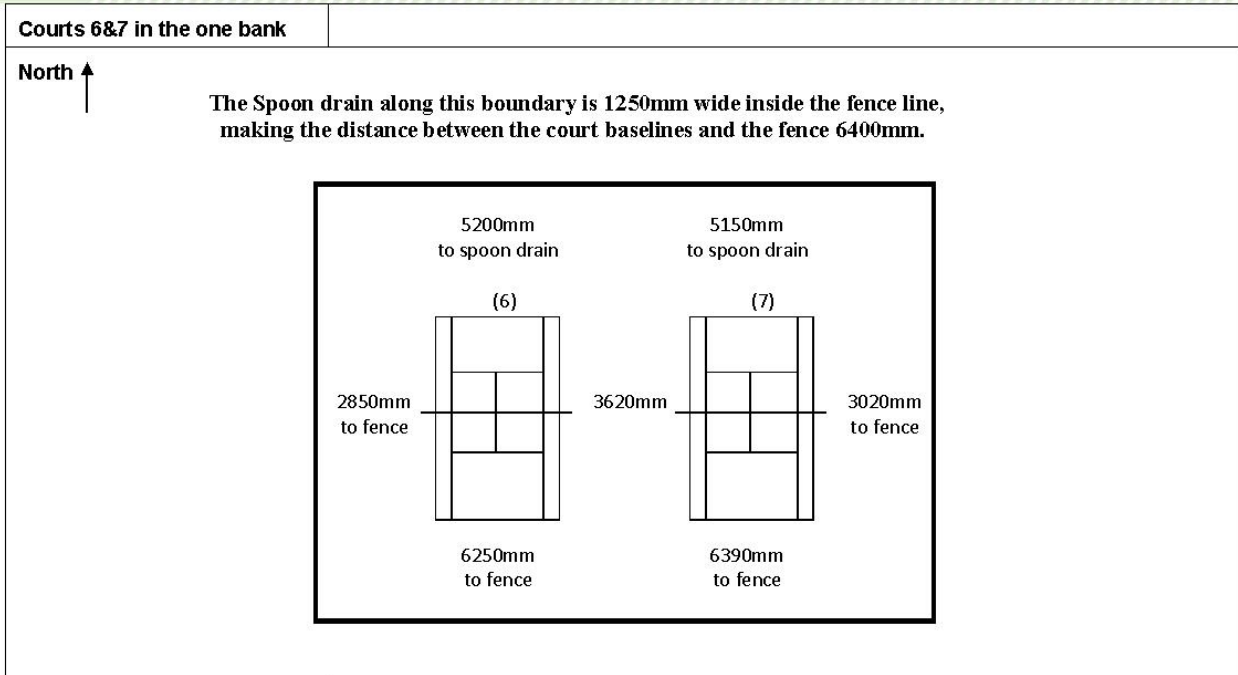
**Court line marking:** Line marking is cracked and dirty reflecting the current state of the courts.

**Floodlights:** There are 4 high steel light towers positioned outside of the enclosure. Some of the light towers have several light fittings mounted to them due to the multiuse with the surrounding courts. A lux level test is recommended when redeveloping to ensure competition standard lux levels are met.

**Maintenance / capital works recommendations:**

- Regular court grooming is required (weed, debris and dirt removal within court enclosure a priority).
- Look to repair cracks, cut and repair the run-off areas on the South and Eastern sides re-sheet and resurface. Extend pavement on the Eastern boundary and reshuffle the courts at this time to ensure compliant run-offs are achieved.
- Install root barriers.
- Investigate soil type to ensure adequate pavement design for soil type/condition.
- Net posts should be replaced when remedial works are carried out on these courts; these should be replaced with black powder coated posts with collapsible winders and new ¾ length high quality nets with centre net straps.
- When reconstructing, ensure all dimensions and run-offs are compliant with the current Standards for Club competition.





**Surface type/ condition:** Both courts are within the one enclosure. They have an Acrylic Hardcourt surface with an asphalt base, they are aged and in decline due to the poor drainage on site. The playing surface has a number of hairline cracks throughout the court area, these are mainly in line with the courts playing lines and they have weeds growing from them that require spraying out. There are numerous cracks along the Southern and Eastern run-off areas; these appear to be a direct result of poor drainage along these boundaries. There is an open swale drain that runs along the Eastern boundary which had water sitting in it at the time of inspection. The pavement is not supported by a concrete plinth and is therefore more susceptible to the collapsing; this is currently evident with heavy cracking along this boundary. There are several large ponding areas and a large collapsed area in the North East corner of the enclosure. These have a build-up of silt & a black sooty material which would become quite slippery when moist. These courts would offer a variable ball bounce on the Eastern run-off surface and possible slip hazards. This will need to be monitored as this may pose a serious risk to player safety if it continues to deteriorate and is not cleaned.

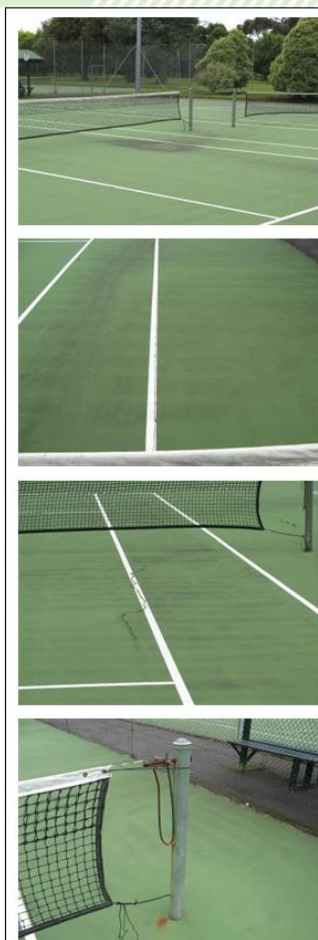
The courts have formed drainage with a spoon drain along the entire Northern boundary; this is formed as part of the asphalt pavement. It empties, without a pit, into the swale drain to the East. However at the time of inspection there was water sitting in the spoon drain with a large amount of dirt and black silty material along the entire length and for a large area surrounding the outlet area. This suggests that there is often a backlog of water sitting in these areas. Cleaning out the outlet area would dramatically increase the efficiency of this drain.

The courts should also be regularly maintained ensuring all dirt and silty material has been removed from the acrylic surface.

The type of damage to the pavement and acrylic surface of these courts would suggest that the pavement has been severely affected by a combination of age, poor drainage and no pavement retention. It would be possible to patch repair the small cracks within the playing surface and cut out the affected run-off areas on the Eastern side of the court enclosure and replace with a retained pavement, then resurface the entire court enclosure. It would be advisable to have a full drainage assessment and remedial works conducted at this time to prevent the holding of moisture in these areas and minimise the likelihood of damage re-occurring.

**Net Posts & Nets:** The posts are old style with fixed winders and are installed directly into the pavement. They are slightly bent. The nets are in good condition and tethered to the posts. They have centre net straps installed.





**Court run-off:** All courts do not meet minimum run-offs for club competition. They are non-compliant in the following areas;

| Boundary Position       | Existing      | Required |
|-------------------------|---------------|----------|
|                         | Min / max.    |          |
| All Northern Baselines  | 5150 / 5200mm | 5480mm   |
| b/w courts              | 3620mm        | 3660mm   |
| West and East sidelines | 2850 / 3020mm | 3050mm   |

It is important to note that although there is sufficient space to the fence on the Northern ends of the courts for compliance the spoon drain is a change in gradient and cannot be utilised as run-off area.

**The Current Standards require the court surface and the run-offs to be of the same surface type and without change of level.**

|   |                                      |
|---|--------------------------------------|
| <b>Current Court layout Pavement</b>            | <b>35140mm (N/S) x 31460mm (E/W)</b> |
| <b>Minimum Pavement required for compliance</b> | <b>34730mm (N/S) x 31700mm (E/W)</b> |
| <b>Available space within enclosure</b>         | <b>36390mm (N/S) x 31460mm (E/W)</b> |

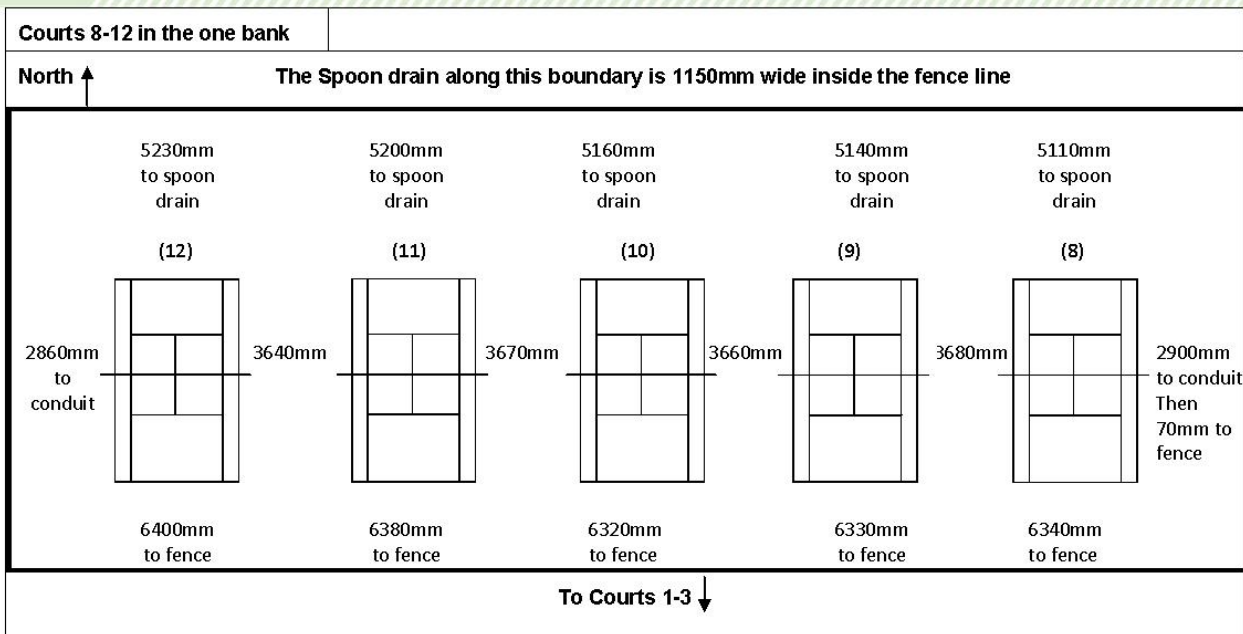
The pavement will need to grow at least 240mm East/West to be compliant to the current Standards for court dimensions and minimum run-offs. There is ample room within the enclosure for compliant North/South run-offs if the courts were shuffled to the South to take advantage of the excess run-off at that end.

**Court line marking:** Line marking is cracked and dirty reflecting the current state of the courts.


**Floodlights:** There are 4 high steel light towers positioned outside of the enclosure. They all have several light fittings mounted to them due to the multiuse with the surrounding courts. A lux level test is recommended when redeveloping to ensure competition standard lux levels are met.

**Maintenance / capital works recommendations:**

- Regular court grooming is required (weed, debris and dirt removal within court enclosure a priority).
- Look to repair cracks, cut and repair the run-off area on the Eastern side of the enclosure and resurface. Extend pavement on the Eastern boundary and reshuffle the courts at this time to ensure compliant run-offs are achieved.
- Install root barriers where trees are likely to impact.
- Investigate soil type to ensure adequate pavement design for soil type/condition.
- Net posts should be replaced when remedial works are carried out on these courts; these should be replaced with black powder coated posts with collapsible winders and new ¾ length high quality nets with centre net straps.
- When reconstructing, ensure all dimensions and run-offs are compliant to the current Standards for Club competition.



**Courts 8-12:**  
**Acrylic Hardcourt**



**Surface type/ condition:** All five courts have an Acrylic Hardcourt surface with an asphalt base, they are aged and in need of urgent attention. The playing surface has numerous cracks consistently across all courts this is particularly evident on Courts 10, 11 & 12 and the Northern end of all courts. There are many areas where plating has occurred, this type of damage is usually associated with water inundation either by surface flooding or rising water table under the court base. There are several large ponding areas created by the collapsing of pavement on the Southern end of the courts and an old net post foundation patch with cracking surrounding it on Court 9. These areas are surrounded by surface cracking and are likely to continue to deteriorate with the holding of water in these areas. There is also a large mounded area in the South West corner of the enclosure that may be attributed to the large trees heaving the pavement in this area. There are also numerous cracks in the playing surface consistent across all courts; these are particularly evident in line with North/South lines of the courts with weeds growing from these.

There is a build-up of silty & black sooty material within the plated and ponding areas which would become quite slippery when moist. These courts would offer a variable ball bounce on the playing surface and possible trip & slip hazards. This will need to be monitored as this may pose a serious risk to player safety if it continues to deteriorate.

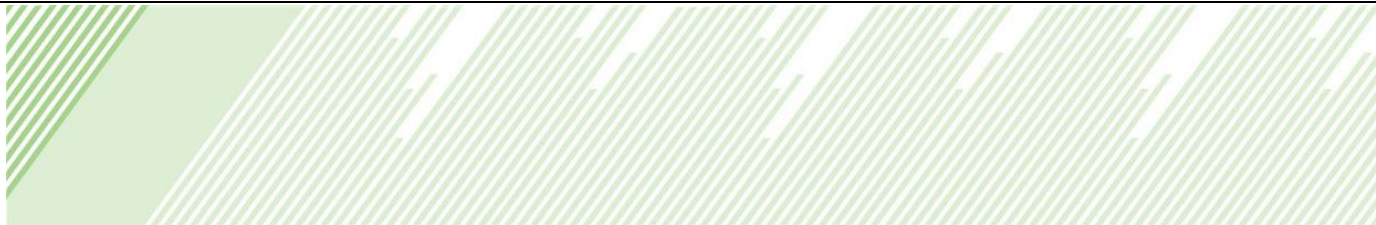
There is an electrical conduit in galvanised tubing along the Eastern boundary within the enclosure; it is recommended that this be buried outside of the enclosure if redeveloping this pavement to ensure minimum run-off distances are maintained for compliant courts.

The courts have formed drainage with a spoon drain along the entire Northern boundary; this is formed as part of the asphalt pavement. It empties, without a pit, into the large swale drain surrounding the courts. However at the time of inspection there was water sitting in the spoon drain with a large amount of debris and leaf litter in the North West corner of the spoon drain preventing the drain from operating efficiently.

There is significant debris across all of the courts, the Western side of the enclosure is the worst affected, this would be attributed to the large gum trees along this boundary. It would be advisable to trim the branches away from the fencing to minimise the impact. The courts should also be regularly maintained ensuring leaf litter, weeds and dirt have been removed from the acrylic surface.

The type of damage to the pavement and acrylic surface of these courts would suggest that the pavement has been severely affected by a combination of age, lack of routine maintenance, tree damage and water inundation. This pavement is beyond patch repairs and will require a full reconstruction. A soil test is recommended for this area given the close proximity to the creek and to ensure a sufficient pavement is built preventing a re-occurrence of the existing issues.












Tree root barriers are also recommended.

**Net Posts & Nets:** The posts are old style with fixed rusty winders and are installed directly into the pavement. They are slightly bent. The nets on courts 8 & 9 are in good condition and tethered to the posts, courts 10 & 11 are in need of repair and there is no net on court 12. The fitted nets have centre net straps and they are in good condition.

**Court run-off:** All courts do not meet minimum run-offs for club competition. They are non-compliant in the following areas;

| <u>Boundary Position</u> | <u>Existing</u> | <u>Required</u> |
|--------------------------|-----------------|-----------------|
| All Northern Baselines   |                 | 5480mm          |
| b/w courts 11&12         |                 | 3660mm          |
| West and East sidelines  |                 | 3050mm          |

It is important to note that although there is sufficient space to the fence on the Northern ends of the courts for compliance the spoon drain is a change in gradient and cannot be utilised as run-off area.

**The Current Standard requires the court surface and the run-offs to be of the same surface type and without change of level.**

**Current Court layout Pavement** 35230mm (N/S) x 75240mm (E/W)  
**Minimum Pavement required for compliance** 34730mm (N/S) x 75590mm (E/W)  
**Available space within enclosure** 36380mm (N/S) x 75380mm (E/W)

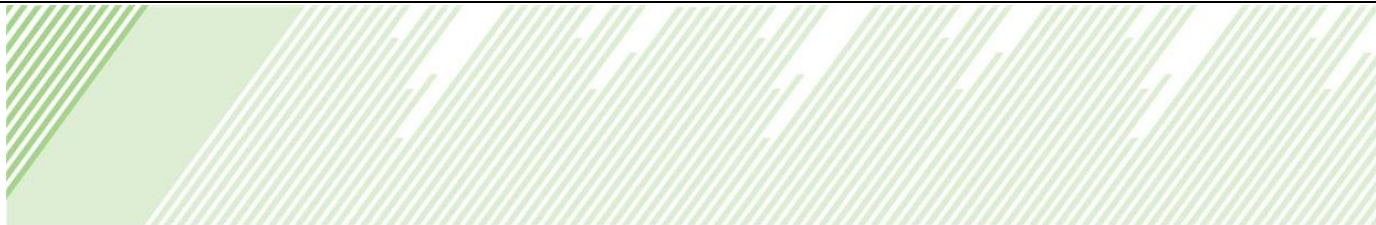
The pavement will need to grow at least 210mm East/West to be compliant to the current Standards for court dimensions and minimum run-offs. There is ample room within the enclosure for compliant North/South run-offs if the spoon drain is constructed closer to the fence line only taking up 600mm of the enclosures space.

**Court line marking:** Line marking is cracked, chipped and dirty reflecting the deteriorated state of the courts.

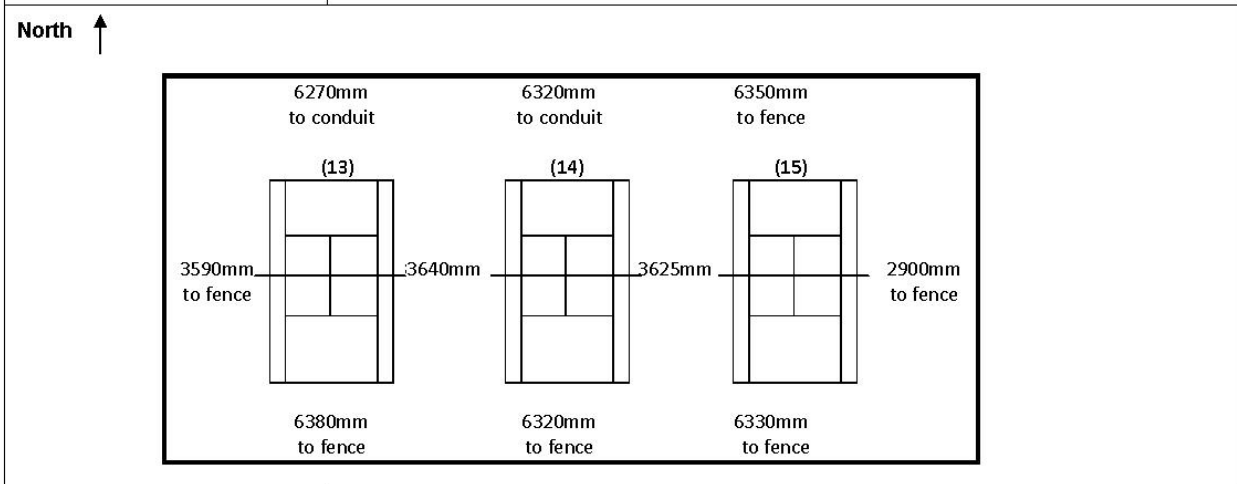
**Floodlights:** There are 6 high steel light towers positioned outside of the enclosure. 4 light towers have several light fittings mounted to them due to the multiuse with the surrounding courts. A lux level test is recommended when redeveloping to ensure competition standard lux levels are met.

**Maintenance / capital works recommendations:**

- Regular court grooming is required (weed, debris and dirt removal within court enclosure a priority).
- Reconstruct all 5 courts, extending the enclosure East/West and ensuring the spoon drain and electrical conduits are placed outside of the required run-off areas.
- Install root barriers where trees are likely to impact.
- Investigate soil type to ensure adequate pavement design for soil type/condition.
- Net posts should be replaced when reconstructing the courts; these should be replaced with black powder coated posts with collapsible winders and new ¾ length high quality nets with centre net straps.
- When reconstructing, ensure all dimensions and run-offs are compliant with the current Standards for Club competition.



Courts 13-15 in the one bank



**Courts 13-15:**  
**Acrylic Hardcourt**



**Surface type/ condition:** These courts are positioned the furthest away from the clubrooms. All three courts have an Acrylic Hardcourt surface with an asphalt base. There are numerous cracks consistently over all three courts. Court 13 is in the worst condition with multiple cracks, large ponding areas and a mounded area in the middle of the Northern end. The Western flank of this court has collapsed creating large cracks that have opened up and are now heaving. The uneven surface and degree of damage to the court make this court a risk to player safety. The Eastern side of Court 15 is also badly affected by poor drainage with cracking of the pavement and collapsed fence footings. These areas will continue to deteriorate rapidly as the base has been undermined with the penetration of moisture through the large cracks. Repairs to these will be required to prevent further damage to the pavements base. There are numerous other cracked areas mainly within the playing surface of Court 15 that will also need repairing before any resurfacing is attempted.

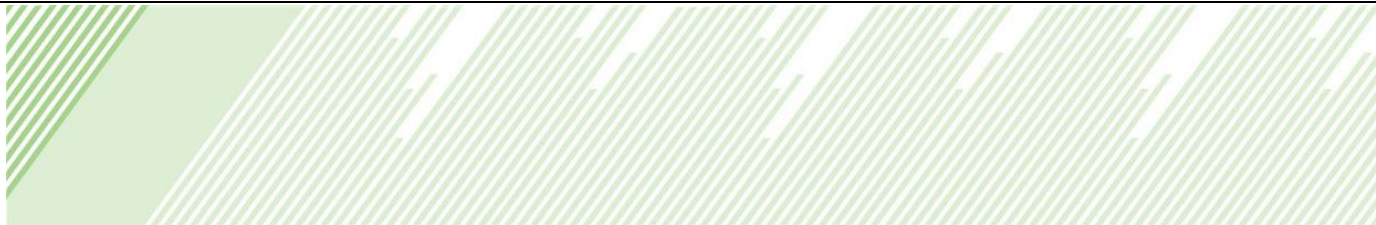
There are large ponding areas at the Northern end of Court 13 and in the North East corner of the enclosure. This has decreased the longevity of the courts surface and increased the risk to player safety as the build-up silty & black sooty material within the ponding areas would become quite slippery when moist. This will need to be monitored as this may pose a serious risk to player safety if it continues to deteriorate. These areas are substantial and would require reconstructing as the base and pavement has failed.

There is an electrical conduit in galvanised tubing along the Western boundary within the enclosure; it is recommended that this be buried outside of the enclosure if redeveloping this pavement to ensure minimum run-off distances are maintained for compliant courts, this run-off is currently non-compliant.

These courts have no formed drainage. They fall to the North East corner of the enclosure and empty out through the fence line to the open swale drain. This was wet and holding water at the time of inspection. This does not appear to work efficiently with evidence of water being held on and around the North East corner, resulting in the collapsed pavement.

The courts should also be regularly maintained ensuring leaf litter, weeds and dirt have been removed from the acrylic surface on a regular basis.





The type of damage to the pavement and acrylic surface of these courts would suggest that the pavement has been affected by a combination of age, lack of routine maintenance, poor drainage and water inundation from either the surface or rising water table as this facility has a creek running adjacent to the Western boundary. This pavement appears to be beyond patch repairs and a total reconstruction may be necessary. A soil test is recommended during the design process to ensure sufficient works are being carried out given the soil conditions in this immediate area.



**Net Posts & Nets:** The posts are old style with fixed rusty winders and are installed directly into the pavement. They are leaning. The nets on are in good condition however Courts 13 & 15 need theirs tethered to the posts. They have centre net straps however Court 13's is the only one in good condition.



**Court run-off:** All three courts fail to meet minimum run-offs for club competition. They are non-compliant in the following areas;

| Boundary Position | Existing      | Required |
|-------------------|---------------|----------|
|                   | Min / max.    |          |
| b/w all courts    | 3625 / 3640mm | 3660mm   |
| Western sideline  | 2900mm        | 3050mm   |



The Current Standards requires the court surface and the run-offs to be of the same surface type and without change of level.

|  |                               |
|--|-------------------------------|
| Current Court layout Pavement            | 36370mm (N/S) x 46755mm (E/W) |
| Minimum Pavement required for compliance | 34730mm (N/S) x 46330mm (E/W) |
| Available space within enclosure         | 36370mm (N/S) x 46755mm (E/W) |



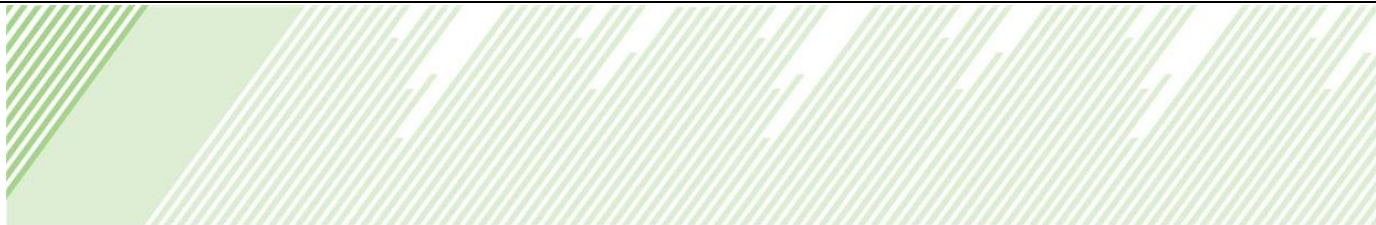
The pavement will not need to grow as there is already sufficient space within this enclosure for compliant courts. However the courts would need to be shuffled for each court to be complaint East/West.



**Court line marking:** Line marking is cracked, chipped and dirty reflecting the deteriorated state of the courts.

**Floodlights:** There are 4 high steel light towers positioned outside of the enclosure. 2 light towers have several light fittings mounted to them due to their multiuse with the surrounding courts. A lux level test is recommended if redeveloping to ensure competition standard lux levels are met.


**Maintenance / capital works recommendations:**

- Regular court grooming is required (weed, debris and dirt removal within court enclosure a priority).
- Investigate the pavement, base and the soil conditions under the court to determine if remedial works would be successful long term.
- If the base has been undermined considerably, reconstruct all 3 courts, extending the enclosure East/West and ensuring the spoon drain and electrical conduits are placed outside of the required run-off areas (preferably outside the enclosures fencing).
- Install root barriers where trees are likely to impact.
- Net posts should be replaced when re-shuffling or reconstructing the courts; these should be replaced with black powder coated posts with collapsible winders and new ¾ length high quality nets with centre net straps.
- When reconstructing, ensure all dimensions and run-offs are compliant with the current Standards for Club competition.



|   |   |
|---|---|
| <b>3. COURT LIGHTING</b>  |   |
| Number of courts with lights:   | 15  |
| What type of lighting:  | High steel light towers positioned outside of each the enclosure.   |
| Provide Lux level reading (if appropriate):   | Lux levels were not requested at this time  |
| <b>4. DRAINAGE</b>  |   |
| Please note any comments in regards to site drainage:<br>  | All courts have issues as a result of poor drainage, both on court and surrounding the courts. Any redevelopment of these courts would require a full drainage design, the surrounding area should be considered in addition to the actual pavement surface drainage for each enclosure. There are no concrete plinths or pits at this complex; these would help prolong the lifespan of the courts if implemented in the redesign of this complex.   |
| <b>5. COURT FENCING</b>   |   |
| Comments in regards to fencing type (steel or powder coated) <b>AND</b> any visible damage or rust <b>AND</b> whether top and/or bottom rails are provided:   | Old PVC chain mesh fencing is used extensively throughout this site. There are no top or bottom rails and this had led to curling of the mesh at the bottom. The fencing is also slack and damaged in many areas. The three most concerning areas are; the Eastern side of Court 15 where the post foundations are failing and the fencing is leaning substantially, at the Southern end of Court 4 where there is a large hole and on the Western side of Court 13 where it allows access to the courts under the fence where it has been pulled up. Consideration and future budgets should be forecast to replace all fencing at this complex with black PVC chain mesh fencing with top and bottom rails. |
| <b>6. CAR PARKING</b>   |   |
| Comments in regards to whether it is a purpose built car parking including: sealed or unsealed, line marking, clearly marked traffic direction arrows, accessible spaces, access to courts for ambulance or car and/or security lighting: | Formed unsealed parking. It is not marked, however it is in a dedicated parking area in close proximity to the courts and clubhouse.<br>   |
| <b>7. COURT SURROUNDS</b>   |   |
| Comments in regards to landscaping, any overhanging trees or shrubs, shade trees or shelters:   | The perimeter grounds appear mown and well cared for – however maintenance to the nearby trees and drainage infrastructure is required urgently.  |



| 8. CLUB HOUSE  |  |
|--|--|
| Rating of facilities in general, please circle:<br><br>Excellent<br><b>Good</b><br>Fair<br><br>Poor<br><br>Other comments:<br>Inspection of the clubrooms was not conducted at this time | Please tick the facilities located on site; <ul style="list-style-type: none"> <li><input type="checkbox"/> First aid facility, including running water</li> <li><input checked="" type="checkbox"/> <u>Social Area</u></li> <li><input type="checkbox"/> Meeting room / Office</li> <li><input type="checkbox"/> Equipment storage</li> <li><input type="checkbox"/> Creche</li> <li><input type="checkbox"/> Toilets (secure &amp; adequate number – separate Male/Female)</li> <li><input checked="" type="checkbox"/> <u>Toilets (accessible)</u></li> <li><input type="checkbox"/> Change rooms (players)</li> <li><input type="checkbox"/> Change rooms (umpires)</li> <li><input checked="" type="checkbox"/> <u>Canteen/ Kitchen facilities</u></li> <li><input type="checkbox"/> Heating / air conditioning</li> <li><input type="checkbox"/> Impact protection glass windows</li> <li><input type="checkbox"/> Fire safety equipment / devices</li> <li><input checked="" type="checkbox"/> <u>Outdoor seating area, plus shade structure</u></li> </ul> |
| 9. ADJACENT LAND / FACILITIES  |  |
| Any comments in regards to adjacent facilities:  | Tennis courts are located within a picturesque reserve.  |
| 10. WATER AVAILABILITY   |  |
| Is there non-potable water available at the site?  | Unsure   |
| 11. ACCESSABILITY  |  |
| Are the facilities accessible?<br><br>  | Yes. There is a path connection to the carparking area. However accessibility around the complex is risky and poses numerous dangers underfoot, with cabling, small metal ramps and conduit piping at numerous unavoidable areas around the complex.   |



Identified **Urgent Priorities**, please list:



These unprotected electrical conduits and wires are at the entrance to the complex and pose a serious risk to the public and maintenance personnel.



These conduit pipes have small ramps that are meant to help accessibility within the walkway areas between courts however they are inadequate and pose a different level of risk with exposed wire, sharp metal pieces and piping that is still uncovered creating a major trip/slip hazard.

**Other Notes:**

**INSPECTION COMPLETED BY:**



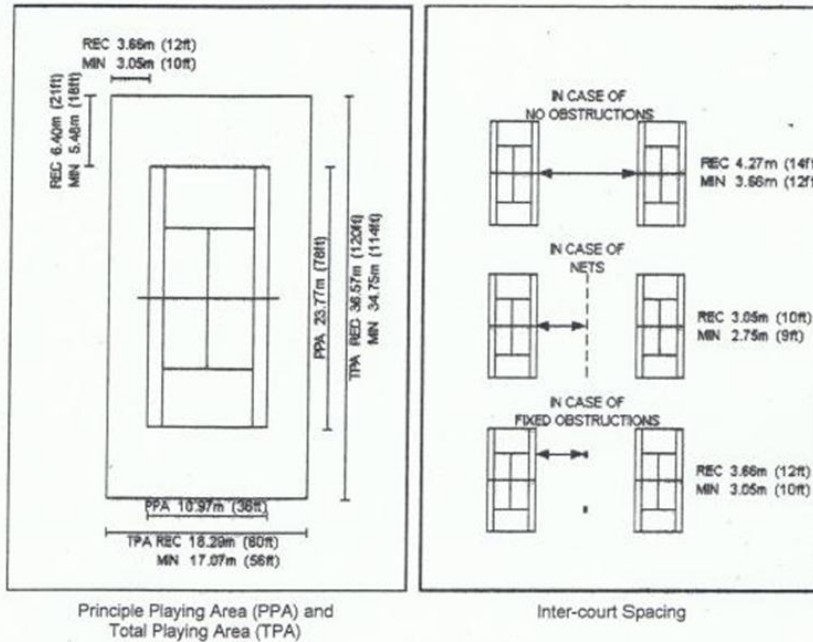
**Mick Hassett & Kellie Duff**  
**2MH Consulting**  
**Ph: 5427 3080**  
[admin@2mhconsulting.com.au](mailto:admin@2mhconsulting.com.au)



**Dimension guide**

for both recreational and club play (not to scale)

As a guide, the suggested recommended minimum and recommended dimensions for tennis courts are:



For more information contact your respective state / territory Member Association's Facilities representative.

Tennis ACT  
Phone: (02) 6247 8804  
facilities@tennisact.com.au

Tennis NSW  
Phone: (02) 9763 7644  
facilities@tennisnsw.com.au

Tennis NT  
Phone: (08) 8981 5609  
facilities@tennisnt.com.au

Tennis Queensland  
Phone: (07) 3871 8555  
facilities@tennisqueensland.com.au

Tennis SA  
Phone: (08) 8212 6777  
facilities@tennissa.com.au

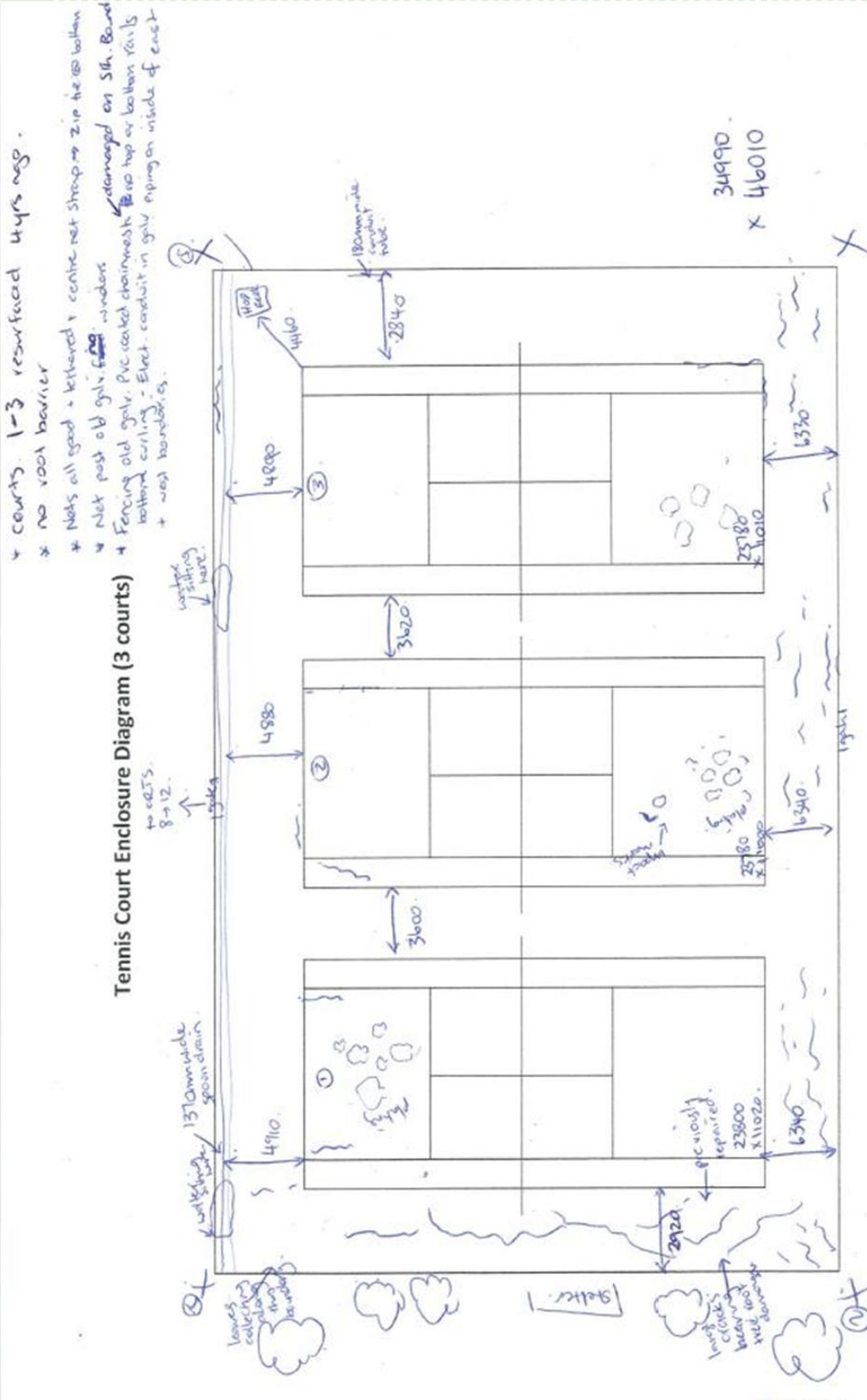
Tennis Tasmania  
Phone: (03) 6334 4237  
facilities@tennistasmania.com.au

Tennis Victoria  
Phone: (03) 8420 8420  
facilities@tennisvic.com.au

Tennis West  
Phone: (08) 9361 1112  
facilities@tenniswest.com.au

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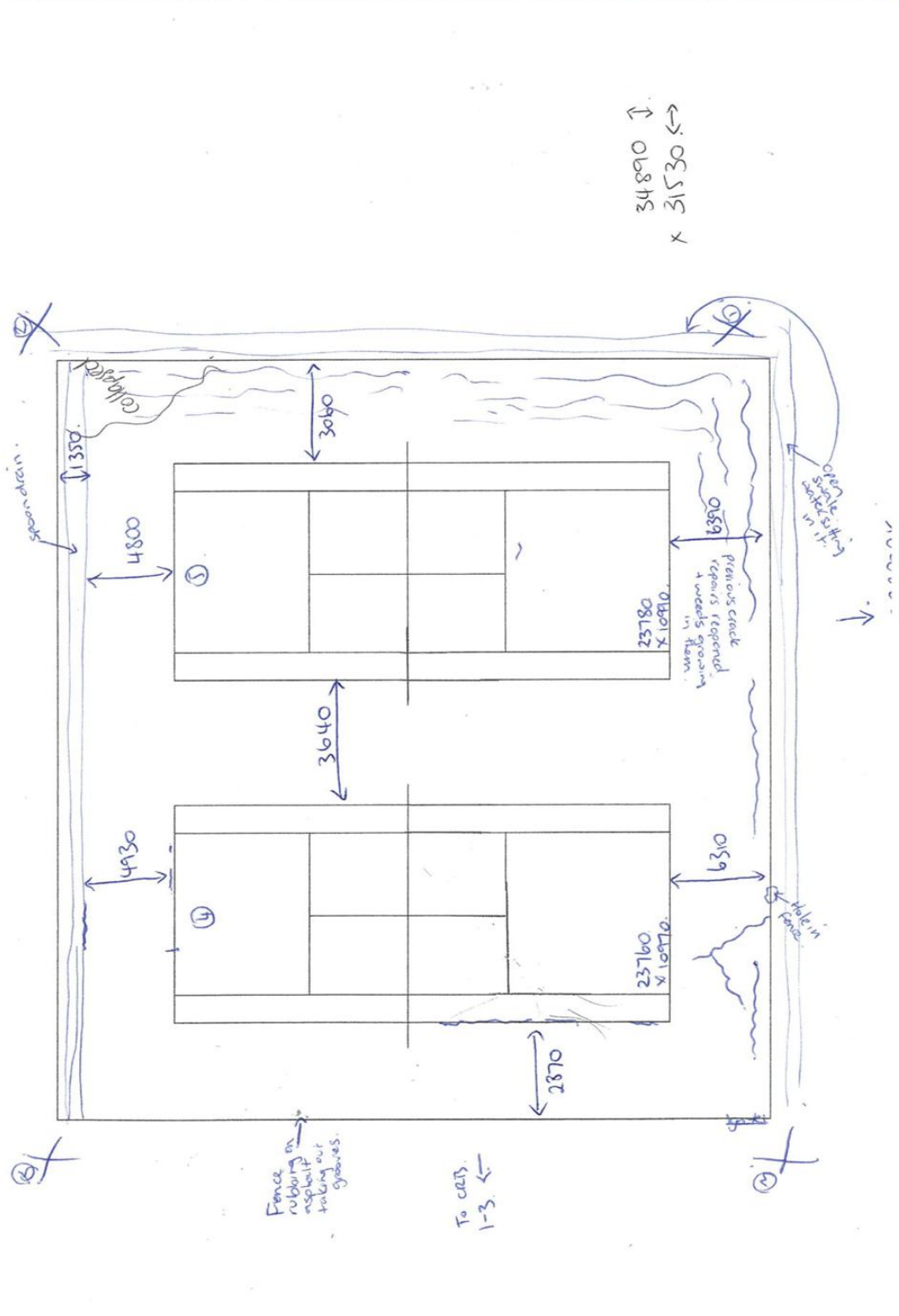






\* nets both good. feathered & centre-net strap, anchors ok present.  
 \* net post fixed ~~present~~ winders,  
 \* gates not functioning as they should across site.  
 pavement edges collapsing due to edge failure  
 the shale drains are insufficient  
 external  
 ↑ To crts.  
 b+t.

Tennis Court Enclosure Diagram (2 courts)



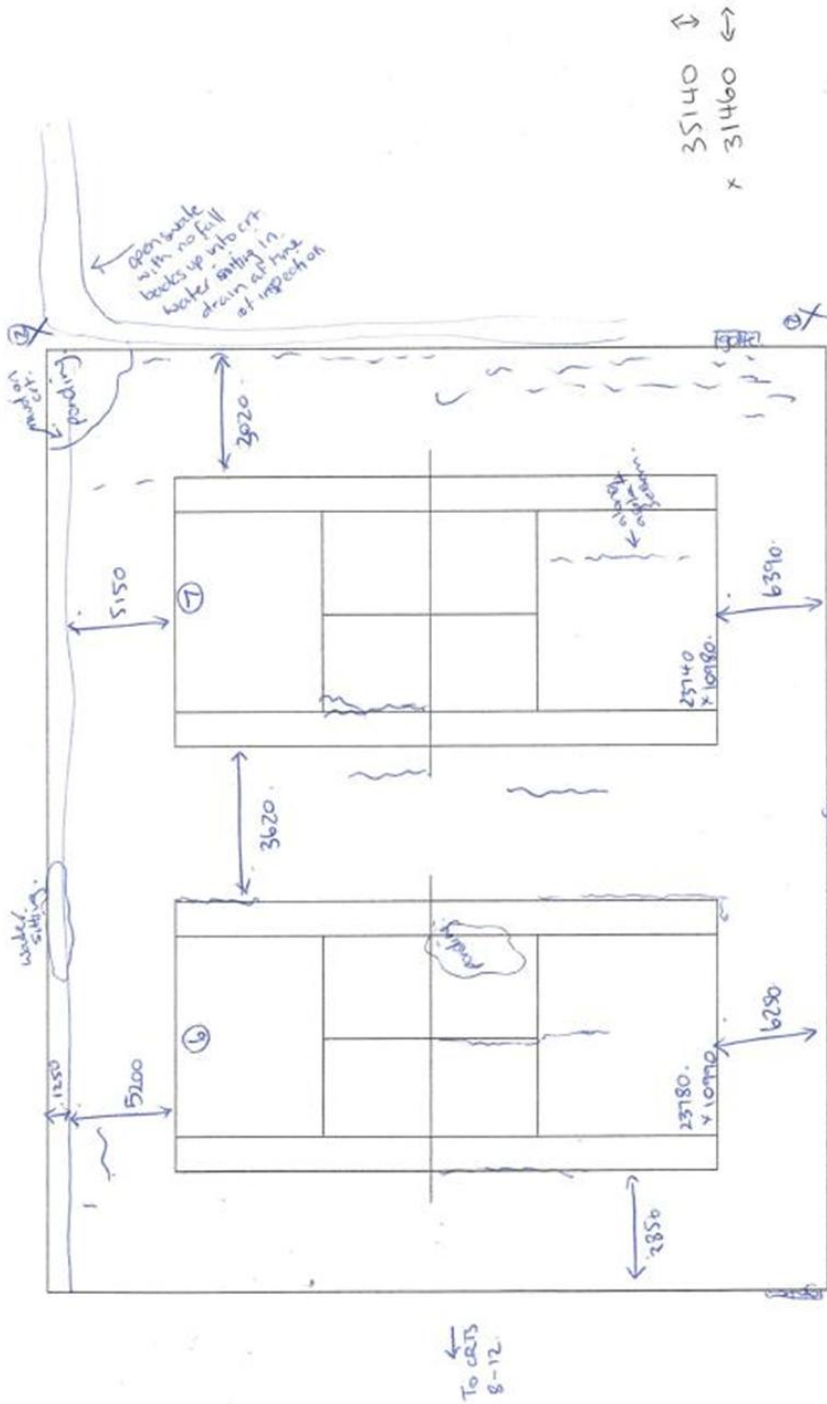
34890 ↑  
 x 31530 ←

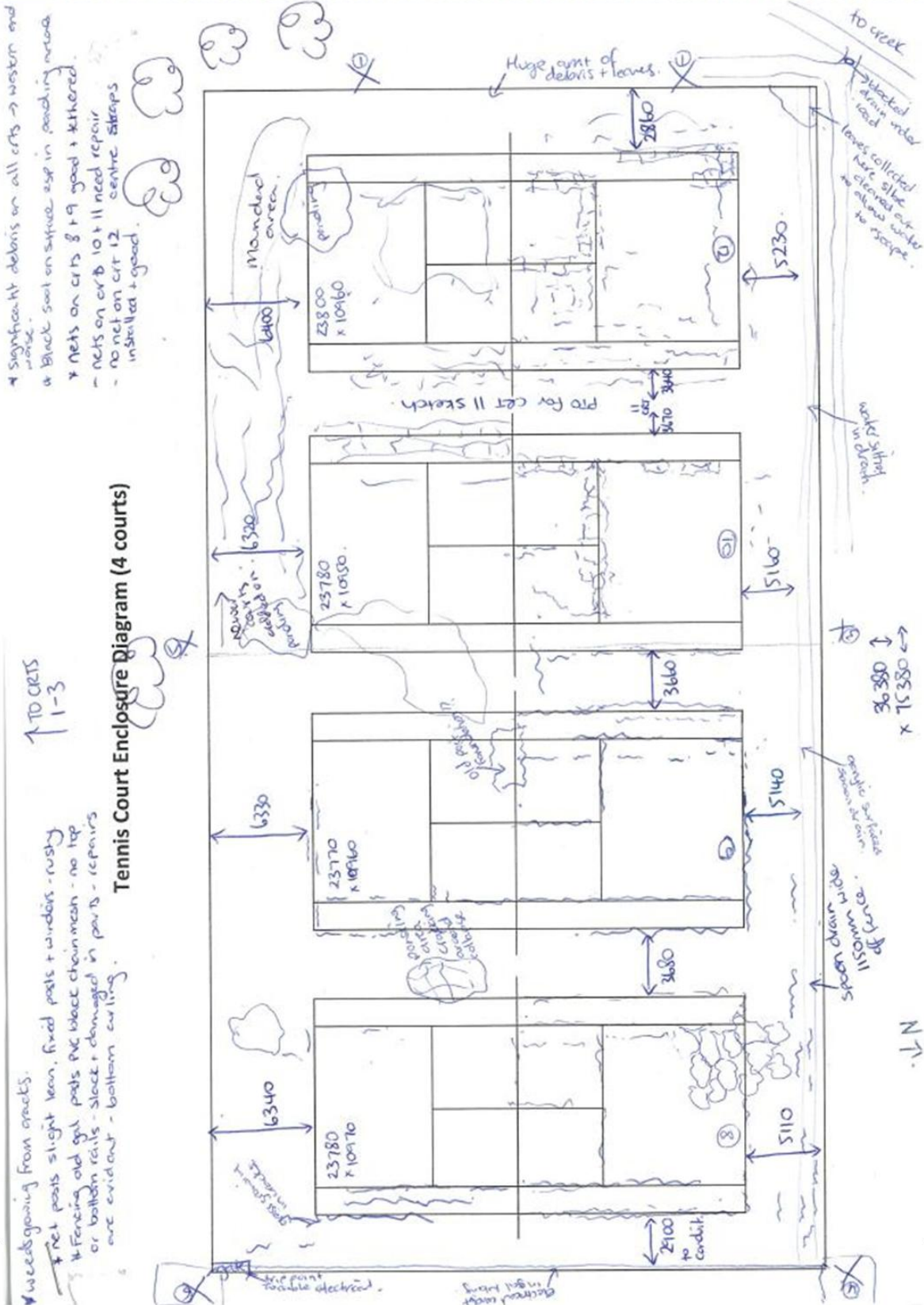


- \* nets both cts good + tethered + center net strap.
- \* net posts old galv. in fixed windows.
- \* Fencing old galv in pic black mesh no top or bottom rails - cutting @ bottom.

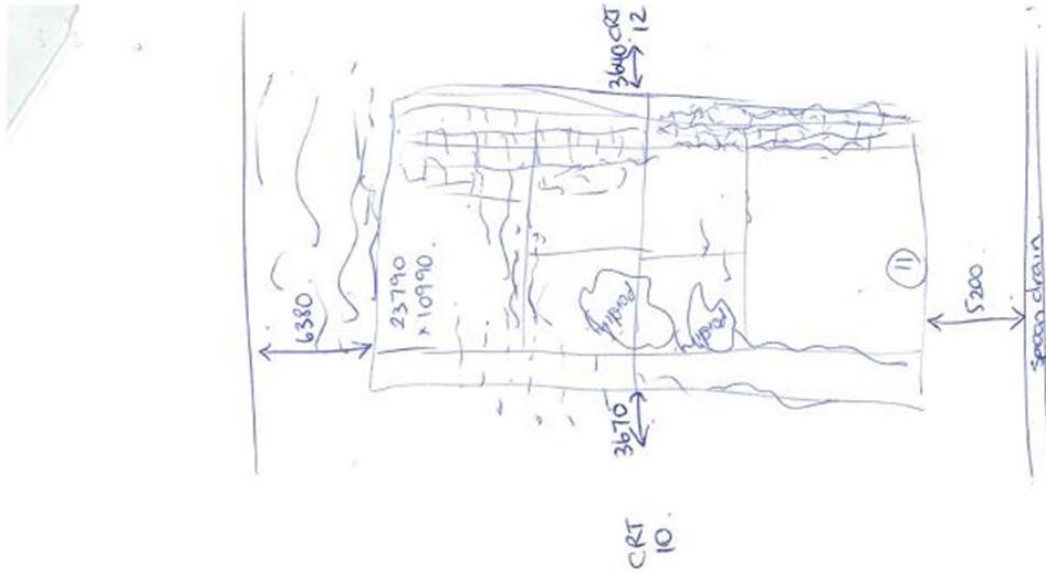
To ccts 13-15  
↑

Tennis Court Enclosure Diagram (2 courts)









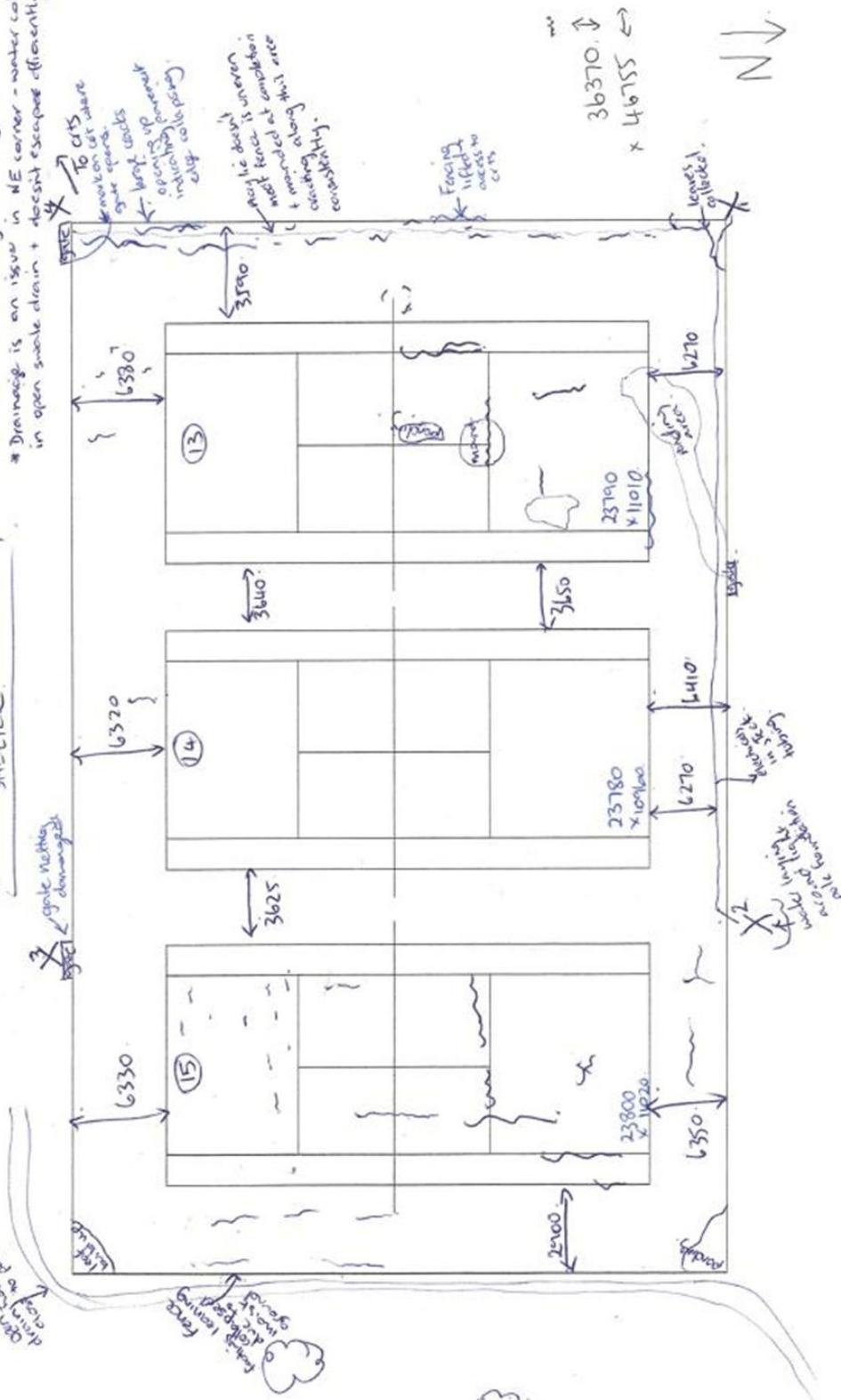


- \* Net post old egg fired winders - slightly leaning
- \* Net good condition need to be tethered to bottom of posts on all centre net strap fitted properly only on dt 13 all others damaged
- \* Cr 13 in poor condition - uneven surface esp with end with mounding + ponding evident
- \* Drainage is an issue in NE corner - water collects in open swale drain + doesn't escape efficiently

**Tennis Court Enclosure Diagram (3 courts)**

TO CRTS  
677

- \* weeds growing from cracks
- \* flat cracks mostly
- \* Fencing old - PVC chamfered to top or bottom rails
- \* slat leaning on eastern side + damaged areas
- \* General poor condition of fence
- \* mounded on fence
- \* Gate not damaged

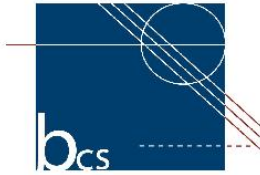




Overall site sketch.



covering exposed - electrical repair  
cable + reinforced mesh



JON BUCKLE, *M.I.E. Aust, C.P. Eng*  
*(Civil & Structural), B.E. Civil.*

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E-mail : [jonbuckle@bcseengineers.com.au](mailto:jonbuckle@bcseengineers.com.au)

**Consulting Engineers Pty. Ltd.**  
A.C.N. 119 809 675 A.B.N. 28 283 904 297

## **REPORT ON CONDITION OF MOE TENNIS CLUB COURTS, BOTANIC GARDENS MOE**



***LATROBE CITY COUNCIL***

REFERENCE: 11714/12  
DATE: 17/08/12



MOE TENNIS COURTS  
MOE TENNIS CLUB

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MOE TENNIS COURTS  
MOE TENNIS CLUB

## **1.0 INTRODUCTION**

The purpose of this report is to investigate the conditions of the existing tennis court complex and offer recommendations on the viability of the site as an ongoing tennis court complex.

## **2.0 THE SITE**

The site is located near the Moe Botanic Gardens within the Latrobe City Council. The principal vehicular access to the site is by way of Botanic Drive. See figure 1.



**Figure 1. Site Plan**

The club infrastructure includes a clubhouse, 15 tennis courts and car parking.

## **3.0 EXISTING CONDITIONS**

The courts are asphaltic in nature and generally fall in an easterly to north/easterly direction. The courts are divided by a walkway, which runs in a north/south direction. The eastern and western sides of the courts are bounded by trees. A creek also abuts the court on the western side.





MOE TENNIS COURTS  
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The courts are approximately 15 years old and have had various forms of resurfacing over this time.



**Figure 2 – Typical Court Condition**

Figure 2 shows the typical condition of the courts.

Around the perimeter of the courts, some significant surface cracking is evident. This cracking could be result of the close proximity of trees and or inadequate drainage, both surface and subsurface.

The grading of the courts is based on sloping planes and not a crest and valley design. A unique part of the courts are the shaped asphaltic spoon drains. The spoon drains have been strategically placed to intercept court runoff. As expected with this type of spoon drain construction it is difficult to construct uniform grades



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and the drains do hold water in places. The inappropriate location of large concrete blocks does not help the drainage situation. It is recommend that a detailed engineering feature survey is undertaken to check the grades of the existing courts.

The spoon drains convey water to open swale drains that are prevalent on the eastern sides of the court complex. The swale drains are shallow and hold water.

The geotechnical report shows a reasonably thick pavement constructed on firm clay. The pavement thickness is in the order of 300mm thick and asphalt 20-30mm thick.

It is understood the courts are not subjected to flooding from the nearby creek.

#### **4.0 INVESTIGATION RESULTS:**

It is understood that reconstruction of the courts is required and this has already been predetermined. The author of this report agrees that significant reconstruction works are required.

The site is suitable for reconstruction works. The underlying silty clay is moist but more importantly stiff. The clay can support the construction traffic associated with court construction.

Whilst the courts show areas of significant cracking and distortion, this is generally isolated and not prevalent over the whole court precinct. The general grading of the courts appears adequate and the shape or fall of the court planes have remained relatively true. This later issue is very important with respect to court reconstruction. If there were waves of distress over the whole court area then this would indicate issues with the underlying clays.



MOE TENNIS COURTS  
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## **5.0 CONCLUSIONS**

- The site requires significant reconstruction works.
- The site is suitable for reconstruction. Note, BCS Consulting Engineers reserve the right to a final opinion once a detailed engineering survey has been undertaken. The survey will confirm the existing grades and drainage paths of the court complex.
- The site can be reconstructed with an emphasis on the following infrastructure items:
  - Concrete spoon drains in lieu of the existing formed asphaltic spoon drains.
  - Subsurface agricultural drains.
  - Root barriers.
  - Underground drainage within the court precinct.
  - Deepened and or underground drainage to replace the existing shallow swale drains. Note, should inadequate outfall drainage be available then drainage sump pumps may be required.
- The composition of the courts can be of asphaltic construction or concrete construction. The land is not prone to flooding therefore concrete construction is not mandatory. Nevertheless, some further investigation is recommended to ascertain the cause of the extensive fungal growth on the courts. Asphalt is somewhat porous and cavatitious in nature as compared with concrete, particularly if a plastic membrane is used under the concrete. It is possible that moisture vapors add or indeed create a suitable environment for the fungal growth. The plastic membrane under the concrete will prevent the formation and hence entrapment of moisture vapors under the base of the finished court surfacing.



MOE TENNIS COURTS  
MOE TENNIS CLUB



Jon Buckle *M.I.E. Aust, C.P. Eng (Civil & Structural), B.E. Civil.*  
**bcs** Consulting **Engineers** Pty. Ltd



# Moe Tennis Courts Re-development Advice

## Update February 2014



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## 1. EXECUTIVE SUMMARY

On Thursday January 30 2014 representatives from 2MH Consulting revisited the Moe Tennis Club to inspect the courts further (post-seismic activity) and to confirm their thoughts that the courts require total reconstruction.

Mick Hassett, Director and Project Manager with 2MH Consulting attended site with Jon Buckle, Consulting Civil Engineer, and Brett Field who is a sports court specialist surfacing contractor.

It was unanimously agreed between the three consultants/advisors that the decline and further degradation that has occurred with the tennis courts at Moe, places them in a situation where any short to medium term rejuvenation attempts will most certainly fail.

The consultants had discussed (prior to visiting site on Thursday January 30 2014) the possibility of undertaking low cost remedial works to rejuvenate the courts based on their knowledge of the state of the courts – as reported on November 16 2011 and February 6 2012. However, after visiting the site in 2014 it became immediately apparent that the seismic activity that occurred since the past site visits had in fact seriously impacted the courts.

It is the opinion of all three of the consultants who attended site that any attempts to repair the tennis court surfaces without addressing the drainage or the poor pavement base is a waste of time and money. This conclusion was arrived at after the consultants considered the alternatives available to undertaking a full reconstruction of the facility.

This report discusses further the options available to treat damaged and deteriorated courts – in the hope of achieving short to medium term (say 2/3 – 5/7 years) usable life in the courts. The Moe tennis courts are not candidates for this treatment for a number of reasons. These reasons are discussed further in the following section – Issues and Observations.

## 2. ISSUES AND OBSERVATIONS

As reported in the tennis facility audit report prepared in November 2011 by 2MH Consulting, "The type of damage to the pavement and acrylic surface of these courts would suggest that the pavement has been affected by a combination of age, lack of routine maintenance, poor drainage and water inundation from either the surface or rising water table as this facility has a creek running adjacent...."

The above comment was taken from the facility audit report conducted in November 2011 and it was in reference to courts 13, 14 and 15. These comments did also apply to all 15 courts on site. The courts are displaying severe wear; the acrylic surface has been damaged and very poorly applied. The asphalt is cracking, collapsing and showing reflective cracking from the pavement beneath the acrylic surface, from an inappropriate line marking paint having been used previously on site.

Oil based line marking paints eat into the asphalt and cause cracking in perfectly straight lines. This damage is almost impossible to rectify, and it has occurred throughout the Moe tennis complex.



*The picture above shows opportunistic weed growth within the cracked asphalt directly along the tennis court lines.*

Other significant problems with the existing tennis courts is that they have been constructed so that they do not meet current standards in relation to compliance. The run off areas around the courts are in many cases undersized. This was simply a design error, as the courts are large in actual footprint size, but they have unfortunately been built with a large and deep asphalt spondrain within the rear run off areas.



*The picture above shows a large spondrain running along the rear of the tennis courts with a collection of grime and loose material within the invert of the drain. This spondrain is situated within the safe run off zone behind the courts, which should be no less than 5.48 metres in length. This makes the courts non-compliant.*

Past attempts to undertake crack repairs have not been successful, and in fact these efforts have helped to highlight just how useless that process is on this facility. There is plenty of evidence across all courts that crack repairs undertaken in the past have either simply failed, or continued to crack and deteriorate further. This demonstrates that no matter how many Kilograms of crack sealant is used and how many coats of acrylic sports surfacing is applied, the cracks will continue to open up and spread.



***The spreading of the crack pictured above has occurred either end of the old repair, and the initial repair has failed. This is due to excessive movement in the asphalt and most likely the pavement base.***





***Evidence of past crack repair attempts and further new cracking throughout the court can be seen above.***

Additional issues that determine that the tennis courts at Moe are beyond repair and now require reconstruction, is the absence of any concrete plinths or retaining edges that help support and contain the asphalt pavement. There is also a problem with no root barriers being installed around the pavement, as this exposes the asphalt to movement through root damage and sub-grade destabilisation. There are many sections of the existing tennis courts that are displaying serious pavement collapse.



*Immediately adjacent to a stand of trees and shrubs, the pavement has collapsed and can no longer be patched up.*





*More pavement collapse where the pavement is situated close to a large Banksia Species. Not only do the roots undermine and damage the courts, the leaf and seed pod shedding also damages the sports surface and makes the courts unsafe.*



***Careful consideration needs to be given to the existence of sports pavements immediately adjacent to trees and shrubs. Very rarely do they live in harmony together.***

Much to the surprise of the consultants visiting site, it was extremely obvious that the seismic activity within the Moe area appears to have severely impacted upon the tennis courts. Upon revision of the original site sketches prepared on site in November 16 2011, it was easy to identify a wide array of long cracks that had opened up across all sections of the pavement. There was no hint of these cracks during the 2011 site visit.

The consulting civil engineer – Jon Buckle, commented while visiting site in 2014, that he had never seen cracks like it in an asphalt pavement. The length and shape of the cracks was extraordinary and suggested that the asphalt pavement had been irreparably damaged and the pavement base seriously compromised – if not totally destroyed and unfit for building upon.



*The cracks that have now appeared throughout the pavement (which were not evident in 2011) stem right across numerous courts and each and every court enclosure.*



*The shape of the cracks was peculiar and really didn't provide any clear reasoning for why the pavement had cracked in that fashion. The consultants were shocked, but had to concede that it could only have been the seismic activity that created this damage.*





***Any redesign works undertaken for this site would have to consider the existing soil type, the moisture/water content within the sub-soil and perhaps now even the risk of repeated seismic activity and the potential subsequent damage.***


Essentially, it is going to be very difficult to restore the Moe tennis courts back to a safe, playable condition by only embarking upon remedial type works. 2MH Consulting has extensive experience in the redesign and reconstruction of tennis and netball sports pavements, and very rarely can remedial works be recommended. The Moe tennis facility has degraded to such a state that no remedial works can be guaranteed to last beyond 12 months. The level of investment required to implement any of the usually considered court surface rejuvenation operations is such that premature failures will render the site useless and the funds will have been wasted.


### 3. PRICING COMPARISONS

There are a number of industry accepted approaches to the restoration of sports surfaces for tennis and netball courts. The degree of success achieved will often depend upon the state of the existing facility, the way in which it was originally constructed, and the capability and credentials of the appointed contractor employed to undertake the remedial works.


For the purpose of comparing the level of investment required to restore the Moe tennis facility back to a playable state, a table has been prepared which highlights each individual approach, the cost of each, with comments outlining the overall viability of each approach.



| No | Restoration Approach   | Description  | Cost per court                                       | Cost for multiple courts (costed on 8 courts) | Comments   |
|----|--|--|--|---|--|
| 1  | Basic crack repairs and a 2 coat acrylic sports surface application. | <p>Grinding and sanding of the existing sports surface, cutting out and filling all cracks with a flexible material.</p>  | Allow \$10,000.00 per court for a 2 coat resurfacing | \$80,000.00 for 8 courts                      | <p>This approach does not address the non-compliance issues with short rear run-offs, it fails to rectify on-going drainage issues, pavement collapses or major problems such as base problems. It is also highly unlikely to last 12 months without considerable failures occurring.</p> <p>This approach is not considered viable as existing court damage and cracking will, very quickly, reflect through.</p> |

| No | Restoration Approach                  | Description  | Cost per court             | Cost for multiple courts (costed on 8 courts)                | Comments   |
|----|---------------------------------------|--|----------------------------|--|--|
| 2  | Resheeting with Asphalt and Geofabric | <p>Laying a geofabric material over the entire courts and reapplying a 30mm (min) thick layer of asphalt. Resurface with a 3 coat sports surface system.</p>  | Allow \$35,000.00 plus GST | Savings can be made over a number of courts.<br>\$252,000.00 | <p>This approach does not address the non-compliance issues with short rear run-offs, it fails to rectify on-going drainage issues, pavement collapses or major problems such as base problems.</p> <p>This approach is not considered viable as existing court damage and cracking will, overtime, reflect through.</p> |

| No | Restoration Approach                                     | Description  | Cost per court        | Cost for multiple courts (costed on 8 courts) | Comments   |
|----|--|--|-----------------------|---|--|
| 3  | Rubberised sports surface installed over existing courts | <p>Supply a 7mm thick floating rubber system over the existing courts and paint with sports surfacing product – minimum 5 coats.</p>  | \$37,000.00 per court | \$296,000.00 for 8 courts.                    | <p>This approach does not address the non-compliance issues with short rear run-offs, it fails to rectify on-going drainage issues, pavement collapses or major problems such as base problems. It is also highly unlikely to last more than 12 months without considerable failures occurring.</p> <p>This approach is not considered viable as existing court damage and cracking will, overtime, reflect through.</p> |

| No | Restoration Approach           | Description   | Cost per court  | Cost for multiple courts (costed on 8 courts)  | Comments  |
|----|--------------------------------|---|---|--|---|
| 4  | Total reconstruction of courts | Embark upon a total redesign of the 13 court facility, addressing all drainage, fencing, future lighting and new sports surfacing.  | Depending upon the final design requirement, pavement depth, asphalt details etc – costs will range from \$80,000.00 - \$100,000.00 per court | Using \$80,000.00 as a guide for 8 courts = \$640,000.00 plus full design and project management works total of approx. \$700,000.00 | With the current economic climate (early 2014) there is serious potential to extend this budget closer to 10 courts that could be built for around \$750,000.00. This approach will address all drainage issues, pavement problems, provide new fencing, new playing surface and new infrastructure such as nets and net posts. |

In order of cost, from the cheapest to the most expensive, the options are summarised below –  
 Basic crack repairs and a 2 coat acrylic sports surface application = \$80,000.00 plus GST for 8 court treatment.  
 Resheeting with Asphalt and Geofabric = \$252,000.00 plus GST for 8 court treatment.  
 Rubberised sports surface installed over existing courts = \$296,000.00 for 8 court treatment.  
 Total reconstruction of courts = \$640,000.00 for 8 (possibly 9-10) courts.

All pricing above excludes professional design and project management services.

## 4. STAGED WORKS IMPLEMENTATION

To implement the recommended reconstruction works will take careful planning and accurate budgeting. It is suggested that the following works stages be adopted and implemented –

### **Stage 1A – Site Masterplanning and Design**

Works will include full electrical and lighting design, civil design and drainage design – and tennis specific design allowing for total site Masterplanning. Cost Estimate = \$40,000.00 plus GST

### **Stage 1 – Demolition of 2 existing courts and reconstruction of 6 new tennis courts**

Works to include demolition of 2 existing courts (Courts 11 and 12) and reinstatement back to Botanical Gardens – lawn only. Estimate \$15,000.00 plus GST  
Light towers to the west of the site may be able to be relocated and reused. Exact pricing for this is unknown until lighting and electrical works has been undertaken. Cost Estimate = \$40,000.00 plus GST

Construction of 6 new tennis courts with asphalt pavement, new drainage, new fencing and tennis infrastructure. Costs based on “best guess” off current industry pricing and basic acrylic surfacing. Cost Estimate = \$480,000.00

### **Stage 2 – Construction of 4 new tennis courts**

Construction of 4 new tennis courts with asphalt pavement, new drainage, new fencing and tennis infrastructure. Costs based on “best guess” off current industry pricing and basic acrylic surfacing. Cost Estimate = \$320,000.00

Efficiencies can be made through undertaking all design works at the beginning for Stage 1A, tendering all construction works a package for Stage 1 and Stage 2 – even if spread over 2 financial years so as to get the best pricing overall. Project Management for 2 stages of construction works will be greater than constructing as 1 stage, therefore cost estimates for professional project management over 2 stages of construction will be - \$30,000.00 plus GST

**Stages 1 and 1A total estimated costs = \$575,000.00 plus GST**

**Stage 2 (with professional tennis specific project management) = \$350,000.00 plus GST**

**Total combined works Stage 1A, 1 and 2 = \$925,000.00 plus GST**

## 5. MAINTENANCE IMPLICATIONS

It is important to keep in mind that no sports surface is maintenance free and cost free to keep in a safe and playable condition. However, a fully reconstructed facility will have the least maintenance costs attributable, particularly in the first few years while still under warranty. An asphalt resheet, low end crack repairs, and the rubberised surface will most certainly require regular intervention and on-going remedial works every year going forward, while the job continues to degrade and the facility becomes unusable.

All of the options offered in the previous table will require the same level of regular care in terms of surface cleaning and repainting after 5-10 years, depending upon the level of use. Only a full reconstruction can assure the tennis club and Council of a fully compliant, high quality facility with low cost maintenance obligations over the next 10+ years.

## 6. CONCLUSION

It is the opinion of all of the consultants who have attended site at the Moe Tennis Club that the existing 15 court facility is now in a state of disrepair that cannot be rectified without significant investment. Any efforts to rejuvenate the playing surface without addressing the drainage problems, poor base, aged and damaged asphalt and the second rate surfacing job, will most certainly fail. Lower cost remedial works will not deliver satisfactory results, and the courts will be damaged and heading towards once again being unplayable within months or just a year or two – depending upon which of the cheaper works options are implemented.

As Tennis Victoria's exclusive technical advisors, 2MH Consulting has been committed to helping tennis clubs and Councils work towards achieving better facilities for the sport of tennis. Band Aid solutions very rarely work, and will only lead to disappointment, and possibly litigation.

Some examples of the design works undertaken by 2MH Consulting over recent years have been included at the rear of this document, for your information. We encourage you to inspect the facilities that we have been involved with the design and project management of, and speak to people who use the facilities we have redeveloped. We are confident that once you step foot on one of our new complexes – like Kinglake, Natimuk, Woodend or any one of the 6 sites in Horsham, that you won't be let down.



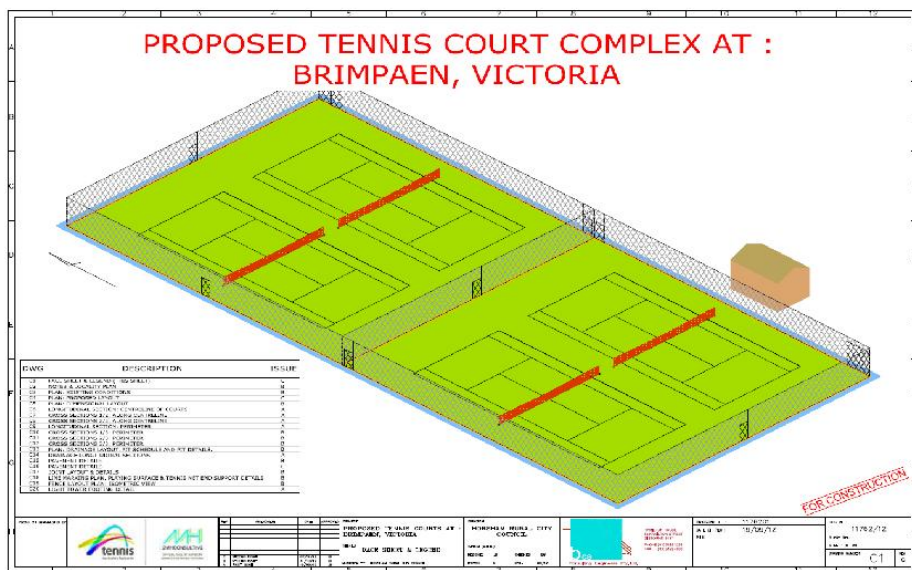
Mick Hassett  
Director/Project Manager



## 7. EXAMPLES OF PREVIOUS DESIGN & PROJECT MANAGEMENT WORKS

**Horsham 6 Tennis Project** – 28 courts design, documentation and Project Management over 6 sites, construction value \$4.7 million, total construction timeframe 6 months - Horsham Rural City Council.

### Brimpaen Tennis Design:



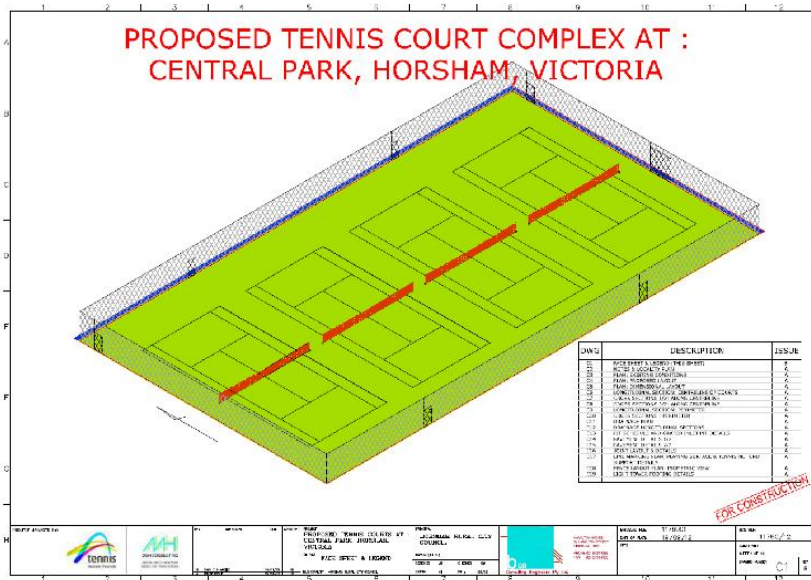




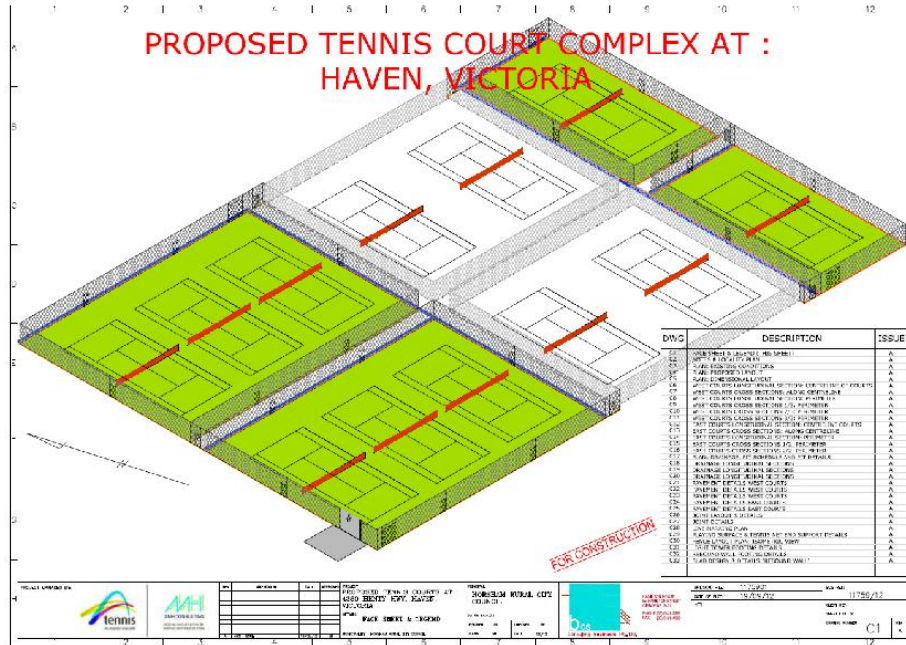




Central Park Tennis Design:



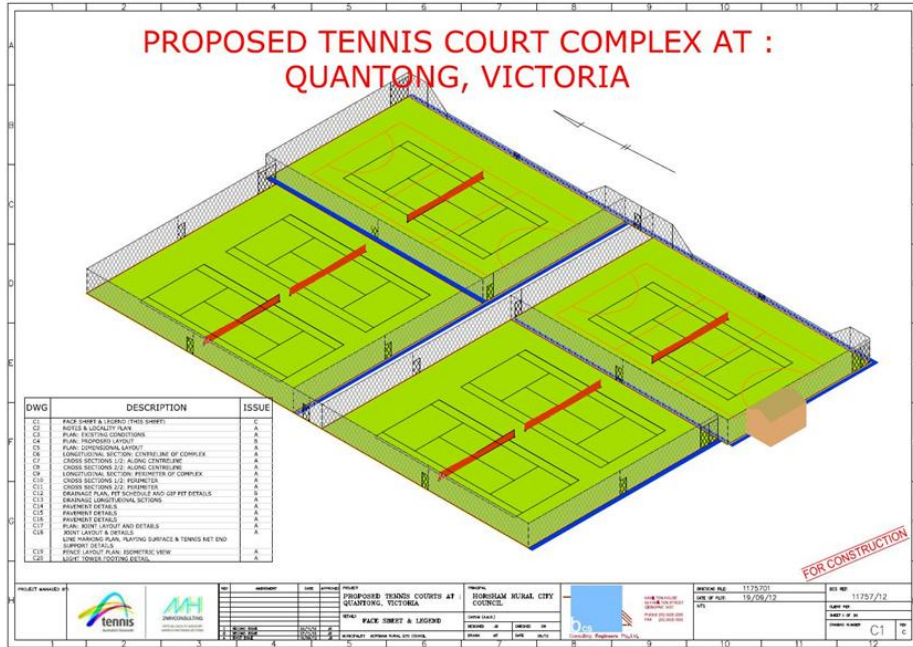
Haven Tennis Design:







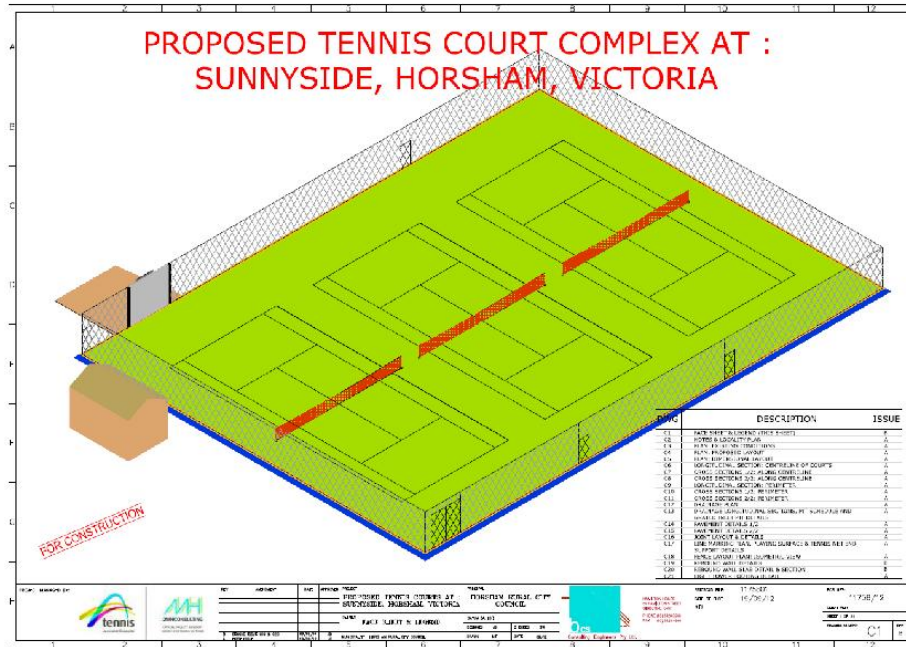
**Quantong Tennis/Netball Design:**





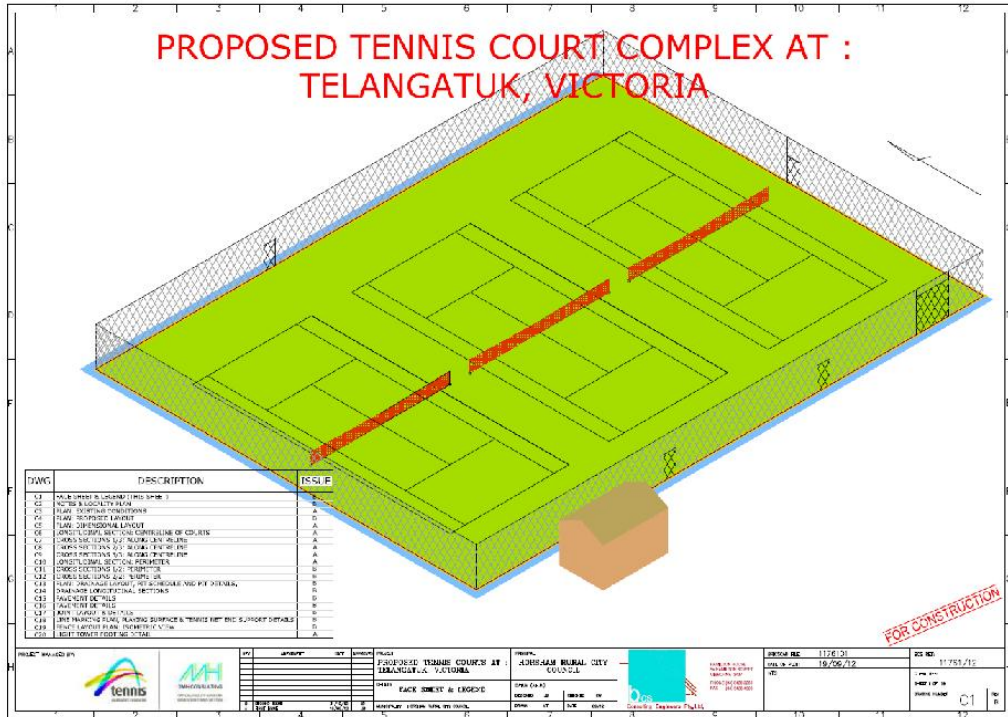


**Sunnyside Tennis Design:**





**Telangatuk Tennis Design:**

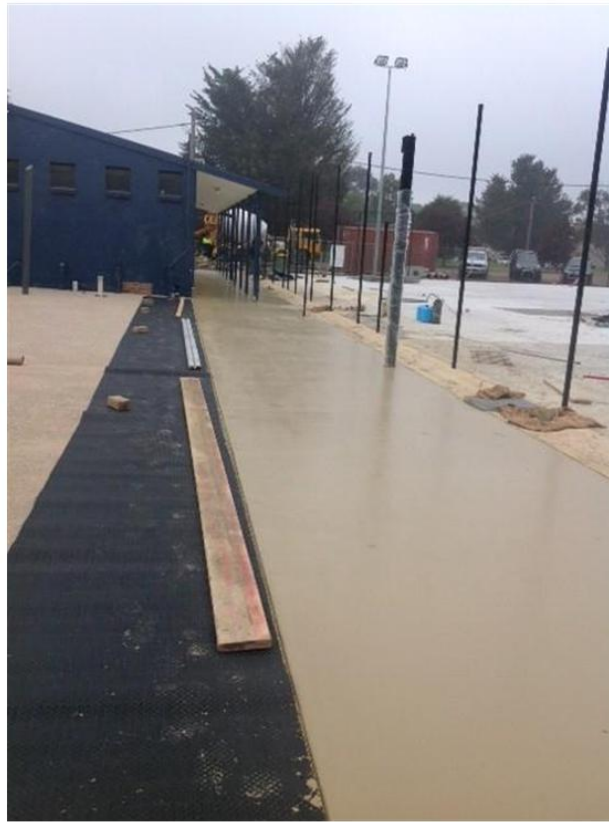






**Woodend Tennis Court Reconstruction Project – 6 courts, common area infrastructure & connections; design, documentation and Project Management \$800k - 2013**





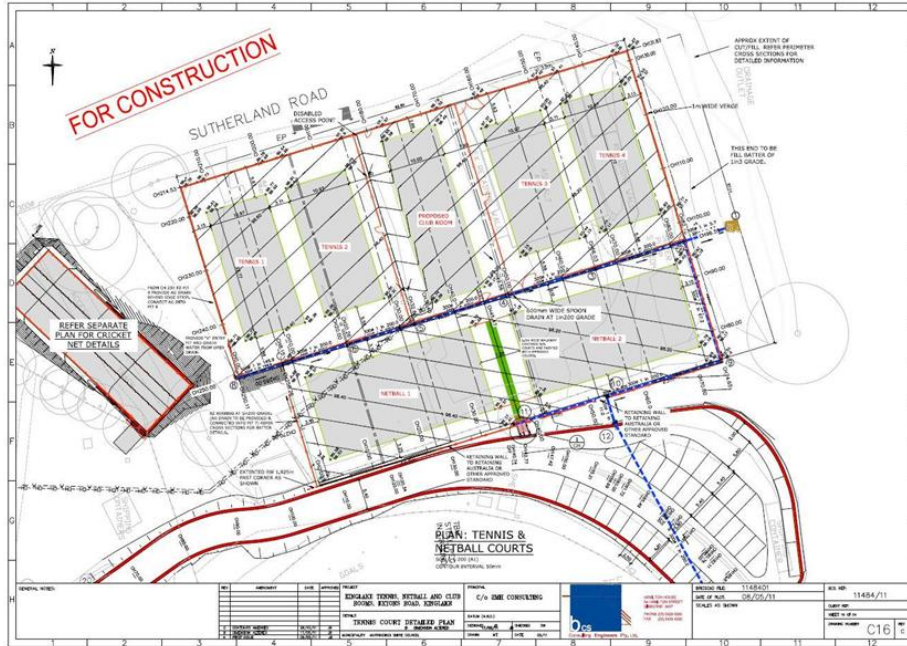








**Kinglake Tennis/Netball Court Construction Project – 4 tennis courts, 2 netball courts, new pavilion, connections and sportsfield development; design, documentation and Project Management \$2 million - VBRA 2013**









## 8. REFERENCES



30 August 2013

Mr Mick Hassett  
2MH Consulting  
PO Box 1135  
Kyneton Vic 3444

Dear Mick

### Horsham 6 Tennis Courts Project

I am writing to thank your company, and in particular Kellie and you, for the exceptional design and project management of our two major tennis court projects completed during 2012-13.

These projects are not the type of project normally conducted by Council, and we realised we needed specialist expertise to assist in getting them done.

The Natimuk project was a pilot for the subsequent larger project, and the exceptionally smooth conduct of the Natimuk project, from design through to completion, gave us significant confidence in our ability to draw on your expertise for the larger \$4.7 M, Horsham 6 project. This latter project, involving the construction of 28 projects at six sites scattered across the municipality, and up to 50 km from Horsham, involved a huge amount of project management during design and construction.

Significant challenges involved in these projects included:

- Tight time frames for completion of designs – as the construction period was limited by the period of funding availability – this put pressure on the design time.
- Development of quality designs to avoid variations.
- Engagement with the community, to ensure that the designs met the varying needs of the different communities.
- Quality project management, to ensure that construction occurred according to the designs and in compliance with construction standards and user requirements.

The success of this project must be attributed to a very large degree to the skills and capability of your company.

Please pass on Council's thanks to your entire team. We most certainly could not have done this without you.

Yours sincerely

John Martin  
Director Technical Services

Address correspondence to: Chief Executive Officer PO Box 511 Horsham Victoria 3402  
Civic Centre 18 Roberts Avenue Horsham Victoria 3400  
Ph 03 5382 9777 Fax 03 5382 1111 Email [council@hrcc.vic.gov.au](mailto:council@hrcc.vic.gov.au) Website [www.hrcc.vic.gov.au](http://www.hrcc.vic.gov.au)



23 September 2011

To whom it may concern

**Re: 2MH Consulting Recommendation**

It is with great pleasure that I write to recommend 2MH Consulting, namely Mick Hassett and Kellie Duff for the consultation, design and project management of recreational facilities.

Kellie headed up the Woodend Children's Park project over a three year period, this was a major local community park project in our municipality. Kellie volunteered her time to lead a 20 strong committee, project control group and local contractors to achieve outstanding results. This project delivered many benefits to the community; the committee networks throughout the community and project management provided personal growth, team and community building and strengthening. All groups involved with the park have fostered relationships and support networks and are still good friends. The park committee continues to effectively offer input and new additions to the park through their ongoing relationship with Council.

Throughout the design stage, Kellie and her team embraced the community by asking them what they wanted to see in their park. Kellie is a strong communicator and was able to ensure the community was informed of the projects progress and happily displayed the local primary school children's design your park competition entries alongside the concept designs allowing the public to see how their ideas had been incorporated into the design. A real sense of ownership was born from this work with the community and the benefits are evident to this day, with little rubbish and no vandalism in the 2 year old park.

The Park was designed with a sustainable and holistic philosophy: with drought tolerant low maintenance plantings, significant earth and drainage works, the incorporation of three phase power for community events, challenging play equipment for all ages, bbq facilities and open spaces, all within the existing natural environment. This design was the result of the collaboration between community, stakeholders, local professional services and local government.

Mick and Kellie project managed the construction of the park. They did this by continuing their open communication ethos, ensuring all stakeholders including the Macedon Ranges Shire Council were consulted throughout the process. We are very pleased with the exceptional coordination of this community park's consultation, design and construction processes. The park is a sustainable, welcoming and safe environment for the community to enjoy long into the future. Their efforts of not only building a much needed playground for their local community and visitors alike, but for also harnessing and demonstrating the strength, knowledge, commitment and ability of the

**All mail and tenders:**  
 PO Box 151, Kyneton, Vic 3444  
 Tel: (03) 5422 0333  
 Fax: (03) 5422 3623  
 E: [mrrsc@mrrsc.vic.gov.au](mailto:mrrsc@mrrsc.vic.gov.au)  
 W: [www.mrrsc.vic.gov.au](http://www.mrrsc.vic.gov.au)  
 ABN 42 686 389 537

|  |                           |                       |
|--|---------------------------|-----------------------|
| Kyneton Administration Centre 129 Mollison Street  | Hours: Mon-Fri 8.30am-5pm |                       |
| Gisborne Administration Centre 40 Robertson Street | Hours: Mon-Fri 8.30am-5pm |                       |
| Romsey Service Centre 98 Main Street               | Hours: Mon-Fri 9.30am-5pm | Open Thurs 9.30am-6pm |
| Woodend Service Centre cnr High and Forest streets | Hours: Mon-Fri 9.30am-5pm | Open Wed 9.30am-6pm   |



Woodend and surrounding community to ensure that the park will be well utilised well into the future should be applauded.

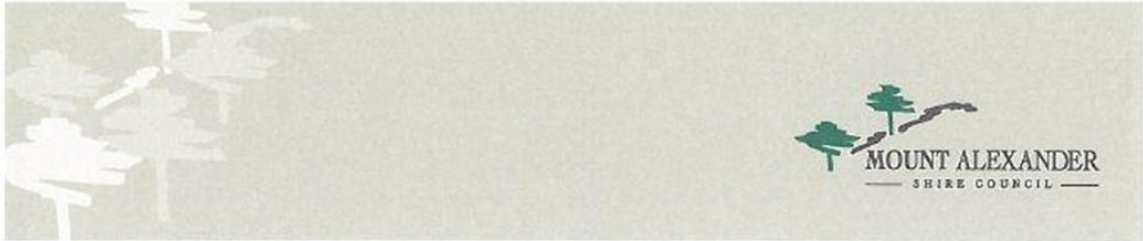
It is with great excitement that the Macedon Ranges Shire Council shares the experience and recognition of 2MH Consulting's involvement with other municipalities in the hope that others may benefit from their holistic approach to creating exciting recreational facilities

Please do not hesitate to contact me should you require any further information on 5421-1470 or [rclough@mrc.vic.gov.au](mailto:rclough@mrc.vic.gov.au).

Yours sincerely



**ROD CLOUGH**  
Manager Recreation and Cultural Development



4 December 2013

2MH Consulting  
3/48-50 Mollison Street  
Kyneton, VIC, 3444

To whom it may concern,

**Letter of reference for 2MH Consulting**

Mount Alexander Shire Council engaged 2MH Consulting through a recreation services panel in 2011, to provide Project Management and Design and Construction works.

Recently they have completed the Guildford Tennis Court and Taradale Tennis Court projects, the following tasks were involved:

- Design and specification development;
- Tender package;
- Tender evaluation; and,
- Project Management

Their skills and expertise throughout the project included their ability to engage local contractors to complete the works which has resulted in facilities that are now compliant with current standards and address user group needs.

In particular their strengths in the project life cycle have been communication, documentation and on site visits to oversee and control of the on ground works.

I would not hesitate in recommending 2MH for a similar size or larger projects and I can be contacted on 5471 1787 or [r.young@mountalexander.vic.gov.au](mailto:r.young@mountalexander.vic.gov.au)

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Ros Young'.

**ROS YOUNG**  
Recreation Services Team Leader

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Patron:  
The Honourable Alex Chernov, AD, OC  
Governor of Victoria

13 February 2013

To whom it may concern,

**RE: TENNIS VICTORIA FACILITY ADVISORY SERVICE**

Tennis Victoria, the peak body for tennis in Victoria, is pleased to support **2MH Consulting** in its commitment to providing the best possible tennis facilities and Facility Advisory Service for the tennis community in Victoria.

In many cases the provision of Facility Advisory Services for tennis clubs and councils can add to the ongoing viability of tennis facilities and ultimately provide opportunities for tennis players of all ages and abilities to access a quality tennis environment – an essential component of a sustainable community facility.

The 2010 - 2015 Tennis Victoria Strategic Plan details a strong emphasis on facility development and remains dedicated to improving the standard and ongoing viability of tennis facilities across Victoria. As a State Sporting Association we must always recommend best practise and align our organisation with quality products and suppliers to create the best outcome for tennis. This is the reason for Tennis Victoria's partnership with 2MH Consulting. 2MH Consulting has taken a leadership role in catering for the needs of Tennis Victoria, tennis clubs, councils and community.

Many clubs have already worked with 2MH Consulting on facility development projects. 2MH Consulting has over 10 years experience working with a range of different council's. The services provided by 2MH Consulting are well respected and good examples include the auditing of a number of tennis and netball facilities in the Mitchell Shire, City of Boroondara, Colac and Otway Shire and facility audits for tennis and netball clubs affected by the worst of the flooding in early 2011. In addition, 2MH Consulting has recently been awarded the project management role to oversee the redevelopment of six tennis facilities in the Horsham region.

Tennis Victoria believes that tennis facility auditing and tennis strategy initiatives such as this will assist in the achievement of all stakeholders strategic targets. On behalf of Tennis Victoria, I encourage all stakeholders to consult further with Tennis Victoria and our Facility Advisory Service. Please contact Tennis Victoria on (03) 8420 8420 if you require any further information.

Yours sincerely

Ken Jacobs  
Executive Manager  
Government Relations & Places to Play

Tennis Victoria  
ABN 29 757 304 158



# Moe Tennis Needs Assessment

Final Draft Report

February 2014



Prepared by SGL Consulting Group Australia Pty Ltd



[www.sglgroup.net](http://www.sglgroup.net)





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## 1 BACKGROUND

The Latrobe City Council is made of four major urban centres: Churchill, Moe/Newborough, Morwell and Traralgon with a number of smaller townships also within the boundaries. It is less than two hours drive from Melbourne and boasts all the recreational and cultural facilities of a large regional centre.

Latrobe City has a combined population of over 73,000 and is located at the gateway to Gippsland in the South East corner of Victoria.

This project has been commissioned in order to undertake a Needs Assessment for the Moe tennis courts that are situated in the Moe Botanic Gardens in Moe. Moe was recently (June 2012) subjected to an earthquake that caused significant damage to the Moe tennis courts and has added to the need to undertake this study as the courts are showing cracks through the surface of the plexi-pave treatment. Latrobe City Council was able to secure a level of insurance compensation that has been set aside for the potential resulting outcomes of this study.

The proximity of the four major urban centres of Moe/Newborough, Traralgon, Morwell and Churchill and the previous local governance structure of separate councils has created an allocation of courts to each area. When considered as a consolidated region there is a natural hierarchy that has emerged from large regional centres to small one and two court facilities.

In recent times the Traralgon facility has been redeveloped to become the regional centre for tennis with 24 courts (14 plexi-cushion, 8 plexi-pave and 2 synthetic clay) while the other three centres are considered to be sub-regional in nature with Moe (15 plexi-pave), Morwell (15 plexi-pave) and Churchill having just 7 plexi-pave courts.

The Latrobe Council consider that the continued provision of high quality and well-maintained facilities is important to ensure the ongoing growth of the club and in achieving maximum use of the available infrastructure and it is the task of this review to understand the needs and recommend the future provision of facilities for the Moe Tennis Club.

### 1.1 PROJECT OBJECTIVES

The project will:

1. Evaluate the current usage and capacity of the Moe Tennis Courts
2. Identify a range of court surfaces suitable for the site
3. Determine the number of tennis courts required for the facility
4. Provide a recommendation on what court surface would be feasible for the site
5. Provide a staging or implementation plan for the construction of the tennis courts
6. Provide a funding model for the reconstruction of the tennis courts
7. Provide a detailed design for the reconstruction of the tennis courts
8. Provide a detailed cost estimate based on the staging/implementation plan

### 1.2 PROJECT METHODOLOGY

The following methodology and associated tasks was agreed between SGL and Latrobe City.

*Table 1.1 Project Methodology*

|           |  |
|-----------|--|
| Stage One | Needs Assessment and Analysis  |
|           | <ul style="list-style-type: none"> <li>• Inception Meeting</li> <li>• Develop Engagement Plan</li> <li>• Review relevant documents and reports</li> <li>• Demographic Review</li> <li>• Industry Trend Review</li> <li>• Market Analysis</li> <li>• Occupancy Review</li> <li>• Key Stakeholder Interviews</li> <li>• State Government and State Sporting Associations Feedback</li> <li>• Surface Option Review</li> <li>• Facility Component Schedule</li> <li>• Site Review</li> <li>• Issues and Needs Report</li> </ul> |
| Stage Two | <b>Cost Benefit Analysis and Design Development</b>  |
|           | <ul style="list-style-type: none"> <li>• Values and Vision Workshop</li> <li>• Economic Benefit and Events</li> <li>• Business Case</li> <li>• Financial Modelling and sensitivity Analysis</li> <li>• Detailed Design and Construction Plan</li> <li>• Capital Cost</li> <li>• Funding Options</li> <li>• Draft Management Plan</li> <li>• Draft Report for Feedback</li> <li>• Final Report</li> </ul>   |





## 2 PROJECT AREA

Situated in the Gippsland area of South East Victoria, Moe is positioned within the City of Latrobe that encompasses a number of communities of varying size and populations. The following information outlines the past, present and future population data situation and trends that need to be taken into consideration when assessing the needs for specific sporting facilities for the region.

### 2.1 POPULATION TRENDS

Between 2006 and 2011 the population of the Latrobe City Council area increased from 69,329 people to 72,402 people. This equates to an approximate growth of 4.4% (3,073).

#### 2.1.1 Population Age Profile

The age profile of residents in 2011 (ABS) compared to Regional Victoria was estimated as follows:

*Table 2.1 Population Age Profile of Latrobe City*

| Latrobe City<br>Five year age groups<br>(years) | 2011          |              |                 | 2006          |              |                 | Change<br>2006 to<br>2011 |
|---|---------------|--------------|-----------------|---------------|--------------|-----------------|---------------------------|
|   | Number        | %            | Regional<br>VIC | Number        | %            | Regional<br>VIC |                           |
| 0 to 4  | 4,782         | 6.6          | 6.3             | 4,297         | 6.2          | 6.0             | +485                      |
| 5 to 9  | 4,539         | 6.3          | 6.2             | 4,757         | 6.9          | 6.8             | -218                      |
| 10 to 14  | 4,780         | 6.6          | 6.7             | 5,356         | 7.7          | 7.5             | -576                      |
| 15 to 19  | 5,213         | 7.2          | 6.8             | 5,188         | 7.5          | 7.0             | +25                       |
| 20 to 24  | 4,878         | 6.7          | 5.5             | 4,592         | 6.6          | 5.5             | +286                      |
| 25 to 29  | 4,491         | 6.2          | 5.2             | 3,740         | 5.4          | 4.9             | +751                      |
| 30 to 34  | 4,079         | 5.6          | 5.2             | 4,101         | 5.9          | 5.8             | -22                       |
| 35 to 39  | 4,304         | 5.9          | 6.1             | 4,562         | 6.6          | 6.6             | -258                      |
| 40 to 44  | 4,687         | 6.5          | 6.7             | 5,061         | 7.3          | 7.1             | -374                      |
| 45 to 49  | 5,098         | 7.0          | 7.0             | 5,156         | 7.4          | 7.4             | -58                       |
| 50 to 54  | 5,127         | 7.1          | 7.1             | 4,953         | 7.1          | 7.1             | +174                      |
| 55 to 59  | 4,814         | 6.6          | 6.9             | 4,366         | 6.3          | 6.7             | +448                      |
| 60 to 64  | 4,404         | 6.1          | 6.6             | 3,446         | 5.0          | 5.4             | +958                      |
| 65 to 69  | 3,366         | 4.6          | 5.2             | 2,810         | 4.1          | 4.6             | +556                      |
| 70 to 74  | 2,731         | 3.8          | 4.1             | 2,310         | 3.3          | 3.8             | +421                      |
| 75 to 79  | 2,061         | 2.8          | 3.2             | 2,070         | 3.0          | 3.4             | -9                        |
| 80 to 84  | 1,650         | 2.3          | 2.6             | 1,521         | 2.2          | 2.5             | +129                      |
| 85 and over                                     | 1,398         | 1.9          | 2.3             | 1,043         | 1.5          | 2.0             | +355                      |
| <b>Total</b>                                    | <b>72,402</b> | <b>100.0</b> | <b>100.0</b>    | <b>69,329</b> | <b>100.0</b> | <b>100.0</b>    | <b>+3,073</b>             |

Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011

An analysis of the data found in Table 1.1 shows that when comparing the Population Age Profile between the Latrobe area and Regional Victoria, Latrobe's age group segmentation is fairly consistent with the figures found in the rest of Regional Victoria. The age groups with the largest percentage of residents are the 15 to 19 years (7.2%), followed very closely by 50 to 54 years (7.1%) and 45 to 49 years (7.0%). The age groups with the lowest number of residents are the 85 years plus (1.9%) followed by 80 to 84 years (2.3%) and 75 to 79 years (2.8%).

The most significant difference between the Latrobe area and Regional Victoria is the difference in the number of residents aged over 60 years. In the Latrobe area 21.5% is over the age of 60 compared to the higher percentage of 24% in Regional Victoria.



Between 2006 and 2011 there was a considerable decrease in residents aged 5 to 19 (22.1% compared to 20.1%).

The below table details the distribution of residents into age brackets for Moe compared to that of the Latrobe City area.

*Table 2.2 Population Age Profile of Moe*

| Moe - Moe South<br>Five year age groups (years) | 2011         |              |              |
|---|--------------|--------------|--------------|
|   | Number       | %            | Latrobe City |
| 0 to 4  | 539          | 5.8          | 6.6          |
| 5 to 9  | 530          | 5.7          | 6.3          |
| 10 to 14  | 538          | 5.8          | 6.6          |
| 15 to 19  | 655          | 7.0          | 7.2          |
| 20 to 24  | 594          | 6.4          | 6.7          |
| 25 to 29  | 488          | 5.2          | 6.2          |
| 30 to 34  | 452          | 4.9          | 5.6          |
| 35 to 39  | 502          | 5.4          | 5.9          |
| 40 to 44  | 558          | 6.0          | 6.5          |
| 45 to 49  | 646          | 6.9          | 7.0          |
| 50 to 54  | 678          | 7.3          | 7.1          |
| 55 to 59  | 675          | 7.3          | 6.6          |
| 60 to 64  | 679          | 7.3          | 6.1          |
| 65 to 69  | 534          | 5.7          | 4.6          |
| 70 to 74  | 414          | 4.4          | 3.8          |
| 75 to 79  | 336          | 3.6          | 2.8          |
| 80 to 84  | 283          | 3.0          | 2.3          |
| 85 and over                                     | 207          | 2.2          | 1.9          |
| <b>Total</b>                                    | <b>9,318</b> | <b>100.0</b> | <b>100.0</b> |

Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011

Looking at the data it is clear that the make up of the Moe population is only slightly different to that of Latrobe with slightly fewer residents aged less than 50 years (59.1% compared to 64.6%) and more residents that are in the older age groups in Moe than the general Latrobe area (40.8% compared to 35.2%).

The following table details the gender division of the Latrobe City residents in 2011:

*Table 2.3 Resident Population*

| Latrobe City                           | 2011   |       |                 | 2006   |       |                 | Change<br>2006 to<br>2011 |
|--|--------|-------|-----------------|--------|-------|-----------------|---------------------------|
|  | Number | %     | Regional<br>VIC | Number | %     | Regional<br>VIC |                           |
| Population (excluding O/S<br>visitors) | 72,402 | 100.0 | 100.0           | 69,329 | 100.0 | 100.0           | +3,073                    |
| Males                                  | 35,369 | 48.9  | 49.1            | 33,872 | 48.9  | 49.2            | +1,497                    |
| Females                                | 37,033 | 51.1  | 50.9            | 35,457 | 51.1  | 50.8            | +1,576                    |

Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011

There are slightly more females than males within the Latrobe City population (51.1% compared to 48.9%) which is consistent with the rest of the rest of the Regional Victorian population. There was no change in the ratio of males to females between 2006 and 2011.

Moe has a similar ratio of females to males with 48.6% of the population being female (compared to the 48.9% in the Latrobe City area).



### 2.1.2 Country of Birth

The share of the population born overseas and the diversity in their country of origin can give an indication of how diverse the population is within the community.

An analysis of the country of birth data for the Latrobe area shows that there is a low level of diversity with a relatively small percentage of the population born overseas. Of the residents that were born overseas the majority of them were born in the United Kingdom.

The table below details the Country of birth of residents:

*Table 2.4 Most Common Countries of Birth*

| Latrobe City<br>Country of birth        | 2011   |     |                 | 2006   |     |                 | Change<br>2006 to<br>2011 |
|---|--------|-----|-----------------|--------|-----|-----------------|---------------------------|
|   | Number | %   | Regional<br>VIC | Number | %   | Regional<br>VIC |                           |
| United Kingdom                          | 3,112  | 4.3 | 3.5             | 3,194  | 4.6 | 3.5             | -82                       |
| Netherlands                             | 784    | 1.1 | 0.6             | 841    | 1.2 | 0.6             | -57                       |
| Italy                                   | 716    | 1.0 | 0.6             | 752    | 1.1 | 0.7             | -36                       |
| New Zealand                             | 654    | 0.9 | 1.0             | 520    | 0.8 | 0.9             | +134                      |
| Germany                                 | 552    | 0.8 | 0.5             | 574    | 0.8 | 0.5             | -22                       |
| Malta                                   | 407    | 0.6 | 0.1             | 449    | 0.6 | 0.1             | -42                       |
| Philippines                             | 361    | 0.5 | 0.3             | 288    | 0.4 | 0.2             | +73                       |
| China                                   | 270    | 0.4 | 0.2             | 124    | 0.2 | 0.1             | +146                      |
| India                                   | 252    | 0.3 | 0.4             | 100    | 0.1 | 0.2             | +152                      |
| Sudan                                   | 198    | 0.3 | 0.1             | 0      | 0.0 | 0.0             | +198                      |
| South Africa                            | 134    | 0.2 | 0.2             | 90     | 0.1 | 0.2             | +44                       |
| Ireland                                 | 132    | 0.2 | 0.2             | 139    | 0.2 | 0.1             | -7                        |
| Greece                                  | 132    | 0.2 | 0.1             | 135    | 0.2 | 0.1             | -3                        |
| Poland                                  | 129    | 0.2 | 0.1             | 161    | 0.2 | 0.1             | -32                       |
| Malaysia                                | 113    | 0.2 | 0.1             | 97     | 0.1 | 0.1             | +16                       |
| United States of America                | 112    | 0.2 | 0.2             | 101    | 0.1 | 0.2             | +11                       |
| Cyprus                                  | 100    | 0.1 | 0.0             | 100    | 0.1 | 0.0             | 0                         |
| Croatia                                 | 97     | 0.1 | 0.2             | 112    | 0.2 | 0.2             | -15                       |
| Serbia / Montenegro (fmr<br>Yugoslavia) | 96     | 0.1 | 0.1             | 118    | 0.2 | 0.2             | -22                       |
| Canada                                  | 93     | 0.1 | 0.1             | 79     | 0.1 | 0.1             | +14                       |
| Sri Lanka                               | 77     | 0.1 | 0.1             | 44     | 0.1 | 0.1             | +33                       |

Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011

The table below identifies the countries of birth of the residents of the Latrobe area.

*Table 2.5 Most Common Countries of Birth*

| Latrobe City<br>Birthplace          | 2011          |              |                 | 2006          |              |                 | Change<br>2006 to<br>2011 |
|-------------------------------------|---------------|--------------|-----------------|---------------|--------------|-----------------|---------------------------|
|                                     | Number        | %            | Regional<br>VIC | Number        | %            | Regional<br>VIC |                           |
| Total Overseas born                 | 9,930         | 13.7         | 10.6            | 9,141         | 13.2         | 10.1            | +789                      |
| Non-English speaking<br>backgrounds | 5,693         | 7.9          | 5.5             | 5,018         | 7.2          | 5.2             | +675                      |
| Main English speaking<br>countries  | 4,237         | 5.9          | 5.1             | 4,123         | 5.9          | 4.9             | +114                      |
| Australia                           | 58,318        | 80.5         | 84.3            | 55,853        | 80.6         | 84.3            | +2,465                    |
| Not Stated                          | 4,152         | 5.7          | 5.0             | 4,333         | 6.3          | 5.6             | -181                      |
| <b>Total Population</b>             | <b>72,400</b> | <b>100.0</b> | <b>100.0</b>    | <b>69,327</b> | <b>100.0</b> | <b>100.0</b>    | <b>+3,073</b>             |

Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011

The share of the population born overseas in the Latrobe City was higher than that found in Regional Victoria (13.7% compared to 10.6%).

Moe has a slightly higher percentage of residents born outside of Australia (14.9%) compared to Latrobe City (13.7%).

### 2.1.3 Languages Spoken at Home

The Latrobe City (88.5%) has a slightly lower percentage of residents that speak only English when compared to Regional Victoria (90.4%)

The table found below shows the primary language spoken at home:

*Table 2.6 Most Common Languages Spoken at Home*

| Latrobe City Language (excludes English) | 2011   |     |              | 2006   |     |              | Change 2006 to 2011 |
|--|--------|-----|--------------|--------|-----|--------------|---------------------|
|  | Number | %   | Regional VIC | Number | %   | Regional VIC |                     |
| Italian                                  | 1,000  | 1.4 | 0.9          | 961    | 1.4 | 1.0          | +39                 |
| Greek                                    | 395    | 0.5 | 0.2          | 391    | 0.6 | 0.3          | +4                  |
| Dutch                                    | 289    | 0.4 | 0.2          | 306    | 0.4 | 0.2          | -17                 |
| Mandarin                                 | 283    | 0.4 | 0.2          | 151    | 0.2 | 0.1          | +132                |
| Maltese                                  | 267    | 0.4 | 0.1          | 304    | 0.4 | 0.1          | -37                 |
| German                                   | 247    | 0.3 | 0.3          | 291    | 0.4 | 0.3          | -44                 |
| Filipino/Tagalog                         | 220    | 0.3 | 0.2          | 165    | 0.2 | 0.1          | +55                 |
| Arabic                                   | 183    | 0.3 | 0.2          | 32     | 0.0 | 0.2          | +151                |
| Polish                                   | 139    | 0.2 | 0.1          | 177    | 0.3 | 0.1          | -38                 |
| Dinka                                    | 104    | 0.1 | 0.0          | 0      | 0.0 | 0.0          | +104                |
| Cantonese                                | 103    | 0.1 | 0.1          | 100    | 0.1 | 0.1          | +3                  |
| Spanish                                  | 100    | 0.1 | 0.1          | 78     | 0.1 | 0.1          | +22                 |
| Nuer                                     | 98     | 0.1 | 0.0          | 0      | 0.0 | 0.0          | +98                 |
| Croatian                                 | 84     | 0.1 | 0.2          | 86     | 0.1 | 0.3          | -2                  |
| Bengali                                  | 73     | 0.1 | 0.0          | 90     | 0.1 | 0.0          | -17                 |

Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011

The top five languages other than English spoken within the Latrobe City area in 2011 are:

- Italian
- Greek
- Dutch
- Mandarin
- Maltese





### 2.1.4 Income Levels

The table below presents the personal weekly income levels of Latrobe City residents:

*Table 2.7 Weekly Individual Gross Income Levels for the Latrobe area*

| Latrobe City<br>Weekly income | 2011          |              |                 |
|-------------------------------|---------------|--------------|-----------------|
|                               | Number        | %            | Regional<br>VIC |
| Negative Income/ Nil income   | 4,302         | 7.4          | 6.6             |
| \$1-\$199                     | 4,768         | 8.2          | 8.0             |
| \$200-\$299                   | 7,666         | 13.2         | 12.5            |
| \$300-\$399                   | 7,454         | 12.8         | 12.5            |
| \$400-\$599                   | 7,525         | 12.9         | 14.1            |
| \$600-\$799                   | 5,661         | 9.7          | 11.5            |
| \$800-\$999                   | 4,005         | 6.9          | 8.1             |
| \$1000-\$1249                 | 3,836         | 6.6          | 7.1             |
| \$1250-\$1499                 | 2,493         | 4.3          | 4.3             |
| \$1500-\$1999                 | 3,061         | 5.3          | 4.4             |
| \$2000 or more                | 2,759         | 4.7          | 3.1             |
| Not stated                    | 4,763         | 8.2          | 7.7             |
| <b>Total persons aged 15+</b> | <b>58,293</b> | <b>100.0</b> | <b>100.0</b>    |

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2011

The review of the income levels of Latrobe City residents indicate that:

- Slightly more residents earn \$1000+ in the Latrobe City (29.1%) that the rest of Regional Victoria (26.6%) indicating a higher level of discretionary income to spend on leisure activities.
- The income brackets with the most residents is \$200-\$299 (13.2%), \$400-\$499 (12.9%) and \$300-\$399 (12.8%).

*Table 2.8 Weekly Individual Gross Income Levels for Moe*

| Moe - Moe South<br>Weekly income | 2011         |              |              |
|----------------------------------|--------------|--------------|--------------|
|                                  | Number       | %            | Latrobe City |
| Negative Income/ Nil income      | 504          | 6.6          | 7.4          |
| \$1-\$199                        | 626          | 8.2          | 8.2          |
| \$200-\$299                      | 1,218        | 16.0         | 13.2         |
| \$300-\$399                      | 1,223        | 16.0         | 12.8         |
| \$400-\$599                      | 1,120        | 14.7         | 12.9         |
| \$600-\$799                      | 682          | 8.9          | 9.7          |
| \$800-\$999                      | 418          | 5.5          | 6.9          |
| \$1000-\$1249                    | 392          | 5.1          | 6.6          |
| \$1250-\$1499                    | 232          | 3.0          | 4.3          |
| \$1500-\$1999                    | 255          | 3.4          | 5.3          |
| \$2000 or more                   | 245          | 3.2          | 4.7          |
| Not stated                       | 705          | 9.3          | 8.2          |
| <b>Total persons aged 15+</b>    | <b>7,624</b> | <b>100.0</b> | <b>100.0</b> |

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2011

As can be seen in the above table the individual weekly income for residents is less than that of the Latrobe City. 54.9% of resident earn less than \$600 per week in Moe, compared to 47.1% in the Latrobe City. There are also fewer residents earning over \$1000 per week (14.7% for Moe and 20.9% for Latrobe). This indicates that there is less disposable income available to the residents of Moe particularly for them to spend on physical activity.

### 2.1.5 Vehicle Ownership

The number of vehicles per household by residents is detailed in the below table:

*Table 2.9 Vehicle Ownership*

| Latrobe City             | 2011          |              |                 | 2006          |              |                 | Change<br>2006 to<br>2011 |
|--------------------------|---------------|--------------|-----------------|---------------|--------------|-----------------|---------------------------|
|                          | Number        | %            | Regional<br>VIC | Number        | %            | Regional<br>VIC |                           |
| No motor vehicles        | 2,471         | 8.5          | 6.4             | 2,549         | 9.3          | 7.1             | -78                       |
| 1 motor vehicle          | 10,101        | 34.7         | 33.0            | 9,544         | 35.0         | 33.0            | +557                      |
| 2 motor vehicles         | 9,845         | 33.8         | 36.1            | 9,285         | 34.0         | 36.3            | +560                      |
| 3 or more motor vehicles | 4,679         | 16.1         | 18.4            | 4,041         | 14.8         | 17.4            | +638                      |
| Not stated               | 2,015         | 6.9          | 6.1             | 1,856         | 6.8          | 6.2             | +159                      |
| <b>Total households</b>  | <b>29,111</b> | <b>100.0</b> | <b>100.0</b>    | <b>27,275</b> | <b>100.0</b> | <b>100.0</b>    | <b>+1,836</b>             |

Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011

A review of the vehicle ownership in the Latrobe City indicates that the majority of residents, 84.6%, own one or more vehicles indicating ability to independently access leisure activities.

When comparing Moe to the rest of the Latrobe area, there were significantly more residents that do not have access to a car (13.5% for Moe and 8.5% for Latrobe). The number of residents in Latrobe that own two or more cars is also significantly higher (49.9%) than that in Moe (39.3%). This means it is more difficult for residents to get to sporting facilities that are further away.

### 2.1.6 Future Population Predictions

It is expected that the population within the towns in the Latrobe City region will increase 26.17% from 73,594 in 2011 to 92,855 in 2036. The towns that are likely to experience the greatest change in population numbers between 2011 and 2036 are Traralgon (40.35% increase) and Moe (28.67% increase). The Rural North East area is also predicted to increase by 32.09% by 2036.

The below table shows an indication of the increase in population numbers in the major townships in the Latrobe City area between 2006 and 2036:

*Table 2.10 Projected Population in 2036 in the major Town in the Latrobe City Council*

| Latrobe City Council's areas | Forecast year |        |        |        |        |        |        | Change between<br>2006 and 2036 |                            |
|------------------------------|---------------|--------|--------|--------|--------|--------|--------|---------------------------------|----------------------------|
|                              | 2006          | 2011   | 2016   | 2021   | 2026   | 2031   | 2036   | Number                          | Avg.<br>annual %<br>change |
| Latrobe City                 | 72,005        | 73,594 | 77,243 | 81,246 | 85,104 | 88,979 | 92,855 | 20,850                          | 0.85                       |
| Churchill                    | 4,966         | 5,008  | 5,044  | 5,144  | 5,293  | 5,459  | 5,643  | 677                             | 0.43                       |
| Moe - Moe South              | 9,636         | 9,448  | 9,903  | 10,419 | 10,958 | 11,550 | 12,157 | 2,521                           | 0.78                       |
| Morwell                      | 14,135        | 14,205 | 14,559 | 15,076 | 15,418 | 15,796 | 16,123 | 1,988                           | 0.44                       |
| Newborough                   | 7,073         | 6,956  | 7,327  | 7,613  | 7,932  | 8,190  | 8,436  | 1,363                           | 0.59                       |
| Rural North                  | 3,218         | 3,105  | 3,128  | 3,206  | 3,295  | 3,362  | 3,429  | 211                             | 0.21                       |
| Rural North East             | 2,115         | 2,147  | 2,200  | 2,357  | 2,519  | 2,683  | 2,836  | 721                             | 0.98                       |
| Rural South East             | 3,511         | 3,500  | 3,655  | 3,674  | 3,772  | 3,891  | 4,008  | 497                             | 0.44                       |
| Rural South West             | 3,186         | 3,187  | 3,232  | 3,342  | 3,476  | 3,577  | 3,678  | 492                             | 0.48                       |
| Traralgon - Traralgon East   | 24,165        | 26,038 | 28,195 | 30,415 | 32,441 | 34,471 | 36,545 | 12,380                          | 1.39                       |

Source: forecast.id, from the Estimated Resident Population from ABS





The figures for the projected populations are slightly higher than that data collected during the census as it takes into account the population that may have been missed by the census and the population that were overseas at the time of the census.

The population of Moe is expected to increase to 12,157 by the year 2036 representing an increase of 2,709 people to the town from 2011.

The household size is expected to remain relatively stable at between 2.17 and 2.14 persons per household.

**Table 2.11 Projected Population in 2036 in Moe**

| Moe - Moe South                     | Forecast year |       |       |        |        |        |        |
|-------------------------------------|---------------|-------|-------|--------|--------|--------|--------|
|                                     | 2006          | 2011  | 2016  | 2021   | 2026   | 2031   | 2036   |
| Population                          | 9,636         | 9,448 | 9,903 | 10,419 | 10,958 | 11,550 | 12,157 |
| Change in Population (5yrs)         |               | -188  | 455   | 516    | 539    | 592    | 607    |
| Average Annual Change (%)           |               | -0.39 | 0.95  | 1.02   | 1.01   | 1.06   | 1.03   |
| Households                          | 4,200         | 4,333 | 4,549 | 4,800  | 5,060  | 5,330  | 5,594  |
| Average Household Size (persons)    | 2.28          | 2.17  | 2.16  | 2.15   | 2.15   | 2.14   | 2.14   |
| Population in non-private dwellings | 62            | 62    | 97    | 97     | 97     | 132    | 172    |
| Dwellings                           | 4,518         | 4,732 | 4,969 | 5,242  | 5,526  | 5,820  | 6,110  |
| Dwelling occupancy rate             | 92.96         | 91.57 | 91.55 | 91.57  | 91.57  | 91.58  | 91.55  |

Source: forecast.id

The age groups that are expected to experience the greatest change in numbers are the 75 – 79 year age bracket (328 person increase) and the 70 – 74 year age bracket (315 year age bracket). On the other hand there is expected to be a very small increase in the number of 55 – 59 years olds (25 people), 20 – 24 year olds (26 people) and 60 – 64 year olds (32 people).

**Table 2.12 Projected Age Structure in Moe**

| Age Structure        | 2011<br>Number | 2011<br>% | 2021<br>Number | 2021<br>% | 2036<br>Number | 2036<br>% | Change 2011<br>to 2036 |
|----------------------|----------------|-----------|----------------|-----------|----------------|-----------|------------------------|
| 0-4 years            | 554            | 5.9       | 622            | 6.0       | 694            | 5.70      | 140                    |
| 5-9 years            | 532            | 5.6       | 689            | 6.6       | 777            | 6.40      | 245                    |
| 10-14 years          | 559            | 5.9       | 660            | 6.3       | 771            | 6.30      | 212                    |
| 15-19 years          | 679            | 7.2       | 595            | 5.7       | 726            | 6.00      | 47                     |
| 20-24 years          | 611            | 6.5       | 528            | 5.1       | 637            | 5.20      | 26                     |
| 25-29 years          | 536            | 5.7       | 547            | 5.3       | 604            | 5.00      | 68                     |
| 30-34 years          | 473            | 5.0       | 579            | 5.6       | 644            | 5.30      | 171                    |
| 35-39 years          | 501            | 5.3       | 638            | 6.1       | 720            | 5.90      | 219                    |
| 40-49 years          | 567            | 6.0       | 629            | 6.0       | 757            | 6.20      | 190                    |
| 45-49 years          | 655            | 6.9       | 617            | 5.9       | 760            | 6.30      | 105                    |
| 50-54 years          | 693            | 7.3       | 627            | 6.0       | 750            | 6.20      | 57                     |
| 55-59 years          | 689            | 7.3       | 658            | 6.3       | 714            | 5.90      | 25                     |
| 60-64 years          | 676            | 7.2       | 687            | 6.6       | 708            | 5.80      | 32                     |
| 65-69 years          | 504            | 5.3       | 707            | 6.8       | 733            | 6.00      | 229                    |
| 70-74 years          | 421            | 4.5       | 665            | 6.4       | 736            | 6.10      | 315                    |
| 75-79 years          | 330            | 3.5       | 455            | 4.4       | 658            | 5.40      | 328                    |
| 80-84 years          | 276            | 2.9       | 314            | 3.0       | 490            | 4.00      | 214                    |
| 85 years<br>and over | 191            | 2.0       | 202            | 1.9       | 278            | 2.30      | 87                     |

Source: forecast.id

## 2.2 KEY FINDINGS – DEMOGRAPHIC ANALYSIS

The key findings of the project area's demographic review indicate:

- The population of Latrobe City has increased by 4.4% between 2006 and 2011 (69,329 to 72,402)
- In general terms the population of Moe is older than the average for Latrobe City
- The average weekly income for residents of Moe is lower than the Latrobe City overall average
- The population for Moe in 2011 was 9,448 dropping by 188 residents since the previous census in 2006
- The population for Moe is expected to rise by an average annual rate of 0.78% between 2006 and 2036 making it a reasonably stagnant residency

## 2.3 TENNIS FACILITIES IN LATROBE CITY

Latrobe City has an extensive array of tennis facilities ranging from the basic asphalt open courts with no lighting to the regional centre at Traralgon with 24 courts available for use. A full list of the courts inclusive of the Moe tennis Club's current offerings is below.

*Table 2.13 Current Tennis Court Allocation in Latrobe City*

| Municipality           | Venue                         | Club at Venue                         | No. of Courts | Description of Courts  |
|------------------------|-------------------------------|---------------------------------------|---------------|--|
| <b>Boolarra</b>        | Boolarra Rec Reserve          | Boolarra Tennis Club                  | 4             | 4 x Asphalt<br>- 2 have lighting                               |
| <b>Churchill</b>       | Gaskin Park                   | Churchill Tennis Club                 | 11            | 7 x Acrylic<br>4 x Asphalt (in disrepair)<br>- 3 have lighting |
| <b>Flynn</b>           | Flynn Rec Reserve             | Flynn Tennis Club                     | 4             | 4 x Asphalt<br>- no lighting                                   |
| <b>Glengary</b>        | Glengary Rec Reserve          | Glengary Tennis Club                  | 4             | 4 x Asphalt<br>- Limited lighting on courts 1 & 2              |
| <b>Hazelwood North</b> | Hazelwood North Tennis Centre | Hazelwood North Tennis Club           | 4             | 2 x Acrylic<br>2 x Asphalt<br>- no lighting                    |
| <b>Moe</b>             | Moe Botanic Gardens           | Moe tennis Club                       | 15            | 15 x Plexi-pave<br>- All have lighting (limited on 2 courts)   |
|                        | Latrobe Indoor Tennis Centre  | Private business – no club            | 5             | 5 x Synthetic grass<br>- All have lighting                     |
| <b>Newborough</b>      | Monash Reserve                | Newborough Tennis Club                | 8             | 8 x Plexi-pave<br>- No lighting                                |
| <b>Morwell</b>         | Keegan Street Reserve         | No club                               | 4             | 4 x Asphalt<br>- No lighting                                   |
|                        | Ronald Reserve                | Morwell East and Morwell Tennis Clubs | 15            | 10 x Acrylic<br>5 x Asphalt<br>- 5 courts have lighting        |
| <b>Toongabbie</b>      | Toongabbie Rec Reserve        | Toongabbie Tennis Club                | 2             | 2 x Acrylic<br>- no lighting                                   |
| <b>Traralgon</b>       | Maskrey Reserve               | Pax Hill Tennis Club                  | 4             | 4 x Asphalt<br>- No lighting                                   |
|                        | Eric Taylor Reserve           |                                       | 2             | 2 x Asphalt<br>- No Lighting                                   |



| Municipality           | Venue                      | Club at Venue                | No. of Courts | Description of Courts                                      |
|------------------------|----------------------------|------------------------------|---------------|--|
|                        | Traralgon Tennis Centre    | Traralgon Tennis Association | 24            | 14 x Plexi-cushion<br>8 x Plexi-pave<br>2 x Synthetic Clay |
| <b>Traralgon South</b> | Traralgon South Reserve    | Traralgon South Tennis Club  | 4             | 4 x Asphalt<br>- No lighting                               |
| <b>Tyers</b>           | Tyers Rec Reserve          | Tyers Tennis Club            | 4             | 4 x Asphalt<br>- No lighting                               |
| <b>Yallourn North</b>  | Yallourn North Rec Reserve | No Club                      | 4             | 4 x concrete<br>- No lighting                              |
| <b>Yinnar</b>          | Yinnar Rec Reserve         | Yinnar Tennis Club           | 4             | 4 x Asphalt<br>- Limited lighting on courts 3 & 4          |
|                        | Albert Deppeler Reserve    |                              | 2             | 2 x Asphalt<br>- No lighting                               |

### 3 OPERATIONAL PERFORMANCE

#### 3.1 INTRODUCTION

The following is the analysis of the overall performance of the Moe Tennis Club over the last five years 2008/9 – 2012/13 where available. Moe Tennis Club operates as a “classic” tennis club where it has an agreement with the local government authority (LGA), in this case Latrobe City Council, to conduct its activities out of the centre in exchange for an annual lease fee.

#### 3.2 MEMBERSHIP

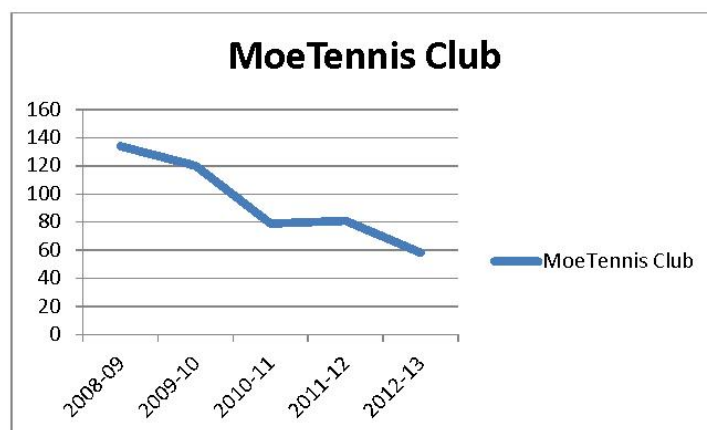
The following membership numbers are those provided to Tennis Victoria in line with the registration.

It can be seen that there has been a steady decline in the five-year period except for the 2011-2012 annual figures that showed a slight increase (2 members). From a total of 134 members in 2008/09 the membership numbers have decreased to 58.

The club have recognised that this is worrying trend and to their credit have been very open about the situation. It must also be said that these figures do not account for any casual play that is occurring at the club.

The national memberships have been trending down and over a similar period have decreased by 24%. Unfortunately Moe Tennis Club has shown a larger decrease.

| Year    | Moe Tennis Club |
|---------|-----------------|
| 2008-09 | 134             |
| 2009-10 | 120             |
| 2010-11 | 79              |
| 2011-12 | 81              |
| 2012-13 | 58              |







According to the data provided by the club showing the official membership numbers given to Tennis Victoria on an annual basis there has been a steady decline in recent years.

The above table and graph shows the overall membership of the Moe tennis Club for the years 2008/9 to 2012/13. It correlates to a decline of almost 57% over the five-year period. According to the president the club was trending upwards until the 2007/8 season.

There are number of reasons that can be attributed to the decline such as the earthquake and the ensuing state of the courts, a general decline in tennis membership across Australia or the cultural shift away from the commitment to membership structures that a number of sports are experiencing. The also understand that the hard courts are not as attractive to the aging population of the Moe area.

The club therefore believes that a recovery of sorts will occur with a change of surface that is "softer" to play on and therefore will be more attractive to the older population. This contributes to the statement by the club to seek to change the surface to clay. The indoor facility in Moe, whilst not new, is also having an effect when it is coupled with the ability play at night, meeting players' time constraints and not being weather dependant.

### 3.3 FINANCIAL PERFORMANCE

The following is an analysis of the Moe Tennis Club for the previous five years of operation 2006/07 to 2011/12.

The table is a summary of the key elements of the budgets for both income and expenditure.

*Table 3.1 Modern Tennis Club Income/Expenditure for Last 5 years*

| Income                        | 2006/07            | 2007/08            | 2008/09            | 2009/10            | 2010/11            | 2011/12            |
|-------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Membership/balls              | \$7,762.00         | \$10,792.00        | \$6,882.00         | \$8,558.00         | \$8,710.00         | \$8,648.00         |
| Court Hire                    | \$300.00           | \$650.00           | \$450.00           | \$630.00           | \$690.00           | \$834.00           |
| Grants                        | \$-                | \$-                | \$-                | \$-                | \$-                | \$9,427.00         |
| Sponsorship                   | \$-                | \$-                | \$-                | \$2,130.00         | \$1,000.00         | \$2,500.00         |
| Kiosk                         | \$7,324.75         | \$4,423.30         | \$5,920.00         | \$4,518.00         | \$1,680.00         | \$5,851.65         |
| Other                         | \$1,532.44         | \$433.55           | \$344.62           | \$1,116.97         | \$164.25           | \$991.86           |
| <b>Total</b>                  | <b>\$16,919.19</b> | <b>\$16,298.85</b> | <b>\$13,596.62</b> | <b>\$16,952.97</b> | <b>\$12,244.25</b> | <b>\$28,252.51</b> |
| <b>Expenditure</b>            |                    |                    |                    |                    |                    |                    |
| Lease fee to Latrobe          | \$952.38           | \$918.20           | \$1,276.87         | \$1,362.60         | \$2,495.00         | \$1,105.00         |
| Affiliation                   | \$426.50           | \$506.00           | \$3,216.00         | \$3,604.00         | \$2,380.00         | \$2,510.00         |
| Insurance                     | \$2,214.00         | \$3,256.00         | \$-                | \$-                | \$-                | \$65.00            |
| Electricity                   | \$947.11           | \$1,567.12         | \$1,877.29         | \$1,364.89         | \$1,670.60         | \$1,803.94         |
| Balls                         | \$1,485.00         | \$7.60             | \$1,090.00         | \$847.00           | \$858.00           | \$1,452.00         |
| Kiosk                         | \$6,798.09         | \$5,281.29         | \$2,853.50         | \$3,976.40         | \$1,775.93         | \$3,359.48         |
| Grants                        | \$-                | \$-                | \$-                | \$-                | \$-                | \$8,896.20         |
| Other                         | \$5,438.96         | \$11,085.86        | \$4,120.17         | \$6,510.49         | \$2,668.88         | \$4,214.82         |
| <b>Total</b>                  | <b>\$18,262.04</b> | <b>\$22,622.07</b> | <b>\$14,433.83</b> | <b>\$17,665.38</b> | <b>\$11,848.41</b> | <b>\$23,406.44</b> |
| <b>Operating Surplus/Loss</b> | <b>-\$1,342.85</b> | <b>-\$6,323.22</b> | <b>-\$837.21</b>   | <b>-\$712.41</b>   | <b>\$395.84</b>    | <b>\$4,846.07</b>  |
| <b>Bank Deposit</b>           | <b>\$29,388.21</b> | <b>\$23,064.99</b> | <b>\$22,227.17</b> | <b>\$21,514.76</b> | <b>\$21,910.60</b> | <b>\$26,756.56</b> |



The analysis shows that the club has had in place a cash-at-bank deposit that has been able to be used to make up any shortfalls in their budget cycles. To that end the club has shown a loss for the 2006/07, 2007/08, 2008/09 and 2009/10 financial reporting periods with the bank deposit showing the related support.

It is interesting to note the membership and 'ball' sales (competition purchase of balls by the players for matches) peaked in the 2007/08 season but has otherwise remained quite steady even though the membership numbers had dropped during this period.

Court hire had also increased steadily during this period, which is consistent with the notion that more people are wishing to play casually and just pay as they play.

A grant of \$9,427.00 was received in 2011/12 and this is reflected in the profit achieved in that same period although it can be seen that \$8,896.20 of the grant has been accounted for in the expenditure.

The club has also seen the introduction of sponsorship in the last three years and in 2011/12 achieved \$2,500 towards the running of the club.

In terms of expenditure the lease fee to Latrobe City peaked in 2010/11 and was reduced in 2011/12. It is also interesting to note the affiliation and insurance fees. In the first two years of the period it can be surmised that the affiliation fees to Tennis Victoria were low because the clubs were responsible for their own insurance and then in 2008/09 the insurance was included in a higher affiliation fee and therefore the club could reduce its need for cover.

The electricity costs for lights in particular has also risen steadily over the period and warrants consideration in the future planning for more efficient lighting schemes or the cost needs to be passed back to the users.

Overall the Moe Tennis Club showed an operating surplus of \$4,846.07 in the 2011/12 financial year and showed a bank deposit of \$26,756.56.



## 4 TRENDS

The following section reviews the participation trends of Tennis both nationally and within Victoria to provide an overview of the 6 issues and opportunities facing Moe Tennis Club in the future. The Australian Sports Commission undertakes regular research in to the participation trends within Australia and provides the data in the form of the Exercise, Recreation and Sports Survey (ERASS). The figures used below are from the latest ERASS reports published in 2010.

It must be noted that the ERASS results only include members of the population 15 years and older and therefore don't reflect any trends that may be happening in the junior development programs that sports are engaged in.

### 4.1 NATIONAL PARTICIPATION

In 2010 Tennis was positioned at number 7 in the top 10 activities in Australia. Walking was number 1 with 35.9% participation rate. Tennis 6% of the population playing tennis - either organised or non- organised.

Between 2001 and 2010 Tennis nationally has seen a decline of 24% with a significant decrease between 2003 and 2007, an increase in 2008 and then a steady decline. Currently it is at its second lowest participation rate since 2001 . In 2010 there were 1,051,000 participants. According to the ERASS results, the average rate for tennis participation was less than once per week.

Tennis ranked 5<sup>th</sup> in the top 10 club based activities at 1.9% - equal to cricket. Tennis showed a decline of 13% over the 2001 – 2010 period and in 2010 had 340,700 club members.

Nationally the participation rate for tennis is 6% and is made up of 2.4 % playing organised tennis and the majority (4.2%) playing non-organised tennis.

The ERASS figures show that when analysed on a gender basis, a total of 6.6% of the male population and 5.4% of the female population play tennis – making a total combined of 6%.

The age brackets that show the highest participation rates are 15 – 24 year olds and 34 – 44 year olds. There is definite decline in participation between 25 and 34.

### 4.2 VICTORIAN PARTICIPATION

In 2010 the participation rate for tennis in Victoria was 6.8% therefore tracking above the national average of 6%. In terms of gender participation the males make up 7.4% of the population and females make up 6.2%. Combined it shows the 6.8%.

The total participation numbers for 2010 are 297,800 with a breakdown of 146,900 playing organised tennis and 186,200 playing a non-organised format.

Some additional data compiled by Tennis Australia and Tennis Victoria show that there has been 3% decrease in membership in Victoria, In line with this is the finding that 66% of those surveyed prefer a more casual "pay to play" model therefore supporting the notion that tennis along with other membership based sports need to consider new ways to deliver their product to the majority of the potential participants.

There has also been a shift within clubs from the classic daytime members competition to more casual competitions and evening (with lights) play. Lighting of courts has therefore become far more important in the provision of tennis products that meet the needs of the participants.

### **4.3 REGIONAL PARTICIPATION**

Recent years have seen a decline in the participation numbers of regional/inter club competitions that have traditionally been conducted by the associations formed for that purpose.

Traralgon Tennis Association operates out of the recently upgraded regional centre in Traralgon and is considered the largest association/club the region. Its numbers have dropped from 44 junior teams to 24 teams over the last 4 years.

There are now only two remaining local associations after recent closures and amalgamations.

The Latrobe Valley Tennis Association now only provides competition for junior players after the senior competition folded in the late 90's.

The Loy Yang, Yinnar and District Association has approximately 12 clubs (including Moe Tennis Club) participating over 5 senior grades.

The indoor tennis facility at Moe, though it does not conduct itself as an association, runs regular more casual-type competitions during the week at night which seem to be catering for the needs of some players who have been able to or have moved away for the traditional Saturday play.

### **4.4 COURT SURFACES**

Traditionally the trend in Victoria was to provide hard court surfaces due to the costs of both construction and maintenance. The recent ten-year drought also made tennis clubs with clay (red porous) and grass courts, consider other alternatives due to the need for large amounts of water to maintain them.

There has also been a shift towards 'soft' courts such as synthetic grass as they are seen to be more attractive and beneficial for older players.

Recently Tennis Australia has developed a preference for courts (where practical) to be constructed of surfaces that grand slams are played on in order to assist the development of Australia's next generation of talented players. To this end they have introduced a rebate scheme that provides financial assistance to the clubs when they are constructing surfaces such as plexi-cushion and clay in particular.



## 5 CONSULTATION AND DOCUMENT REVIEW

This section summarises the key findings identified through the study's review of previous documentation and consultation with the key stakeholders as identified and agreed with Latrobe Council Officers.

### 5.1 INTERVIEWS WITH KEY STAKEHOLDERS

#### 5.1.1 Latrobe Councillors

Key Informants - Cr Sharon Gibson (Deputy Mayor) and Cr Peter Gibbons

- An invitation was conveyed to all councillors to attend the meeting
- The council was represented by Councillors Gibson and Gibbons
- A summary of comments from the meeting included:
  - Want to maintain tennis as an affordable activity that is accessible to all especially children
  - There is approximately \$299,000 available to upgrade the Moe tennis courts form the earthquake insurance
  - They are looking to obtain the grant/rebate funding from Tennis Australia as well as source other funding opportunities
  - They were happy for the study to focus on the number of courts and agree a surface
  - Cr Gibbons feels that 1.5 courts is optimal
  - Cr Gibbons was aware of the club's aspirations to move courts 11 & 12 to a better site to avoid the trees and potential flooding
  - Aware that golf and tennis are facing issues with declining membership
  - Believe that lighting is important for participation and the clubhouse needs to be inviting and adequate to needs
  - Cr Gibson believes that there is merit in making the Tennis Club more obvious through signage
  - Cr Gibbons suggested the idea of providing access to the club from Narracan Drive but understands the difficulties
  - Both supported the concept of having 3 courts made available to the public at all times
  - They acknowledged that there is a safety factor with the park and surrounding area and suggested that increasing the level of activity and making it more obvious would help to alleviate this

#### 5.1.2 Moe Tennis Club

Key Informant - Mr Brad Griffin, President of Moe Tennis Club

- Until about 2007/2008 the participation and membership levels were trending up but they have fallen away since then
- The membership numbers were about 130 but have decreased to 65 - 70
- The club has approximately \$24,000 in the bank
- They expect to lose money this financial year
- Saturday tennis is changing in terms of people's other commitments
- The indoor facility has been an issue in terms of providing a different alternative - indoors, not weather dependent, competition based rather than club overlay etc



- According to Mr Griffin he understands that Trafalgar is “booming”. Trafalgar is in the Baw Baw Shire
- There are a number of coaches in the area working at multiple venues
- The club has an arrangement with a professional coach (Mark Stevens) who works at the club on 1 or 2 nights per week with approximately 20 players
- Saturday juniors is run by Brad Griffin and is conducted with the purpose of increasing membership
- Members play on Saturday afternoons
- Agreed that they need to look at evening competitions midweek
- Membership for adults is \$85 plus ball fees (includes \$29 tennis Vic affiliation fee)
- Income is mostly from membership, functions, bar and kiosk
- Have a committee of 9 but 5 about are particularly active
- Have suggested exploring the idea of building a stronger relationship with the indoor centre (this is a commercial enterprise) and even creating a common management model
- Currently general maintenance is done by the club
- Council did a recent upgrade but it was not of high quality
- Council is apparently looking to tender out for a maintenance program to be implemented
- The “grand plan” going forward is:
  - Change the surface to clay - they are suggesting the new Conipur - Pro
    - Attract events because of the clay and number of courts
    - Clay is considered “softer” for veteran tennis
    - Provide a training facility for Tennis Australia - they have had discussions
  - They want 16 courts
  - Upgrade to the clubrooms
  - Look at creating a multi sport facility to attract funding - Criterium cycling track through the Botanic Gardens
  - Have 3 courts open to the public at all times
  - No real need to provide seating capacity
  - Looking to attract Foundation Cup events and local Victorian tournaments

### 5.1.3 Newborough Tennis Club

Key Informant - Mr Ray Bright, President of Newborough Tennis Club

- Currently have 20 playing members and 12 social members
- There is a midweek ladies competition but it is not linked to the club
- Numbers have been decreasing and they are struggling to maintain their membership
- Financially they are struggling as they charge low membership rates (\$85 for seniors) just to cover their costs but have no other income to create a surplus
- Currently have approximately \$30k in a bank deposit which they draw on if needed for minor maintenance or repairs
- In the past they have allowed public access to one course free of charge but they have ceased to do this due to the insurance issues
- Local coaches use the courts for classes but the lack of lighting is an issue
- The club does not derive any income from the coaching activities
- There are two associations that offer competitions for Newborough to play in
  - Latrobe Valley Tennis Association - only juniors as the seniors folded in the late 90's
  - Loy Yang Yinnar District Association - Newborough has one senior team of about 12 clubs (including Moe TC) over 5 grades
  - The numbers have been dropping consistently in the associations - Traralgon TA had 44 teams junior teams but have dropped to 24 over the last 4 years





- Traralgon Tennis Association runs a midweek competition and night competitions as an association in its own right
- Moe Indoor also conduct their own internal competitions on Monday, Tuesday and Wednesday evenings as well midmorning on Monday and Tuesday
- Maintenance of courts at Newborough
  - The then Moe City Council tried to amalgamate the Moe and Newborough clubs in the early 1990's
  - Nothing has been done to the courts since then
  - The courts had a plastic matting on them but this has been replaced with plexi-pave
  - Council "tends to pay for minor maintenance"
  - Council is resurfacing the Glengarry courts and about to do the same for Toongabbie
- Amalgamation with Moe Tennis Club
  - It was raised again about two years ago and again at the most recent committee meeting
  - It was rejected sighting an issue with committee membership and wanting to remain as a separate entity
- SGL has sought further clarification on the position of Newborough Tennis Club as to the possibility of a coming together of the two clubs by arranging a meeting with the presidents of both clubs and representatives of Latrobe City but the Newborough Tennis Club has, as a committee, considered their position and have reiterated their desire to remain as a separate entity
- The club has tried membership drives in the past but is not presently marketing actively

#### 5.1.4 City of Latrobe Council Officers

Key Informant - Simon Clark - Co-ordinator of Recreation Liaison

- Simon is responsible for all outdoor sporting facilities where he allocates usage and assists with arranging council maintenance where required
- Believes Moe Tennis Club is well run and are a largely self-sufficient club
- The location is very good
- Botanical gardens could have some further development
- Suggested there may be benefit in combining Moe and Newborough Tennis Clubs and removing the unused one
- Supports the idea of having public courts open for all at the Moe site
- Believes the pavilion at Moe TC needs to be upgraded as part of this project otherwise it will be an issue in the future

Key Informant - Jamey Mullen - Manager Recreational Liveability

- The Council has approximately \$300,000 ready to apply to this project the proposal is agreed
- The Council view is that Traralgon has been developed as the Tennis event centre for the region
- Supports the concept of having three courts available for public use free of charge at Moe

### 5.1.5 Moe Tennis Club Coach

Key Informant - Mark Stevens (made comments during the public forum and after)

- Supports the idea of having clay courts for development
- Supports the idea that Moe has the ability to increase its membership and participation rates
- Is also an owner of the indoor complex in Moe and has training squads at venues across the municipality

### 5.1.6 Public Forum

Key informants - Approximately 20 people attended the public meeting. Many were members of the club though some were from other clubs. In brief the key points discussed were:

- The trees are an issue in terms of root damage, visibility on courts 11 and 12 and dropping of foliage on the courts and in the fences
- Believe courts 11 and 12 are unusable
- Believe that floods have not been a problem in recent history
- Because the courts are low down and the trees are around there is never a real wind issue
- Clay courts would provide a point of difference and are good for veterans (softer on the joints)
- Plexi-cushion is more easily damaged
- It was suggested that the state government would not provide funding for plexi-cushion courts because it has already for Traralgon TA
- There was unanimous support for providing three courts open to public use at all times for free
- Very keen to ensure 'point of difference' with whatever the solution is
- The surface needs to be recognised/approved by the WTA
- The clubhouse needs to have more storage provided as part of the upgrade
- Signage on the fences is an accepted notion

## 5.2 KEY RELEVANT DOCUMENT REVIEW

### 5.2.1 Council Plan 2103 – 2017

The Council Plan is based on five themes with the most relevant to this project being theme #2 - Appropriate, affordable and sustainable facilities, services and recreation.

It refers to providing affordable people focused community services and has a number of strategic directions. The most relevant of these are:

- To promote and support more involvement of children in active recreation and sport
- Encourage and create opportunities for more community participation in sports, recreation, arts, culture and community activities
- Work collaboratively with art partners to engage and support volunteers

### 5.2.2 Moe – Newborough Outdoor Recreation Plan - October 2007

This plan has some specific comments that relate to the Moe Botanic Gardens on which the Moe Tennis Club is located.



Though it is now some six years old it refers to the Botanic Gardens as underutilized with a need to expand the walking tracks and have better access to the Moe Yallourn Rail Trail.

It also makes comment about the need to assess the trees near the courts and to look at improving the fencing around the courts.

### **5.2.3 Moe Tennis Club Facility Redevelopment Cost Estimates**

Following the earthquake in 2012, the City of Latrobe commissioned 2MH Consulting in association with BCS Engineering to conduct a review of the facilities and prepare cost estimates for any necessary repair or redevelopment works required.

The full report is attached as appendix 3 however in summary the report made the following recommendations:

- The courts are in need of full reconstruction
- The drainage system needs to be re-engineered to be more efficient
- The sub-base is good and able to sustain redevelopment meaning there is no need to replace the subsurface with concrete as opposed to asphalt
- The report was guided toward providing some costs estimates for the replacement of the existing 15 courts with 16 new courts (thought to meet event needs)
- The costs for 16 courts was:
  - o Concrete base – approx. \$2,075,590
  - o Asphalt base – approx. \$1,503,250

### **5.2.4 Tennis Facilities Plan June 2008**

This report was completed in 2008 and since then the Traralgon Tennis Association has been upgraded and is considered the regional centre by Tennis Victoria and Tennis Australia.

It concluded that Latrobe City had more tennis facilities than it can adequately sustain based on the standard of some facilities, population and the declining memberships. Decisions regarding the rationalisation of some clubs need to be considered to enable resources to be effectively allocated towards developing/maintaining high quality facilities that can attract and retain tennis participants.

### **5.2.5 Community Engagement Plan**

A comprehensive Community Engagement Plan is in place to ensure that all members of the community are given the opportunity to partake in the planning and reviews by council.

Based on this plan, a community engagement strategy was developed for the Moe Tennis Needs assessment and agreed by council prior to undertaking this review. See Appendix One for a copy of the plan.



## 6 SUMMARY OF KEY FINDINGS/ISSUES

The following is a list of the key findings and issues that will be taken into consideration when developing the strategic direction and proposed solution as a result of this assessment.

- The existing courts have been damaged by the 2012 earthquake and are in need of replacement.
- It has been determined that there may be an option to repair at least some of the courts which would provide a short term solution and may be part of the overall strategy going forward.
- Latrobe City Council has been able to secure approximately \$300,000 for the earthquake insurance and other sources to contribute to the upgrade of the facilities.
- Moe Tennis Club currently has 15 plexi-pave hard courts.
- Moe tennis Club membership has been in a steady decline and in 2013 has only 58 registered members.
- The club is in need of injection of facility upgrade to attract new players and casual participants.
- Nationally players are moving away from the commitment of 'club membership' models and are looking to more casual 'pay to play' ones.
- Anecdotally there is an increase in casual play at Moe Tennis Club (supported by the financial statements).
- Moe Tennis Club have expressed a preference for the replacement courts to be clay surfaced – preferably Conipur Pro because of its acceptance by the Tennis Australia under the rebate scheme but also because of its cost and low need for water.
- The clubhouse is currently adequate but an upgrade would provide a more inviting product.
- With only 58 players currently there is a question over the number of courts that should be provided however the council has shown strong support to maintain the current levels if possible and viable.
- Courts 11 and 12 are considered to be too dangerous to use due to damage to the surface and the constant tree branches and leaves on the courts. They are also "tucked away" out of direct line of sight from the club house and therefore have not been in full use for a number of years
- Both the club and the council have supported the idea that three courts (13,14 and 15) be provided as public access courts with the gates always open for free use.
- While there has been discussion around the need to have enough new clay courts to attract a certain level of tournaments, there has been no guarantee from Tennis Victoria or Tennis Australia that events would be available for Moe to host.
- There is also an issue with accommodation capacity in Moe should the club be looking at large events.
- Sale Tennis Club is also in the process of undertaking a study into the upgrade of its clay courts and the ability to attract events. If it is successful in its bid for funding and events, it will decrease Moe's 'point of difference' as clay court destination.
- Traralgon Tennis Association is the recognised Regional Centre for Tennis in Latrobe and has the focus in terms of attracting events to its newly upgraded plexi-cushion courts.
- Newborough Tennis Club is in close proximity to the Moe Tennis Club and has had a major decline in membership in recent years and is struggling to continue. A suggestion was made to explore the option to combine the membership of Moe and Newborough tennis clubs and subsequent meetings were arranged. Unfortunately the Newborough Tennis Club has recently agreed that they do not wish to explore any of these opportunities and prefer to remain as their own entity despite their very low membership.



## 7 STRATEGIC DIRECTION

Based on the key issues and findings as well as an awareness of the support from the Latrobe City Councillors and officers for tennis in Moe, the following strategic options were explored.

The Latrobe City Council has \$300,000 in current funding for the Moe Tennis Complex - \$100,000 remains from the original capital works funding and \$200,000 from the Insurance claim for damage to the tennis courts. Additional funding for the project will be sought through the 2014/15 Latrobe City Council capital works budget and possible future funding through the State Government's Community Facility Funding program.

Tennis Australia also has a rebate scheme that it makes available to conforming new constructions and upgrades in particular for surfaces that grand slam events are played on - namely Plexi-cushion and endorsed clay surfaces. The rebate scheme provides funding for up to \$18,000 per court for these surfaces in particular.

The initial consultation with the stakeholders expressed a preparedness to investigate the option of rebuilding the courts using the new clay surface (Conipur Pro) that is endorsed by Tennis Australia as a way of attracting events to Moe Tennis Club as well as providing a 'softer' surface to encourage older players to return to participating.

A detailed plan including costs was produced for the clay option but proved to be prohibitive in terms of the total cost and potential benefits it would provide for the small membership base at Moe Tennis Club (see section 7.1).

The council then instructed the consultants to investigate other more economical options such as the basic resurfacing of the existing courts as well as the option of the total replacement as hard court surfaces similar to the current ones.

The full reports as prepared by the tennis court construction experts (2MH) can be found in Appendices 2 and 3, however a summary of the applied process and key findings is provided below in sections 7.2 and 7.3.

Based on the findings for the options explored, a recommendation has been determined and is proposed for the consideration of the Latrobe City Council.

### 7.1 OPTION 1 – PROVISION OF CLAY COURTS

Prior to the appointment of the consultants to this project the Moe Tennis Club had sought advice from Tennis Victoria as to the preferred surface options that were approved or recommended and would best fit the needs of the club as well as provide the potential to attract events and elite training camps to Moe.

The new clay surface (Conipur Pro) was suggested because of its likeness to European clay but also because of its lower use of water for maintenance. As an endorsed clay surface it attracted the potential for meeting the criteria for the rebate scheme of \$18,000 per court for assistance in the construction cost.

As this is a new product on the market there are only a couple of courts already constructed and therefore it was felt by the club that this would provide the point of difference to allow them to attract events and other activity.



The potential levels of funding and discussions with stakeholders inclusive of council officers and councillors supported the direction to explore the potential options for installing Conipur Pro clay courts at Moe Tennis Club.

The stakeholders expressed a desire to retain all fifteen courts at Moe Tennis Club however it was felt that the cost to replace all courts at once would be cost prohibitive. Therefore it was decided that the following plan be explored and costed:

- Construct 8 new clay courts over the existing western courts while relocating courts 11 and 12 (8 courts would provide an initial number of courts that may allow for events to be hosted)
- Repair and resurface the remaining 7 courts as hard courts with the intention that would be re-addressed in the future in terms of the surface type

The cost as provided in detail in the attached 2MH report (Appendix 2) showed a total cost of:

|                     |                |
|---------------------|----------------|
| • 8 new clay courts | \$1,645,119.00 |
| • 7 repaired courts | \$ 139,445.00  |
| • TOTAL             | \$1,784,564.00 |

This cost was inclusive of all works and provided for all new lighting towers and court fences and equipment as well as design and management provisions.

For the purpose of comparison, 2MH also provided the alternative of provided the 8 new courts as hard court or plexipave surfaces.

The cost to construct the 8 hard courts was estimated at \$1,220,431 inclusive of all costs including all new lighting.

These cost estimates were provided to council and the direction was given to investigate alternative options due to the cost of the potential installation of the clay courts given the low membership numbers at the club and the uncertainty of being able to attract events.

## 7.2 OPTION 2 – BASIC REPAIR OF ALL COURTS

As a baseline, tennis expert consultants 2MH were instructed to provide a plan and cost estimate for the basic repair and resurfacing of the courts. The full report is provided as Appendix 3.

In order to provide the best possible advice, 2MH conducted a site visit in January 2014 as a follow-up to their previous visits and reports in 2011 and 2012. They found that the earthquake had created more damage than they had first observed and that there was likely more damage to the subsurface than was previously estimated.

For the sake of providing a full suite of alternatives for consideration by Council, 2MH have explored three options for the basic repair and resurfacing of the courts but as can be seen from the reports they do not encourage or endorse any of them for Moe Tennis Club given the potential damage that has been done to the subsurface by the earthquake and poor initial construction.

In summary the following three options for basic repair were provided. All options have been used on other facilities with mixed results.

### Option 2A – Basic crack repair and re-coating with acrylic



This option looks at grinding and sanding of the existing sports surface and cutting out and filling all cracks with a flexible material followed by a surface treatment (2 coat acrylic).

The estimated cost to perform this work is \$10,000 per court or \$80,000 for the 8 front courts

The advice is that this approach does not address the non-compliance issues of runoff and drainage along with pavement collapses. It also does not resolve the potential issues with the subsurface and therefore it is felt that the cracks will re-appear within a 12-month period. It is not considered to be even a viable short to medium term solution.

#### **Option 2B – Resheeting with asphalt and geofabric**

This option requires the laying of a geofabric material over the entire courts and applying a 300mm thick layer of asphalt. The surface will then be covered with a 3 coat sports surface system.

The estimated cost to perform this treatment on one court is \$35,000 with a total cost of \$252,000 (with savings for multiples) for 8 courts.

The advice is that this approach does not address the non-compliance issues of runoff and drainage issues along with pavement collapses. It also does not resolve the potential issues with the subsurface and therefore it is felt that the cracks will re-appear over time. It is not considered by the consultants to be a viable long term solution.

#### **Option 3C – Rubberised sports surface installed over existing courts**

This option lays a 7mm thick floating rubber system over the existing courts and then paint with a sports surfacing product - with a minimum of 5 coats.

The estimated cost for this treatment is \$37,000 per court or \$296,000 for 8 courts.

This approach does not address the non-compliance issues with short rear run-offs. It fails to rectify on-going drainage issues, pavement collapses or major problems such as base problems. It is also highly unlikely to last more than 12 months without considerable failures occurring. It is not considered viable, as the existing court damage and cracking will overtime reflect through.

### **7.3 OPTION 3 – STAGED REPLACEMENT AS NEW HARDCOURTS**

As part of the thorough review of possibilities for the Moe tennis courts the following option was discussed and marked as a potential solution that would provide the club with a number of new courts immediately, and the opportunity to have further courts rebuilt as a second stage of the process. Whilst it does not meet the desire of the club to have softer clay courts it potentially provides the new courts that would be an attractive option to new and returning players at a cost that is possible to fund.

The option is to conduct reconstruction works over a two-stage process as follows:

- Stage 1
  - Permanent removal of courts 11 and 12
  - Total rebuild of the 6 western courts as acrylic hardcourt with new subsurface works
  - Replace all fences, equipment and pathways
  - Maintain the existing lights where possible
  - Realign the courts within the existing footprints to meet compliance needs
- Stage 2
  - Total rebuild of the 4 eastern courts as acrylic hardcourt with new subsurface works
  - Replace all fences, equipment and pathways
  - Maintain the existing lights where possible
  - Realign the courts within the existing footprints to meet compliance needs

No works would be undertaken on the current courts 13, 14, 15 as these would be used as the public courts that are open at all times for casual use.

The facility would ultimately be a 13 court venue with 10 new courts.

The detailed analysis and cost plan is provided in Appendix 3. A summary of those costs is as follows:

#### **Stage 1A – Site Masterplanning and Design**

Works will include full electrical and lighting design, civil design and drainage design – and tennis specific design allowing for total site Masterplanning. Cost Estimate = \$40,000.00 plus GST

#### **Stage 1 – Demolition of 2 existing courts and reconstruction of 6 new tennis courts**

Works to include demolition of 2 existing courts (Courts 11 and 12) and reinstatement back to Botanical Gardens – lawn only. Estimate \$1 5,000.00 plus GST

Light towers to the west of the site may be able to be relocated and reused. Exact pricing for this is unknown until lighting and electrical works have been undertaken. Cost Estimate = \$40,000.00 plus GST

Construction of 6 new tennis courts with asphalt pavement, new drainage, new fencing and tennis infrastructure. Costs based on “best guess” off current industry pricing and basic acrylic surfacing. Cost Estimate = \$480,000.00

#### **Stage 2 – Construction of 4 new tennis courts**

Construction of 4 new tennis courts with asphalt pavement, new drainage, new fencing and tennis infrastructure. Costs based on “best guess” off current industry pricing and basic acrylic surfacing. Cost Estimate = \$320,000.00

Efficiencies can be made through undertaking all design works at the beginning for Stage 1A, tendering all construction works a package for Stage 1 and Stage 2 – even if spread over 2 financial years so as to get the best pricing overall. Project Management for 2 stages of construction works will be greater than constructing as 1 stage, therefore cost estimates for professional project management over 2 stages of construction will be - \$30,000.00 plus GST

**Stages 1 and 1A total estimated costs = \$575,000.00 plus GST**

**Stage 2 (with professional tennis specific project management) = \$350,000.00 plus GST**

**Total combined works Stage 1A, 1 and 2 = \$925,000.00 plus GST**

These estimates need to be considered as indicative costs and may vary depending on the final design. To meet the funding that may be available for the stages it may also be possible to reduce the number of courts supplied in stage 1.





## 8 CONCLUSIONS, RECOMMENDATIONS AND NEXT STEPS

### 8.1 SUMMARY OF OPTIONS

The following table is a brief summary of the proposed options that have been investigated as part of the process to provide upgraded facilities to the Moe Tennis Club following the damage created by the earthquake in 2012.

*Table 8.1 Summary of Options*

| Option   | Description   | Estimated Costs  | Summary   |
|--|---|--|---|
| 1. Provision of clay courts                                  | <ul style="list-style-type: none"> <li>Construct 8 new Conipur pro clay courts and resurface the remaining 7 courts with a basic acrylic coating</li> </ul> | <ul style="list-style-type: none"> <li>Total \$1,784,564</li> </ul>                                | <ul style="list-style-type: none"> <li>Considered too expensive</li> <li>Limited opportunity for events</li> <li>Council recommended not to pursue</li> </ul> |
| 2A. Basic crack repair and re-coating with acrylic           | <ul style="list-style-type: none"> <li>Cut out and fill existing cracks with flexible material</li> <li>Resurface with a 2-coat acrylic</li> </ul>          | <ul style="list-style-type: none"> <li>\$10,000 per court</li> </ul>                               | <ul style="list-style-type: none"> <li>Not considered a viable solution that would not provide any longevity</li> </ul>                                       |
| 2B. Resheeting with asphalt and geofabric                    | <ul style="list-style-type: none"> <li>Apply a geofabric layer covered by a coat of asphalt and then 3-coat acrylic paint</li> </ul>                        | <ul style="list-style-type: none"> <li>\$35,000 per court</li> </ul>                               | <ul style="list-style-type: none"> <li>Not considered a viable solution that would not provide any longevity</li> </ul>                                       |
| 2C. Rubberised sports surface installed over existing courts | <ul style="list-style-type: none"> <li>Apply a rubberised layer then painted with five coats of acrylic</li> </ul>  | <ul style="list-style-type: none"> <li>\$37,000 per court</li> </ul>                               | <ul style="list-style-type: none"> <li>Not considered a viable solution that would not provide any longevity</li> </ul>                                       |
| 3. Staged replacement as new hardcourts                      | <ul style="list-style-type: none"> <li>Replacement of 6 acrylic courts as stage one then 4 additional courts as stage 2</li> </ul>                          | <ul style="list-style-type: none"> <li>Stage 1 = \$575,000</li> <li>Stage 2 = \$350,000</li> </ul> | <ul style="list-style-type: none"> <li>Would provide a long term solution with the minimal level of required maintenance</li> </ul>                           |

### 8.2 CONCLUSIONS

The Moe Tennis Club is a 15-court acrylic hard court facility that sustained significant damage in the 2012 earthquake that affected the Latrobe Valley. The extent of the damage provided for an insurance claim to be lodged by Council and a payout achieved with a net value of some \$300,000. This sum was then put aside pending a review of the venue to determine the most appropriate methodology for replacing or repairing the damaged courts.

The ensuing needs assessment for the Moe Tennis Club has taken a number of turns through the process in order to arrive at the following conclusions and subsequent recommendation and next steps.

Like a number of other tennis clubs around Australia (nationally membership has dropped significantly in recent years) Moe Tennis Club has suffered a decline in membership from 134 in 2008/2009 to just 58 members in the 2012/2013 season. There is a shift to a more casual 'pay to play' environment around a number of sports that traditional have existed using the membership model. The club is looking to use the upgrading of the courts as a catalyst to draw more participation through membership and casual play.

The original concept that had the support of the council officers and some councillors that provided feedback, was to explore the club's desire to reconstruct the existing acrylic coated hard courts with a new Tennis Australia approved clay surface product called Conipur Pro. This clay surface is regarded as being less reliant on the volumes of water of other clay products and therefore requires less maintenance cost. As a new product with very few courts already constructed in Australia, the pricing was assumed to be more reasonable than other clay products. It was also assumed that the clay surface would provide an opportunity for Moe Tennis Club to host events and training camps as the clay surface would be a "point of difference" and therefore be in demand from the athletes to play on – as grand slam type surface.

It was also originally assumed that the council would pursue other funding sources through grants from the state government and rebates through the Tennis Australia construction assistance fund based on the estimates that would result from the investigation.

SGL with the assistance of tennis court experts, 2MH Consulting, developed a concept and cost plan to reconstruct eight clay courts over the existing court footprint and resurface the other seven courts in acrylic. The cost to achieve this result was estimated as approximately \$1.78 million.

This cost coupled with the low membership numbers, limited secured funding and a lack of surety around obtaining events caused the Council to reassess the concept and to direct the study to change its focus and explore alternative solutions.

It is also important to note that Latrobe City has recently upgraded the tennis facilities at Traralgon to meet the criteria of a regional tennis centre and be the focus for any major tennis events that may be hosted in the area.

SGL was asked to look at alternatives that provided different surface and staging options.

With these parameters in mind, SGL explored a number of options to simply resurface the existing courts however the more detailed inspection of the courts revealed that the surfaces had deteriorated even further over the last 12 months since 2MH had conducted their original review as part of another study and that the earthquake damage had potentially caused greater damage to the subsurface than first thought.

The advice from the experts in court surfaces therefore stated that none of the three options that were suggested and have been used on other facilities would provide any surety or long term solution to the problem and would not be a viable alternative.

The final option that was proposed and assessed was the concept of a staged process where in stage 1, a total of six of the eight courts at the west end of the venue would be fully rebuilt as acrylic hard courts surfaces with the existing courts numbered 11 and 12 being demolished and not replaced. Stage 2 would then see further courts being rebuilt on the eastern end of the site. It is anticipated that all four of these courts will be able to be rebuilt within the available budget but this needs to be subject to more detailed planning and the costs at the time the work is to be done.

In all options that were proposed as part of this study, it was agreed with Council and the club that the pod of three courts (numbered 13, 14 and 15) would be left to be available as public courts where the community could have free access to them with the intention of providing activity alternatives for the public but also to encourage people to begin tennis.





### 8.3 RECOMMENDATIONS AND NEXT STEPS

Based on the key issues and findings that that are the result of the detailed needs assessment process the following recommendations and next steps are provided.

It is recommended that:

- Council adopt Option 3 as proposed in this report – ie to reduce the number of courts from 15 to 13 (by removing courts 11 and 12), fully rebuilding 6 acrylic surfaced tennis courts as stage 1 and a further 4 new courts as stage 2 subject to budget allowances.
- Council proceed with the detailed design and cost planning as soon as possible keeping in mind that the construction of outdoor facilities requiring earthworks are best achieved prior to April and post September to avoid delays due to the wet months.
- The surfaces are to be retained as acrylic hard court to minimise the cost of maintenance and provide a longer-term solution for the Moe tennis Club members. The relative low membership numbers makes it even more advisable to provide a low maintenance cost facility that allows the club to focus on growing capacity, membership and participation.
- The club adopt a financial plan that allows for the creation of a “sinking fund” for the maintenance and replacement of facilities over a ten-year period. It is advise that a sum of \$1,000 per court is set aside each year for this purpose.
- The club continue to focus on building participation through junior development programs, casual “pay to play” opportunities and night-time competition opportunities for non members.
- Continue to encourage the potential to merge the Newborough Tennis Club membership with the Moe Tennis Club

## APPENDIX ONE: MOE TENNIS COURTS NEEDS ASSESSMENT – STAKEHOLDER CONSULTATION FRAMEWORK

| Key Stakeholder Groups                          | Methodology   | Timeframe                                    |
|---|---|--|
| Latrobe City Councillors                        | <ul style="list-style-type: none"> <li>Issue invitations to all 9 councillors</li> <li>Meeting #1 at commencement of project</li> <li>Meeting #2 at end of Stage 1</li> <li>Meeting #3 at completion of draft report</li> </ul>   | August 2013 through to completion of project |
| Council Officers                                | <ul style="list-style-type: none"> <li>Speak one-on-one with officers as identified by project leader</li> <li>In commencement of Stage 1</li> </ul>  | August 2013                                  |
| Moe Tennis Club Committee                       | <ul style="list-style-type: none"> <li>Face-to-face meeting in Stage 1</li> <li>Committee to select members to be involved</li> <li>Provide feedback to Committee as report evolves and elicit comment</li> </ul>   | August 2013 through to completion of project |
| Moe Tennis Club Members and Players             | <ul style="list-style-type: none"> <li>Public meeting at Tennis Club or Council offices</li> <li>Send invitation to players and members via club communication and Tennis Victoria "My Tennis"</li> <li>Also invite general interested public via council website etc</li> </ul>      | August 2013                                  |
| Newborough Tennis Club Committee                | <ul style="list-style-type: none"> <li>One-on-one meeting with committee members</li> <li>NTC to select attendees</li> </ul>  | August 2013                                  |
| Latrobe Tennis Association                      | <ul style="list-style-type: none"> <li>One-on-one meeting – in person or via phone</li> </ul>   | August 2013                                  |
| Loy Yang Yinnar and District Tennis Association | <ul style="list-style-type: none"> <li>One-on-one meeting – in person or via phone</li> </ul>   | August 2013                                  |
| Tennis Coaches associated with Moe Tennis Club  | <ul style="list-style-type: none"> <li>Identify coaches associated with Moe Tennis and meet with them if possible or on the phone</li> </ul>  | August 2013                                  |
| Tennis Victoria                                 | <ul style="list-style-type: none"> <li>Meet with Tennis Victoria "Places to Play" General Manager and Coordinator</li> </ul>  | August 2013                                  |
| Tennis Australia                                | <ul style="list-style-type: none"> <li>Meet with Tennis Australia "Places to Play" representatives and others as required (eg events)</li> </ul>  | August 2013                                  |
| General Interested Community Members            | <ul style="list-style-type: none"> <li>Provide outline of project on Council website</li> <li>On website ask for written submissions for any feedback from community members via Council officers</li> <li>Alert public to the project via the bulletin in local newspaper</li> </ul> | August – September 2013                      |
| Steering Group                                  | <ul style="list-style-type: none"> <li>Report regularly to steering group as required by Council and as per tasks schedule</li> <li>Steering Group to decide on methodology for communication of draft and/or completed report to stakeholder groups as identified</li> </ul>         | July to completion of project                |



## **APPENDIX TWO – 2MH ASSESSMENT OF CLAY COURT OPTION**

The attached report details the option and costs for the construction of eight clay courts and the resurfacing of seven acrylic courts at Moe tennis Club.

### **APPENDIX THREE – 2MH REPORT ON HARD COURT OPTIONS FOR MOE TENNIS CLUB**

The attached report details the option and costs for the resurfacing and replacement of the existing hard courts at Moe Tennis Club with acrylic hard courts.

**14.2 STATE GOVERNMENT RECREATION FUNDING  
OPPORTUNITIES 2014/15**

**General Manager**

**Recreation and Community  
Infrastructure**

**For Decision**

**PURPOSE**

The purpose of this report is to present to Council recreation projects that are eligible to be submitted for funding under the State Governments Community Facility Funding Program and Country Football Netball Program and to seek Council endorsement of the chosen funding applications to be prepared and lodged in the 2014/15 financial year.

**DECLARATION OF INTEREST**

The General Manager Recreation and Community Infrastructure and Acting Manager Recreational Liveability declared an indirect 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 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.*

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

*Theme 2: Appropriate, affordable and sustainable facilities, services and recreation*

*Objective - To promote and support a healthy, active and connected community.*

*Objective - To provide facilities and services that are accessible and meet the needs of our diverse community.*

*Objective - To enhance the visual attractiveness and liveability of Latrobe City.*

*Strategic Directions:*



- 1.2.1 Promote and support more involvement of children in active recreation and sport.
- 1.2.2 Develop and maintain community infrastructure that meets the needs of our community.
- 1.2.3 Promote and support opportunities for people to enhance their health and wellbeing.
- 1.2.4 Encourage and create opportunities for more community participation in sports, recreation, arts, culture and community activities.
- 1.2.5 Improve and link bicycle paths, footpaths and rail trail networks to encourage physical activity and promote liveability.
- 1.2.6 Deliver and promote environmentally sustainable waste management services that meet the expectations of the community and industry.
- 1.2.7 Continue to ensure Latrobe City is clean and tidy through the provision of effective litter control services.
- 1.2.8 Enhance and develop the physical amenity and visual appearance of Latrobe City.
- 1.2.9 Continue to maintain and improve access to Latrobe City's parks , reserves and open spaces.
- 1.2.10 Work collaboratively with our partners to engage and support volunteers in providing services to the community.
- 1.2.11 Work in partnership with all stakeholders to ensure the provision of quality education and care services to the community.

*Theme 5: Planning for the future*

*Objective - To provide a well planned, connected and liveable community.*

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

*Objective - Advocate for planning changes at the state level to reflect regional needs and aspirations.*

*Objective - To reduce the time taken to process land use and development planning applications.*

*Strategic Directions:*

- 1.5.1 Explore the establishment of a Council planning committee to guide land use planning, development and growth.
- 1.5.2 Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.
- 1.5.3 Plan and coordinate the provision of key services and essential infrastructure to support new growth and developments.
- 1.5.4 Investigate the need for and provide appropriate resources to support land use planning and development of Latrobe City.
- 1.5.5 Review our policy and guidelines for new residential development in particular lot density, unit development, road widths and emergency vehicle access.
- 1.5.6 In consultation with the community, review Council's Municipal Strategic Statement and the Latrobe City Planning Scheme.
- 1.5.7 Work with stakeholders to maintain and enhance the natural environment and biodiversity of Latrobe City and the region.
- 1.5.8 Protect and celebrate the cultural heritage and historical character of Latrobe City.

*Strategy & Plans – Recreation*

*Council has adopted a range of plans and strategies to provide guidance for the improvement of existing and the development of future recreation facilities across the Municipality, these include:*

- *Recreation and Leisure Strategy 2006*
- *Traralgon Outdoor Recreation Plan 2006*
- *Moe Newborough Outdoor Recreation Plan 2007*
- *Gippsland Hockey Facilities Plan 2007*
- *Morwell Outdoor Recreation Plan 2008*
- *Tennis Facilities Plan 2009*
- *Soccer Facilities Plan 2009*
- *Southern Towns Outdoor Recreation Plan 2009*
- *Ted Summerton Reserve Master Plan 2009*
- *Northern Towns Outdoor Recreation Plan 2010*
- *Gaskin Park Master Plan 2011*
- *Traralgon South Recreation Reserve Master Plan 2013*
- *Public Open Space Strategy 2013*

There is recognition that some of the above plans were undertaken some time ago. There are projects that were not previously identified in these plans, which have now been considered for submission to funding programs.

**BACKGROUND**

On an annual basis, the Victorian Government, through the Community Facility Funding Program and the Country Football Netball program provide a number of funding opportunities to support the improvement and development of community recreation facilities. The key objective of the Victorian Government in providing this funding is to assist in developing healthy and active communities.

There is a two stage process for submitting a funding application to the Victorian Government. Stage one is a brief project proposal and the second stage is a full detailed application.

Based on project proposals submitted by Council, Sport and Recreation Victoria will advise which projects can proceed to full application. This approach gives Councils the opportunity to receive feedback on project ideas, while giving clubs and community groups the opportunity to work more closely with Council to develop their projects and proposals for funding, while reducing the work involved in developing full applications.

Expression of interest for project proposals for all categories in the Community Facility Funding Program will close in approximately 6 weeks. For projects proposals that proceed to full application stage, a full application will be due in early May 2014. This will allow funding announcements and signed funding agreement to occur prior to the Victorian Government election in November.

The Country Football Netball Program will be open for application until 30 June 2014.

The Community Facility Funding Program and the Country Football Netball Funding program are administered by the Department of Planning, Transports and Local Infrastructure, and provide the opportunity for Council to access funding to assist in the delivery of projects that meet the program funding criteria.

The following guidelines for both the Community Facility Funding Programs and the Country Football Netball Funding program have been recently advised by the Victorian Government:

*Community Facility Funding Program – Major Facilities*

Funding under the Major Facilities program encourages the development of community sports and recreation facilities that are innovative, effectively managed, accessible, environmentally sustainable and well used.

Council can submit one application and the total cost must be greater than \$500,000.

The maximum grant of \$650,000 per project is available under this program. The funding ratio for this program is \$1 State Government funding to \$1 Council funding.

**ORDINARY COUNCIL MEETING AGENDA  
03 MARCH 2014 (CM431)***Community Facility Funding Program – Better Pools*

Funding under the Better Pools Program encourages the development or redevelopment of aquatic leisure facilities that focus on increasing participation and access to aquatic activities and are supported by comprehensive planning.

Council can submit only one application. The maximum grant of \$3 million per project is available under this program. The funding ratio for this program is \$1 State Government funding to \$1 Council funding.

It must be noted that Council may only submit either a Major Facilities funding application or a Better Pools funding application, as funding for these two programs comes from the same funding pool.

*Seasonal Pools*

The Seasonal Pools program provides funding to renew and modernise small aquatic facilities in small rural and regional towns where access to indoor facilities are significantly limited.

A maximum grant of \$200,000 per project is available under this program. The funding ratio for this program is \$2 State Government funding to \$1 Council funding.

*Community Facility Funding Program – Minor Facilities*

Applications under the Minor Facilities program are available for community groups, working in partnership with Council to develop or upgrade community sport and recreation facilities. The program is also designed to strengthen communities through the development of sustainable sport and recreational facilities where the total project cost does not exceed \$500,000 (GST exclusive).

Council can apply for a maximum of \$200,000 total funding under this grant, with a maximum of three applications per Council. Any single funding application cannot exceed \$100,000 in funding. The funding ratio for this program is \$2 State Government funding to \$1 Council funding.

*Community Facility Funding Program – Soccer Facilities*

Applications under the Soccer Facilities program encourage soccer clubs, working in partnership with local government to upgrade or develop new facilities to maximise their capacity to cater for additional participation in soccer.

Council can apply for a total of \$100,000 funding under this grant, with a maximum of two applications. Successful applications for the maximum \$100,000 grant will involve an exceptional project or circumstance. However, smaller projects that achieve the objectives of this program are encouraged and will be highly regarded.

*Community Facility Funding Program – Planning*

This program supports Council to provide a planned response to local community sport and recreation needs. Councils may submit only one application under Recreation planning for Facility feasibility.

**ORDINARY COUNCIL MEETING AGENDA  
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A second planning project may be submitted under the Regional Planning category where the scope and funding contributions extend beyond a single municipality. The funding ration for this program is \$2 State Government funding to \$1 Council funding.

*Country Football Netball Funding Program*

Councils may be successful in receiving up to \$100,000 per financial year. This can comprise one larger project seeking \$100,000 or up to three smaller projects across different sites.

At the discretion of the *Country Football Netball Program Steering Committee*, only councils invited to resubmit applications can reapply to the following assessment period of the program, rather than waiting to resubmit in the next financial year.

The cash flow of each grant will be negotiated with each council individually following approval of the grant. In order for a project to receive \$100,000, the project must be deemed as an exceptional project or circumstance. Exceptional projects should include one or more of the following elements:

- Applications where both the football and netball components of the club jointly benefit from the project
- Applications where two or more football and netball clubs benefit from the project
- Applications for projects that are of regional significance and with strong participation outcomes
- Applications where a football and netball club has recently been affected by a natural disaster such as flood or bushfire.

For all programs, applications are considered during the 14/15 year and funds become available in 15/16. Therefore, by committing to applications at this stage, Council is committing to providing matching funding in 15/16. Council has 24 months to complete Community Facility Funding – Major projects and 18 months to complete Community Facility Funding – Minor, Soccer and Planning projects upon signing of funding agreements.



## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

The following table summarises the funding co-contribution and submission dates for each of the programs.

| PROGRAM  | MAX GRANT   | FUNDING RATIO<br>State/Council<br>(\$) | EXPRESSION OF INTEREST<br>CLOSING DATE | FINAL APPLICATION<br>CLOSING DATE |
|--|---|--|--|-----------------------------------|
| Community Facility Funding Program - Major             | \$650,000   | 1:1                                    | To be advised                          | To be advised*                    |
| Community Facility Funding Program – Better Pools      | \$3 million   | 1:1                                    | To be advised                          | To be advised*                    |
| Community Facility Funding Program – Seasonal Pools    | \$200,000   | 2:1                                    | To be advised                          | To be advised*                    |
| Community Facility Funding Program - Minor Facilities  | \$100,000   | 2:1                                    | To be advised                          | To be advised*                    |
| Community Facility Funding Program – Soccer Facilities | \$100,000   | 2:1                                    | To be advised                          | To be advised*                    |
| Community Facility Funding Program - Planning          | \$30,000 (Recreation Planning or Facility Feasibility) or \$50,000 for a Regional Planning project (across two LGA's) | 2:1                                    | To be advised                          | To be advised*                    |
| Country Football Netball Funding Program               | \$100,000   | 2:1                                    | N/A                                    | 30 June 2014                      |

\*Although the dates have not been formally announced, SRV representatives have indicated that it is imminent and the turnaround time for submissions will be short due to this year's State election.

### *Recreation Project Delivery Context*

The strategic recreation plans adopted by Council since 2006 have assisted in the facilitation of the construction, upgrade and improvement of a range of facilities across Latrobe City.

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Projects delivered 2006 – 2013:

| YEAR | RESERVE                             | PROJECT                   | TOTAL PROJECT COST | LCC FUNDING  | EXTERNAL PROJECT FUNDING |
|------|-------------------------------------|---------------------------|--------------------|--------------|--------------------------|
| 2009 | Traralgon West Sporting Complex     | Pavilion Upgrade          | \$1.5 million      | 1.18 million | \$320,000                |
| 2009 | Northern Reserve Newborough         | Pavilion Upgrade          | \$200,000          | \$200,000    | N/A                      |
| 2010 | Boolarra Memorial Park              | Pavilion Upgrade          | \$200,000          | \$140,000    | \$60,000                 |
| 2010 | Hazelwood North                     | Due Diligence report      | \$20,000           | \$20,000     | N/A                      |
| 2010 | Hazelwood South Reserve             | Lighting Project          | \$140,000          | \$40,000     | \$100,000                |
| 2010 | Yinnar Recreation Reserve           | Pavilion Upgrade          | \$300,000          | \$240,000    | \$60,000                 |
| 2011 | Boolarra Memorial Park              | Netball Courts & Lighting | \$100,000          | \$100,000    | N/A                      |
| 2011 | Lions Park Moe                      | AAA Playground            | \$150,000          | \$100,000    | \$50,000                 |
| 2011 | Burrage Reserve Newborough          | Pavilion Upgrade          | \$60,000           | \$60,000     | N/A                      |
| 2011 | Tyers Recreation Reserve            | Lighting Project          | \$80,000           | \$80,000     | N/A                      |
| 2011 | Harold Preston Reserve Traralgon    | Pavilion Upgrade          | \$100,000          | \$40,000     | \$60,000                 |
| 2011 | Toners Lane Reserve Morwell         | Road access               | \$40,000           | \$40,000     | N/A                      |
| 2011 | Burrage Reserve Newborough          | Lighting project          | \$100,000          | \$100,000    | N/A                      |
| 2011 | Morwell Recreation Reserve          | Ground improvements       | \$250,000          | \$150,000    | \$100,000                |
| 2011 | Keegan Street Reserve Morwell       | Lighting project          | \$100,000          | \$40,000     | \$60,000                 |
| 2011 | Northern Reserve Morwell            | Pavilion construction     | \$320,000          | \$320,000    | N/A                      |
| 2011 | Crinigan Road South Reserve Morwell | Pavilion upgrade          | \$244,000          | \$184,000    | \$60,000                 |
| 2011 | Ted Summerton Reserve Moe           | Pavilion & ground upgrade | \$6 million        | \$340,000    | \$5.6 million            |

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|              |   |  |                     |                    |                     |
|--------------|---|--|---------------------|--------------------|---------------------|
| 2011         | Federation<br>(formerly Monash)<br>University Churchill | Construction of<br>synthetic pitch                         | \$900,000           | \$600,000          | \$300,000           |
| 2011         | Various reserves  | Upgrade to<br>soccer grounds                               | \$150,000           | \$50,000           | \$100,000           |
| 2012         | Ronald Reserve<br>Morwell                               | Lighting project   | \$90,000            | \$30,000           | \$60,000            |
| 2012         | Tyers Recreation<br>Reserve                             | Upgrade to<br>Football/Netball<br>change facility          | \$280,000           | \$230,000          | \$50,000            |
| 2012         | Moe Olympic<br>Reserve                                  | Construction of<br>pavilion                                | \$680,000           | N/A                | \$680,000           |
| 2012         | Monash Reserve<br>Newborough                            | Upgrade of<br>pavilion                                     | \$50,000            | N/A                | N/A                 |
| 2012         | Harold Preston<br>Reserve Traralgon                     | Upgrade to<br>Traralgon<br>Tennis Centre                   | \$714,000           | \$100,000          | \$614,000           |
| 2013         | Yallourn North<br>Town Oval                             | Construction of<br>new pavilion                            | \$680,000           | \$340,000          | \$340,000           |
| 2013         | Glengarry<br>Recreation<br>Reserve                      | Construction of<br>4 multi-use<br>Netball/Tennis<br>Courts | \$500,000           | \$430,000          | \$70,000            |
| 2013         | Tyers Recreation<br>Reserve                             | Construction of<br>Soccer pavilion                         | \$420,000           | \$400,000          | \$20,000            |
| 2013         | Moe Outdoor Pool  | Facility<br>Upgrade  | \$2.6 million       | \$800,000          | \$1.8 million       |
| 2013         | Traralgon South<br>Recreation<br>Reserve                | Construction of<br>Skate Park                              | \$90,000            | \$20,000           | \$70,000            |
| 2013         | Centenary Park<br>Yinnar                                | Construction of<br>Skate Park                              | \$115,000           | \$20,000           | \$95,000            |
| 2013         | Alexanders Park<br>Morwell                              | Construction of<br>Skate Park                              | \$420,000           | \$350,000          | \$70,000            |
| 2013         | Yallourn North<br>Bowling Green                         | Construction of<br>synthetic<br>bowling green              | \$200,000           | N/A                | \$200,000           |
| 2013         | Harold Preston<br>Reserve Traralgon                     | Installation of<br>drainage on<br>pitch 2                  | \$55,000            | \$40,000           | \$50,000            |
| <b>Total</b> |   |  | <b>\$17,848,000</b> | <b>\$6,784,000</b> | <b>\$10,989,000</b> |

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The following projects schedule to be delivered during 2014/15 which have been funded under 2013/14 Community Facility Funding Program:

| YEAR | RESERVE                                     | PROJECT   | TOTAL PROJECT COST | LCC FUNDING | EXTERNAL PROJECT FUNDING |
|------|---|---|--------------------|-------------|--------------------------|
| 2014 | Joe Tabuteau Moe                            | Moe Netball Courts Lighting project               | \$160,000          | \$110,000*  | \$50,000                 |
| 2014 | Latrobe City Sports & Entertainment Stadium | Installation of irrigation and drainage           | \$160,000          | \$110,000   | \$50,000                 |
| 2014 | Harold Preston Reserve Traralgon            | Lighting project for Pitch 2                      | \$90,000           | \$40,000    | \$50,000                 |
| 2014 | Harold Preston Reserve Traralgon            | Construction of new change pavilion               | \$450,000          | \$380,000*  | \$70,000                 |
| 2014 | Latrobe City Council                        | Latrobe City Tracks, Trails and Pathways Strategy | \$100,000          | N/A         | \$100,000                |

\*Based on the success of 2013/14 applications, Council will be required to allocate \$490,000 in the 2014/15 capital works budget.

The other projects listed above are funded in the 2013/14 budget.

### **ISSUES**

A number of factors and issues require consideration when nominating projects for funding, in addition to the requirements set by the State Government. These include:

1. Existing Council Strategy/Plan/Policy or Resolution
2. Applicable Council adopted recreation strategies and plans have been analysed to assess potential projects for the funding programs. These include:
  - Traralgon Outdoor Recreation Plan 2006
  - Moe Newborough Outdoor Recreation Plan 2007
  - Gippsland Hockey Facilities Strategic Plan 2007
  - Morwell Outdoor Recreation Plan 2008
  - Tennis Facilities Plan 2009
  - Soccer Facilities Plan 2009
  - Southern Towns Outdoor Recreation Plan 2009
  - Northern Towns Outdoor Recreation Plan 2010

- Gaskin Park Master Plan 2011
- Traralgon South Recreation Reserve Master Plan 2013

When Council adopted these plans and strategies, a number of priority projects for funding and delivery were identified.

In addition to the priority projects adopted by Council, each of the plans contains a significant number of other projects identified as 'future opportunities'. Whilst being identified as such, they have no priority or weighting for funding or delivery.

In preparing this report, the Council adopted project priorities from each of the above plans formed the basis for considering the nominated projects for funding through the Community Facility Funding Program.

Alternatively, Council may consider other projects from the plans that are listed as future opportunities, rather than the nominated projects.

#### *Scoping and planning of the project*

In order to access potential funding, an eligible project must have been subject to adequate scoping and planning. This includes community engagement, design, building/planning approval, site tenure and a comprehensive financial cost assessment.

To deliver a project in accordance with program guidelines and completion dates, a number of factors must be demonstrably progressed.

These factors, when considered with the project eligibility criteria applicable to the Community Facility Funding Program and Country Football Netball Funding program can limit the range of potential projects that can satisfactorily be progressed for funding.

#### *Eligibility Assessment*

In the context of assessing all eligible projects under the Community Facility Funding Program and Country Football Netball Funding program, officers have prepared a list of potential projects from the strategic recreation plans and nominated community projects. The approximate projects costs and an assessment of the delivery timelines of the project (including planning and design, funding application and delivery) are factored in to allow the consideration of eligible projects.

#### *Planning, funding and delivery of projects*

It is important to note that the dates identified for planning, funding and delivery of projects in this section of the report reflect current circumstances and will be reviewed on an annual basis (as future funding opportunities become available).

#### *Community Facility Funding Program – Major Facilities*

When considering eligible projects for submission under this funding program, a review of all adopted priority projects arising from the town based outdoor recreation plans against the Community Facility Funding Program – Major Facilities funding criteria has been undertaken.



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The following table provides details of all projects considered for submission:

| Reserve                             | Project Description | Total Cost (Approx) | Council Costs (Approx) | Strategy/Plan                        | Planning & Design | Funding Application | Project Delivery |
|-------------------------------------|---------------------|---------------------|------------------------|--------------------------------------|-------------------|---------------------|------------------|
| Gaskin Park Reserve - Churchill     | Multi-use facility  | \$1.3 million       | \$650,000              | Gaskin Park Master Plan              | 2013/14           | 2014/15             | 2015/16          |
| Moe Rail Revitalisation Project     | Youth Precinct      | \$20.8 million      | \$2.85 million         | Moe Rails Revitalisation master plan | Completed         | 2015/16             | 2016/17          |
| Latrobe City Synthetic Sports Field | Multi-use facility  | \$1.1 million       | \$550,000              | Gippsland Hockey Facility Plan       | 2013/14           | 2016/17             | 2017/18          |
| Total                               |                     | \$23,200,00         | \$4,050,000            |                                      |                   |                     |                  |

The Gaskin Park Multi-Use Facility has been planned and designed in preparation for a funding submission to the Victorian Government. The design funding for this project was provided in the 2013/14 Council budget.

The multi-use facility identified for Gaskin Park Churchill was identified as a priority project in the Gaskin Park master plan (Attachment 1) along with the construction of a bowls green. A separate funding application will be submitted for the bowls green under the Community Facility Funding Program – Minor Facilities.

Current change room and public toilets facilities at Gaskin Park Churchill are inadequate. The current facilities and public toilets no longer comply with any accepted standards. The upgraded facility will provide for functional and accessible facilities for all users that meet the current standards for AFL Football and Netball Victoria.

Considerable community and stakeholder engagement has been undertaken in both the preparation of the Gaskin Park master plan, but also in the planning and concept design of the Gaskin Park Multi-use facility.

The facility if constructed will provide the following aspects:

- Two change rooms for Senior Football/Cricket
- Two change rooms for Junior Football/Cricket
- Two change rooms providing for female players and Netball
- Change facilities for umpires
- First Aid room
- Gymnasium room
- Meeting room
- Canteen/Kiosk facilities
- Public toilets

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

The facility will provide for all current reserves users, including:

- Churchill Football Netball Club
- Churchill Junior Football Club
- Churchill Cricket Club
- Churchill Bowls Club

\$50,000 was allocated in the 2013/14 budget towards the development of a design for the facility. A concept design has now been completed at a cost of \$10,000. The concept design will be used to obtain a detailed quantity surveyor report to determine the expected costings for the project to support the funding application to the CFFP Major.

A capital works request for \$60,000 will be made as part of the 2014/15 budget process and a further request for \$540,000 will be made as part of the 2015/16 capital budget process with a view of beginning construction in late 2015.

### *Community Facility Funding Program – Better Pools*

When considering projects eligible for submission under this funding program, a review of all adopted priority projects arising from Council's adopted strategies and plans has been undertaken.

The following table provides details of all projects considered for submission:

| Pool                              | Project Description                            | Total Cost (Approx) | Council Costs (Approx) | Strategy/Plan  | Planning & Design            | Funding Application | Project Delivery |
|-----------------------------------|--|---------------------|------------------------|--|------------------------------|---------------------|------------------|
| Gippsland Regional Aquatic Centre | Construction of an indoor 50m Aquatic Facility | \$36 m              | \$12 m                 | Traralgon Indoor Aquatics leisure Centre Feasibility Study | Concept plans are completed. | TBA                 | TBA              |

Only one application from the Major Facilities program or Better Pools program can be submitted. As the Gaskin Park multi-use pavilion is being nominated at a Major Facilities application, no application will be submitted under the Better Pools program.

At this point, Council cannot confirm the matching funding from the Federal government and thus is unlikely to be successful.

In addition, feedback received from funding partners has indicated that there are concerns regarding the "project readiness" of the GRAC. Council will need to consider the funding of the detailed designs (estimated at \$3 million) in the upcoming budgets. There is currently no funding source for the design documents.

### *Community Facility Funding Program – Seasonal Pools*

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

When considering projects eligible for submission under this funding program, a review of all adopted priority projects arising from the Leisure Facilities Audit has been undertaken.

There are no suitable projects that meet the program funding criteria that have been sufficiently planned, designed and costed to allow submission under this funding stream this year.

### *Community Facility Funding Program – Minor Facilities*

When considering projects eligible for submission under this funding program, a review of all adopted priority projects arising from the town based outdoor recreation plans together with the soccer, tennis and hockey plans against the Community Facility Funding Program – Minor facilities funding criteria has been undertaken.

The following table provides detail of all projects considered for submission:

| Reserve                              | Project description                         | Total Cost | Council Cost | Strategy/Plan                              | Planning & Design                             | Funding Application | Project Delivery |
|--------------------------------------|---|------------|--------------|--|---|---------------------|------------------|
| Gaskin Park Bowling Green            | Construction of a synthetic green           | \$400,000  | \$300,000    | Gaskin Park master plan                    | 2013/14                                       | 2014/15             | 2015/16*         |
| Agnes Brereton Reserve - Traralgon   | Upgrade to Pavilion & Public toilets        | \$400,000  | \$350,000    | Traralgon Outdoor Recreation Plan          | 2013/14                                       | 2014/15             | 2015/16          |
| Duncan Cameron Park Traralgon        | Resurfacing of main oval                    | \$150,000  | \$100,000    | Traralgon Outdoor Recreation Plan          | 2014/15                                       | 2014/15             | 2015/16          |
| Andrews Park West Churchill          | Drainage & Resurfacing of the main oval     | \$200,000  | \$200,000    | Southern Towns Outdoor Recreation Plan     | 2014/15                                       | TBC                 | TBC              |
| Joe Tabuteau Reserve Moe             | Moe Netball Courts – Reconstruction project | \$400,000  | \$400,000    | Moe Outdoor Recreation Plan                | 2013/14                                       | TBC                 | TBC              |
| Moe Botanic Gardens                  | Upgrade to the Moe Tennis Complex – Stage 1 | \$750,000  | \$750,000    | Tennis Plan<br>Moe Tennis Needs Assessment | 2013/14                                       | TBC                 | TBC              |
| Catterick Crescent Reserve Traralgon | Resurfacing of the main oval                | \$100,000  | \$50,000     | Traralgon Outdoor Recreation Plan          | TBC<br>Master Plan being completed in 2014/15 |                     |                  |
| Gil Blythman Reserve                 | Drainage and Oval works                     | \$100,000  | \$50,000     | Traralgon Outdoor Recreation Plan          |   |                     |                  |

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

|                                    |  |             |             |  |     |  |  |
|------------------------------------|--|-------------|-------------|--|-----|--|--|
| Catterick Crescent - Traralgon     | Upgrade to Pavilion for Imperials Cricket Club       | \$400,000   | \$300,000   | Traralgon Outdoor Recreation Plan              |     |  |  |
| Traralgon South Recreation Reserve | Construct change facilities at CATS Cricket pavilion | \$150,000   | \$100,000   | Traralgon South Recreation Reserve Master Plan | TBC |  |  |
| Burrage Reserve - Newborough       | Upgrade Baseball Lighting                            | \$150,000   | \$100,000   | Moe Outdoor Recreation Plan                    | TBC |  |  |
| Maryvale Reserve - Morwell         | Upgrade pavilion for all users                       | \$400,000   | \$300,000   | Morwell Outdoor Recreation Plan                | TBC |  |  |
| Gaskin Park Reserve - Churchill    | Install lighting at Tennis Facility                  | \$150,000   | \$100,000   | Gaskin Park Master Plan                        | TBC |  |  |
| Maskrey Reserve - Traralgon        | Resurfacing of courts and Install lighting           | \$400,000   | \$350,000   | Traralgon Outdoor Recreation Plan              | TBC |  |  |
| Traralgon Croquet Club             | Resurface grass greens                               | \$80,000    | \$40,000    | N/A  | TBC |  |  |
| Traralgon South Recreation Reserve | Construction of 2 <sup>nd</sup> oval                 | \$500,000   | \$400,000   | Traralgon South Recreation Reserve Master Plan | TBC |  |  |
| Traralgon South Recreation Reserve | Construction of pavilion at 2 <sup>nd</sup> oval     | \$500,000   | \$400,000   | Traralgon South Recreation Reserve Master Plan | TBC |  |  |
| Total                              |  | \$5,230,000 | \$4,290,000 |  |     |  |  |

\*Depending on the timing of the funding agreement and documents being signed, this project may be able to commence in 2014/15.

Three projects from the above table meet the Community Facility Funding Program criteria and can be sufficiently scoped, planned, designed and financially assessed for submission to the State Government. These are:

1. Gaskin Park Bowling – The construction of a synthetic bowling green with associated infrastructure such as fencing and shelters.
2. Agnes Brereton Netball Pavilion – the upgrade of the existing pavilion to provide facilities for female players and umpires. It also include the relocation of public toilets and the demolition of the old existing toilet block.
3. Duncan Cameron Reserve – Re-levelling and resurfacing of the oval to improve the surface for both football and cricket.

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

Latrobe City Council is currently undertaking a Needs Assessment for the Moe Tennis Complex. A Council report has been prepared detailing the results of the needs assessment and recommendations for the future upgrade of the facility. A capital works funding bid will be submitted for this project.

### *Community Facility Funding Program – Soccer Facilities*

When considering eligible projects for submission under this funding program, a review of all adopted priority projects arising from the town based outdoor recreation plans and the soccer plan against the Community Facility Funding Program – Soccer facilities criteria has been undertaken.

The following table provides details of all projects considered for submission:

| Reserve                          | Project Description                                 | Total Cost (Approx) | Council Costs (Approx) | Strategy/Plan                                  | Planning & Design | Funding Application | Project Delivery |
|----------------------------------|---|---------------------|------------------------|--|-------------------|---------------------|------------------|
| Ronald Reserve Morwell           | Installation of drainage at Morwell Park Oval.      | \$130,000           | \$80,000               | Morwell Outdoor Recreation Plan                | 2013/14           | 2014/15             | 2015/16          |
| Hazelwood South Reserve          | Construction of a change pavilion                   | \$500,000           | \$400,000              | Southern Towns Outdoor Recreation Plan         | 2014/15           | 2015/16             | 2016/17          |
| Harold Preston Reserve Traralgon | Levelling of Pitch 1 at Traralgon City Soccer Club* | \$50,000            | \$50,000               | Traralgon Outdoor Recreation Plan              | 2014/15           |                     |                  |
| Ronald Reserve Morwell           | Upgrade to the change pavilion for Soccer           | \$400,000           | \$300,000              | Morwell Outdoor Recreation Plan                | TBC               |                     |                  |
| Harold Preston Reserve Traralgon | Upgrade to pavilion at Traralgon City Soccer Club   | \$300,000           | \$250,000              | Traralgon Outdoor Recreation Plan, Soccer Plan | TBC               |                     |                  |
| Moe Olympic Reserve              | Lighting Upgrade                                    | \$120,000           | \$60,000               | Moe Outdoor Recreation Plan                    | TBC               |                     |                  |
| Total                            |   | \$1,500,000         | \$780,000              |  |                   |                     |                  |

\*Proposed that project be fully funded through the 2014/15 capital works program.

From the above table, one project meets the funding criteria and can be sufficiently scoped, planned, designed and financially assessed for submission to the Community Facility Funding Program. This project is:

1. Morwell Park Oval – This oval is owned and managed by Latrobe City Council, and used by the Morwell Park Primary School. The oval



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adjoins Ronald Reserve. The Pegasus Soccer Club situated at Ronald Reserve, have access to only one pitch for their entire club. The Morwell Park Oval is currently used for training for soccer and football, however its lack of drainage especially during winter, prohibits more extensive programming. The installation of drainage will ensure the oval is able to be utilised by all users on an annual basis.

### *Community Facility Funding Program – Recreation Planning*

When considering eligible projects for submission under this funding program, a review of all adopted priority projects arising from the town based outdoor recreation plans, together with the soccer, tennis and hockey plans against the Community Facility Funding Program – Recreation Planning funding criteria has been undertaken.

The following table provides details of all projects considered for submission:

| Reserve                       | Project Description                        | Total Cost (Approx) | Council Costs (Approx) | Strategy/Plan              | Planning & Design | Funding Application | Project Delivery |
|-------------------------------|--|---------------------|------------------------|----------------------------|-------------------|---------------------|------------------|
| Northern Reserve - Newborough | Northern Reserve Precinct Master Plan      | \$45,000            | \$30,000               | Public Open Space Strategy | 2014/15           | 2014/15             | 2015/16          |
| Moe Botanic Garden*           | Master plan                                |                     |                        | Public Open Space Strategy |                   |                     |                  |
| Traralgon Creek - Traralgon   | Traralgon Creek Linear Pathway Master Plan | \$50,000            | \$25,000               | Public Open Space Strategy | TBC               |                     |                  |
| Total                         |  | \$95,000            | \$65,000               |                            |                   |                     |                  |

\*The Moe Botanic Garden master plan will be undertaken in house by Latrobe City Council Recreation & Open Space team.

From the above table one project meets the funding criteria and has been sufficiently scoped, planned, designed and financially assessed for submission to the Community Facility Funding Program. This project is:

1. The Northern Reserve Newborough Precinct master plan. This master plan was identified in the Public Open Space Strategy as a priority master plan project. The precinct is a major community recreation and leisure precinct in the Moe/Newborough area.

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Latrobe City Council has recently applied for funding from Regional Development Victoria's Putting Locals First Program for three recreation planning projects:

| Project                           | Project cost | Funding Stream       | Funding amount | LCC contribution |
|-----------------------------------|--------------|----------------------|----------------|------------------|
| Catterick Crescent master plan    | \$70,000     | Putting Locals First | \$50,000       | \$25,000*        |
| Maryvale Reserve master plan      | \$30,000     | Putting Locals First | \$10,000       | \$20,000*        |
| Review of the Playground Strategy | \$70,000     | Putting Locals First | \$46,700       | \$23,300*        |

2. \*LCC funding for these project has been requested in the Recreation & Open Space recurrent budget for 2014/15

Latrobe City Council has been successful in getting to the second round of this funding program, and expects to receive confirmation of the funding in the coming months.

### *Country Football Netball Funding Program*

When considering eligible projects for submission under this funding program, a review of all adopted priority projects arising from the town and reserve based outdoor recreation plans against the Country Football Netball Funding program funding criteria has been undertaken.

The following table provides details of all projects considered for submission:

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| Reserve                                    | Project description   | Total Cost  | Council Cost | Strategy/Plan                          | Planning & Design | Funding Application | Project Delivery |
|--|---|-------------|--------------|--|-------------------|---------------------|------------------|
| Traralgon Recreation Reserve & Showgrounds | Lighting to match standard for the main oval                  | \$500,000   | \$400,000    | Traralgon Outdoor Recreation Plan      | 2014/15           | 2014/15             | 2015/16          |
| Ronald Reserve Morwell                     | Reconstruction of netball court including drainage            | \$170,000   | \$120,000    | Morwell Outdoor Recreation Plan        | 2014/15           | 2014/15             | 2015/16          |
| Gaskin Park Reserve                        | Construction of two Netball Courts & Lighting                 | \$400,000   | \$300,000    | Gaskin Park Master Plan                | 2015/16           | 2015/16             | 2016/17          |
| Glengarry Recreation Reserve               | Upgrade to the Netball/Tennis Pavilion                        | \$300,000   | \$250,000    | Northern Towns Outdoor Recreation Plan | TBC               |                     |                  |
| Apex Park Traralgon*                       | Upgrade of pavilion to provide facilities for all user groups | \$400,000   | \$350,000    | Traralgon Outdoor Recreation Plan      | TBC               |                     |                  |
| Northern Reserve Newborough                | Installation of lighting                                      | \$250,000   | \$200,000    | Moe Outdoor Recreation Plan            | TBC               |                     |                  |
| Total                                      |   | \$1,850,000 | \$1,500,000  |  |                   |                     |                  |

\* Not in a Council Strategy or Plan. This project has been identified by the community

From the above table one project meets the funding criteria and has been sufficiently scoped, planned, designed and financially assessed for submission to the Country Football Netball Funding program. This project is:

1. Upgrade to the lighting at Traralgon Recreation Reserve & Showgrounds. Although the Master Plan is not adopted, the existing Traralgon Outdoor Recreation Plan clearly identifies the need to upgrade the existing lighting on the main oval at Traralgon Recreation Reserve & Showgrounds. The lighting will be upgraded to a 300 lux for high level cricket and Australian Rules Football.

### Regional Development Australia – Round 5 Funding Applications

In June 2013 the Minister for Regional Development and Local Government, announced that applications for Round Five of the Regional Development Australia Fund (RDAF) open on Friday 21 June 2013.

RDAF Round Five is an allocative funding round, with each local government that was funded under the General Purpose component of the

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

Financial Assistance Grants 2012–2013 eligible to apply for funding for infrastructure projects.

Latrobe City Council was allocated \$860,281 under this funding. The following projects were submitted by Latrobe City Council:

| <b>Project</b>  | <b>RDAF 5 Amount applied for</b> |
|---|----------------------------------|
| Gippsland Plains Rail Trail – Traralgon to Glengarry section                | \$83,514                         |
| TEDAS Junior Football Pavilion – Traralgon Recreation Reserve & Showgrounds | \$120,000                        |
| Traralgon West Sporting Complex – Fit out of upstairs                       | \$270,000                        |
| Agnes Brereton Reserve – Upgrade to Netball pavilion                        | \$386,767                        |

Funding applications were submitted, however before agreements could be signed, the Federal election was called and the Government immediately went into caretaker mode. During a caretaker period, the Government does not make major policy decisions that are likely to commit an incoming Government or enter into major contracts.

The new Government did not honour any RDAF 5 commitments.

The projects that were identified for applications for RDAF 5 have been considered for current round of CFFP Funding for 2015/16, however only the Agnes Brereton Pavilion is eligible for submission.

Both the TEDAS pavilion project and the Traralgon West Sporting Complex project have previously received significant funding through the State Governments CFFP funding program, and are ineligible for further applications.

These projects will therefore be referred to the 2014/15 Council budget process.

The Gippsland Plains Rail Trail has already received a commitment from Council to fund the \$83,514 required to complete the Traralgon to Glengarry component of the project.

### **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 following table provides a summary of the grants available from the State Government for each of the recommended projects and the funds to be contributed by Latrobe City Council.

**ORDINARY COUNCIL MEETING AGENDA  
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| <b>Program</b>   | <b>Project</b>  | <b>Total Cost</b>  | <b>Proposed State Government Contribution</b> | <b>LCC Contribution</b> | <b>Other Contribution</b> |
|--|---|--------------------|---|-------------------------|---------------------------|
| Community Facility Funding Program - Major Facilities  | Gaskin Park Multi-use pavilion                              | \$1.3 million      | \$650,000                                     | \$650,000               | N/A                       |
| Community Facility Funding Program – Minor Facilities  | Gaskin Park Bowling Green                                   | \$400,000          | \$100,000                                     | \$300,000               | N/A                       |
| Community Facility Funding Program - Minor             | Agnes Brereton Pavilion                                     | \$400,000          | \$50,000                                      | \$350,000               | N/A                       |
| Community Facility Funding Program - Minor             | Duncan Cameron Re-levelling and resurfacing project         | \$150,000          | \$50,000                                      | \$100,000               | N/A                       |
| Community Facility Funding Program – Soccer Facilities | Morwell Park Oval – Installation of drainage                | \$130,000          | \$50,000                                      | \$80,000                | N/A                       |
| Community Facility Funding Program - Planning          | Northern Reserve Precinct master plan                       | \$45,000           | \$30,000                                      | \$30,000                | N/A                       |
| Country Football Netball Funding Program               | Traralgon Recreation Reserve & Showgrounds Lighting Project | \$500,000          | \$100,000                                     | \$400,000               | N/A                       |
| <b>Total</b>   |   | <b>\$2,925,000</b> | <b>\$1,030,000</b>                            | <b>\$1,910,000</b>      |                           |

If projects are successful in attracting funding from the Community Facility Funding Program and Country Football Netball Funding program, there will need to be a Council contribution in the 2014/15 or 2015/16 budget.

**INTERNAL/EXTERNAL CONSULTATION**

*Engagement Method Used:*

The projects identified for application to the State Government form part of an existing Council Strategy/Plan/Policy/program or resolution with additional nominated projects by community sporting clubs.

Significant community consultation and engagement was undertaken in the formation of each of the plans details in the report to Council for endorsement.

*Details of Community Consultation / Results of Engagement:*

Significant community consultation and engagement was undertaken as part of the development of the following plans, which have been adopted by Council:



- Traralgon Outdoor Recreation Plan 2006
- Moe Newborough Outdoor Recreation Plan 2007
- Gippsland Hockey Facilities Strategic Plan 2007
- Morwell Outdoor Recreation Plan 2008
- Tennis Facilities Plan 2009
- Soccer Facilities Plan 2009
- Southern Towns Outdoor Recreation Plan 2009
- Northern Towns Outdoor Recreation Plan 2010
- Gaskin Park Master Plan 2011
- Traralgon South Recreation Reserve Master Plan 2013
- Public Open Space Strategy 2013

### **OPTIONS**

Options available to Council include:

1. Endorse the projects identified for preparation and submission of funding applications to the Community Facility Funding Program and Country Football Netball Funding program.
2. Not endorse the projects identified for preparation and submission for funding applications to the Community Facility Funding Program and Country Football Netball Funding program.
3. Amend the projects identified for the preparation and submission of funding applications to the Community Facility Funding Program and Country Football Netball program, giving consideration to the project delivery factors, identified in Section 4.

### **CONCLUSION**

The recreation projects nominated for submission to the Victorian Government's Community Facility Funding Program and Country Football Netball Funding program provides an opportunity to deliver significant benefit to the Latrobe City community and improve the quality of the City's recreation facilities and contribute to the sustainability of local recreation venues.

This report takes a strategic approach to the selection of eligible projects within the guidelines of the Community Facility Funding Program whose key objective is to create healthy and active communities. These key objectives are support of the overall directions of our community as identified in Latrobe 2026.

**RECOMMENDATION**

- 1. That Council endorse the following projects for funding applications to be prepared for submission in the 2013/14 year:**
  - a. Gaskin Park Multi-use pavilion – Community Facility Funding Program Major**
  - b. Agnes Brereton Reserve pavilion – Community Facility Funding Program Minor**
  - c. Gaskin Park Bowling Green – Community Facility Funding Program Minor**
  - d. Duncan Cameron Park Resurfacing project – Community Facility Funding Program Minor**
  - e. Morwell Park Oval Drainage and Resurfacing project – Community Facility Funding Program Soccer**
  - f. Traralgon Recreation Reserve & Showgrounds Lighting project – Country Football Netball Program**
  - g. Northern Reserve Newborough Precinct Master Plan – Community Facility Funding Program Planning**

## **14.2**

### **State Government Recreation Funding Opportunities 2014/15**

- 1 State Government Recreation Funding Opportunities  
2014/2015..... 307**



gaskin park, churchill

master plan report

by hansen partnership

in association with  
meldrum architecture

september 2011

aila victoria medal 2008  
australian institute of  
landscape architects  
(victorian state group)

consultant planner of the year 2006  
consultant planner of the year 2005  
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urban planning | urban design | landscape architecture



gaskin park master plan report

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gaskin park master plan report

## 1 introduction

In June 2010 Latrobe City Council appointed Hansen Partnership to prepare a Master Plan for Gaskin Park, Churchill. The aim of the project was to develop a detailed master plan identifying all opportunities for the creation and redevelopment of facilities at Gaskin Park to form a major sporting precinct and provide amenities to accommodate the local community.

The first stage of the project focused on gathering information relating to the existing conditions of the park and issues concerning its use, from the following sources;

- A review of background documents including the *Southern Towns Outdoor Recreation Plan*, the *Churchill Structure Plan*, Latrobe City Council's *Recreation and Leisure Strategy*, *Sporting Reserves*, *Pavilion and Grounds Use Policy* and other relevant documents.
- Initial site visits and the identification of physical attributes of the park and surrounding area; and
- Community consultation sessions which gathered information about the use and presence of the park. A total of seven consultation sessions were held, with members of Latrobe City Council and Council Officers, representatives from the different sporting clubs associated with the park (including the Senior Football / Netball Club, Junior Football Club, Tennis Club, Lawn Bowls Club, Cricket Club, Badminton Club and Baseball Club), Churchill and District Community Association and members of the general community.

In collaboration with Council and Meldrum Architecture, Hansen Partnership developed a number of options for the development of the reserve. These draft master plan options were presented to Council, stakeholders and the general community in a further consultation session, which was followed by a public exhibition period.

The feedback from the public exhibition period was reviewed and the final master plan was tailored to consolidate the three options and incorporate stakeholder feedback as required. Along with the Implementation Framework, this Master Plan will guide the future use and long term development of Gaskin Park, subject to funding opportunities. The recommendations contained within the plan are described in relation to a number of key actions and associated tasks, as outlined within this report.



gaskin park master plan report

## 2 background

### 2.1 site context

The study area, which is situated on the western edge of the Churchill Township, is indicated in the accompanying context diagram (Figure 5). The analysis of the relationship of Gaskin Park within the broader region identified a number of key influences, which are briefly described as follows.

- Churchill currently has a large provision of public open space that provides for a range of recreational and sporting pursuits, and the Master Plan seeks to consolidate the presence of Gaskin Park within this green ribbon of open space by developing it into a key regional sporting precinct, as identified in the Southern Towns Outdoor Recreation Plan (2009).
- Existing connections through to the surrounding sporting facilities and open spaces are to be strengthened, particularly to Andrews Park West which currently provides for the township's baseball and cricket communities, and Hazelwood South Reserve further to the north, which houses the soccer club.
- Gaskin Park is located on the western edge of the township and needs to cater for an anticipated increase in Churchill's population, servicing both the current and future population of the region.
- A future east west link has been identified within the proposed Churchill Structure Plan through Gaskin Park to McDonald Way, connecting the reserve through to the town centre.
- Gaskin Park is located within walking distance of the majority of Churchill's existing residential neighbourhood, the town centre and a multitude of other open space areas. These are predominantly within a five to ten minute walking catchment of the park, therefore the opportunity to strengthen existing shared path connections and integrate new clear and accessible pedestrian and cycling paths is important in realising the vision of the overall Churchill Structure Plan. This envisages a walking trail around the reserve to pick up on broader linkages north to the Strzelecki Track and the National Park.
- Churchill has a number of educational institutions, the largest being Monash University to the east of town, and it has been indicated that many students from the campus are involved in sporting clubs that utilise facilities at Gaskin Park. There are also three primary schools within a ten minute walking distance of the reserve, which mean that it is an important neighbourhood community asset for school groups to use for events such as cross country and sports days, as well as the formal sporting clubs.



Figure 1: Andrews Park West oval



Figure 2: Residential development frontage

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gaskin park master plan report

- Churchill Town Centre is presently undergoing a number of upgrades, including traffic improvements which will contribute to increased activity and encourage more people to visit and stay in Churchill. Along with improvements to east west linkages across the town, this will contribute to presenting Churchill as a more accessible town and creating an inviting destination for sporting clubs and the regional community.
- There is a regional bus route that runs through Churchill; however this does not run directly by Gaskin Park. There is the opportunity for public transport links to be extended as residential development continues, and pedestrian linkages through to these transport corridors should be enhanced.
- Gaskin Park itself is essentially divided into two precincts. Gaskin Park South is primarily an area of remnant native vegetation, which is an important wildlife corridor that is to be preserved and potentially enhanced through a sensitively placed walking trail that links into Gaskin Park North. This area includes the existing Scouts Hall, and is often used for recreational pursuits including walking, horse riding and dirt bike riding. Gaskin Park North is a precinct of more formal sporting pursuits that comprises a number of different user groups and potential activities that require consolidation, and as such is the primary subject of this Master Plan.



Figure 3: Gaskin Park recreational precinct



Figure 4: Gaskin Park entrance road



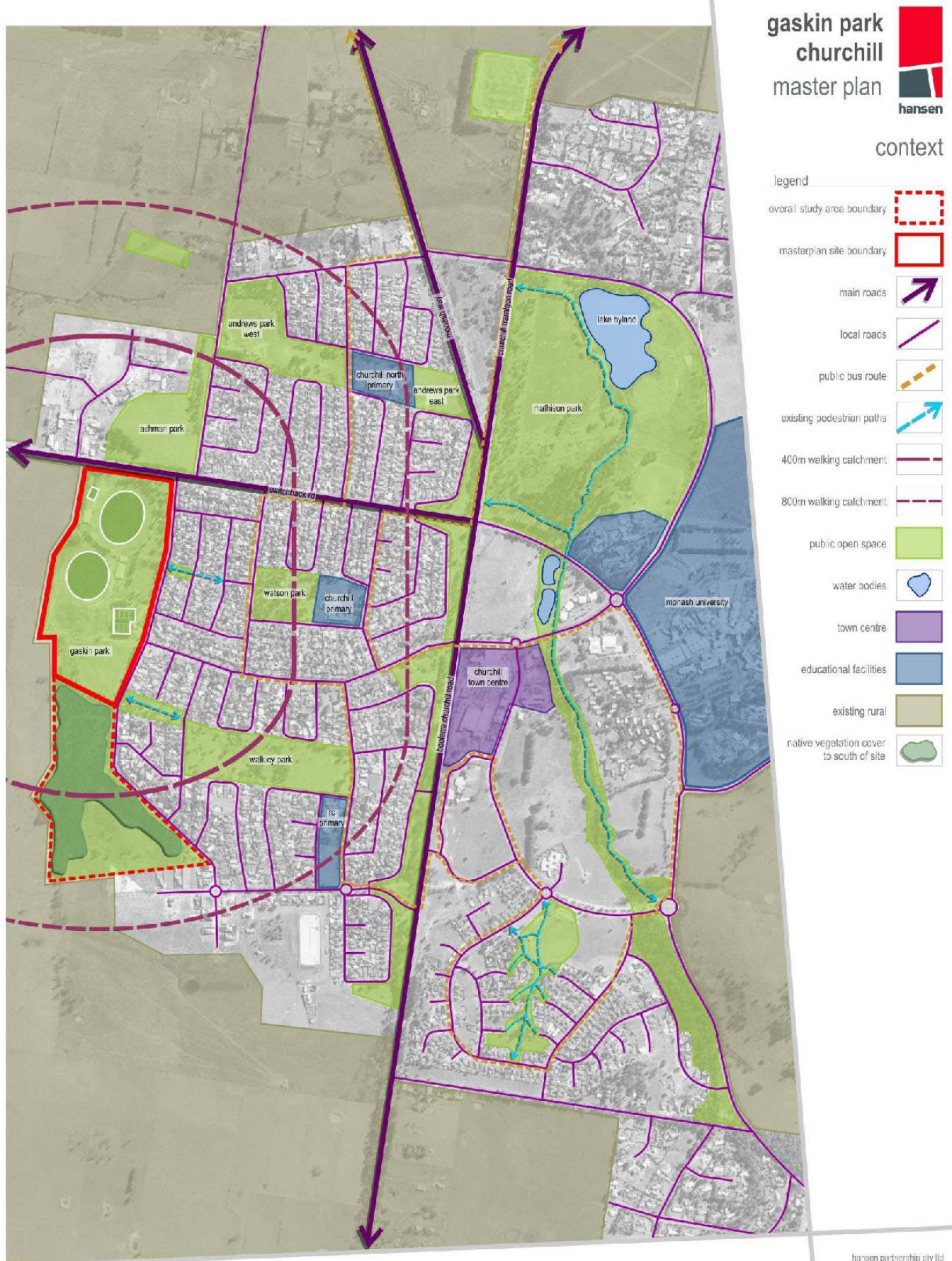


Figure 5

Project Ref: 10.089  
 Dwg No.: LCD-001  
 Scale: 1:10,000@A3  
 Date: 13.07.10  
 Revision: B

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## 2.2 land use

The northern end of Gaskin Park, which forms the Master Plan study area, covers an area of approximately 19 hectares. The reserve incorporates a number of formal sporting fields for recreational use, as well as a large informal area of undulating grassland to the south. The various recreational facilities are currently quite disconnected, and there is presently a lot of underutilised space between the designated sporting fields. The Master Plan will work to integrate all the different elements within the reserve and allow the surrounding parkland areas to function as an open space destination for the community.

The analysis of land use at Gaskin Park identified a number of key areas, described as follows, and identified in the accompanying land use analysis diagram (Figure 16).

### 2.2.1 adjacent land use

- Gaskin Park has an existing residential frontage to the east along Manning Drive, and access to the park from this large residential catchment should be clear and direct.
- As part of a generous open space network around Churchill, Gaskin Park's green connections extend north to Ashman Park and Andrews Park West and south through the areas of remnant native vegetation. The western boundary of the park is currently fronted by rural land.

### 2.2.2 active sporting fields

Gaskin Park comprises a number of active playing fields that are used by various sporting groups within the community that have seasonal hire agreements that are negotiated directly with Council. These users are identified in the Southern Towns Outdoor Recreation Plan (2009) and are discussed below.

A number of other members of the local community have indicated that they currently or potentially could make use of the recreational facilities in the reserve. It is also important to consider the Churchill Leisure Centre, which has facilities located adjacent to Monash University and has been significantly upgraded. The sharing of uses between these facilities would allow for quality recreational pursuits for all users and ensure that facilities within Churchill are not being duplicated and thus underutilised.





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### sporting ovals

The reserve includes two ovals; Gaskin 1 is the main oval to the north which is generally used for senior football only and Gaskin 2 to the south which is used for C grade football and junior cricket.

- The main oval, Gaskin 1, is heavily used during the week for training as well as for weekend football matches, due to being the only space with adequate lighting in the reserve for such purposes. The oval had improved in recent times, with good grass cover and drainage, however the high amount of traffic puts the surface under a great deal of pressure, and we understand that it has fallen below standard as a result of this high use and deterioration caused by drainage issues during wet weather. The cricket pitch has recently been removed from the oval and drainage issues will look to be rectified by connecting infrastructure in the centre of the ground.
- We understand that there has been minimal improvement to ground lighting for a long time, and is now below accredited standard. For the installation of new lighting, Council have noted that power infrastructure will need to be upgraded, therefore the expense of this exercise requires careful planning. The football club has indicated that if lighting was to be provided for Gaskin 2, the oval would be able to be used for training purposes, which would assist in taking the pressure off the surface of Gaskin 1.
- The southern oval, Gaskin 2, is currently not irrigated and has poor drainage which results in an uneven and often muddy surface for the junior football and cricket teams to play on. The Junior Football Club has also identified that there is drainage infrastructure to the north of the oval behind the goals that needs to be removed, as it presents a hazard for those using the ground.
- The consideration of a well designed and installed irrigation system could possibly be extended to service both ovals to provide a high turf quality on both.
- We understand that the cricket club only uses the Gaskin 2 oval for games on a Saturday, as training and change room facilities are located at Andrews Park West. For them to be able to continue to utilise the ground however, they do require a safe, flat surface on Gaskin 2 that has adequate drainage and preferably irrigation. The current process for covering the cricket pitch during the football season causes levelling issues, so a better option for this should be considered.
- A review of other facilities associated with the use of the ovals, such as the condition of goal posts and the lack of a scoreboard and siren on Gaskin 2, is also to be investigated.



Figure 6: Gaskin 1 main oval



Figure 7: Gaskin 2 southern oval

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### netball court

- Gaskin Park currently has one netball court, which is located in the north western corner of the reserve. Drainage is currently an issue on the existing court, and it does not comply with Netball Victoria mandated minimum requirements for 'run off area, which is an important consideration in any improvement works.
- There is also the future need for a second court, which would allow additional teams to play and offer a safe warm up area for all players.



Figure 8: Netball court

### tennis courts

- Gaskin Park is the home of the Churchill Tennis Club, which is located to the south east of the reserve. The club has seven acrylic tennis courts in use, which is considered by the club as sufficient through October – March when they get the most activity; with junior competition on the weekends, some night competition during the week, use by schools on sports days and regular recreational use by the tennis community.
- Three of the courts in use are provided with lighting. The installation of lighting on the remaining four active courts is required to enable the expansion of night competition, and repairs to the fence around the courts are necessary.
- As well as improvements to the courts, Latrobe City Council's Tennis Facilities Plan (2008) identifies a number of upgrades required to the existing club rooms. It has been identified that disability access and toilets are required and sewerage problems and lack of an outdoor tap needs to be addressed.
- The existing gravel car park causes issues with congestion and stones scattering onto the courts, and the sealing and formalisation of this car park would be beneficial.
- Shade and shelter for spectators around the courts is lacking, and the introduction of some vegetation around this area would improve the amenity of the area.
- The tennis club has suggested that it would be beneficial to perform a risk assessment on their facilities to ensure they meet Tennis Victoria guidelines.
- Latrobe City Council's Tennis Facilities Plan also includes the decommissioning of the four disused courts, which is discussed below.



Figure 9: Active tennis courts



Figure 10: Tennis clubrooms

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## 2.2.3 disused sporting fields

### inactive tennis courts

- Four asphalt tennis courts are located down the embankment to the west of the active courts, which have been fenced off and disused, as they are not suitable for play due to the dilapidated surface quality, most likely a result of the reactive clay soils on site. The tennis community have indicated that the existing seven courts available for use are sufficient for their needs, and if the four courts were to be removed and not replaced this would not be an issue.



Figure 11: Inactive tennis courts

### cricket nets

- There are some underutilised cricket nets located in the far north east corner of the reserve that are in poor condition. We understand that the cricket community is happy for them to be removed, as the main cricket practice facilities are located at Andrews Park West.

### hockey field

- The hockey field along the Manning Road frontage is in poor condition and is thus disused for the game. The development of a regional synthetic hockey facility at Monash University in April 2011 has provided the opportunity for usage by the hockey club.
- The soccer club casually uses the hockey ground to train on, however there is the potential for them to shift their activity to another space within the reserve, and their main facilities are located at Hazelwood South Reserve.
- Due to the hockey club's relocation, the leftover field creates a suitable, high profile position for the potential new bowls club, as discussed below.



Figure 12: Hockeyfield

### rugby field

- The rugby field towards the south west corner of the reserve is also disused. The master plan therefore provides a suitable opportunity to investigate the potential future use of this area, including the possible development of new playing areas and providing better access and surveillance to this part of the reserve.



Figure 13: Disused rugby field

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## 2.2.4 buildings

### gaskin park stadium

- Gaskin Park Stadium includes a number of indoor rooms that are currently used for a multitude of events by local sporting clubs and the general community. Our project team includes Meldrum Architecture, who is on board to carry out a review of the existing facilities in the reserve and address any issues and look at the possibility of creating a new built facility.
- The Stadium comprises a number of indoor courts for the basketball, badminton and carpet bowls communities and is also used casually by the soccer club during winter. The soccer club have suggested that the stadium could be used as a more formal indoor training facility for both Australian Rules football and soccer.



Figure 14: Gaskin Park Stadium

### existing change rooms

- The existing change rooms for the Senior Football Club are a considerable distance from the social club rooms and needs of umpires and players are currently not being met. The facilities require a number of improvements, particularly additional rooms for umpires as well as separate areas for female umpires.
- The netball club has expressed the need for a refurbishment of existing facilities or possible new change rooms, as they are currently of a low standard and have no toilet or shower facilities and lack disabled access.

### football club social rooms

- The recently constructed social rooms are currently being used for many events, and have a strong sense of ownership as they have been constructed with the football club's own funding. The club hosts a variety of social events; however the facility is generally for the use of the senior football club only. There is no sharing of facilities between the senior club and the junior football club, therefore the junior club is lacking a space of their own for meetings and the display of trophies and club memorabilia.
- It has been identified that the septic tank for the social rooms is not coping with the high level of usage at the present time, particularly with the usage of the function rooms continuing to increase.



Figure 15: Football Club social rooms

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### **potential new building**

- In order for Gaskin Park to enhance its presence as a sporting destination, the clubs have indicated the need to upgrade their existing facilities, which provides the opportunity to potentially consolidate a number of uses within the reserve into a possible new building. The idea would be that this could accommodate various members of the sporting community, as well as allowing them to have their own space as required.
- Meldrum Architecture has undertaken a review of the existing buildings and this project may provide the catalyst for the development of a new signature building within the park to give the reserve itself and Churchill a greater identity, particularly as the surrounding residential community continues to grow. A suitable site for a new central pavilion within the park is possibly between the two ovals so that it is accessible for all users and brings both sides of the reserve together.
- It is suggested that a number of different clubs should be encouraged to consolidate into one building. The importance of such a facility in bringing the different clubs together is paramount to developing a safe, integrated and vibrant community precinct.
- Sustainable implementations within buildings such as solar lighting and panels and water harvesting and tanks should be carefully considered as they can be funded by schemes such as Sustainability Victoria.

### **2.2.5 potential future uses**

Following on from the Latrobe Recreation and Leisure Strategy, the development of the Master Plan provides the opportunity to investigate the feasibility of establishing new sports fields that possibly accommodate for a number of different recreational uses. The Southern Towns Outdoor Recreation Plan notes that *'Gaskin Park Churchill is ideally located and adequately sized to provide the opportunity to develop a sporting precinct to meet the higher level sporting needs of the southern towns. There is the opportunity to create high quality facilities at Gaskin Park to accommodate lawn bowls, junior and senior football, tennis, cricket, baseball and badminton.'*

### **bowls club**

- The Churchill Bowls Club, as well as the broader community, have identified that a priority within the development of Gaskin Park is to develop a lawn bowls facility in the reserve to provide for the recreational and social needs of a range of ages.
- The Bowls Club envisage that the construction of the facility would be a staged development, ultimately including two synthetic greens of 40m x 40m with eight rinks on each, with associated clubrooms, lighting, seating, fencing and landscaping.
- As well as providing recreational pursuits, the club would have the potential to host some future social events to take pressure off the existing football club social rooms.

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### public facilities

The incorporation and expansion of a number of publicly accessible facilities is important in facilitating the transformation of Gaskin Park into a high amenity precinct that provides a comfortable and pleasant environment for spectators and the general community.

- The existing public toilets are not in good condition, and new ones need to be incorporated into the redevelopment in a safe and easily accessible location available to the public at all times.
- There is the opportunity to create a passive recreational area for spectators and families that incorporates picnic facilities and barbeques within a parkland setting. This would include shelter and seating, which the community has indicated would be well used, as well as a new playground facility, which would be particularly beneficial for families of players with young children who currently have no safe designated area to play on game days.
- It is important that there are affordable options within the reserve for participation in unstructured recreational activities to encourage people of different ages, particularly youths, to walk and use the reserve beyond organised team sports and spectating.
- The provision of shade is an important consideration within the Master Plan, in the form of vegetation, picnic shelters and a possible new grandstand structure with associated lighting and improved canteen facilities. The reserve is well placed to continue to hold large events such as music festivals, Relay for Life events and the Churchill Festival, and the redevelopment provides the opportunity to create a more inviting and accommodating environment for such occasions to take place.



Figure 16







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## 2.3 access and movement

The analysis of access and movement within and around Gaskin Park identified a number of key areas, described as follows, and identified in the accompanying access and movement analysis diagram (Figure 24).

### 2.3.1 access points

- The main entry to Gaskin Park is currently from the east along Manning Drive. It has been noted that the configuration here requires upgrading to enhance traffic flow at busy times and to improve public safety, through potentially separating pedestrian movement from traffic, and boosting entrance and street lighting.
- This main entrance provides direct access through to the entry point to the main football oval, which is a ticketed entry on match days and is currently the only accessible gate into this northern section of the reserve, leading to congestion on these occasions.
- There is a locked gate along Switchback Road, which we understand was originally intended to be the main entrance for the football oval, however there has not been any access through here for a long time.
- There are two other vehicular access points off Manning Drive that provide entry to different segregated areas of the park. The Master Plan will consider the internal circulation within Gaskin Park and existing and proposed linkages to the surrounding neighbourhood to identify the most suitable locations for future major and minor entrances to encourage smoother traffic flow.
- The Master Plan will also need to consider the proposed road connection through the park from the future development to the west to connect into McDonald Way.



Figure 17: Manning Drive entrance



Figure 18: Locked northern entrance

### 2.3.2 vehicular access and car parking

- The main area of sealed asphalt surface for vehicular access is through the main entrance point of Manning Drive and around the northern football oval. As well as catering for vehicular access around the oval perimeter and across to the social club rooms, the capacity to fit the cars around the ground three deep on this surface makes it an ideal venue for large football games, especially if it is wet, as car spectating is part of country football culture.



Figure 19: Main car park

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- This large asphalt expanse is also used for sporting practice activities, especially during winter, which takes the pressure off the oval surface. While still accommodating this, there is the opportunity to break up some of this area with planting and shade trees for spectator amenity.
- There is further sealed vehicular access and car parking around the existing club rooms and around half of the second oval. The clear sealed areas around the clubrooms are required for ambulances and emergency vehicles which need to be retained, and evacuation procedures must be accounted for.
- We understand that junior and senior football games are not scheduled together, so traffic is not on both ovals at the same time. However, for large matches, there is often overflow car parking in an ad hoc manner around the junior oval, which can create congestion and block access.
- Much of the access road around the southern oval is unsealed, and this requires improvement in order to prevent cars getting bogged.
- The existing gravel car parking areas need to be better maintained and the potential sealing of the tennis club car park should be considered to prevent stones scattering onto the courts. The formalisation of this car park would be beneficial to allow more cars to park here, as parking for competition on Saturdays flows behind the club rooms to the south and creates congestion.



Figure 20: Sealed asphalt road around main oval



Figure 21: Unsealed surface around south oval

### 2.3.3 pedestrian

- There is currently a limited designated pedestrian network around the reserve, which means that circulation for pedestrians and cyclists, in particular children, can be quite hazardous. The Master Plan will look to separate pedestrian circulation and create a clear shared path network that connects the different zones within the reserve and enhances linkages to open space areas beyond the park.
- We understand that many members of the community use the park for passive recreational use, particularly dog walking, and there is evidence of activities such as horse riding and dirt bike riding around the southern end of the park. A trail network with better drainage, surfacing and directional signage would therefore create a higher amenity environment for a variety of users.



Figure 22: Embankment west of tennis courts

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- Future designated pedestrian linkages should pick up on major spectator points across the reserve to enhance views across the ovals and other sporting fields. This should particularly consider higher viewing points across the reserve, such as the embankment to the west of the active tennis courts, where there is currently inconvenient pedestrian access through from the quite isolated tennis club rooms.
- Surrounding connectivity of open space areas to the parklands to the north and existing shared paths off Manning Drive to the east create an opportunity to further integrate Gaskin Park into the wider Churchill community. There is presently no clear walking track through the bushland to the south around the existing Scouts Hall through to the park, which is an existing area of high environmental quality which should be enhanced with carefully located shared trails through to Gaskin Park.

#### 2.3.4 safety

- The upgrade of Gaskin Park calls for the implementation of security measures along new paths and buildings, including the consideration of improved and additional lighting and traffic management measures.
- It has been indicated from users of the reserve that the unsealed surfaces within it are difficult to negotiate, particularly for users with disabilities and the elderly. The Master Plan should consider the provision of DDA (Disability Discrimination Act 1992) compliant paths, signage, ramped building access, disabled toilets and car parking.

#### 2.3.5 fencing

- Gaskin Park is currently fenced along the western boundary of the site and around the main football oval, which segregates the different zones of the reserve. The fencing is required around Gaskin 1 for revenue on match days, but the layout and type should be reviewed and the potential for further access gates for pedestrians between the two ovals should be investigated.
- Outside of the football season the whole reserve is accessible to the public, and entrances into the area should be made clear with wider and more carefully located gates to make people aware that it is a public facility. Potential feature entrance signage to assist visitors to the reserve could be included to indicate entrances and key locations.



Figure 23: Fencing around main oval



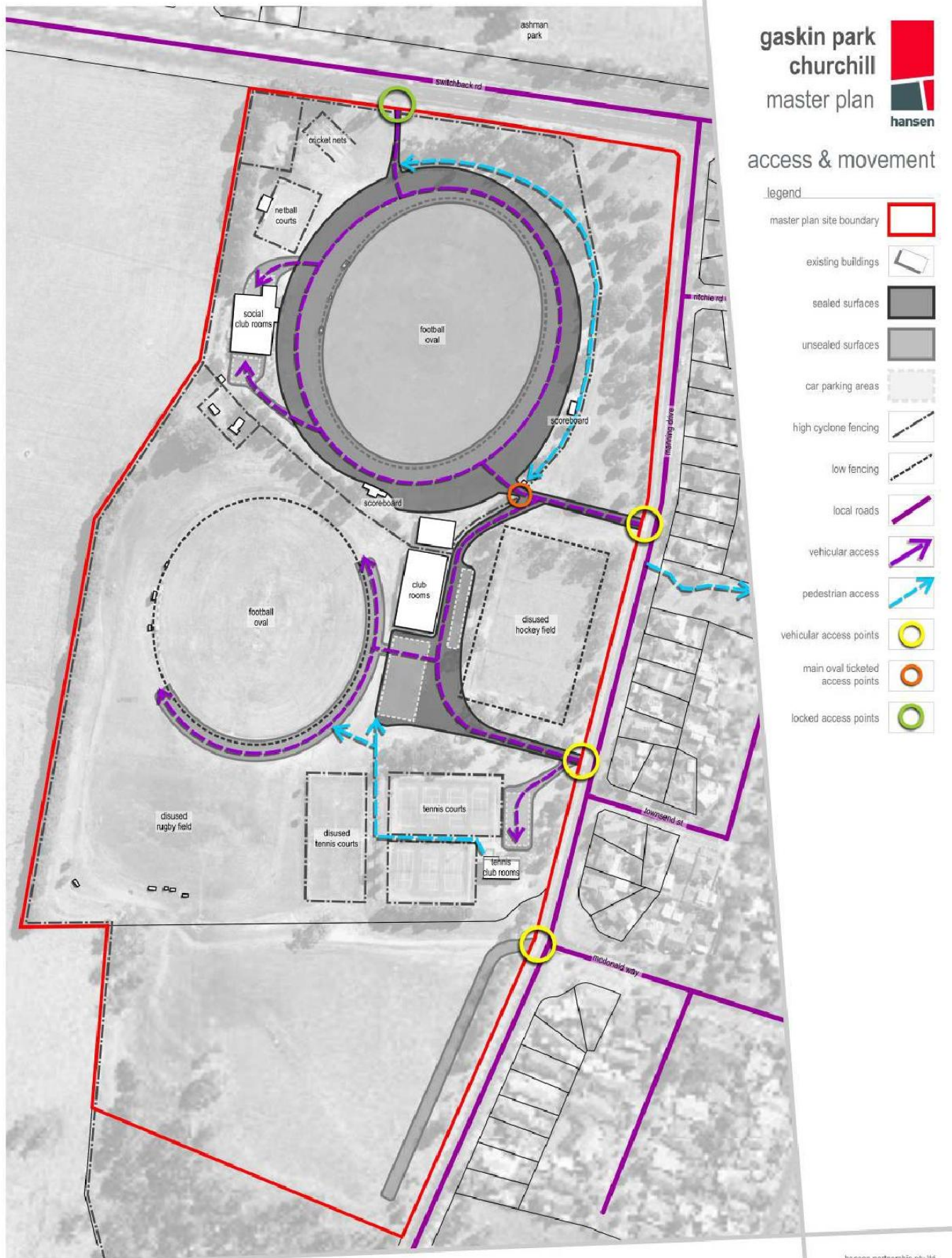


Figure 24:



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## 2.4 landscape and environment

The analysis of landscape and environment at Gaskin Park identified a number of key areas, described as follows, and identified in the accompanying landscape and environment analysis diagram (Figure 29).

### 2.4.1 open space

- The adjacent areas of open space, including Ashman Park and Andrews Park West to the north, and the bushland area to the south create a landscape setting for Gaskin Park that is connected to the broader open space network.
- The rural land to the west of the reserve which is separated from the park through fencing and screening vegetation presents a boundary to the reserve.



Figure 25: Bushland area around Scouts Hall

### 2.4.2 vegetation

- Existing vegetation on the site is primarily in the form of native canopy vegetation around the edge of the reserve, particularly to the north east, which is in good condition and is to be retained to present the landscape character of the park to the streetscape. The location of further areas of native canopy trees should be considered across the park to provide shade for spectators; however it needs to be ensured that views to the sporting fields are not interrupted.
- There is an exotic hedge along the western boundary of the site which screens Gaskin Park from the adjacent rural area.
- The remnant native vegetation on the southern side of Gaskin Park creates a bushland interface to the reserve as well as a wildlife corridor that connects through to the reserve. The impact of any development of the habitats of local wildlife is an important consideration within the Master Plan.



Figure 26: Native canopy vegetation

### 2.4.3 views

- Areas for spectating around the reserve should be enhanced to create safe and high amenity spaces that facilitate clear view lines to the sporting fields and surveillance across the park. Existing view points are located at high points across the site, including those from the social rooms across the main oval and the view across the southern oval from the existing club rooms. The embankment to the west of the active tennis courts also provides a well located viewing platform, which with the removal of the disused tennis courts, could become a key spectating location.

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- Major access points to Gaskin Park should also be located to take full advantage of important views and present the reserve to the community and visitors in a clear and aesthetically appealing manner.

#### 2.4.4 drainage

- There are a number of areas within the reserve that currently have flooding issues after wet weather, particularly along the drainage line along the western edge of the reserve, where we understand that cars can get bogged when parking around the southern oval.
- The reactive clay soils across the site have previously caused structural issues in the area as well as flooding in certain zones. The ground quality is an important consideration for any proposed structures and landscaping treatments, and geotechnical advice will be drawn upon as required.
- The main oval is currently irrigated, and due to the recent removal of the cricket pitch, drainage should be connected across the ground to improve the overall system. The second oval is not irrigated, and the consideration of extending the system to include this surface could allow for a higher quality turf across both ovals.
- There is the opportunity within the Master Plan for the implementation of water sensitive urban design (WSUD) practices, which could include:
  - Minor modification of existing overland flow paths as swales that take advantage of the natural drainage lines from south to north and from the existing embankments.
  - Rain gardens at the lower end of flow paths and around sealed car parking areas.
  - Stormwater harvesting to provide a source of recycled water by capturing run off from the roofs of existing and proposed buildings, new sealed roads and car parking.



Figure 27: View from tennis club embankment



Figure 28: Drainage line along western boundary



Figure 29





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### 3 master plan recommendations

The following recommendations are illustrated in the accompanying master plan diagram

#### 3.1 gaskin 1 oval

- Upgrade existing lighting around the ground to bring it up to accredited standard and allow its usage as a training ground at night to continue.

#### 3.2 gaskin 2 oval

- Shift the oval further towards the south, retaining its north south, to allow for the expansion of the community hub between the two ovals.
- Review the layout of shelters, fencing and spectator seating around the oval to accommodate the ground's revised position.
- Improve the quality of the turf and drainage of the oval in the new layout of the field.
- Provide new lighting around the ground to allow the oval to be used for training purposes. This will assist in taking the pressure off the surface of Gaskin 1.

#### 3.3 netball courts

- Construct two new asphalt netball courts between the two ovals to integrate them with the other sporting clubs and provide direct access to the new change facilities.
- The construction of the new courts will rectify existing draining issues and provide associated shelters, spectator seating and lighting. The two courts will allow additional teams to play at once and offer extended warm up areas for players.
- Retain existing netball court for potential future sealed parking area.

#### 3.4 tennis club

- Install lighting to the four northern courts which are not currently provided with it, to enable the expansion of night competition and training.
- Upgrade the existing tennis clubrooms, including improved disabled access and toilet facilities.
- Provide additional spectator amenities around the courts, including new seating and picnic shelters and security lighting.
- Build a new rebound wall to the south of the existing clubrooms, to provide a practice area as well as activation of this side of the reserve.

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### 3.5 bowls club

- Construct a bowling green east of the existing Gaskin Stadium, with adequate space to the north to allow for the future addition of a second green. This position will provide bowlers with direct access to Gaskin Stadium and the new change rooms.

### 3.6 upgraded community pavilion

- Retain the existing Gaskin Stadium and construct a new building directly to the north to provide improved male and female change facilities for players and umpires, public toilets, first aid facilities and a canteen. This extension will provide for a central pavilion which services both ovals, the netball courts, the bowls club and spectators.
- Enhance the new building and create a comfortable and vibrant community precinct through the introduction of a new paved plaza area between the two ovals, which provides for a covered space on either side, as well as additional lighting, seating, shade and landscaping treatments.

### 3.7 picnic area

- Create a new picnic and playground area between the two ovals which incorporates barbeques, shelters and seating. The new playground will provide a family friendly, safe space for young children to play on busy game days away from access roads and close to community facilities.

### 3.8 vehicular access

- Retain the existing reserve entrances off Manning Drive into the reserve, which provide access to different car parking areas within the reserve and through to the ticketed gate of the Gaskin 1 Oval.
- Provide a new central asphalt car park area to the south and east of Gaskin Park Stadium to work with the layout of the new bowls facilities and access road.
- Create a new entry point to the south of the reserve, incorporating the proposed east west connection through to McDonald Way, which was identified within the Churchill Structure Plan.
- Retain the majority of the asphalt car parking around the main oval to allow the reserve to continue to cater for large football games, however restrict vehicular circulation to the south to allow for a safe pedestrian zone north of the proposed new pavilion.
- Review the provision of asphalt parking around the Gaskin 2 oval to suit the revised layout, ensuring a secure surface for cars to park on.
- Provide a new formalised sealed car park for the tennis club, to prevent stones scattering onto the courts and allow a greater number of parking bays.
- Establish an open grassed area to the south west of Gaskin 1 which can cater for overflow parking in the event of a large crowd, following the removal of the disused cricket nets.
- Establish a sealed car park to the south of the football social rooms to cater for members as well as a service area that provides access to a new storage shed.

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- Replace the existing cyclone fence around the reserve with palisade fencing and new gates to maintain restricted access to Gaskin 1 on game days and pedestrian access between the ovals.

### 3.9 pedestrian access

- Create a clear sealed shared path network that connects the different zones within the reserve and links through to open space areas beyond the park, including Ashman Park to the north and Walkley Park to the east of Manning Drive.
- Construct pedestrian pathways to pick up on major spectator points across the reserve to enhance views across the ovals and other sporting fields.
- Introduce gravel shared paths to the south of the reserve to provide linkages through to the bushland area to provide sensitive access through this area of high environmental value.
- Implement lighting along paths to provide increased safety and activation of the precinct at night.

### 3.10 landscape

- Retain existing native canopy vegetation around the edge of the reserve, particularly to the north east of the reserve, which presents the landscape character of the park to the streetscape.
- Introduce new areas of canopy vegetation around the reserve to provide shade and amenity for spectators. New planting species selection should look at spreading native forms around open spaces and introduce tall canopy trees to frame views, whilst still allow spectating to continue.
- Establish avenues of tall canopy trees along roads to define key access routes and frame ovals.
- Introduce tree planting within car parking areas within the reserve to break up hard surfaces and provide shade for visitors. There is also the potential to incorporate areas of native grasses and rain gardens around proposed car parking areas to provide a potential stormwater harvesting source.
- Retain the open lawn area on the south side of the reserve, which is highly utilised for passive recreational use, including activities such as dog walking and organised school events.
- Protect the remnant native vegetation on the southern side of Gaskin Park, which creates a bushland interface to the reserve as well as a wildlife corridor that connects through to the broader open space network.
- Ensure that new areas of lawn and turf on sporting fields use drought resistant and hard wearing grass species that allow for reduced water use and high impact use.

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## 4 conclusion

The key recommendations that have been outlined within this report incorporate both short term and long term strategic directions for Gaskin Park and the surrounding Churchill region, that consider the issues of land use, access and movement and landscape and environment to create a connected and attractive precinct that functions as a recreational destination as well as a local parkland for all users of the local and broader community.

The enhanced layout of the different spaces within Gaskin Park will allow for better and safer pedestrian and vehicular access within the reserve and out to adjacent open spaces and neighbourhoods as well as reserves further afield, including Andrews Park West and the Hazelwood South Reserve. The Master Plan addresses the strategic planning directions for the region which promotes residential development in surrounding areas and the introduction of a new east west road linkage through to the town centre to cater for the current and future population of Churchill.

The document provides a framework for the implementation of the recommendations over time as funding becomes available from within Council or from external sources, and the accompanying implementation schedule identifies the priorities for development within the reserve as well as realistic timeframes and cost implications. These opportunities will enhance Gaskin Park so that it continues to provide for various recreational and community pursuits for a wide range of the population, creating an integrated and accessible destination within the township and broader Latrobe region.



Figure 30: Gaskin Park Manning Drive frontage

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**gaskin park  
churchill**  
master plan

legend

- 0.25m interval contours
- existing native trees
- existing exotic trees to be removed subsequent to adjacent development
- existing planter beds
- proposed canopy trees
- proposed avenue trees
- proposed groundcover
- grassed open space
- grass sporting fields
- synthetic sporting fields
- asphalt paving
- pedestrian crossings
- concrete paving
- feature paving
- pedestrian grade granitic gravel
- soft fall mulch
- adjacent residential
- adjacent rural
- adjacent industrial
- surrounding public open space
- existing buildings
- proposed buildings
- building awning / covered walkway
- timber benches
- aluminium spectator benches
- bicycle racks
- shelter with picnic tables, bins, bins & drinking fountains
- 1800mm high boundary fencing
- 200mm high concrete kerb/ barrier
- existing timber retaining walls
- existing sports lighting
- proposed sports lighting
- general area lighting
- removable shade structures



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 Scale: 1:750 @ A02  
 Date: 15.08.11  
 Revision: G

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# COMMUNITY LIVEABILITY



**15. COMMUNITY LIVEABILITY**

Nil reports

# PLANNING AND GOVERNANCE

**16. PLANNING AND GOVERNANCE**

**16.1 WATERLOO ROAD DEVELOPMENT PLAN**

**General Manager**

**Planning and Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to present the Waterloo Road Development Plan February 2013 to Council for 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 2012-2016.

***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.

***Latrobe City Council Plan 2013 - 2017***

***Theme 5: Planning for the future***

- To provide a well planned, connected and liveable community

***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.

***Legal***

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

**BACKGROUND**

The draft Waterloo Road Development Plan was lodged with Latrobe City Council by NBA Group on 31 May 2013 it applies to Lot 1 on TP822397 and Lot 1 on LP67416 Desmond Street, Moe, Lot A on LP208976, 19 Mervyn Street, Moe, Lot 3 on TP836437 and Lot 1 on TP674252, 110-120 Waterloo Road, Moe.

The subject land comprises a total area of 46.5 ha and is generally bounded by the Moe Contour Drain to the north, newly developing residential area (Mitchell's Grove) to the east, farmland to the west and Waterloo Road and existing residential to the south. There are four landowners within the precinct. A site plan is provided at Attachment 1.

The Waterloo Road Development Plan precinct is identified in the Moe/Newborough Structure Plan as land for 'future residential' use. This designation is consistent with the Municipal Strategic Statement of the Latrobe Planning Scheme ('the Scheme') at Clause 21.05-4, which seeks to implement the outcomes of the Structure Plan.

To implement the strategic objectives of the Structure Plan and bring forward additional land for residential development, the subject site was rezoned by the Minister for Planning as part of a suite of Planning Scheme Amendments, C47, C56 and C58, which released over 800 ha of residential zoned land within Latrobe City. Amendment C47 rezoned the Waterloo Road area from Farming Zone (FZ) to Residential 1 Zone (R1Z) and introduced a Development Plan Overlay Schedule 5 (DPO5) to the site on 3 March 2011.

**The Proposal**

The draft Waterloo Road Development Plan includes a concept layout for how the subject land will be developed for residential land use. The Development Plan identifies where future residential lots, roads, pathways, open space and physical infrastructure should be located.

In addition to the draft Waterloo Road Development Plan report, the document incorporates a number of plans and background reports as appendices, these include;

Appendix 1 - Site Conditions Plan

Appendix 2 – Development Plan

Appendix 3 – Implementation Plan

Appendix 4 – Mobility Plan

Appendix 5 – Landscape Concept Plan

Appendix 6 – Cross Sections

Appendix 7 – Transport Impact Assessment

Appendix 8 – Cultural Heritage Management Plan

Appendix 9 - SWMS Concept

Appendix 10 – Review of Surface Water Management Strategy (concept)

Appendix 11 – Infrastructure Services Report

Appendix 12 – Ecological Features & Constraints

Appendix 13 – Open Space Plan

Appendix 14 – Certificates of Title

A copy of the Development Plan map and Site Conditions Plan is provided at Attachment 2. The complete set of plans and background reports are provided at Attachment 3.

To ensure a comprehensive assessment of the Development Plan, a 'peer review' has been undertaken by the Metropolitan Planning Authority (MPA). The MPA were requested to focus on the urban design aspects of the proposed development.

As a result of the peer review, the Waterloo Road Development Plan has been strengthened in the following areas since it was first submitted:

- Increased percentage of unencumbered public open space (total of 5.6% being provided within the development).
- Improved access via road and pathway connections throughout the Waterloo Road Development Plan precinct.
- Increase in diversity of lots proposed across the site

## **ISSUES**

### *Requirements of the Development Plan Overlay Schedule 5 (DPO5)*

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

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

In particular, Section 3 of DPO5 (*Requirements for Development Plan*) states that a development plan must be prepared to the satisfaction of the Responsible Authority (Council) and the plan must address the following matters:

- Land Use and Subdivision
- Waterways
- Infrastructure Services
- Open Space



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- Community Hubs and Meeting Places
- Flora and Fauna
- Cultural Heritage
- Process and Outcomes

The Development Plan has considered the above listed matters and the main issues arising have been outlined below.

### Land Use and Subdivision – Lot Density

In accordance with the requirements of DPO5 and Clause 56 of the Scheme, the development layout for the residential component provides for a range of lot sizes and housing density. Table 1 provides an indication of the average lot sizes and corresponding percentage of the development area as submitted by the proponent.

Table 1: Lot Yield by Type

| <b>Lot Type</b>                       | <b>Area</b> | <b>% of developable area</b> | <b>Approximate dwelling yield (based on average size)</b> |
|---------------------------------------|-------------|------------------------------|---|
| Standard Lots (average 600sqm)        | 23.76 ha    | 51.1%                        | 396   |
| Medium Density Lots (average 350 sqm) | 4.37 ha     | 9.4%                         | 125   |
| Local Roads                           | 11.06 ha    | 23.8%                        |   |
| Open Space                            | 6.79 ha     | 14.6%                        |   |
| Local community facility              | 0.51 ha     | 1.1%                         |   |
|                                       |             | <b>Total Lots</b>            | <b>521</b>  |

Calculations provided in the Development Plan are indicative and have been based on average lot sizes and estimated net developable area.

The *Growth Areas Authority Precinct Structure Plan Guidelines 2009* defines net development hectare as;

*Land within a precinct available for development. This excludes encumbered land, arterial roads, railway corridors, government schools and community facilities and public open space. It includes lots, local streets and connector streets. Net Developable Area may be expressed in terms of hectare units (i.e. NDHa).*

The *Growth Areas Authority Precinct Structure Plan Guidelines 2009* is included in the *State Planning Policy Framework (SPPF)* as a reference document and applies to all Victorian Councils.

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The Development Plan identifies a net developable area for the precinct of 39.19 ha. The proponent has designed the Development Plan to incorporate an estimate of 521 lots for the precinct. This equates to a lot yield of 13 dwellings per hectare.

At the Ordinary Council Meeting held on 19 November 2012, Council resolved the following:

*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.*

The proponent's preference is for 13 dwellings per hectare. It is acknowledged that the proposed density for the Waterloo Road Development Plan exceeds Council's preferred lot density.

The proposed dwelling yield for the Waterloo Road Development Plan proposed by the proponent is considered to be acceptable in this instance given the existing opportunities and lack of constraints on this site. The site is relatively flat and unconstrained and offers a mix of densities.

Clause 10.02-2 of the SPPF encourages a residential density of at least 15 dwellings per net developable area for growth areas. The estimated dwelling per hectare total (of 13 dwellings) for the Waterloo Road Development Plan does not meet this guideline, but is a midpoint between Council's preference for 11 lots per hectare and the SPPF's encouraged 15 lots per hectare which is considered in the regional context.

### Land Use and Subdivision – Industrial Interface

There are a small number of Industrial 3 Zone (IN3Z) and Mixed Use (MUZ) zoned parcels of land nearby to the site (see Table 2 below). Two of the current uses in the area trigger a 100m threshold buffer, but where this threshold applies, the distances are outside of the development plan area. These thresholds are shown in the Site Conditions Plan (see Attachment 2).

Table 2: Industrial and Mixed Use Zone Uses

| Address                 | Zoning | Existing Use                  | Threshold |
|-------------------------|--------|-------------------------------|-----------|
| 168 Waterloo Road       | IN3Z   | Joinery                       | 100m      |
| 166 & 170 Waterloo Road | IN3Z   | Trade supplies & vacant       | N         |
| 3 Brian Street          | IN3Z   | Dwelling                      | N         |
| 122 -132 Waterloo Road  | MUZ    | Junk storage                  | N         |
| 98 Waterloo Road        | IN3Z   | Vacant (former spinning mill) | N         |
| 96 Waterloo Road        | IN3Z   | Office                        | N         |
| 90 Waterloo Road        | IN3Z   | Aluminium fabricator          | 100m      |
| 2 - 4 Mena Street       | IN3Z   | Vehicle storage               | N         |
| 16 Mitchells Road       | MUZ    | Mechanic                      | N         |

The nearby non-residential zonings do not pose a constraint on the development plan area. The draft Waterloo Road Development Plan

indicates a fencing treatment to the satisfaction of Council between the residential areas and the industrial zoned land to provide an appropriate buffer. This will be addressed at permit stage.

Land Use and Subdivision – Contamination

The Environment Protection Authority (EPA) identified in their referral response the potential for contamination of the former Spinning Mill site which forms the eastern parcel of the Waterloo Road Development Plan area. To address this, further detail relating to the site history together with a contamination report will be required as part of a planning permit condition for this site.

This is in accordance with Practice Note 30: Potentially Contaminated Land (June 2005) and may lead to further recommendations of remedial actions that may need to be addressed as a condition of permit.

Concerns were raised with the proponent by Council Officers in relation to the possibility of site contamination at the former Spinning Mill site, due to its prior use of textile manufacturing. Officers have advised the proponent that if contamination is present on site and they choose to wait until planning permit stage to undertake a contamination report, it may result in the Development Plan needing to be amended. The proponent has advised that they are happy to amend the Development Plan at a later time if required as a result of a contamination report submitted in accordance with a condition of permit.

All referral agency responses are enclosed at Attachment 7.

Land Use and Subdivision – Movement and Connectivity

The Development Plan includes a Mobility Plan (see Attachment 3) which clearly shows the proposed road hierarchy, indicative paths, connections and proposed bus routes. It is considered that the Mobility Plan is acceptable.

A gravel crossing is currently across a section of the Moe Contour Drain to allow for access to the north from the central parcel (110-120 Waterloo Road, Moe). This is shown in Attachment 1. Without this access, the northern Lot would be landlocked due to its legal road abuttal currently forming part of the Moe Drain. Advice from the Department of Environment and Primary Industries (DEPI) (see Attachment 4) has informed that the West Gippsland Catchment Management Authority (WGCMA) are not likely to approve the construction of a road in this area (due to significant erosion). Given that the property technically does have legal road abuttal, the Crown is not obliged to provide additional access. There is no scope within the *Crown Land (Reserves) Act 1978* to create easements across Crown Land.

Given these circumstances, it is considered appropriate to legalise this current crossing as a 'paper road'. This will be done so through the planning permit application for this parcel of land. Council Officers have contacted WGCMA and DEPI in relation to whether they would be supportive of this proposal. WGCMA confirmed that they support in principle the proposal and no comment was received from DEPI. This will be further investigated at the planning permit stage.

The crossing is currently used by agricultural type vehicles, such as tractors, to access the farming land to the north. The implications of continuing this use once residential development has occurred is that these vehicles will be travelling through residential roads/ areas and may increase the likelihood of noise and dirt complaints. The proponent has advised that farming machinery will be stored on the northern parcel and access via the south will not be a frequent occurrence.

#### Waterways - Buffers

Three designated waterways are located across the subject site (see Site Conditions Plan at Attachment 2.) Of these three designated waterways, only the Moe Contour Drain requires the 30m buffer under the *Water Act* 1989. A buffer zone in excess of 30m is provided.

It was agreed by the WGCMA that the Waterloo Road Drain be piped given its small catchment, therefore no buffer is required to this designated waterway.

The Watsons Road Drain is not a natural waterway as it was man made; therefore the WGCMA has agreed that the 30m buffer isn't required in this instance. A 10m wide reserve, which runs adjacent to a 16 metre wide road reserve, is proposed and agreed by the WGCMA.

There are also two minor non- designated waterways present on the site. Flood studies have been undertaken and have informed appropriate corridor widths for these waterways.

These buffers are acknowledged by the WGCMA in their referral response; see Attachment 7.

#### Infrastructure Services – Stormwater

A preliminary Surface Water Management Report has been submitted as part of the Development Plan at **Attachment 3**. The Development Plan notes that a detailed Water Sensitive Urban Design analysis will be a requirement prior to certification for any future subdivision of the land.

Latrobe City Council's Infrastructure Planning team have advised that this is appropriate given that onsite stormwater detention and water quality improvements will be requirements of any future planning permit for subdivision.

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There is a requirement to provide a general indication of the areas of each facility needed for the treatment of stormwater within the development area on the Development Plan map. All proposed Water Sensitive Urban Design infrastructure must be incorporated in public open space reserves which are to be transferred into Council ownership and shown on the development plan.

This information has been provided by the applicant and is indicated in the Development Plan.

### Infrastructure Services – Traffic

A Transport Impact Assessment has been submitted as part of the Development Plan at Attachment 3. Together they provide a traffic engineering assessment of the proposed subdivision layout, including the internal access arrangements as well as the likely impacts on the surrounding road network of the proposed development.

The Transport Impact Assessment has been reviewed by Council's Infrastructure Planning team who has advised that the recommendations of the report were to the satisfaction of Council officers with a minor exception. That is:

1. The provision of roundabouts at all cross-road intersections within the development must be shown on the development plan.

This matter has now been included as part of the updated Development Plan and are shown in the Development Plan documentation at Attachment 3.

### Open Space

The Open Space Plan (Attachment 3) shows the location and size of proposed open space. The open space areas proposed each have different roles and functions. Table 3 below indicates the percentages of encumbered and unencumbered open space across the Development Plan area.

Table 3 – Open Space

|  |         |        |
|--|---------|--------|
| <b>Encumbered</b><br>(Wetland, rejuvenated<br>Watsons Drain, Sewer<br>Easements, Native<br>Vegetation Offset area) | 4.17 ha | 9.0%   |
| <b>Un- encumbered</b>  | 2.6 ha  | 5.6 %  |
| <b>Total</b>   | 6.79 ha | 14.6 % |

The area of land set aside for public open space within the Development Plan exceeds the minimum requirements of Latrobe's *Public Open Space Strategy* (2013).



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A number of existing open space areas are also located in proximity to the Development Plan site. There is a regional open space area, the Joe Tabuteau Reserve as well as numerous local reserves, including the following:

- Local Reserve with playground on Mervyn Street;
- Olympic Park (Vale Street), which offers soccer and outdoor pool;
- Ted Summerton Reserve (Vale Street), which offers football, cricket & netball facilities; and
- Bristol Hawker Reserve (Bristol Street).

All lots are within 500m walking distance to public open spaces of at least 0.5 hectares, which is consistent with *Clause 21.08 Liveability* of the Latrobe Planning Scheme and Latrobe's *Public Open Space Strategy 2013*. A shared path network will provide accessibility to open space areas within the site and offer links to surrounding areas.

### Community Hubs and Meeting Places

The land is zoned Residential 1 Zone whereby a range of community facilities are permitted use.

Latrobe City Council's Community Liveability team have not identified any requirements for new facilities relevant to the Waterloo Road Development Plan.

A possible local community centre is however indicated centrally within the Waterloo Road Development Plan area where it is within 500 metres of all lots and can be developed privately (ie. not Council owned) should the demand arise.

### Cultural Heritage

A registered aboriginal place is located within 50 metres of the land within the Gippsland Rail Reserve and as such part of the land within the Waterloo Road Development Plan is considered to be culturally sensitive. A Desktop, Standard and Complex Assessment has been prepared for the land at 110-120 Waterloo Road (the central parcel) and is attached at Attachment 3.

The Complex Assessment, in part concluded that:

*No Aboriginal cultural material was noted in the deposits.*

And

*The results indicate that there are no Aboriginal cultural remains within the upper soil profile; and hard clay was consistently found below this level.*

*The complex assessment has revealed that the Activity Area is of low potential sensitivity for Aboriginal cultural deposits.*

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A Cultural Heritage Management Plan (CHMP) will be required to be prepared for the eastern parcel (98 Waterloo Road) at the time of a subdivision application; however the western parcel is not considered to be culturally sensitive under the *Aboriginal Heritage Regulations 2007*.

*Flora and Fauna – Native Vegetation*

An Ecological Features and Constraints report has been submitted as part of the Development Plan at Attachment 3. The report concludes that the site does not contain the critical habitat for any threatened species, but notes that there is the potential for both Growling Grass Frog and Dwarf Galaxias.

The Development Plan proposes to encompass the Moe Contour Drain within a large open space reserve to allow for protection of significant fauna species. A Construction Management Plan will be required as a planning permit condition to ensure that any works on the Moe Contour Drain avoid impacting on the environment of the Dwarf Galaxias.

In relation to flora, the majority of the site is cleared and contains degraded treeless vegetation; however it does contain one remnant patch of native vegetation within the northern end of the middle western parcel (Stage 4).

This area of native vegetation can be factored into the detailed design at the time of subdivision of that Lot, to ensure that an appropriate environmental outcome is achieved.

The removal of the remnant patch of vegetation would require offsets equivalent of 0.24 Habitat Hectares of High Conservation Significance Swamy Riparian Complex vegetation or its approved like-for-like equivalent in the Gippsland Plain Bioregion. Council officers believe that this offset area, if required, could be accommodated within the Waterloo Road Development Plan site.

A native vegetation offset area is allocated within the northern end of the central parcel of the Waterloo Road Development Plan site. This is in accordance with the Vegetation Offset Management Plan – Mitchell Grove, Moe which is reflected in a Section 173 Agreement and is on title for this property (110-120 Waterloo Road, Moe).

The Vegetation Offset Management Plan – Mitchell Grove, Moe was recently amended and re-lodged with Council by NBA Group on 13 February 2014. An amendment to this Offset Management Plan was necessary to allow for the location of a required Wetland. The updated offset area is reflected in the Development Plan map.

This amended Vegetation Offset Management Plan requires assessment and approval by Council's Environmental Sustainability team and the Department of Environment and Primary Industries. The existing Section

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173 Agreement will need to be replaced to reflect the revised arrangements and be shown on title, prior to any planning permit being issued on this parcel of land.

This updated offset area has been constructed on site.

### Processes & Outcomes – Consultation

As per Section 3 of DPO 5 (*Requirements for development plan*) the Development Plan has been prepared with an appropriate level of community consultation and consultation with external referral authorities. Comments from referral responses and submissions have been incorporated into the Plan where practical and appropriate to do so.

Issues raised by the community can be summarised into four main themes and these include:

- Quality farming land being used for residential purposes;
- Increase in traffic movements along Waterloo Road;
- Impact on broader physical and social infrastructure; and
- Lack of facilities to accommodate extra people within the town.

The summary of submissions table is provided in the internal / external consultation section of this report.

### Quality Farming land being used for residential purposes

Submitter 3 raised concerns regarding good farming land being turned into housing estates.

This land is identified in the Moe/ Newborough Structure Plan as Future Residential. The Structure Plan process looks at balancing the requirement for future residential land supply and the protection of high quality agriculture land. Before farming land is rezoned to residential, investigation in relation to the quality of land for farming purposes is undertaken. The *Assessment of Agricultural Quality of Land in Gippsland* (1984) report identifies this land as Class 2 (with Class 1 being the highest quality,) however there was an identified need through the structure plan process for future residential land. The Moe/ Newborough Structure Plan was subject to a community consultation process and the outcome resulted in the area being identified as future residential.

The Waterloo Road Development Plan is a result of the Minister rezoning this land to Residential 1 Zone and placing a Development Plan Overlay on this parcel of land in March 2011 (Amendment C47).

A strategic objective of the Moe/ Newborough Structure Plan is to provide for future housing growth as there is a short supply of land available for residential development.

Traffic impacts on Waterloo Road

Submitter 3 raised concerns regarding an increase in traffic movements on Waterloo Road and the railway crossing, across to Lloyd Street.

A detailed Traffic Impact Assessment has been undertaken as part of this Development Plan process which indicated that there is sufficient capacity within the existing road network to accommodate the vehicle movements generated by this development. The report also found that the potential impacts in relation to traffic movements at the Waterloo Road railway crossing are minimal.

There was also a Traffic Engineering report done in 2011 in relation to this intersection to try and identify low cost solutions to improve it. In terms of the amount of traffic, the report found that it is operating well within its capacity, meaning more vehicles could be catered for in it.

In addition to this, there is also no crash history at the intersection, and combined with the current operating capacity, this makes it difficult to justify capital expenditure for major improvements on this intersection.

VicRoads is currently looking at this intersection and investigating different options for it, which they will put through a Road Safety Audit to determine how suitable the options are.

Impact on broader physical and social infrastructure

Submitter 3 raised concerns regarding the increase in waste disposal requirements and an increased need for water for residential use.

The provision of services will be the responsibility of the developer at the time of subdivision. Each new residential lot will be required to pay waste and recycling fees as part of their rates. The contract for waste services will be expanded to allow for the additional services.

Both the WGCMA and Gippsland Water have reviewed the Waterloo Road Development Plan and support 'in principal' the proposal.

Inadequate facilities to accommodate extra people within the town

Submitter 3 raised concerns regarding the lack of community facilities to accommodate additional people in the area.

The requirement for further social and community infrastructure within Moe is to be investigated more broadly by the relevant authorities as the demand presents itself. It is beyond the realms of what can be considered as part of the Development Plan proposal.

*Process and Outcomes – Implementation*

An Implementation Plan must be submitted as part of the Development Plan. It is provided at Attachment 3 together with the Staging Plan.

**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 Waterloo Road Development Plan will contribute to reducing the following specific risk that is identified within the *Risk Management Plan 2011 – 2014*.

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

This risk is described as:

*...the slow transitioning of structure plans to actual zoned and developable land.*

Development plans are identified as an existing control to manage and mitigate against this risk.

**INTERNAL/EXTERNAL CONSULTATION**

The draft Waterloo Road Development Plan was placed on public exhibition for a period of 28 days from 13 November 2013 – 11 December 2013. It is noted that this exhibition process is not prescribed by the *Planning and Environment Act 1987* however it was considered to be required to ensure awareness of the proposed future development of the site.

Schedule 5 to the Development Plan Overlay states that;

*The development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority.*

If a subdivision planning permit application is prepared in accordance with an approved development plan, no notice to affected landowners is required to be given. It is also noted that there is no appeal rights for landowners as part of this process.

Notice was sent to adjoining and adjacent property owners and occupiers, a range of authorities, community groups and by placing a public notice in the Latrobe Valley Express for three issues during the exhibition period on Thursday 14 November 2013, Thursday 21 November 2013 and Thursday 28 November 2013. A map at Attachment 5 outlines the areas that received direct notification of the draft Development Plan.



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The Development Plan documentation was also placed on Latrobe City Council's website on the 'Have Your Say' page, with provision for receipt of electronic submissions.

An 'Open House' information session was also held on Wednesday 20 November 2013 from 5.00 pm to 7.00pm, to discuss the Waterloo Road Development Plan. A total of eight people attended the 'Open House' information session.

Latrobe City Council received a total of three written submissions to the proposed Development Plan, two submissions did not oppose the Development Plan and one submission raised concerns.

Table 4 below provides a précis of the submissions received, planning consideration of any issues from the consultation with landowners and occupiers and an indication as to whether the plan requires changes as a result of this consideration. A full copy of the written submissions where a letter was received is provided at Attachment 6.

Table 4: Summary of Submissions Received

| Sub No. | Name / Organisation    | Support / Objection | Summary of Issues   | Planning Comment  | Changes to Plan Required? Yes / No |
|---------|------------------------|---------------------|---|---|------------------------------------|
| 1       | Victoria Spinning Mill | -                   | <p>Have only considered part of our land area for residential land use, leaving behind the balance area in the Industrial Zone.</p> <p>The area left behind will be surrounded on all three sides by residential.</p> | <p>This is not to be considered as part of the Waterloo Road Development Plan project.</p> <p>Part of the land (CP106601) is zoned Industrial 3 Zone (IZ3) and considered in the Moe/Newborough Structure Plan.</p> <p>The Structure Plan and subsequent strategies form part of Clause 21.05-4 of the Latrobe Planning Scheme. It recommends that a detailed assessment of industrial land requirements for Moe/Newborough as part of an industrial strategy be undertaken.</p> <p>The industrial strategy will determine if part of CP106601 is appropriately zoned IZ3 or could be incorporated into surrounding residential developments. The industrial strategy is scheduled to begin in the 2014/15 financial year, subject to municipal wide priorities, funding and resources.</p> | No                                 |

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| Sub No. | Name / Organisation   | Support / Objection | Summary of Issues  | Planning Comment  | Changes to Plan Required? Yes / No |
|---------|---|---------------------|--|---|------------------------------------|
| 2       | Market Match Property (on behalf of the Estate of Harry Harrington) | Support             | <p>Most part supportive of the Development Plan.</p> <p>Client seeks to reserve the option of their land being developed in isolation and proposes the plan be amended so the land fronting Desmond Street, currently shown as a Lot be changed to a road, allowing access to the land at the rear off Desmond Street.</p> | <p>The extension of the proposed road on to Desmond Street has not been included as part of this Development Plan in order to protect the existing residential amenity for residents in Desmond, Graeme and Bryan Streets, given that once the site is developed in its entirety, there will be other access roads within the precinct.</p> <p>Should the applicant wish to show this road extension in their subdivision application, it would need to be assessed as to whether it would be generally in accordance with the approved development plan at that time. Further community consultation may be required if an amendment to the development plan was necessary. This, together with the extent that the stages could be developed out of sequence, has been detailed within the Implementation Plan.</p> | No                                 |
| 3       | Joyce Wescombe  | Objection           | <p>Concerns about good farming land being turned into housing estates. Where are the future food supplies coming from?</p>   | <p>This land is identified in the Moe/ Newborough Structure Plan as Future Residential. The Structure Plan process looks at balancing the requirement for future residential land supply and the protection of high quality agriculture land. Before farming land is rezoned to residential, investigation in relation to the quality of land for farming purposes is undertaken. The Assessment of Agricultural Quality of Land in Gippsland report identifies the land as Class 2 (with Class 1 being the highest quality,) however there was an identified need through the structure plan process for future residential land. The Moe/ Newborough Structure Plan was subject to a community consultation process and the outcome resulted in the area being identified as future residential.</p>                | No                                 |

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| Sub No. | Name / Organisation | Support / Objection | Summary of Issues   | Planning Comment  | Changes to Plan Required? Yes / No |
|---------|---------------------|---------------------|---|---|------------------------------------|
|         |                     |                     | <p>Extra traffic along Waterloo Road will be a nightmare – the surface and poor drainage needs updating. The railway crossing is bad enough now with its delays – extra traffic would add to the problem.</p> <p>Where is the extra water coming from? A drought will happen again. How will the extra sewerage, garbage and hard rubbish be disposed of?</p> <p>No provision for medical needs – will there be extra hospital beds? Where will all the extra employment come from? There</p> | <p>A detailed Traffic Impact Assessment has been undertaken as part of this Development Plan process which indicated that there is sufficient capacity within the existing road network to accommodate the vehicle movements generated by this development. Further studies in relation to the railway crossing were also undertaken, which confirmed that the potential impacts in relation to traffic movements at this railway crossing are minimal.</p> <p>VicRoads are currently looking at this crossing and investigating a couple of different options for it, which they will put through a Road Safety Audit to determine how suitable the options are. It is noted that as there is no crash history at the crossing, and combined with the current operating capacity, it may be difficult to justify capital expenditure for major improvements to the crossing.</p> <p>The Waterloo Road Development Plan has been reviewed and considered by all the relevant agencies, such as Gippsland Water and West Gippsland Catchment Management Authority, with no objections or concerns being conveyed. Each new residential lot will be required to pay waste and recycling fees as part of their rates. The contract for waste services will be expanded to allow for the additional services.</p> <p>The requirement of further social and community infrastructure within Moe is to be investigated more broadly by the relevant authorities as the demand presents itself. It is beyond the realms of what can be</p> |                                    |

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| Sub No. | Name / Organisation | Support / Objection | Summary of Issues      | Planning Comment   | Changes to Plan Required? Yes / No |
|---------|---------------------|---------------------|------------------------|--|------------------------------------|
|         |                     |                     | isn't enough jobs now. | considered as part of the Waterloo Road Development Plan proposal. |                                    |

Overall there was support from the community for the Waterloo Road Development, including support which was verbally expressed at the 'Open House' community consultation evening. The main reason expressed by community members for why they supported the Waterloo Road Development Plan was that they believed it was great to see more development occurring in Moe.

Issues raised from the submission that cited concerns have been discussed in detail in the 'Issues' section of this report.

The draft Waterloo Road Development Plan was provided to Latrobe City Council's Infrastructure, Recreation and Open Space, Environment, Child and Family Services, Environmental Health and Statutory Planning teams for their review and comment. Each of these teams have had input into the draft Development Plan and have advised that the February 2014 Development Plan is to their satisfaction.

A summary of external referral responses received is outlined in Table 5 below and a full copy of these responses is provided at Attachment 7. The issues raised in the referral responses have been discussed in the 'Issues' section of this report. It is noted that the draft Waterloo Road Development Plan was also sent to APA Group, Telstra and Aboriginal Affairs Victoria but no written response was received.

Table 5: Summary of Referral Responses Received

| Submitter                    | Summary of Submission   | Response/ Change   |
|------------------------------|---|--|
| Country Fire Authority (CFA) | <ul style="list-style-type: none"> <li>• Land is in the designated Bushfire Prone Area.</li> <li>• All development should be at a level of construction of BAL 12.5 and design should be done to ensure that it is achievable to all lots.</li> <li>• Development Plan doesn't respond to bushfire risk or the likely form of bushfire attack.</li> <li>• Vegetation Offset area in the northern end of the site creates vegetation that is greater than 20 metres in depth. This requires more onerous distances.</li> <li>• Staging should be designed so that each stage is ending with a road between the developed land and the undeveloped land.</li> </ul> | <p>Noted.</p> <p>Development Plan has since been updated to address bushfire considerations.</p> <p>A 12.5m road and section of the reserve creates a buffer between the offset area and residential area. The offset area is to be planted and maintained in accordance with an approved vegetation management plan to ensure that bushfire risk is reduced to an acceptable level.</p> <p>This has been addressed within the Development Plan report and is shown in Figure 17 on page 39. Staging of individual</p> |

**ORDINARY COUNCIL MEETING AGENDA  
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| Submitter   | Summary of Submission   | Response/ Change  |
|---|---|---|
|   | <ul style="list-style-type: none"> <li>• Consideration of how the lots on the external sides of the subject land (east and west) where the subdivision abuts farming property will be able to construct with a level of construction of BAL 12.5.</li> <li>• Open space where vegetation is to be planted should meet a prescription that does not create classified vegetation.</li> <li>• Consideration that if a timber fence interfaces with the grassland, it will increase the radiant heat and potentially direct flame contact to the building, regardless of the level of construction.</li> </ul> | <p>subdivisions will need to have regard to the grassfire hazard and can be conditioned accordingly at planning permit stage.</p> <p>Comments are noted and will also be considered at planning permit stage.</p> |
| <p>Department of Transport, Planning and Local Infrastructure (DTPLI)</p> | <ul style="list-style-type: none"> <li>• Cross sections for roads anticipated to accommodate buses should accord with the Department of Transport <i>Public Transport Guidelines for Land Use and Development 2008</i>.</li> <li>• Pedestrian and cycle access to broader networks to be considered and accommodated.</li> </ul>  | <p>Comments are noted and will also be considered at planning permit stage.</p>   |



**ORDINARY COUNCIL MEETING AGENDA  
03 MARCH 2014 (CM431)**

| Submitter   | Summary of Submission   | Response/ Change  |
|---|---|---|
| <p>Department of Environment and Primary Industries</p> | <ul style="list-style-type: none"> <li>• Any areas identified by the report as degraded treeless vegetation have not been mapped or adequately described, nor have they been confirmed by the DEPI. The responsible authority should determine the presence of any areas of native vegetation that do not meet the definition of a remnant patch or scattered trees.</li> <br/> <li>• The DEPI considers the proposal may have a significant impact on local populations of Dwarf Galaxias known from within the Moe Contour Drain.</li> <br/> <li>• The proposal is not consistent with Clause 12 <i>Environmental and Landscape Values</i>, as it identifies:               <ul style="list-style-type: none"> <li>○ The removal of existing native vegetation, rather than retain and enhance</li> <br/> <li>○ The future creation of a vehicle access/ public road through an offset site associated with development of adjoining property; and</li> <br/> <li>○ Recommended tree species in the Landscape Management Plan may have adverse implications for nearby remnant native vegetation and they do not complement existing ecological values in the general area.</li> </ul> </li> <br/> <li>• The plan recommends to remove and replace high conservation significance remnant native vegetation within the riparian zone of an existing waterway. It does not describe how the existing biodiversity values of this patch can be retained and enhanced on site, or why</li> </ul> | <p>The majority of the site is classified as degraded treeless vegetation. There is one patch of vegetation within the Development Plan area, which is within Stage 4. Further information relating to the native vegetation on site will be required by the applicant through a condition at planning permit stage.</p><br><p>A Construction Management Plan will be imposed through a planning permit condition to ensure the careful management of excavation, demolition and building work within the development area to ensure that Dwarf Galaxias habitat is not compromised.</p><br><p>There is scope to avoid or minimise any impacts on native vegetation resulting from this subdivision. It is to be considered in further detail at the time of subdivision. It is noted that this only applies to Stage 4.</p><br><p>The offset area has now been updated to ensure that the future connection is not going through the offset area.</p><br><p>The comments are noted and will be addressed at the planning permit/development stage.</p><br><p>The comments are noted and will be addressed at the planning permit / development stage. Any planning permit application for this land will need to have regard to the three step approach for native vegetation removal.</p> |

**ORDINARY COUNCIL MEETING AGENDA  
03 MARCH 2014 (CM431)**

| Submitter  | Summary of Submission  | Response/ Change  |
|--|--|---|
|  | <p>removal of vegetation cannot be avoided.</p> <ul style="list-style-type: none"> <li>• The offsets described in the ecological report do not meet the requirements of the Framework. Clearing of high conservation significance native vegetation is generally not permitted, particularly where there are opportunities to avoid and minimise impacts in the planning stages on a proposed development. Where some clearing is permitted, the offsets must satisfy the like-for-like requirements specified in the Framework.</li> <li>• The provision of offsets in an open space reserve needs to consider the long-term management implications for the landowner/manager. A suitable offset strategy must also discuss how offsets will be secured and managed for conservation into the future, and consider and mitigate potential adverse impacts to biodiversity assets around public risk management in designated open space reserves.</li> </ul>   | <p>.</p> <p>The comments are noted and will be addressed at the planning permit / development stage. Flexibility exists in the road design to ensure that impacts on native vegetation can be avoided and minimised where possible.</p> <p>The comments are noted and will be addressed at the planning permit / development stage.</p> |
| <p>West Gippsland Catchment Management Authority (WGCMA)</p> | <ul style="list-style-type: none"> <li>• <b>Flooding</b> - The Authority does not have any official record of flooding for the properties described above on which to base its assessment. There are no Flooding Overlays on the properties however the Authority is aware that there have been some instances of inundation in the area following significant rain events.</li> <li>• <b>Waterways</b> - The Authority notes that the appropriate consideration, through the application of buffer zones and revegetation works, has been given to the waterways, designated and non-designated, found within the development area.</li> <li>• Where the designated waterway is to be piped (Waterloo Drain), special consideration in regards to its connection to the receiving waterway will be needed. Furthermore a Works on Waterways licence will need to be obtained from this Authority before any works that may impact directly, or non-directly, on any designated waterway can proceed.</li> <li>• <b>Stormwater</b> - The Authority notes the Development Plan embraces Water Sensitive Urban Design to a standard as required by Clause 56 of the Planning Scheme. The wetland system will also provide for</li> </ul> | <p>Noted.</p> <p>Noted.</p> <p>The comments are noted and will be addressed at the planning permit / development stage.</p> <p>Noted.</p>   |

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| Submitter                                       | Summary of Submission  | Response/ Change   |
|---|--|--|
|   | <p>vegetation offsets as a result of the removal of a small area of native vegetation. This will improve habit for threatened fauna (Growling Grass Frog and the Dwarf Galaxias).</p>  |  |
| <p>Environmental Protection Authority (EPA)</p> | <ul style="list-style-type: none"> <li>• EPA notes that details of the site history, particularly in relation to the industrial uses within the eastern section of the site (referred to as the Eastern Section), has not been provided. In order for Council to determine the suitability of the site for residential purposes, EPA recommends that details of site history are provided to determine if this is potentially contaminated.</li> <li>• There are surrounding land uses and zones to the Development Plan area that may have potential to adversely impact on both the amenity of the residents of the proposed development and ongoing operations of these surrounding land uses. EPA recommends that further information on the activities is sought for these locations to determine the industry activity type and definition.</li> </ul> | <p>The Site Conditions plan shows that there is no nearby industrial or commercial land uses for which residential development would encroach into any buffer areas. A table outlining each of the existing uses surrounding the development area has been included within the Development Plan documentation (see page 15).</p> <p>The Development Plan notes the potential for contamination at the former Spinning Mill site and that at the time of subdivision further details regarding the site history, together with a contamination report will be required.</p> |
| <p>VicRoads</p>                                 | <ul style="list-style-type: none"> <li>• The Traffic Impact Assessment has not explored what possible impacts development will have on rail crossing intersection from Lloyd Street, even though the report suggests that 75% of all movements will be to and from the eastern direction. Combined with the other approved subdivision on Waterloo Road, a large majority of movements will occur there.</li> </ul>  | <p>The Traffic Impact Assessment report was updated to include this study. The report found that as a result of this development the potential impacts in relation to traffic movements at the Waterloo Road/ Lloyd Street railway crossing are minimal.</p>   |
| <p>Gippsland Water</p>                          | <p><b>Sewer</b> - The development will require two servicing strategies, being;</p> <ul style="list-style-type: none"> <li>○ A Sewerage Pump Station (SPS) to service the lower half of the development, Stages S5 &amp; S2 and adjoining development north of Discovery Boulevard.</li> <li>○ Gravity sewer extensions for stages S1, S3 and S4 discharging into the existing gravity network traversing through the centre of the development.</li> <li>○ All sewer assets will be at the cost of the developer</li> </ul> <p><b>Water</b> – Internal reticulation mains will be required at the cost of the developer.</p> <p>Extension of a 300 mm shared water distribution main will be required from the intersection of Mitchells Rd and Waterloo Rd, to the main entrance of the development on Waterloo Rd.</p>                                    | <p>The comments are noted and will be addressed at the planning permit / development stage.</p>  |
| <p>SP Ausnet</p>                                | <p>SP AusNet has existing 22kV overhead power lines in Waterloo Road on the south side the development. There are 22kV overhead power lines</p>  | <p>The comments are noted and will be addressed at the planning permit / development</p>   |

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| Submitter             | Summary of Submission   | Response/ Change |
|-----------------------|---|------------------|
|                       | <p>at the start of Mervyn Street. There are low voltage assets in Desmond Street (refer to attached AMFM plot).</p> <p>The 22kV line in Waterloo Road (MOE23 feeder) – can, at present, support the proposed development based on 4kVA per lot.</p> <p>This development would require a number of Kiosk Substations.</p> <p>A Kiosk Substation requires a reserve size of 8m x 5m.</p>  | stage.           |
| Baw Baw Shire Council | <p>No strategic planning or engineering concerns with the proposal.</p> <p>There is a proposed future road connection across the Moe Drain to connect to the farm land in Baw Baw Shire Council. This should not be an immediate issue as we do not expect any development in this area in the short to medium term.</p> <p>It is proposed to retard and treat stormwater on site and the outflow will discharge into the Moe Drain. This is all on the Latrobe City Council side of Moe River so will not be a Baw Baw Shire Council maintenance responsibility. The West Gippsland Catchment Management Authority has reviewed the proposal and provided comment. There is no issue here for Baw Baw Shire Council.</p> | Noted.           |

The CFA, DEPI and EPA were provided with an updated version of the Development Plan for their review to ensure they were satisfied that their concerns had been addressed.

Due to the Waterloo Road Development Plan site being close to the municipal boundary, Baw Baw Shire Council was also provided with the draft Waterloo Road Development Plan for their review.

### **OPTIONS**

The options available to Council are as follows:

1. To endorse the draft Waterloo Road Development Plan February 2014, subject to the approval of the amended Vegetation Offset Management Plan – Mitchell Grove, Moe.
2. To endorse the draft Waterloo Road Development Plan February 2014 subject to changes being made.
3. To not endorse the draft Waterloo Road Development Plan February 2014 and seek further information.

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### CONCLUSION

The draft Waterloo Road Development Plan presents an opportunity for a high amenity residential development in Moe.

An 'Open House' information session was held on Wednesday 20 November 2013 from 5.00 pm to 7.00pm, to discuss the Waterloo Road Development Plan. A total of eight people attended the 'Open House' information session where each of these community members verbally expressed their support for the proposed Development Plan.

The verbal feedback received was that this plan presents a good opportunity for Moe to provide more housing choice.

Latrobe City Council received a total of three written submissions to the proposed Development Plan, two submissions did not oppose the Development Plan and one submission raised concerns.

The issues of concern raised in Submission 3 have been carefully considered, however no changes have been proposed to the Development Plan. The remaining concerns can be adequately addressed at planning permit stage, in particular, the potential for contamination and potential for native vegetation on site.

Comments by Latrobe City Council's Infrastructure, Recreation and Open Space, Environment and Statutory Planning teams have also been incorporated into the draft Development Plan.

#### Attachments

1. Site Plan (Published Separately)
2. Development Plan Map and Site Conditions Plan (Published Separately)
3. Waterloo Road Development Plan February 2014 (Published Separately)
4. Letter from Department of Environment & Primary Industries - 23 August 2013 (Published Separately)
5. Notification Area (Published Separately)
6. Community Submissions (Published Separately)
7. Referral Agency responses (Published Separately)

### **RECOMMENDATION**

1. **That Council endorse the Waterloo Road Development Plan February 2014, subject to the approval of the amended Vegetation Offset Management Plan – Mitchell Grove, Moe by Latrobe City Council and the Department of Environment and Primary Industries.**
2. **That submitters be notified, in writing, of Council's decision.**



**16.2 PLANNING PERMIT APPLICATION 2013/182 - USE AND DEVELOPMENT OF LAND FOR A DWELLING AND ANCILLARY OUTBUILDING AND TWO LOT SUBDIVISION, SPEARGRASS ROAD, YINNAR SOUTH**

**General Manager**

**Planning and Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to determine Planning Permit Application 2013/182 for the use and development of the land for a dwelling and ancillary outbuilding and a two lot subdivision, at Speargrass Road, Yinnar South being Lot 1 on TP 847304 and Crown Allotment 18E Parish of Yinnar.

**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.

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

### SUMMARY

|            |  |
|------------|--|
| Land:      | Speargrass Road, Yinnar South being Lot 1 on TP 847304 and Crown Allotment 18E Parish of Yinnar. |
| Proponent: | Graeme O'Hara  |
| Zoning:    | Farming Zone   |
| Overlay:   | State Resources Overlay-Schedule 1 and Bushfire Management Overlay                               |

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.

A Planning Permit is required to construct or carry out works pursuant to Clause 42.01-2 of the Environmental Significance Overlay.

A Planning Permit is required for the subdivision of the land into two lots in accordance with Clause 35.07-3 and Clause 44.06-2 of the Latrobe Planning Scheme.

### PROPOSAL

The application is for the use and development of a dwelling and associated outbuilding and a two lot subdivision.

The proposed single storey dwelling will be located in the north eastern corner of the site, set back 50 metres from the eastern boundary of the site and 334 metres from the northern boundary of the site. The dwelling comprises a total of three bedrooms, 1 bathroom, a study, living and dining area and a large under cover patio. The dwelling will be constructed of selected weatherboard panelling with colorbond cladding as the roofing material. Access will be provided from Speargrass Road. The detached double bay garage will be located 4 metres to the west of the dwelling.

The proposal is also for a two lots resubdivision between Crown Allotment 18E Parish of Yinnar and Lot 1 TP847304S.

The realignment transfers land from Crown Allotment 18E to Lot 1 TP847304S to create lots with the below configuration;

- Lot 1 : 40 Ha Access to be kept from Speargrass Road
- Lot 2 : 39.78 Ha (proposed to be used and developed for dwelling).

The applicant's submission details that the proposed lot layout will allow more efficient use of the land for agriculture while allowing the use and development of the land for a dwelling will assist in sustainable management of the land for agriculture.

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

### Subject Land:

The subject land is irregular in shape, comprises an overall site area of 79.78 hectares split over two titles. Lot 1 on TP 847304 has an area of 19.08 Hectares and Crown Allotment 18E Parish of Yinnar has an area of 60.8 hectares. The second lot has currently has 'an as of right' for the use of the dwelling on the subject site. The property adjoins Speargrass Road along its northern site boundary for distance of 1.1km and Monash Way along for a distance of over 320 metres.

The subject land is located south of the Yinnar township and abuts farming zoned land to the south, east and north and a road zone category 1 (Monash Way) to the west

Surrounding land typically comprises of a mix of rural type allotments with areas from 1 hectare to 40 hectares. Many of these titles are managed and operated as part of larger land holdings.

The land is vacant aside from two small agricultural sheds. The land contains two patches of remnant bushland located on the southern third of the property.

### Surrounding Land Use:

North: Speargrass Road Yinnar South and 125 Speargrass Road, Yinnar South

There are two properties to the north of the subject site abutting Speargrass Road. The property at Speargrass Road, Yinnar South is vacant and is used for grazing purposes a total area of 26.04 hectares. This property also has a frontage to Monash Way. 125 Speargrass Road, Yinnar South is directly to the north and comprises 71.6 hectares in one title. This site contains a single dwelling and numerous outbuildings. This site adjoins Speargrass Road along its southern boundary.

East: 120 Speargrass Road Yinnar South, Speargrass Road, Yinnar South and 190 Speargrass Road Yinnar South

These parcels range in size from 2.35 hectares and 29.6 hectares. The properties at 120 and 190 Speargrass Road have an existing dwelling and associated shedding. The other property is vacant.

South: 35 Whitelaws Track, Yinnar South

This property is directly south of the larger title of the subject site and has an area of 43.87 hectares and is vacant with the exception of some scattered shedding.

West: Monash Way, Yinnar South  
The site is currently vacant and comprises two titles with an area of 51.24 hectares. Land further to the west and particular to the west of Monash Way are smaller land holdings which is more akin to Rural Living area.

### **HISTORY OF APPLICATION**

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.

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 13.05-1 *'Bushfire planning strategies and principles'* has an objective in assisting the improvement of community resilience to bushfire and prioritising the protection of human life over policy consideration within the Planning Scheme.

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 21.03-8 *Wildfire Overview* is relevant to the assessment of this application due to the subject site being partially covered by the Bushfire Management Overlay. It is detailed within this clause that it is important that all development and uses of the land have regard to fire safety measures.

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:

- provide for the use of land for dwelling is in an area identified as having very good dairying and grazing land;
- results in the loss of productive agricultural land;
- inconsistent with the objective of ensuring non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture;
- creates an ‘as of right’ for a dwelling for proposed Lot 1 and as well as allowing the use and development of a dwelling for proposed Lot 2; and
- does not support the increased primary production level of the land from its current rate and there is no proposed change.

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

### Overlay

#### Environmental Significance Overlay (Schedule 1) – Clause 42.01

The subject site is partially affected by the Environmental Significance Overlay-Schedule 1 (Urban Buffer). It is noted that one objectives of this schedule is to *“To provide for development which is compatible within a buffer area including reservations and for services ancillary to a Brown Coal Open Cut outside the buffer area”*.

Pursuant to Clause 42.01-2 a permit is required to construct or carry out works. In this case the proposed driveway to the dwelling on proposed lot 2 is marginally with the overlay affected area and as a result a planning permit is required. It is noted that the proposed dwelling is located in excess of 300 metres away from this overlay area.

Council provided notice of the application to the Department of State Development, Business and Innovation (DSBI) who did not object to the proposal subject to an appropriate condition being placed on any issue of a permit.

It is considered as a result that the proposal is consistent with this overlay.

#### Bushfire Management Overlay – Clause 44.06

The subject site is partially affected by the Bushfire Management Overlay. A planning permit is required pursuant to Clause 44.06-1 for both the subdivision of the land and the use and development of a dwelling proposed on Lot 2.

It is noted that the bushfire risk associated with the proposal is limited as the proposed dwelling site is in excess of 150 metres from the nearest patch of remnant vegetation, no native vegetation is required to be removed and suitable access and potable water can be provided. Both proposed lots are capable of addressing defendable space requirements for any future development if required.

Council also referred the application pursuant to Section 55 of the Act to the CFA who did not object to the granting of a planning permit.

It is considered as a result that the proposal is consistent with this overlay.

#### State Resources Overlay (Schedule 1) – Clause 44.07

The purpose of the State Resources Overlay is:

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- *'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 generally 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:

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 whether the dwelling is reasonably required to maintain or increase the agricultural production as part of the agricultural process occurring on the land.

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 subdivision of the land proposed will also create an opportunity for the

future proliferation of dwellings in the area as it will create an as of right for a dwelling on proposed lot 1.

That report in support of the proposal outlines *'that it is a more suitable outcome in the context of the land to realign the boundaries of these lots to ensure that any future dwelling on the land is located on an appropriately sized parcel that will, due to its size, inevitably be used for a farming purpose and therefore any dwelling will have a direct and dependent association with agriculture'*

The applicant has provided no detail about specific methods of protection and enhancement of the bio-diversity or value adding to agricultural products that currently exist on the land. As outlined Ryan v Warrnambool CC [2005] VCAT 1799, the application to subdivide as proposed *'is not required for the reasonable operation of rural activities currently conducted on the land, the productivity and sustainability of the land will not be improved, it will not contribute to the land being used for sustained rural use nor will it contribute to effective land management practices.'*

It is noted that the proponent envisages selling proposed lot two to his son who will then construct a dwelling on that title. However it is noted that subject site already has an existing 'as of right' for the use of the land for a dwelling on one of the existing titles that makes up the subject site as it is in excess of 40 hectares.

Therefore realigning the boundary to create a lot in excess of 40 hectares as well issuing a planning permit for the use and development of dwelling is considered to be inconsistent with State and Local Planning Policies.

'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.

There is no doubt that the permit applicant and his family are legitimate agricultural operators within the Yinnar area. The applicants son has detailed the following as a result of meeting with Council Officers in relation to the merits of the proposal *"For O'Hara Realty to stay in the diary and beef industry we have to expand. We are at the point that it is quite clear to us, more cows, more milk, more beef, more money (hopefully). We need to maximise the equity wherever it is feasible. This will hopefully result in O'Hara Realty borrowing in excess of \$800'000 to purchase a neighbouring property to the dairy farm and or Speargrass Rd and build a new dairy, therefore milking more cows and trying make our business more viable."*

This submission is included in attachment 5 of this report

The permit applicant has indicated that the proposal is part of the farm succession plan and the dwelling will be required to support the ongoing agricultural use on the land, being extensive animal husbandry. 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. In this case the proposal has been designed so as to increase the development potential of the land for dwellings thus increasing its commercial value.

The 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, 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:

- There is inadequate justification that the dwelling is required to support and enhance the existing agricultural 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 highly fragmented, and is typically larger scale grazing operations. The subject land is amongst an area where rural living encroachment is limited and is not the primary land use pattern in the wider Farming Zoned area.
- The subject site may adversely impact the nearby agricultural activities and restrict the possible further expansion of adjoining agricultural uses.
- The proposal will increase the potential for dwelling development on the subject site as opposed to what exists based on the current title configuration.



As outlined above, it is reasonable to consider that the proposed subdivision and use and development application does not meet the relevant agriculture objectives and strategies set out currently within the Scheme.

'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 (DSDBI). DSDBI did not object to the granting of a planning permit subject to inclusion of a condition restricting further subdivision of the land through a Section 173 Agreement.

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.
- It creates the potential for the further proliferation of the dwellings in the area as it creates an 'as of right' for a dwelling under the Farming Zone based on the proposed subdivision alignment.

**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:

**ORDINARY COUNCIL MEETING AGENDA  
03 MARCH 2014 (CM431)**

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:

The application required referral to the Country Fire Authority (CFA) pursuant to Section 55 of the Act. The CFA did not object to the issuing of a planning permit.

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

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'.

**ORDINARY COUNCIL MEETING AGENDA  
03 MARCH 2014 (CM431)****Attachments**

1. Development plans
2. Subject site
3. History of application
4. Latrobe Planning Scheme
5. Submission from applicants son

**RECOMMENDATION**

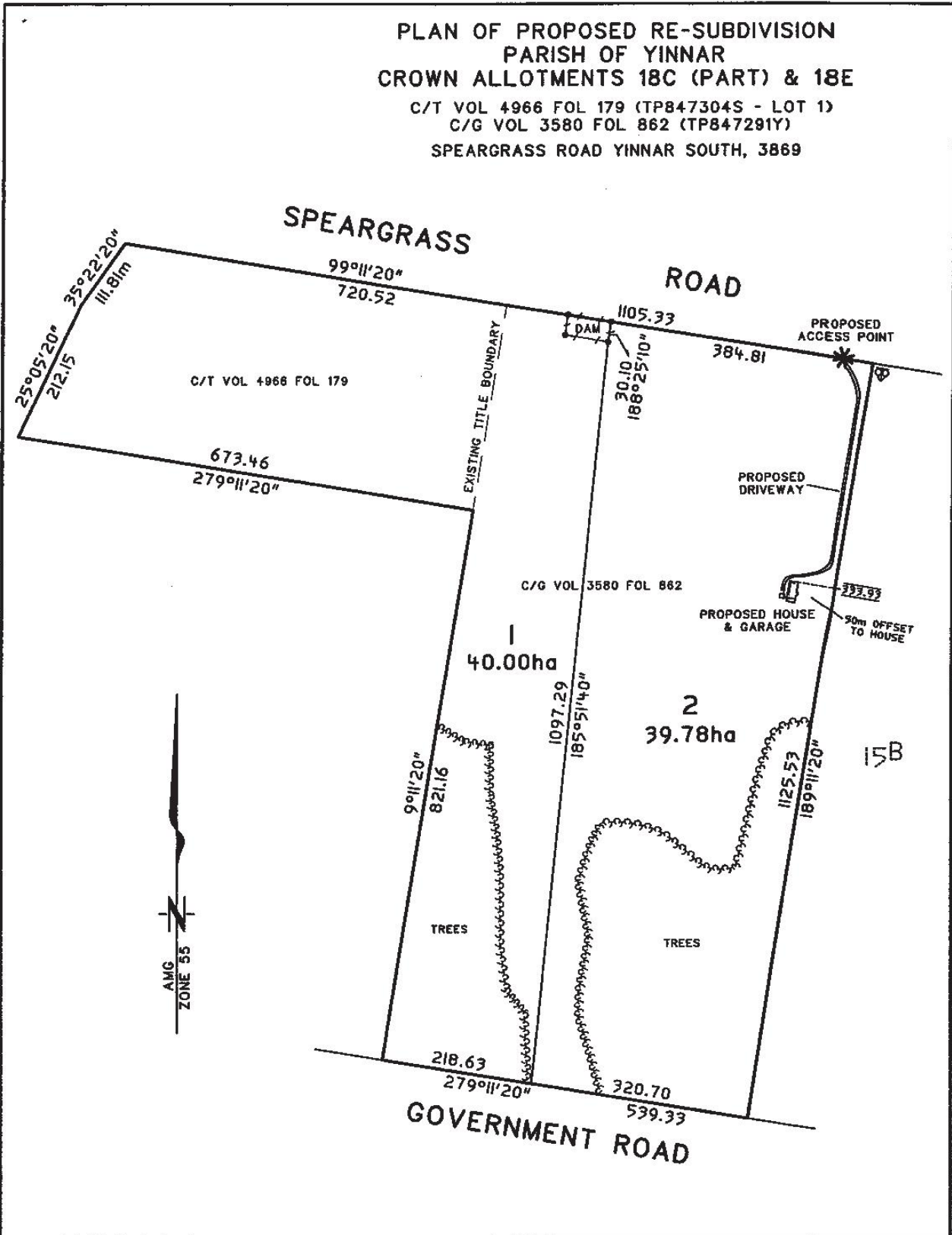
**That Council issues a notice of refusal to grant a planning permit for the use and development of a dwelling and ancillary outbuilding and 2 lot subdivision at Crown Allotment 18E Parish of Yinnar and Lot 1 on TP847304 more commonly known as Speargrass Road, Yinnar South, on the following grounds:**

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.
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.

## 16.2

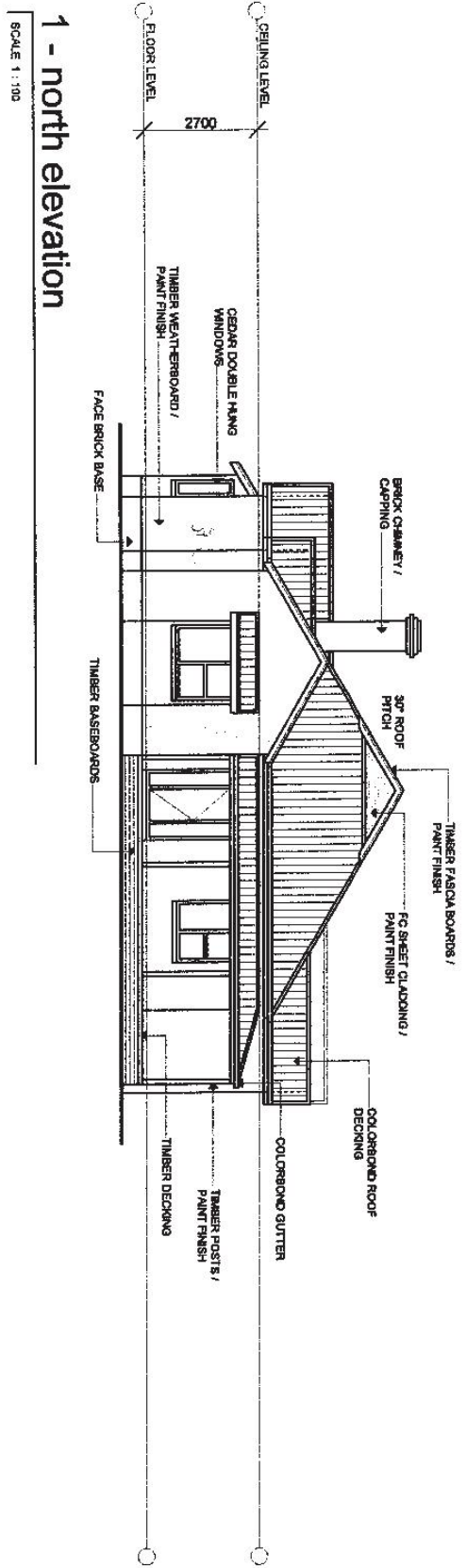
### PLANNING PERMIT APPLICATION 2013/182 - USE AND DEVELOPMENT OF LAND FOR A DWELLING AND ANCILLARY OUTBUILDING AND TWO LOT SUBDIVISION, SPEARGRASS ROAD, YINNAR SOUTH

|   |                                      |     |
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| 1 | Development plans.....               | 373 |
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| 3 | History of application .....         | 381 |
| 4 | Latrobe Planning Scheme.....         | 383 |
| 5 | Submission from applicants son ..... | 385 |



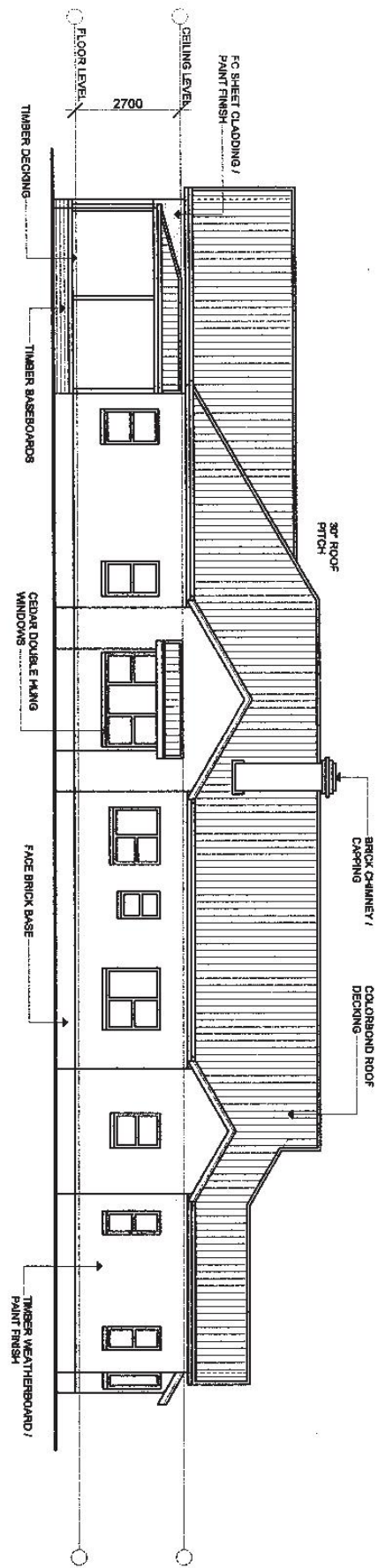
|  |   |  |                              |                 |   |
|--|---|--|------------------------------|-----------------|---|
| <b>ROSS &amp; WORTH PTY. LTD.</b><br>LAND & ENGINEERING SURVEYORS<br>5/61 SMITH STREET WARRAGUL 56232257<br>#26 CONTINGENT ST. TRAFALGAR 58331577<br>213B PRINCES HIGHWAY MORWELL 51341368 | SCALE<br>50 0 50 100 150 200<br>LENGTHS ARE IN METRES                     |  | ORIGINAL<br>SHEET SIZE<br>A3 | SCALE<br>1:5000 | SHEET 1 OF 1 SHEET<br><br>REF 5480<br><br>DRG No. 5480ppa.lcd<br><br>VERSION 01 |
|  | AREAS, DIMENSIONS & FEATURES ARE APPROXIMATE ONLY & ARE SUBJECT TO SURVEY |  |                              |                 |   |





1 - north elevation

SCALE 1 : 100



2 - east elevation

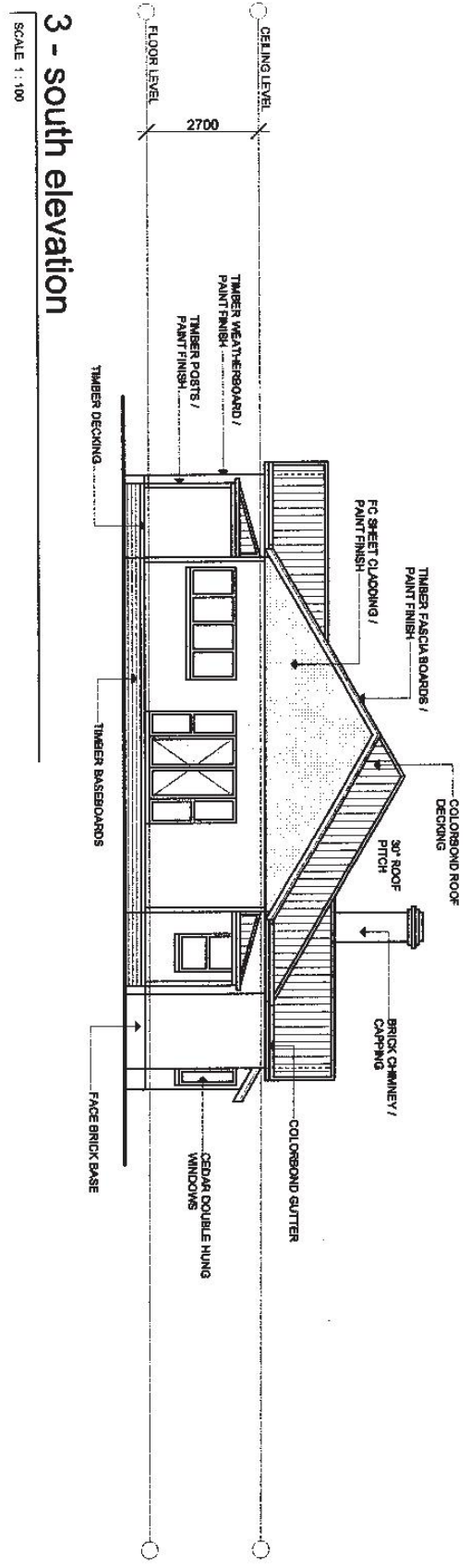
SCALE 1 : 100

**ADR+**  
BUILDING DESIGN CONSULTANTS

A D ROBERTSON & ASSOCIATES PTY LTD  
LEVEL 1 10-12 BRET STREET TRARALGON VICTORIA 3844  
T (03) 574 3953 E ADRI@adrplus.com

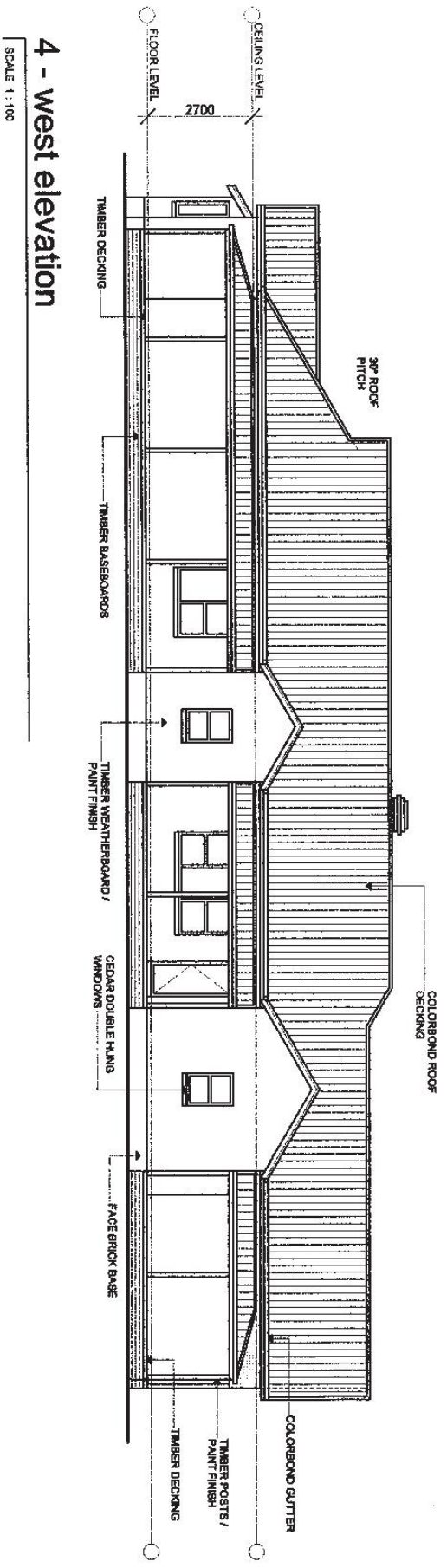
L J & A WRIGHT & SON BUILDERS  
BILLYUE DRIVE TRARALGON VICTORIA 3844  
TELEPHONE (03) 574 5636 FAX 03 574 5636

DRWG NO. 230413 - A 02



3 - south elevation

SCALE 1 : 100



4 - west elevation

SCALE 1 : 100

**ADPT+**  
BUILDING DESIGN CONSULTANTS

A D ROBERTSON & ASSOCIATES PTY LTD  
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Telephone 1 (03) 5774 9624 0429198565

DRWG NO. 230413 - A 03

ground floor plan

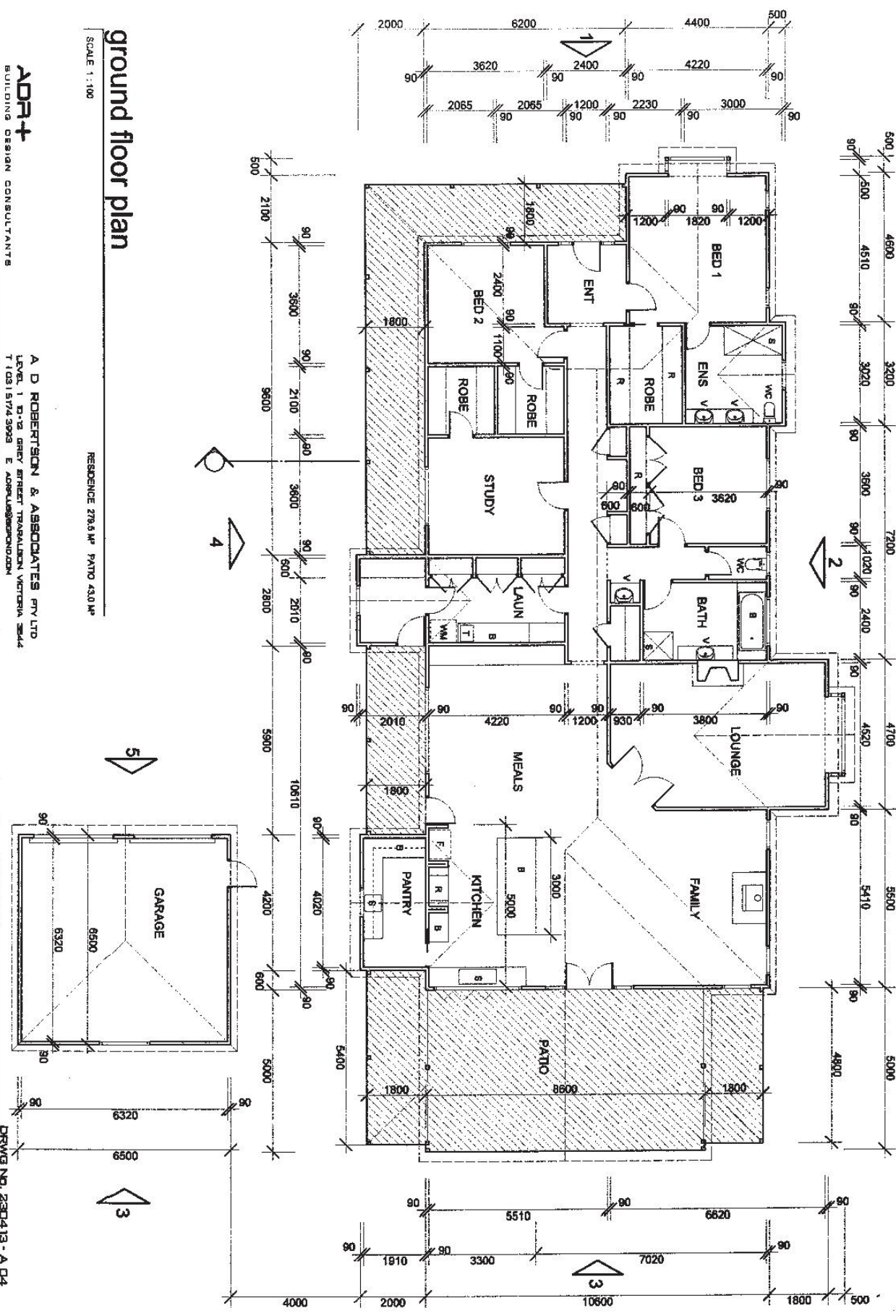
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RESIDENCE 278.6 M<sup>2</sup> PATIO 43.0 M<sup>2</sup>

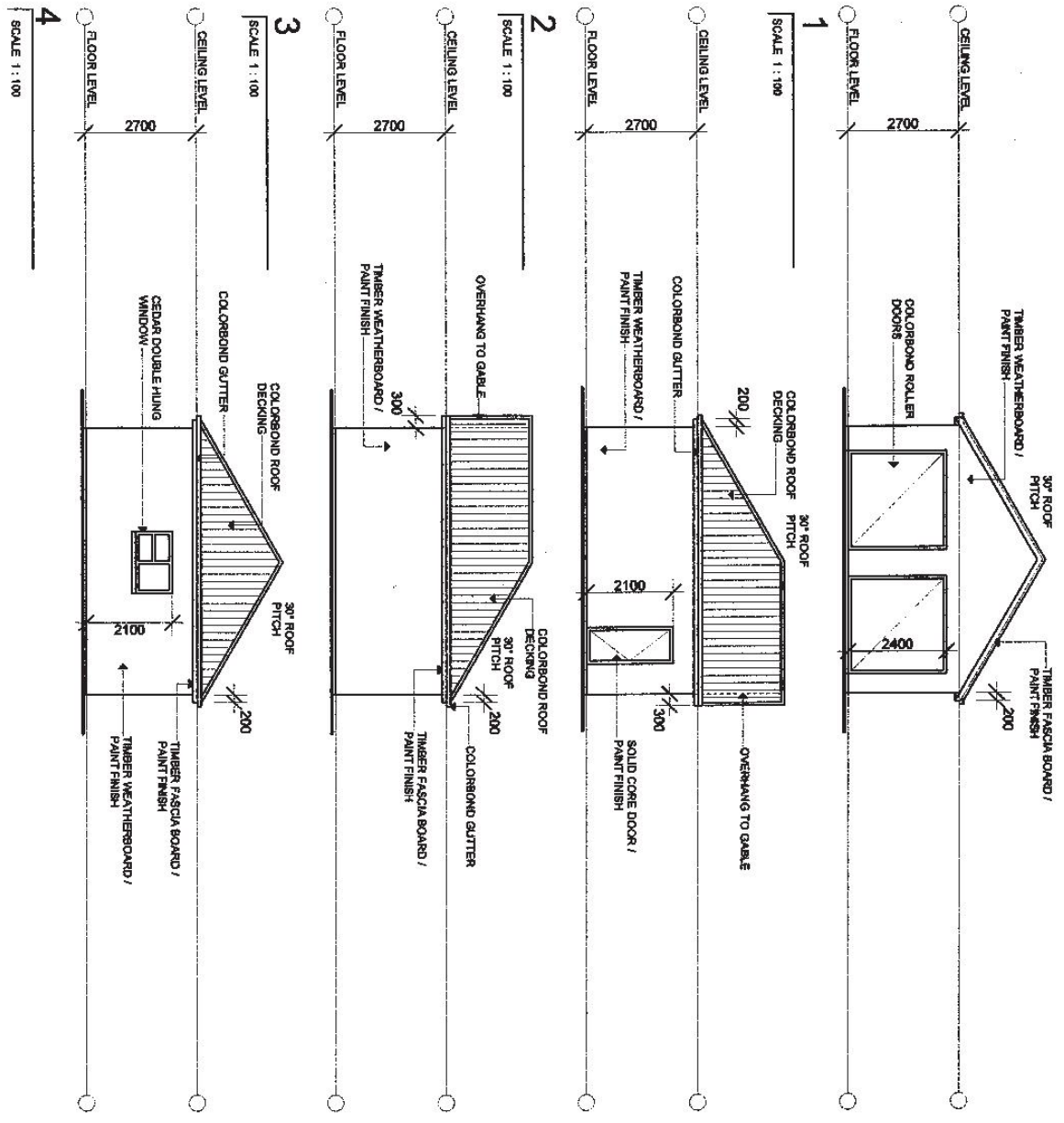
**AOR+**  
BUILDING DESIGN CONSULTANTS

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T 1 (03) 5174 3923 E AORPLUS@AORPLUS.COM

DRWG NO. 230413 - A 04



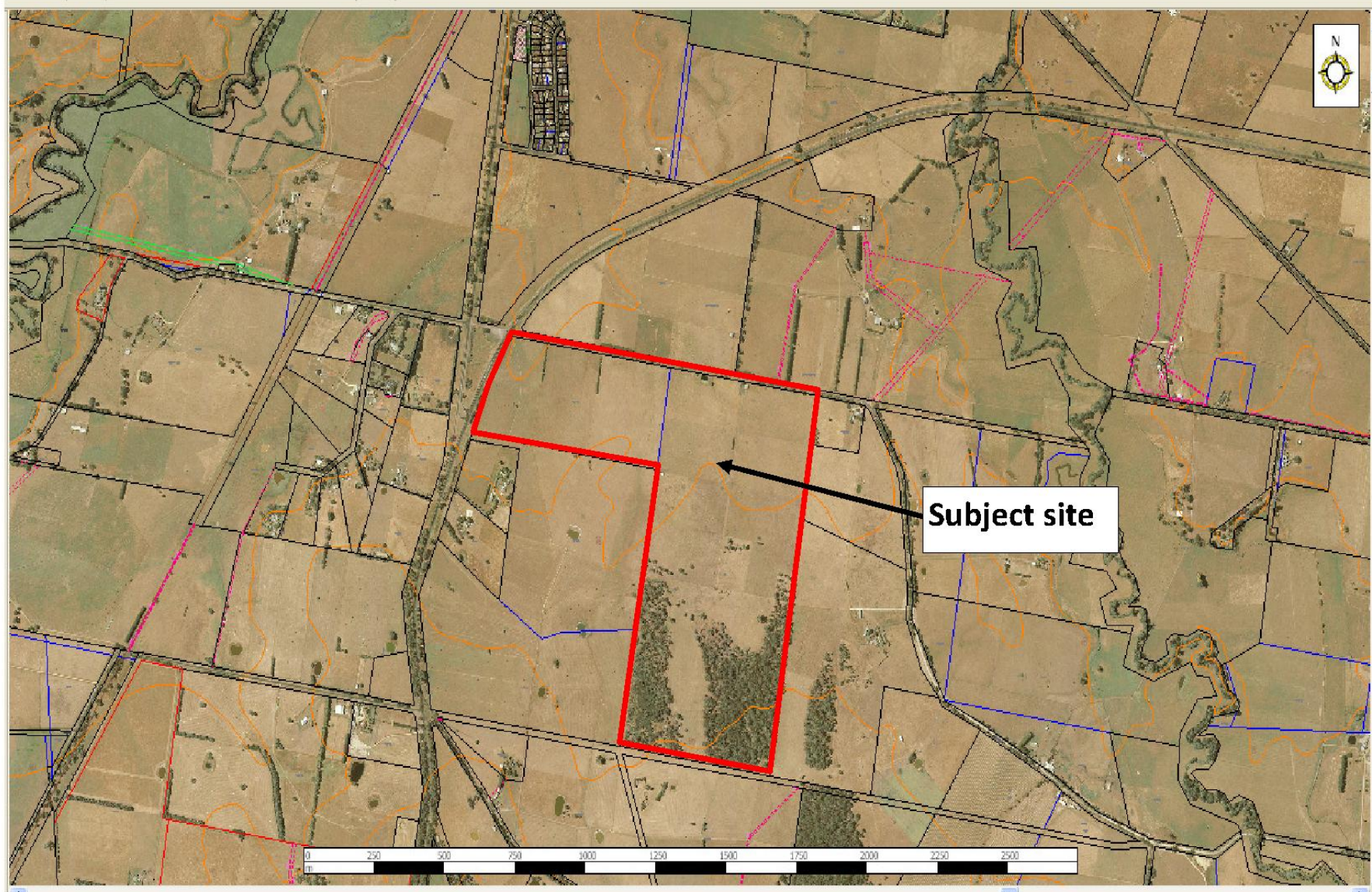




**ADR+**  
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T (03) 5174 5953 E ADROB@adr.com.au

DRWG NO. 230413 - A 02





**History of Application**

|                   |   |
|-------------------|---|
| 25 July 2013      | Planning Permit application received by Council   |
| 18 August 2013    | Further information requested from applicant  |
| 17 September 2013 | Extension of time granted to provide the further information  |
| 27 September 2013 | Further information received  |
| 2 October 2013    | Email to consultant detailing that council still have concerns regarding the merits of the proposal but that the application will be notified   |
| 7 October 2013    | Applicant advised to give notification of the application.<br>Application referred internally to Infrastructure Planning and Health.<br>Application referred under Section 52 to DSBI.<br>Application referred under Section 55 to CFA. |
| 20 December 2013  | Council Officer met with the applicant and his son to detail the process involved and it was outlined at that meeting that the planning officer will be recommending for refusal of the application.                                    |
| 23 December 2013  | Email received from the applicants son detailing the justification for the proposal   |
| 2 January 2014    | 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 13.05 'Bushfire'  
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, Environmental  
Significance Overlay –Schedule 1 and Bushfire Management Overlay**

The subject land is partially located within the State Resource Overlay  
Schedule 1, Environmental Significance Overlay –Schedule 1 and Bushfire  
Management Overlay.

**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.

**Jody Riordan**

---

**From:** Jason O'Hara <oakhara@hotmail.com>  
**Sent:** Monday, 23 December 2013 8:48 PM  
**To:** Jody Riordan  
**Subject:** O'Hara 2013/182

Good evening Jody,

Thank-you for your time on Friday morning, we appreciated the opportunity to speak with you upon our planning application at Speargrass Rd, Yinnar South. As we're sure you are aware this is a matter that is very close to our hearts and means a great deal to our business, O'Hara Realty and our family.

In 1983 our family had to move over to our Nan's house which could accommodate the expanding family that we were. At the time Nan was more than happy to move to Melbourne, and we moved into her home. In 2013, I too have an expanding family, yet the opportunity to move onto a larger home on the property does not exist. We currently live in the 2 bedroom workers cottage, built in the 1940's. Though we have made this a cosy home, it is no longer big enough for us and our plans for more children, with a new baby due in February 2014, which will become a little baby brother or sister to our two and half year old son.

It is no secret that the agricultural industry has been going through difficult years. O'Hara Realty has not had the opportunities to expand that it did in the past. We have to make the best and the most out of what we have. We have, like many farmers throughout Gippsland and across Victoria, experienced financial hardship throughout the past 10 years. For example the milk price dropped 25% three years ago, the Global Financial Crisis led Asian buyers else where, and then the hike of the Australian dollar, which all resulted in O'Hara Realty running at a loss.

For O'Hara Realty to stay in the diary and beef industry we have to expand. We are at the point that it is quite clear to us, more cows, more milk, more beef, more money (hopefully). We need to maximise the equity wherever it is feasible. This will hopefully result in O'Hara Realty borrowing in excess of \$800'000 to purchase a neighbouring property to the diary farm and or Speargrass Rd and build a new diary, therefore milking more cows and trying make our business more viable.

Purchasing the land from my father, Graeme O'Hara at Speargrass Rd is one stage of the O'Hara Realty succession plan. It is a critical point in the sustainability of the farm, the business and our family.

Jody we appreciate you assessing the application for the planning permit at Speargrass Rd, and hope that you take into consideration all that you have been provided.

Yours sincerely,

Jason O'Hara

O'Hara's Rd Yinnar  
Victoria 3869  
m| 0421 477 964  
e| [oakhara@hotmail.com](mailto:oakhara@hotmail.com)

**16.3 DOCUMENTS PRESENTED FOR SIGNING AND SEALING**

**General Manager**

**Planning and Governance**

**For Decision**

**DECLARATION OF INTEREST**

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

**DOCUMENTS**

|             |  |
|-------------|--|
| PP 2011/47  | <p>Section 173 Agreement under <i>Planning and Environment Act 1987</i> between Latrobe City Council and Sally Beth Kirstine as the owner of the land more particularly described in Certificate of Title Volume 9101 Folio 308 being Lot 1 on PS 711193W situated at 14 Pollock Avenue, Traralgon pursuant to Condition 7 on PP 2011/47 issued 19 October 2011, providing that the owner with the intent that this covenant shall run with the land hereby covenants and agrees:</p> <ol style="list-style-type: none"> <li>1. To provide a property drainage connection for both lots to the legal point of discharge in accordance with the site drainage plan approved by the Responsible Authority.</li> <li>2. To construct all on-site stormwater detention works as shown on the approved site drainage plan.</li> </ol> |
| PP 2013/136 | <p>Section 173 Agreement under <i>Planning and Environment Act 1987</i> between Latrobe City Council and Pinegro Products Pty Ltd as the owner of the land more particularly described in Certificate of Title Volume 10499 Folio 827 being Crown Allotment 3B on TP 7749N Section A situated at 2-6 Rail Road, Morwell pursuant to Condition 2a) on PP 2013/136 issued 13 December 2013 that;</p> <p>Dismantle all or part of the wall located over the drainage easement at the owners cost within three (3) months of the date of being requested to do so, in writing, by Latrobe City Council.</p>  |

**ORDINARY COUNCIL MEETING AGENDA  
03 MARCH 2014 (CM431)**Attachments  
Nil**RECOMMENDATION**

1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under *Planning and Environment Act 1987* between Latrobe City Council and Sally Beth Kirstine as the owner of the land more particularly described in Certificate of Title Volume 9101 Folio 308 being Lot 1 on PS 711193W situated at 14 Pollock Avenue, Traralgon pursuant to Condition 7 on PP 2011/47 issued 19 October 2011.
2. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under *Planning and Environment Act 1987* between Latrobe City Council and Pinegro Products Pty Ltd as the owner of the land more particularly described in Certificate of Title Volume 10499 Folio 827 being Crown Allotment 3B on TP 7749N Section A situated at 2-6 Rail Road, Morwell pursuant to Condition 2a) on PP 2013/136 issued 13 December 2013.



**16.4 PLANNING PERMIT APPLICATION 2013/172 - 10 LOT STAGED  
SUBDIVISION AT 24 COOPERS ROAD TRARALGON**

**General Manager**

**Planning and Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to determine Planning Permit Application 2013/172 for a 10 lot staged lot subdivision at 24 Coopers Road, 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 Objective – 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*

*Planning for the future*

*Strategic Direction*

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:      | 24 Coopers Road, Traralgon, known as Lot 3 on Lot 3 on LP 141401. |
| Proponent: | R N & F K Brownlee<br>C/- Beveridge Williams                      |
| Zoning:    | Low Density Residential Zone (LDRZ)                               |
| Overlay:   | N/A   |

A Planning Permit is required for subdivision of land in a Low Density Residential Zone in accordance with Clause 32.03-3 of the Scheme. Each lot must be at least 0.4 hectares (4,000 square metres) where reticulated sewerage is not available.

A site context plan is included as Attachment 1 of this report.

### **PROPOSAL**

It is proposed to subdivide the land into 10 lots. A copy of the proposed plan of subdivision is included as Attachment 2 of this report.

The lots can be described as the following:

- Proposed Lot 1 will contain the existing dwelling, one of the ancillary sheds, driveway, landscaped garden, wastewater disposal area and ancillary land. The allotment will be irregular in shape, with a frontage to Coopers Road measuring approximately 37.4 metres and a total area of approximately 4,047 square metres. Vehicular access will be provided from Coopers Road via the existing driveway crossover.
- Proposed Lots 2, 3, 4 and 5 will be located on the east side of the existing watercourse and the proposed extension to Alamere Drive. Two existing sheds which will be retained within proposed Lot 2, each of these lots will be vacant, predominantly cleared and covered in pasture grass. The allotments will all be irregular in shape and range in area between approximately 4,150 square metres and 4,440 square metres. Each allotment will be accessed from the from the proposed extension to Alamere Drive. Similar to Lot 1, no vehicular access will be provided from Old Melbourne Road to either Lot 4 or Lot 5. Frontages of the lots to the proposed extension to Alamere Drive range from 38.5 metres for Lot 2 to 41.1 metres for Lot 5.
- Proposed Lots 6 to 10 will be located on the west side of the existing watercourse. Each of these allotments will be vacant, cleared and covered in pasture grass. The allotments will all be irregular in shape and range in area between approximately 4,020 square metres and 4,380 square metres
- Each allotment will be accessed from the abovementioned new internal road. Access is not provided onto Coopers Road from Lot 10 and Lot 6 is not provided access onto Old Melbourne Road.

**ORDINARY COUNCIL MEETING AGENDA  
03 MARCH 2014 (CM431)**

It is noted that one dwelling would be permitted to be constructed on the lot under the current zoning of the land without further planning approval.

The proposed subdivision is to be conducted over two stages with lots 1 to 4 initially and a balance super lot and then proposed lots 5 to 10 in stage 2.

As the subject land is located well outside Gippsland Water's sewer reticulation district, the proposal seeks to treat and retain wastewater on site.

The provisions of the Low Density Residential Zone details that in the absence of reticulated sewerage an application must be accompanied by a land capability assessment which demonstrates that each lot is capable of treating and retaining wastewater. A Land Capability Assessment has been submitted with the application and is included in Attachment 3 of this report.

A building and waste disposal envelope plan is contained in Attachment 4 of this report, showing indicative building and waste water disposal areas for each of the proposed lots.

**Subject Land:**

The subject site is located at 24 Coopers Road, Traralgon, or more particularly described as Lot 3 on Lodged Plan 141401.

The site is irregular in shape, with an area of 5.96 hectares and has an abuttal to Copper Roads along its south-eastern. The majority of Coppers Road abutting the subject site is unmade with the exception of a small area abutting the south east corner of the subject site that provides to the existing dwelling onsite. The entire length of the site's north-western boundary abuts the Old Melbourne Road. The dimensions of the site are as follows along the full length of its western boundary. The dimensions of the site are as follows:

- A south-east facing frontage to Coopers Road measuring approximately 365 metres;
- A north-east facing side boundary with a length of 98.85 metres;
- A south-west facing side boundary measuring 273 metres; and
- A rear (north-west facing) boundary to Old Melbourne Road with a length of 306 metres.

The eastern portion of the land is used for low density residential purposes and is developed with a single storey brick four bedroom dwelling with associated sheds and infrastructure. The buildings are situated in close proximity to each other in eastern portion of the site and are accessed from the end of the constructed section of Coopers Road via a gravel crossover and driveway. A landscaped garden comprising a combination of planted native and exotic trees, shrubs and lawn cover surrounds these buildings. The dwelling is connected to reticulated electricity, water, gas and telecommunication services. Wastewater is treated and retained on-site. A wetland area extends in a north-westerly direction between the

site's south-eastern and north-western boundaries between Coopers Road and Old Melbourne Road. This area ranges in width from 30 metres to 50 metres in width and comprises a series of dams established on a declared watercourse. The land surrounding each dam comprises a mixture of pasture grass, scattered trees, shrubs and grasses.

The remainder of the land of the subject clear is generally cleared of vegetation with a cover of pasture grass. The land has a gently undulating topography, generally sloping down from each corner of the site towards the wetland and there is some post and wire fencing that has been used along the property boundaries and delineate individual paddocks from the house and shedding area.

### **Surrounding Land Use:**

The site is located within an established low density residential precinct on the western periphery of Traralgon's urban area.

Surrounding the site to the north, east and south are low density residential allotments generally ranging between approximately 0.4 hectare and 5.6 hectares in area.

The land abutting the subject site in all directions is within the Low Density Residential Zone – Schedule 3 and is primarily comprised of single storey detached dwellings with associated shedding.

150 metres north of the subject site (north of Old Melbourne Road) is an established Residential 1 Zone and 350 metres due south of the subject site in the Traralgon Golf Course which is located within the Rural Living Zone-Schedule 3.

It is noted that the subject site is located within the Draft Traralgon West Structure Plan study area (part of the Traralgon Growth Areas Review project).

### **HISTORY OF APPLICATION**

A history of assessment of this application is set out in Attachment 5.

The provisions of the Scheme that are relevant to the subject application are included in Attachment 6.

### **LATROBE PLANNING SCHEME**

#### **State Planning Policy Framework**

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

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

Strategies to achieve this include

- *Ensure that sufficient land is available to meet forecast demand.*

## ORDINARY COUNCIL MEETING AGENDA 03 MARCH 2014 (CM431)

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

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

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

Networks of high-quality settlements should be delivered by:

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

Clause 11.05-4 Regional planning strategies and principles states that Victoria’s regional areas should be developed with a strong identity, be prosperous and environmentally sustainable. The growth and development of distinctive and diverse regional settlements should be encouraged. This can be achieved by, among other things, ensuring that the potential of land that may be required for future urban expansion is not compromised.

Clause 19.03-2 refers to the provision of water supply, sewerage and drainage. The objective of this clause is ‘to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment’.

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

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

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



### **Local Planning Policy Framework**

The subject site is in a Low Density Residential Zone located to the west of the main urban area of Traralgon. The objective of Clause 21.04 Rural Living is to identify appropriate locations for rural residential living. A strategy associated with this objective is to *'discourage further rural living or low density residential development on the fringes of the major towns where land is designated as a long-term urban growth corridor'*.

Clause 21.07-4 refers to the protection of urban settlements from the impact of the coal industry. An objective of this clause is *'to ensure that adequate spatial separation is provided between existing and proposed urban and industrial uses and existing or proposed coal development so as to reduce the likely effects of earth subsidence, the emission of noise, dust, fire hazard and visual intrusion'*.

### **Traralgon West Interim Infrastructure Development Policy (TW Interim Policy) 11 POL-2**

Pursuant to Section 60(1A)(g) of the Act, before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council.

In this case, the Traralgon West Interim Infrastructure Development Policy (TW Interim Policy) 11 POL-2 is applicable.

The TW Interim Policy applies to approximately 180 hectares of Low Density Residential zoned land to the west of Traralgon (or known as Traralgon West Low Density Residential Precinct). The subject site falls within this precinct.

This policy, adopted by Council on 7 February 2011, outlines the process by which Latrobe City Council will consider further subdivision of land within the Traralgon Low Density Residential Precinct, pending:

- Resolution and construction of agreed road and stormwater infrastructure services to be provided for the precinct;
- Mitigation of potential detriment to downstream landholders resulting from increased stormwater volumes;
- Establishment of an appropriate framework to assure the equitable distribution and sequencing of landowner financial contributions to agreed road and stormwater infrastructure services;
- Resolution of opportunities for the immediate and long term provision of medium density residential development within the LDRZ precinct.

Before deciding on an application to subdivide land, the responsible authority must also consider:

- *The directions of this policy [TW Interim Policy];*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *The Decision Guidelines provided by the Latrobe Planning Scheme at Clause 32.03-3 and Clause 65;*
- *The need to prevent the subdivision of land which may compromise future opportunities for future residential development within the precinct;*
- *Whether the proposal will result in increased stormwater volumes being generated and whether this is likely to have an adverse impact on other property;*
- *Whether a stormwater management plan has been submitted and that the plan is to the satisfaction of the responsible authority;*
- *Whether each proposed lot has a legal point of vehicle access via a government road;*
- *Consideration of any management plan or infrastructure contribution scheme being prepared for the precinct; and*
- *The need to include a condition requiring specified works or services to be provided or paid for in accordance with an agreement under Section 173 of the Planning and Environment Act 1987. The 173 Agreement is to be prepared to ensure:*
  - (a) *present and future landowner awareness of the possible higher density residential development occurring within the Traralgon LDRZ precinct; and*
  - (b) *Financial contributions are provided for the provision of future stormwater and road infrastructure within the Traralgon LDRZ precinct.*

### **Traralgon Growth Area Review (TGAR) and Draft Traralgon West Structure Plan**

TGAR is intended to provide a growth strategy that identifies areas for future urban development around Traralgon, Traralgon-Morwell Corridor, Glengarry and Tyers up to the year 2051. The subject site is within the study area of TGAR.

The Traralgon Framework Plan and the Traralgon West Structure Plan form part of the draft TGAR documents.

#### *Draft Traralgon Framework Plan*

The Draft Traralgon Framework Plan places the subject land in Area 5 where land is identified as suitable for being progressively rezoned and redeveloped in the future to provide further conventional residential land for Traralgon. The Framework Plan states that, as a priority, increased residential densities should be sought for the land in Area 5.

#### *Draft Traralgon West Structure Plan*

The draft Traralgon West Structure Plan shows the site within Area 5. Information regarding Area 5 in the Plan is as follows:

*“Existing Low Density Residential and Rural Living zoned land in the south of the precinct...should intensify through development at conventional residential densities. A Development Plan should be prepared for the identified areas in collaboration with the existing landowners to ensure that appropriate connections and infrastructure is established as densities increases.”*

*Australian Paper Mill Amenity Buffer*

The Australian Paper Maryvale Mill requires an odour buffer up to 5km as set out in Clause 52.10 of the Latrobe Planning Scheme. However, this buffer distance has been adjusted per agreement by Council, Australian Paper and the Environmental Protection Agency (EPA). The adjusted buffer has been taken into consideration and has informed the TGAR reports as part of the Latrobe City Council's long term land-use planning of the area. It is important to note that the subject land is within the 5 km from the Australian Paper Mill however, it is located outside of the agreed buffer as indicated in the TGAR reports.

**Zoning**

The subject site is located within the Low Density Residential Zone. The primary purpose of the zone is *‘to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater’*. In accordance with the LDRZ provisions, a permit is required to subdivide land and each of the proposed lots must be at least 0.4 hectare. The proposed subdivision satisfies this requirement with all lots proposed to be 0.4 hectares or greater in size.

In accordance with Clause 32.03-3 of the Scheme, Council must consider the relevant decision guidelines of the LDRZ. A discussion of the decision guidelines is in the Issues section of this report.

**Particular Provisions**

*Clause 52.01 Public Open Space Contribution and Subdivision:*

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

The existing watercourse and associated land will be contained within a reserve and transferred to Latrobe City Council under Stage 1 of the subdivision. However, this land forms a natural drainage corridor and will not provide a public open space function. Therefore, in this instance, a cash contribution of 5% would be required in accordance with the Section 18 of the *Subdivision Act 1988*.

*Clause 52.10 Uses with adverse amenity potential:*

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The intent of this provision is *'to define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood'*. In accordance with the Table to Clause 52.10 the minimum threshold distance identified is 5 km between *'paper or paper pulp production'* and sensitive land uses.

**Decision Guidelines (Clause 65):**

Clause 65.02 provides decision guidelines to consider when assessing applications to subdivide land. These guidelines are discussed in the Issues section of this report.

**ISSUES****Strategic direction of the State and Local Planning Policy Frameworks:**

The State and Local Planning Policy Frameworks acknowledge the need to protect land on the outskirts of established urban areas in the event that it may be required for future growth of a town. In particular, Clause 11.02-1 of the Scheme aims to restrict low density rural residential development that would compromise future development at higher densities. Clause 21.04-3 of the Scheme generally discourages further rural living or low density residential development on the fringes of the major towns where land is designated as a long-term urban growth corridor.

In addition, Council's draft Traralgon Growth Area Review report and draft Traralgon West Structure Plan have identified that there are some significant constraints associated with future residential development of Traralgon. In particular, the floodplain associated with Latrobe River located to the north of the town, and the proposed Traralgon bypass to the south of the town restricts the ability for growth in these directions. Areas to the east and directly to the west of Traralgon (including the subject land) therefore represent opportunities for future growth for the town, and ad-hoc subdivisions should be avoided to provide maximum opportunity for future residential development.

The subject land has been identified as being located within a 'proposed conventional residential' area, in accordance with Council's draft Traralgon West Structure Plan. The 'Proposed Zoning' plan shows the land as 'proposed Residential 1 Zone'.

Whilst the proposed 10 lot staged subdivision may assist with the short term provision of low density residential lots, it affects the future ability of the land to be further subdivided and restricts the potential for a higher density lot yield in the future. It does so at a general level, because, as is recognized in the strategic planning documents for Traralgon, the more fragmented land is, and the more land owners that are involved, the more difficult it is to achieve the coordinated redevelopment of an area to a higher residential density. The further fragmentation of the site will also set a precedent which may influence other similar applications currently before Council, potentially also leading to those other sites being fragmented.

*TW Interim Policy*

The proposal has been assessed against the TW Interim Policy and found to not comply on the following grounds:

1. The proposal would result in the subdivision of land which would compromise future opportunities for residential development within the precinct.

On the above basis, it is considered that the proposal to create nine additional lots will result in a long term detrimental impact on potential future residential growth of Traralgon, given the existing development constraints around the town boundaries. The proposal would restrict the orderly planning of Traralgon and hinder the potential for well planned, sustainable growth of the town.

'Purpose' and 'Decision Guidelines' of the Low Density Residential Zone:

The subject land is contained within the Low Density Residential Zone of the Scheme. The primary purpose of the zone is *'to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater'*. In accordance with the LDRZ provisions, a permit is required to subdivide land and each of the proposed lots must be at least 0.4 hectare. Given the site comprises 5.96 hectares in overall area, this allows Council to consider the subject application to subdivide the site into 10 lots as well as providing a reserve area either side the designated waterway totalling 7920 square metres in area.

However, it should be noted that Clause 65 of the Scheme states that because a planning permit can be granted does not imply that a permit should or will be granted. Council must decide whether the proposal will produce acceptable outcomes in terms of the relevant provisions of the Scheme.

Stormwater Management

Council's Traralgon West Interim Infrastructure Development Policy outlines the process by which Council will consider further subdivision of land within the Traralgon Low Density Residential Zone

In relation to an application to subdivide land, the policy requires an assessment against the criteria set out in the policy including *"whether the proposal will result in increased stormwater volumes being generated and whether this is likely to have an adverse impact on other property"* and *"whether a stormwater management plan has been submitted and that the plan is to the satisfaction of the responsible authority"*.

Increased drainage flows downstream of the site would not be permitted without the construction of supporting infrastructure to mitigate potential flooding and degraded water quality impacts. As there is currently no overall development plan for the area, each subdivision should make adequate individual provision for the treatment and discharge of all



stormwater from the land and from areas upstream to ensure that water quality is maintained or improved and stormwater flow rates are restricted to pre-development flow rates.

The proposed stormwater management arrangement has been reviewed by Council's Infrastructure Planning Team and is generally deemed satisfactory, subject to inclusion of appropriate permit conditions to ensure that stormwater flows from the subdivision site be restricted to predevelopment levels should one be issued.

It should be noted whilst the West Gippsland Catchment Management Authority (WGCMA) has identified that a designated waterway runs through the property, they do not have any objections to the proposed ten lot staged subdivision or the proposed stormwater management arrangement as outlined by the applicant. The WGCMA only requested that appropriate permit conditions be included, should a planning permit for the proposal be granted, requiring the development of a Water Management Plan to revegetate and rehabilitate the relevant waterway and that a stormwater management plan must be developed to their satisfaction.

On the above basis, it is reasonable to consider that subject to appropriate conditions, the proposed stormwater drainage system would be able to operate efficiently to limit stormwater discharge from the site to pre-developed levels. The proposal is unlikely to have any adverse amenity impact on adjoining properties or on the environmental qualities of waterways, from excessive stormwater runoff.

#### Wastewater Management

In terms of wastewater management, it should be noted that the purpose and decision guidelines of the LDRZ emphasise the need to ensure that waste water can be treated and retained on site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

The LCA states that the site has a number of environmental constraints impacting upon the sustainable application of wastewater to land including a watercourse, topography and areas of frequently saturated soil and groundwater springs.

The report submitted with the application raises numerous factors which may impact on the site being able to sustainably treat and contain wastewater on within the boundary of the property.

The Land Capability Assessment has been assessed by Latrobe City Councils Health Team who has identified a number of issues that need to be addressed in greater detailed as part of any planning permit issued.

For the reasons outlined above, it is considered that the proposal is generally inconsistent with the purpose of LDRZ, as the current

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documentation has failed to satisfactorily demonstrate that wastewater would be capable of effectively being treated and wholly contained within the boundary of the site generally in accordance with the relevant EPA guidelines and Code of Practice.

Clause 65 (Decision Guidelines):

Before deciding on an application to subdivide land, the responsible authority must also consider the decision guidelines of Clause 65. In response to the guidelines, the following comments are made:

- The land is located in a designated long-term urban growth corridor for Traralgon. Subdivision of the lots into further low density residential lots would restrict the potential for a higher density lot yield from this site in the future.

It should be noted that in *Cuddy v Latrobe* [2011] VCAT 1169, the Tribunal in considering the application for a 5 lot subdivision at 55 Regan Road in Traralgon, and the general issue of the future residential development of this area, concluded that there was no longer a shortage of land supply. However, since that decision, a significant amount of further strategic work has been undertaken by Council and it has become evident from the relevant strategic work, such as Council's Traralgon Growth Area Review Project, that there is still a strong need for the area containing the subject land to be available for higher density residential development in the future.

In a more recent case, *Vogt v Latrobe* [2012] VCAT 3197, the Tribunal in considering the application for a 4 lot subdivision at Lot 3 Bradford Drive Traralgon, accepted that *'there is strong policy support against the proposal [low density subdivision] in the Planning Scheme and the associated strategic work of the Latrobe City Council for the expansion of Traralgon'*, and directed to refuse the 4 lot subdivision proposal in Traralgon West area based on grounds of compromising potential for increased urban densities.

On the above basis, it is reasonable to consider that the subject proposal to create nine additional lots will result in a long term detrimental impact on potential future residential growth of Traralgon, given the existing development constraints around the town boundaries. The proposal will restrict the orderly planning of future growth for the town and may hinder the capabilities for well planned, sustainable growth of the town. The proposal is considered to be contrary to Council's strategic direction for the area.

**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).

**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:**

In accordance with the referral requirements of Section 55 of the Act, the application was referred to SP AusNet Pty Ltd, Gippsland Water and APA Group for consideration.

The application was also referred to the WGCMA with Section 52 of the Act.

WGCMA does not object to the granting of a planning permit for a ten lot staged subdivision subject to appropriate conditions being placed on any issue of a permit.

**Internal:**

The application was referred internally to Council's Infrastructure Planning, Strategic Planning, Recreation and Open Space and Health Services teams for consideration.

Council's internal teams had no objection to the granting of a permit subject to the inclusion of 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**

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

- The proposal is inconsistent with Clauses 11.02-1 (Supply of Urban Land) and 21.04-3 (Rural Living Overview) of the Scheme by facilitating an inappropriate low density residential subdivision on land that is designated as a long-term urban growth corridor. The proposal would compromise future development at higher densities and restrict the orderly planning of future growth for Traralgon.
- The proposal is inconsistent with the purpose and decision guidelines of Clause 32.03 (Low Density Residential Zone), in terms of failing to clearly demonstrate the capability of the lots to treat and retain all wastewater on site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- The proposal is inconsistent with Clause 65.02 (Decision Guidelines).
- The proposal is inconsistent with Council's Traralgon West Interim Infrastructure Development Policy 11 POL-2.

#### **Attachments**

1. Site context plan
2. Plan of subdivision
3. Land capability assessment
4. Building and waste disposal envelope plan
5. History of application
6. Provisions of the Scheme

### **RECOMMENDATION**

**That Council issues a Notice of Refusal to grant a planning permit, for the 10 lot staged subdivision at 24 Coopers Road, Traralgon (or more particularly described as Lot 3 on LP 141401, on the following grounds:**

- 1. The proposal is inconsistent with Clause 11.02-1 (Supply of Urban Land) and Clause 21.04-3 (Rural Living Overview) of the Scheme by facilitating an inappropriate low density residential subdivision on land that is designated as a long-term urban growth corridor. The proposal would compromise future development at higher densities and restrict the orderly planning of future growth for Traralgon.**
- 2. The proposal is considered to be inconsistent with Clause 65.02 (Decision Guidelines).**
- 3. The proposal is inconsistent with Council's Traralgon West Interim Infrastructure Development Policy 11 POL-2.**

## **16.4**

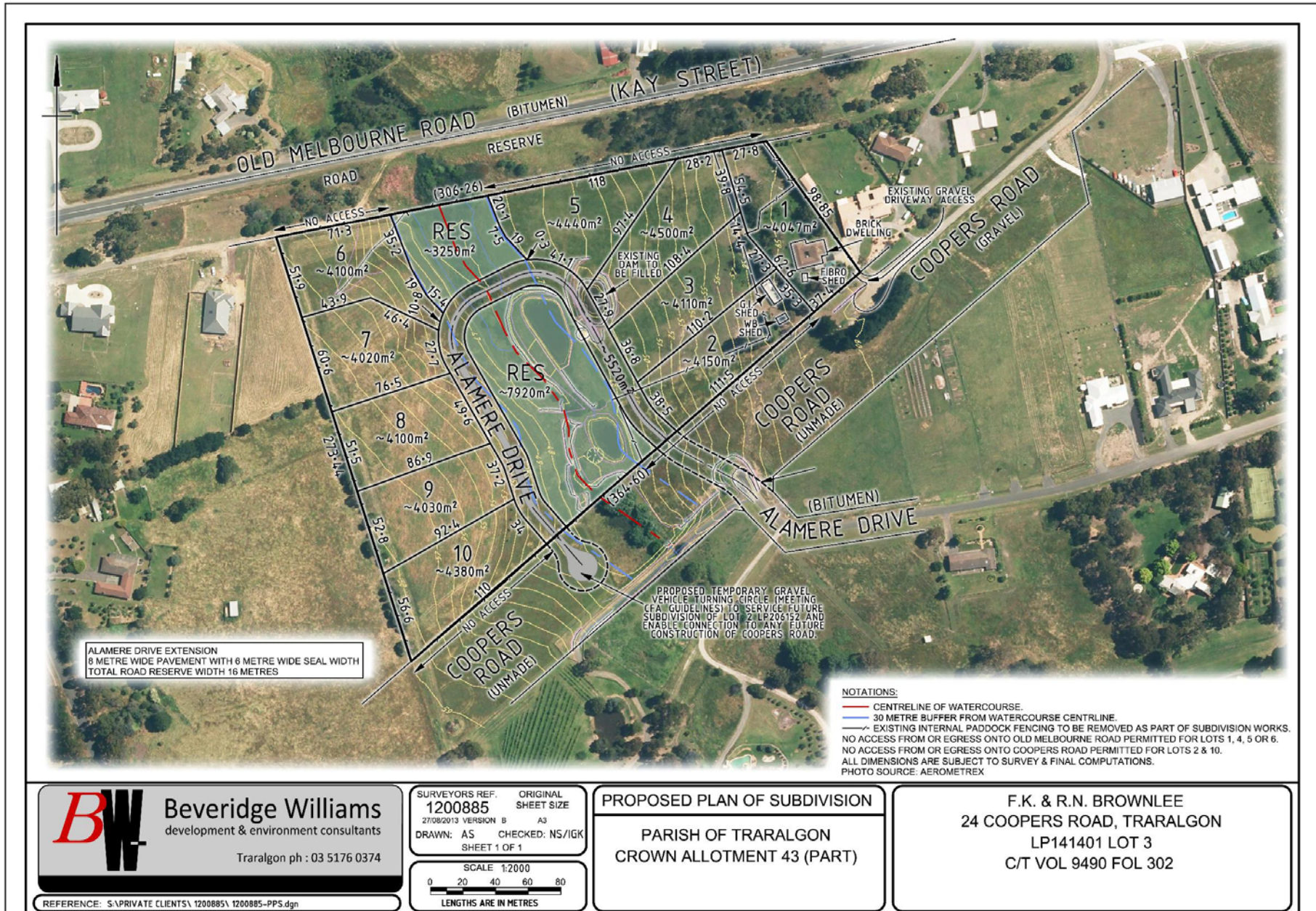
### **PLANNING PERMIT APPLICATION 2013/172 - 10 LOT STAGED SUBDIVISION AT 24 COOPERS ROAD TRARALGON**

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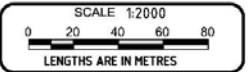






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SURVEYORS REF. ORIGINAL SHEET SIZE  
1200885 A3  
27/08/2013 VERSION B  
DRAWN: AS CHECKED: NS/IGK  
SHEET 1 OF 1



PROPOSED PLAN OF SUBDIVISION  
PARISH OF TRARALGON  
CROWN ALLOTMENT 43 (PART)

F.K. & R.N. BROWNLEE  
24 COOPERS ROAD, TRARALGON  
LP141401 LOT 3  
C/T VOL 9490 FOL 302

REFERENCE: S:\PRIVATE CLIENTS\1200885\1200885-PPS.dgn

**LAND CAPABILITY ASSESSMENT  
FOR ON-SITE DOMESTIC WASTEWATER MANAGEMENT  
OF A  
PROPOSED TEN LOT SUB-DIVISION AT  
KAY ST & ALAMERE DR, TRARAGLON**

*for*

F & R Brownlee  
&  
Beveridge Williams & Co. Pty Ltd

By  
G.D Marriott, *B Ag Sc*  
& B. Dimond



*Land Safe is a Division of Ag-Challenge Consulting Pty Ltd*

PO Box 571  
Warragul, Victoria, 3820

*(23 January 2013)*



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LCA – Kay St & Alamere Dr – Traralgon – Brownlee

### Executive Summary of Land Capability Assessment

|   |   |
|---|---|
| Site Address<br>Lot Number  | Kay St and Alamere Dr, Traralgon<br>Lot 3 LP141401  |
| Owner   | F & R Brownlee  |
| Council Area  | La Trobe City Council   |
| Proposed Allotment size & Present Land Use                            | Total Property: 5.9075 ha<br>Proposed subdivision = 10 allotments varying in size from ~4000 m <sup>2</sup> to 4770 m <sup>2</sup> .<br>Lot 1 to retain the existing residence; the remaining proposed allotments are vacant.   |
| Anticipated Wastewater Load   | Maximum anticipated - based on a four bedroom home with standard fixtures and town water:<br>(4 bedroom + 1) Therefore 5 x 150 L = 750 L/day  |
| Rainfall  | Estimated to be 845 mm - The mean annual rainfall for Traralgon has been estimated from Met Stations at Morwell (La Trobe Valley Airport), Yallourn and Yallourn SEC.   |
| Evaporation   | Estimated to be 1182 mm - The mean annual Class A pan evaporation level is estimated from Yallourn SEC Met Station.   |
| Surface Water   | A primary tributary of Boyd's Creek flows through the middle of proposed subdivision. There is also a dam located on the eastern side of this tributary, but it is assumed that this dam will be filled in as part of the development of the proposed subdivision. Setbacks of 30 m apply to wastewater LAAs with secondary treated wastewater with subsurface irrigation upslope of surface waters. All setbacks are shown in Figure 1.<br><br>Setbacks of 60 m apply to non-potable watercourses apply to wastewater LAAs with primary treated wastewater with absorption trenches upslope of surface waters. |
| Stormwater run-on and upslope seepage                                 | Given the sandy loam soil type and relatively high anticipated infiltration rates, there is a relatively low risk of stormwater run-on from upslope. However as a result of the moderate slope and low subsoil permeability, upslope seepage entering wastewater LAAs presents a significant risk. Diversion drains as shown in Figure 2 must be installed above each LAA. Intercepted stormwater must be diverted away from the LAAs.  |
| Site drainage and subsurface drainage                                 | A bleached A2 soil horizon and evidence of root oxidation in the surface soil is likely to have been caused by low subsoil permeability. Subsurface drainage is likely to be an issue during prolonged periods of wet weather and intermittent waterlogging is likely to occur. The use of stormwater diversion drains (Figure 2) upslope of wastewater LAAs in conjunction with the available slope will improve site drainage. Sizing the LAA based upon nutrients and water balance will ensure the LAA is sized according to the local climate and nutrient load.   |
| Soil Permeability (K <sub>sat</sub> )                                 | Measured onsite at 0.07 m/day.  |
| Design Irrigation Rate (DIR) for subsurface irrigation & required LAA | The DIR for a category 5 soil is 21 mm/week or 3.0 mm/day, however this has been reduced to 17.5 mm/week or 2.5 mm/day for additional conservatism in the design based on the constraints which impact on the property.<br><br>Land Application Area (LAA) of 552 m <sup>2</sup> – 4 bedroom home   |



LCA – Kay St & Alamere Dr – Traralgon – Brownlee

|  |   |
|--|---|
| Design Loading Rate (DLR) for absorption trenches & required LAA                         | The DLR for a category 5 soil is 28 mm/week or 4 mm/day,<br><br>Land Application Area (LAA) of 501 m <sup>2</sup>   |
| Exchangeable Sodium Percentage (ESP)   | 9 % (50 – 90 cm); Soil is sodic and gypsum must be applied to the LAA at 2 kg/m <sup>2</sup>  |
| <b>Most Significant factors impacting upon sustainable on-site wastewater management</b> | <p>Low subsoil permeability and lateral seepage into each LAA present the most significant risk to sustainable on-site wastewater management within this proposed subdivision. These limitations can be overcome by:</p> <ul style="list-style-type: none"> <li>- Sizing the LAA based upon a water balance with a low wastewater application rate will ensure the LAA is sized according to the local climate and loaded at a sustainable rate.</li> <li>- The installation of subsoil diversion drains upslope of each LAA will intercept laterally moving soil water and prevent it from negatively impacting upon the LAAs.</li> </ul> <p>All wastewater LAA must also be suitably positioned such that the appropriate EPA setback from the watercourse is achieved.</p> |

## 1. Introduction

Land Safe<sup>1</sup> has been engaged by Beveridge Williams & Co Pty Ltd on behalf of their client F & R Brownlee to complete a Land Capability Assessment (LCA) for a proposed 10 Lot subdivision of the existing 5.9075 ha property at Kay St and Alamere Dr, Traralgon (Lot 3 LP141401). The existing dwelling in proposed Lot 1 is to be retained, while the remaining allotments will be vacant. Town water is available but there is no town sewer.

This LCA has been commissioned to determine whether each of the allotments are capable of treating and dispersing domestic wastewater to land in an environmentally sustainable manner in accordance with both EPA Victoria and Latrobe City Council requirements.

Should the land be deemed suitable, the size of the designated wastewater Land Application Area (LAA) on each allotment will be calculated according to the measured soil permeability, in conjunction with Municipal Association of Victoria (MAV) water and nutrient balances.

The size of the LAAs will be determined on the basis of the wastewater being treated to a primary standard and absorption trenches used as the land application method along with treatment of the wastewater to a secondary standard (20/30) and subsurface irrigation used as the land application method. The options of a Sand filter or Reed bed have been included as low maintenance alternatives to Aerated Wastewater Treatment Systems (AWTS) for treatment of domestic wastewater up to a secondary standard for use in subsurface irrigation systems.

The field investigation for this LCA was conducted by Glenn Marriott and Ben Dimond of Land Safe on 20 December 2012. Glenn is a Level 2 Certified Professional Soil Scientist (CPSS-2) and specialises in soil and wastewater management.

## 2. The Development and Key Features of the Property

A description of the property and each allotment has been presented in Table 1. The spatial arrangement of the proposed ten Lot subdivision is overlaid on an aerial photo in Figure 1. The entire unsubdivided 5.9075 ha retained land shall hereby be referred to as the property.

The wastewater management system currently servicing the existing dwelling in proposed Lot 1 will need to be upgraded in accordance with the recommendations in this report. The existing wastewater management system appears to consist of a split system, with black water entering a septic tank and a single absorption trench, while grey water discharges

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<sup>1</sup> Land Safe is a division of Ag- Challenge Consulting Pty Ltd.

LCA – Kay St & Alamere Dr – Traralgon – Brownlee

directly to proposed Lot 3. This wastewater management system will need to be upgraded to ensure all wastewater is treated and retained within proposed Lot 1.

Table 1. Property description

|   |   |
|---|---|
| Site Address<br>Lot Number  | Kay St and Alamere Dr, Traralgon<br>Lot 3 LP141401  |
| Owner/Developer   | F & R Brownlee  |
| Council   | Latrobe Shire Council   |
| Property Zoning   | Low Density Residential Zone  |
| Land and Proposed Allotment size<br>& Present Land Use<br>Total Property: 5.9075 ha | Proposed subdivision = 10 allotments varying in size from ~4000 m <sup>2</sup> to 4770 m <sup>2</sup> ,<br>Lot 1 is to retain the existing residence; the remaining proposed allotments are vacant. |
| Anticipated Wastewater Load   | Maximum anticipated - based on a four bedroom home with standard fixtures on town water:<br>(4 bedroom + 1) Therefore 5 x 150 L = 750 L/day   |
| Availability of Sewer   | The subdivision will be unsewered. (Gippsland Water have no plan for it to become sewerred as of January 2013.  |

The significant environmental features of the property are presented in Table 2. The property was assessed according to the environmental factors that may limit or prevent sustainable wastewater dispersal on the property according to the MAV Land Capability Assessment Template.

The property is mostly well elevated and has slopes varying from 5 to 15 %, which will assist in the removal of excess surface water. To protect against any potential upslope lateral seepage or surface water run-on into the wastewater LAA, upslope diversion drains depicted in Figure 2 **must be** installed. This drain will intercept surface and subsurface seepage from entering the LAA.

There is a watercourse flowing through the middle of this property so the location of wastewater LAAs therefore must comply to the required EPA setback of 60 m for absorption trenches with primary treated wastewater and 30 m for subsurface irrigation with secondary treated wastewater. In Figure 1, the required setbacks from the water course are shown with the 30 m setback in yellow and the 60 m setback in blue.

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Table 2. Significant environmental features of the property

| Feature                               | Description   |
|---------------------------------------|---|
| Rainfall                              | <b>Estimated by calculation to be 845 mm</b> - The mean annual rainfall for Traralgon has been estimated from Met Stations at Morwell (La Trobe Valley Airport), Yallourn and Yallourn SEC.   |
| Evaporation                           | <b>Estimated to be 1182 mm</b> - The mean annual Class A pan evaporation level is estimated from Yallourn SEC Met Station.  |
| Vegetation                            | Mostly pasture.   |
| Landform                              | Dissected gully.  |
| Slope                                 | All land on the property drains towards the watercourse which flows through the property towards the north west. The land to the west of the watercourse has a convex slope with gradients which vary from 10 % at the high slope up to 15 % on the lower mid slope towards the watercourse. The land to the east of the watercourse has variable slope but mostly between 8 and 12 %.  |
| Fill & Disturbed soil                 | All soil profiles on the site were considered natural with no fill. There is an area of disturbed soil in the eastern end of proposed Lot 3. If this area were to be used for the wastewater LAA, it should be levelled prior to installation of the land application system.   |
| Erosion Potential                     | No erosion was observed on site. There is some risk of erosion, but the potential is considered low while the land remains vegetated.   |
| Surface Water                         | A primary tributary of Boyd's Creek flows through the middle of proposed subdivision. There is also a dam located on the eastern side of this tributary, but it is assumed that this dam will be filled in as part of the proposed development of the subdivision.<br><br>Setbacks of 30 m apply to wastewater LAAs with secondary treated wastewater with subsurface irrigation upslope of surface waters. All setbacks are shown in Figure 1.<br><br>Setbacks of 60m apply to non-potable watercourses apply to wastewater LAAs with primary treated wastewater with absorption trenches upslope of surface waters. |
| Groundwater                           | No groundwater was found on site within the depth of augered soil holes. The closest groundwater bore approximately 630 m away to the east. This bore is 100 m deep   |
| Stormwater run-on and upslope seepage | Given the sandy loam topsoil and relatively high anticipated infiltration rates, there is a relatively low risk of stormwater run-on from upslope. However as a result of the moderate slope and low subsoil permeability, upslope seepage entering wastewater LAAs presents a significant risk. Diversion drains as shown in Figure 2 must be installed above each LAA. Intercepted stormwater must be diverted away from the LAAs.  |
| Site drainage and subsurface drainage | A bleached A2 soil horizon and evidence of root oxidation in the surface soil is likely to have been caused by low subsoil permeability. Subsurface drainage is likely to be an issue during prolonged periods of wet weather and intermittent waterlogging is likely to occur. The use of stormwater diversion drains (Figure 2) upslope of wastewater LAAs in conjunction with the available slope will improve site drainage. Sizing the LAA based upon nutrients and water balance will ensure the LAA is sized according to the local climate and nutrient load.   |



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Figure 1. Proposed Subdivision Plan overlaid on an aerial photo with EPA Victoria setbacks of 30 m in yellow and 60 m in blue.

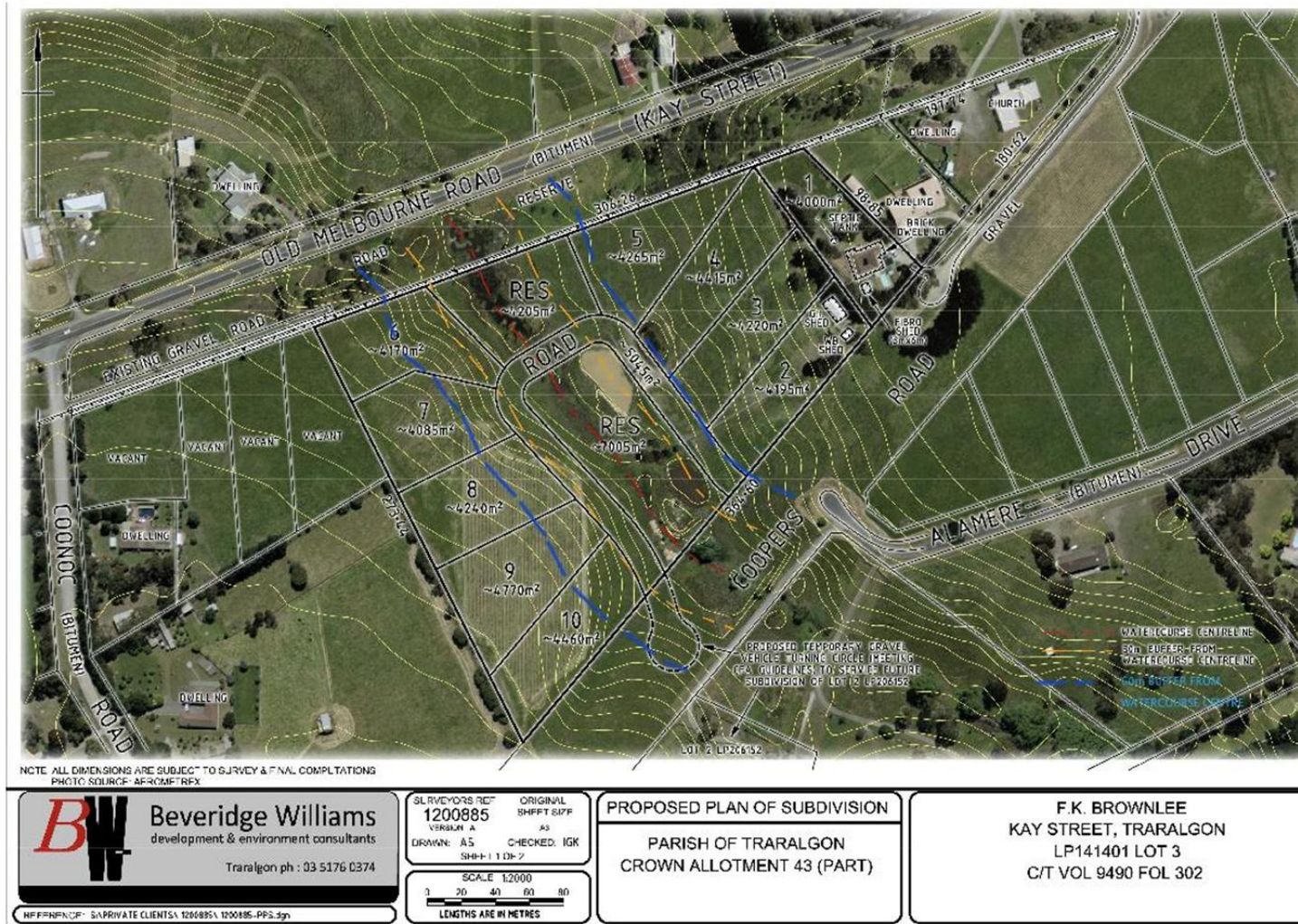
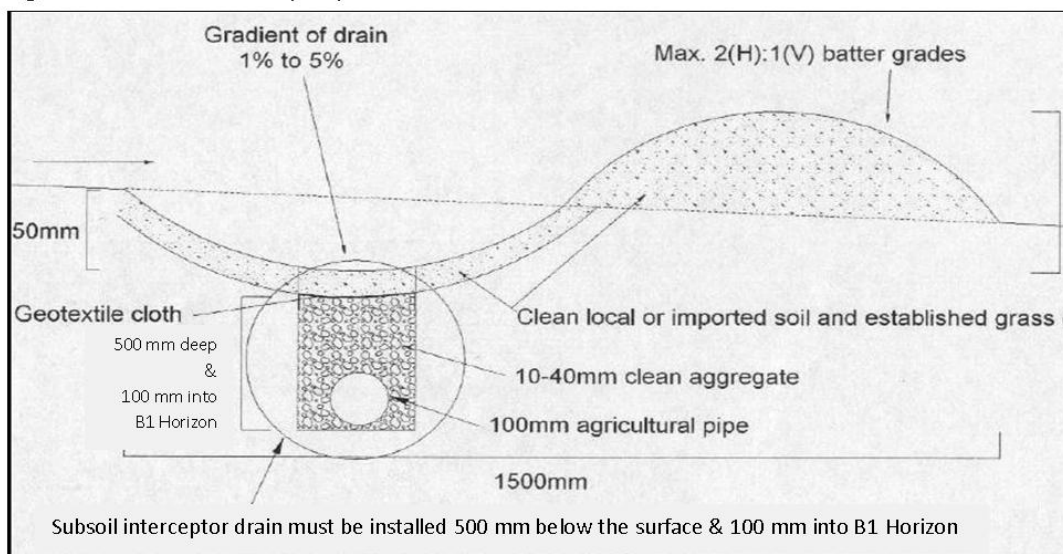




Figure 2. Cross Section: Upslope Diversion Drain<sup>2</sup>.



### 3. Soil Assessment and Site Constraints

The soils of the property have been assessed for their suitability for the application of domestic wastewater. The soils vary slightly across the property, but are mostly yellow brown duplex soils. The soils on the western side of the Creek were assessed in October 2008 and consist of dark brown loams topsoil over greyish brown medium clay subsoils, with buckshot gravel at the transition. The soils on the eastern side of the Creek consist of dark brown clay loam A1 horizon overlying a bleached light brownish grey sandy loam A2 soil horizon. The B1 horizon consists of a yellowish brown heavy clay. Soils were classified according to Australian/New Zealand Standard (AS/NZS 1547:2012). Soil profile descriptions are included in Appendix 1.

The soils were investigated to a depth of 100 cm with a hand auger. Soil samples were taken at a depth of 50 to 90 cm. The full set of laboratory results is included in Appendix 10, with a summary of the pertinent parameters included in Section 3.1.

#### 3.1 Soil Chemical and Physical Analysis

Full soil chemical and physical analysis results are provided in Appendix 10 for a soil samples collected from the B1 soil horizon between depths of 50 – 90 cm. The following is a discussion of the soil chemical and physical parameters likely to impact on the soils ability to disperse wastewater in a sustainable manner. A summary of the soil features is included in Table 3.

<sup>2</sup> Domestic Wastewater Management Technical Workshop – Centre for Environmental Training – Baw Baw Shire Council 4 December 2006

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Table 3. Soil features: Yellow brown duplex

| Soil Feature  | Description   |
|---|---|
| Soil Depth  | Soil depth estimated to be at least 2 m.  |
| Coarse Fragments  | Gravel in the A2 horizon on the western side of the watercourse.  |
| Soil Permeability ( $K_{sat}$ ) at depth of 350 mm – 600 mm                                   | Measured in Oct 2008 at 0.07 m/day on the western side of the watercourse in proposed Lot 5. And is considered indicative of the remainder of the property.   |
| Soil Category (AS/NZ1547:2012)  | 5   |
| Design Irrigation Rate (DIR) for subsurface irrigation & required Land Application Area (LAA) | The DIR for a category 5 soil is 21 mm/week or 3.0 mm/day, however this has been reduced to 17.5 mm/week or 2.5 mm/day for additional conservatism in the design based on the constraints which impact on the property.<br><br>Land Application Area (LAA) of 552 m <sup>2</sup> – 4 bedroom home |
| Design Loading Rate (DLR) for absorption trenches   | The DLR for a category 4 soil is 28 mm/week or 4 mm/day,<br><br>Land Application Area (LAA) of 501 m <sup>2</sup> – 4 bedroom home  |
| Soil pH (1:5 water)   | 5.7 (50 – 90 cm): Moderately acidic soil pH, no action required   |
| Exchangeable Sodium Percentage (ESP)  | 9 % (50 – 90 cm): Soil is sodic and gypsum must be applied at 2 kg/m <sup>2</sup>   |
| Electrical Conductivity (EC)  | 0.08 dS/m (50 – 90 cm): Low level of salinity of little concern   |
| Calcium Magnesium ratio   | 0.2 (50 – 90 cm): Very low value should be closer to 4 for desirable plant growth and soil structural stability, should be increased with gypsum.   |
| Dispersion Index (Loveday-Pyle)   | 15 (50 – 90 cm): significant dispersion, to be minimised with gypsum application. gypsum is required at a rate of 2 kg/m <sup>2</sup>   |

- The pH subsoil (50 – 90 cm) is moderately acidic at pH of 5.7<sub>(1:5 water)</sub>. No action is required as soil pH in this range is suitable for the growth of most plants and gypsum will still work effectively.
- The Exchangeable Sodium Percentage (ESP) of the subsoil (50 – 90cm) is 9 % and therefore sodic. There is a high risk that these soils will disperse upon application of sodium-rich but low salinity domestic wastewater based upon the dispersion index values of 15 on a scale of zero to 16. Gypsum **must** be applied to minimise loss of soil permeability under the application of wastewater. The application of gypsum at a rate

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- of 2 kg/m<sup>2</sup> to the wastewater LAA is recommended. This will assist in the creation and maintenance of soil structure and enhance soil permeability.
- The calcium magnesium ratio is consistently 0.2 at a depth of 50 – 90 cm. This is very low and should be closer to 4 to ensure plant health and soil structural stability. The application of gypsum at a rate of 2 kg/m<sup>2</sup> will provide additional calcium to lift this ratio.
  - The level of soil salinity as measured by the electrical conductivity (EC<sub>1.5</sub>) of the subsoil is 0.08 dS/m, which is a low level of salinity and indicates that most of the salts have been removed from the soil profiles during rain events.
  - The phosphorus binding capacity is moderate based upon the Phosphorus Binding Index (PBI) values of 160. The ability of the subsoil to bind and lock up phosphorus applied in the wastewater is acceptable, even at a moderate to low value of 160.

**Overall these soils are capable of sustainable wastewater application provided gypsum is applied at a rate of 2 kg/m<sup>2</sup> in order reduce the soils tendency to slake and disperse.**

### 3.2 Soil Permeability

A set of seven soil permeability ( $K_{sat}$ ) measurements were conducted on the property on the western side of the watercourse as part of a separate investigation in 2008. The geometric mean  $K_{sat}$  value recorded was 0.07 m/day and is considered representative of the soils on rest of this property.

Soil permeability was not measured on the eastern side of the watercourse during the most recent site visit in December 2012 due to the saturated soil conditions present and as such the soil water conditions required for the Talsma-Hallam method were not met. The essential condition for any *in situ* test method for soil permeability is that there be no soil saturation between the soil surface and at least 0.5 m below the bottom of a test hole. This condition was not fulfilled when the fieldwork took place.

Temporary intermittent saturated soils and perched water tables are a normal and common occurrence across Victoria and do not preclude the land from being suitable for the application to land of domestic wastewater, provided wastewater is applied at a suitable rate and lateral seepage from upslope is intercepted and prevented from impacting upon the wastewater LAA.

## 4. On-site Wastewater management

According to “Table 5 of AS/NZS 1547:2012 standard soil categories” found in Appendix 8 of this report, the soil type identified on the property can be classed as category 5, based on the geometric mean  $K_{sat}$  value of 0.07 m/day.

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For subsurface irrigation a conservative Design Irrigation Rate (DIR) of 17.5 mm/week or 2.5 L/m<sup>2</sup>/day for secondary treated wastewater is recommended.

A design loading rate (DLR) of 28 mm/wk or 4 L/m<sup>2</sup>/day is recommended for absorption trenches with primary treated wastewater.

Gypsum should be applied to all Land Application Areas (LAAs) at a rate of 2 kg/m<sup>2</sup>.

#### 4.1 Required Area for Subsoil Absorption Trenches

The length of absorption trench required has been determined with a water balance constructed by Dr Robert Patterson<sup>3</sup> with a conservative DLR of 4 L/m<sup>2</sup>/day. The length of absorption trench required for the existing four bedroom home has been determined based upon a daily design flow rate of 750 L/day.

According to the water balance in Appendix 3 a total trench length of 156 m is required to adequately disperse 750 L/day of wastewater generated by a four bedroom dwelling on town water (assuming a trench depth of 400 mm and width of 700 mm).

This water balance takes into account soil absorption from the trench base and also 250 mm up the sides of each wall. This means that the water balance allows for storage of effluent in the trench of up to 250 mm in depth, which still allows 150 mm between the highest water mark and the surface with 400 mm deep trenches. This aspect has been factored in to allow for the varying water level in the trench and the absorption potential of the trench side walls.

According to the water balance in Appendix 3, assuming trench widths of 0.7 m and depths of 0.4 m, 156 m of absorption trench is required to disperse 750 L/day of wastewater from a four bedroom home.

The trenches should be laid parallel to the contour (across the slope) with 3 m of undisturbed soil between each trench. As per the latest EPA regulations<sup>4</sup>, the 3 m spacing between each trench is still a requirement as it protects a reserve area. Should the system fail, additional trenches can be installed between the original trenches, or else a secondary wastewater treatment can be installed and subsurface irrigation used as the wastewater dispersal method.

The total LAA in Table 4 does not include EPA setback distances, these have been included in Appendix 7. There are EPA setbacks of 60 m from the watercourse running through the property.

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<sup>3</sup> R.A. Patterson (2006) Water balance spreadsheet derived from water balance included in Table G1, AS 1547:1994. Lanfax Labs Armidale, NSW.

<sup>4</sup> EPA Onsite Newsletter No. 11 (30 September 2009) issued by Sarah West Onsite Wastewater Program Manager

**Table 4.** Absorption trench specifications assuming 750 L/day of wastewater and absorption trench widths of 700 mm and 3 m spacing between trenches.

| No. of Trenches | Length of each Trench (m) | Total Trench length req'd (m) | Width of LAA (m) | Total LAA (m <sup>2</sup> ) |
|-----------------|---------------------------|-------------------------------|------------------|-----------------------------|
| 6               | 26                        | 156                           | 19.2             | 501                         |

#### 4.2 Required Area for Subsurface Irrigation

Wastewater applied to land via subsurface irrigation, must be treated up to a secondary (20/30) standard<sup>5</sup>. Methods of treating wastewater up to a 20/30 standard are discussed in Appendix 12 of this report.

There are a number of benefits from using pressure compensated subsurface irrigation with secondary treated wastewater including:

- the application of wastewater under pressure so wastewater is applied evenly across the entire land application area (LAA), maximising the uptake of nutrients
- the wastewater can be pumped to higher parts of the property more easily
- wastewater can be used beneficially to irrigate either garden or lawn
- The LAA can be comprised of multiple areas of irregular shape
- reduced EPA setback distances of up to 50 %
- avoids the need for a reserve area<sup>6</sup>.

The MAV water balances in Appendix 4 and 5 calculate the size of the LAA on the most limiting factor while obviating the need for winter storage. The size can be limited by (a) the sustainable dispersal of the water in the effluent or (b) the sustainable dispersal of the nutrients in the effluent. The largest area predicted by either of the two MAV balances should be implemented as the LAA. The water balance assumes zero storage and is based upon a 4 bedroom home using 750 L/day.

For subsurface irrigation with secondary treated wastewater, the MAV method predicts that a 552 m<sup>2</sup> LAA is required on these allotments.

Secondary treatment and subsurface irrigation avoids the need for a reserve area<sup>7</sup>. Should a subsurface irrigation system fail, the irrigation pipe work can be relatively easily removed and replaced. Some soil remediation may be required, but the same land area can be used.

Figure 3 and Figure 4 have been included to demonstrate how subsurface irrigation is installed and a typical subsurface irrigation line.

<sup>5</sup> Secondary standard wastewater (20/30) requires treatment to 20 mg/L of Biological Oxygen Demand (BOD) and 30 mg/L of Suspended Solids (SS).

<sup>6</sup> EPA Victoria (2008) Guidelines for Environmental Management – Onsite Wastewater Management Code of Practice. Document No. 891.2

<sup>7</sup> EPA Victoria (2008) Guidelines for Environmental Management – Onsite Wastewater Management Code of Practice. Document No. 891.2

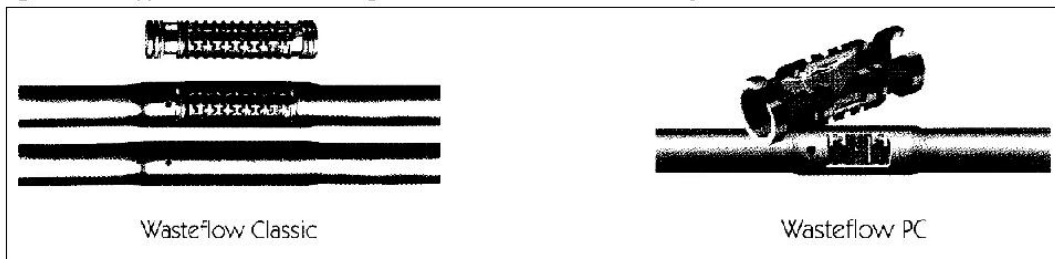


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**Figure 3.** Photo of typical subsurface irrigation installation from *Netafim* brochure.  
*Note* the cutter wheel making a narrow slot for the pipe that rolls off the drum and is inserted below the surface.



**Figure 4.** A typical subsurface irrigation line taken from *Wasteflow* brochure.



## 5. Conclusion and Recommendations

The 5.9075 ha property on Kay St has been assessed by Land Safe for its suitability to manage domestic wastewater in a sustainable manner in accordance with local Council and EPA Victoria Guidelines.

The most significant environmental constraints impacting upon the sustainable application to land of wastewater on this property include:

- The watercourse,
- Lateral seepage from upslope
- Low subsoil permeability

Provided the remedial measures documented in this report (appropriate setbacks and upslope diversion drains, conservative loading rates) are fully implemented, the property is considered suitable for the sustainable application to land of 750 L/day of domestic wastewater on each of the proposed ten allotments.

The soils across the property consist of sodic yellow brown duplex soils. Due to the sodicity and potential for dispersion gypsum **must be applied** at a rate of 2 kg/m<sup>2</sup> to all Land Application Areas (LAAs). The gypsum will improve the soil structure and promote deep percolation and treatment of wastewater through the soil profile.

Soil permeability ( $K_{sat}$ ) was measured at 0.07 m/day using the Talsma-Hallam constant head method on this property on the western side of the tributary and is considered indicative of the rest of the property. This soil permeability is acceptable for the application to land of domestic wastewater, by either absorption trenches with primary treated wastewater or subsurface irrigation with secondary treated.

All LAAs in this report have been sized taking into account both water and nutrient balance requirements.

For subsurface irrigation a Design Irrigation Rate (DIR) of 2.5 L/m<sup>2</sup>/day or 17.5 mm/week has been assigned. The LAA with subsurface irrigation should be 552 m<sup>2</sup> for a four bedroom home. This LAA does not include EPA setback distances. Subsurface irrigation with secondary treatment is the most suitable wastewater management option for proposed subdivision.

For absorption trenches a Design Loading Rate (DLR) of 4 L/m<sup>2</sup>/day or 28 mm/week is recommended. According to the water balance a wastewater LAA of 501 m<sup>2</sup> is required with primary treated wastewater and absorption trenches.

Given that the area required for subsurface irrigation is larger than that required for absorption trenches it is recommended that a 552 m<sup>2</sup> be assigned for wastewater land

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application to ensure there is sufficient area available in the future for a subsurface irrigation system with secondary treated wastewater, should the need arise.

There is sufficient land available within each of the proposed allotments for wastewater application to land with either absorption trenches or else subsurface irrigation.

Overflow from rainwater tanks and any other stormwater from impervious surfaces such as driveways etc. should be diverted away from LAAs.

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## Appendix 1 Soil Profile Descriptions

Soil Profile Descriptions – 20 December 2012 – Eastern side of the Creek.

### Site 1

East of the creek, 30m west of North Fence and row of pines

Gradient 10 %

GPS Co-ordinates - S38°11.968' E146°30.153 (DATUM Aus Geod 66)

| Horizon | Depth (cm) | Description  |
|---------|------------|--|
| A1      | 0-15       | Dark Brown (7.5YR 3/2) Clay Loam, high organic matter. Root oxidation.<br><br><i>--Gradual change--</i>  |
| A2      | 15-40      | Bleached Light Brownish Grey. Sandy loam (just coherent), weak structure, coarse sand, minor gravel (<5%, < 5mm).<br><br><i>--Abrupt change--variable depth to B1 between 40 &amp; 70 cm</i> |
| B1      | 40-90      | Yellow Brown (10YR 5/8) and minor Strong Brown (7.5 YR 5/8), Heavy clay. Firm consistence (moist).<br><br><i>---Diffuse change---</i>  |
| B2      | 90-100     | Colour as per B1 horizon but more red (2.5YR 4/8) mottles , Medium Clay<br><br><i>---Hole terminated---</i>  |

Structure of B1 and B2 obscured by auger. Soil typical of those in this area of Traralgon.



Figure 6 – Soil Profile at site 1



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**Site 2**– lower slope south end of property

GPS Co-ordinates - S38°12.008' E146°30.124 (DATUM Aus Geod 66)

Soil as per site 1, But more grey in the B horizon, with less reddish mottles

Increase in silt and no root oxidation

**Site 3** – lower slope north end, down slope of drainage line

GPS Co-ordinates - S38°11.972' E146°30.100 (DATUM Aus Geod 66)

Similar to site 2, but with root oxidation, soil well pugged and not suitable for LAA

**Site 4**– north west of site 3.

GPS Co-ordinates - S38°11.968' E146°30.081 (DATUM Aus Geod 66)

Similar to site 3, but with silty clay B1.

Soil Profile Descriptions – 9 October, 2008

– Western side of the Creek in proposed Lot 5 of this 10 Lot subdivision.

**Site #1.** Northern end of proposed Lot 1. 5 % slope measured with clinometer.

GPS: S 38°11.983 E 146°29.985

Soil moist throughout the profile

| Depth (cm) | Horizon | Description  |
|------------|---------|--|
| 0 – 18     | A1      | Dark Brown Loam, high in organic matter, moderate pedal structure. Occasional gravel (small 1 – 2 mm)<br><i>Clear transition to:</i>                           |
| 18 – 23    | A2      | Predominately Buck shot gravel.<br><i>Clear transition to:</i>   |
| 23 – 35    | B1      | Greyish Brown Medium Clay.<br><i>Diffuse transition to:</i>  |
| 35 – 60    | B2      | Pale Brown Medium-Heavy Clay. Firm consistency when moist. Weak structure. Organic matter present in the form of plant roots. Mottles of red, orange and grey. |
| 60 – 118   | B3      | Pale Orange Brown. Structure distorted in auger. Becoming lighter in colour with depth at 80 cm below the surface but texture relatively unchanged             |

**Site #2.**

Lot 2, mid slope

Similar soil profile to site 1, except for a slight increase in the depth of the A1 horizon and a deeper A2 horizon of buckshot gravel.



## Appendix 2 Soil Hydraulic Conductivity Talsma-Hallam Method

### SOIL PERMEABILITY MEASUREMENT - CONSTANT-HEAD TEST<sup>8</sup>

#### INTRODUCTION

The Constant head method described here for measuring soil permeability *in-situ*, is described in more detail in Appendix G of the Australian/New Zealand Standard AS1547: 2012.

This method can be used for sizing effluent dispersal systems. The permeameter described below is suitable for a soil permeability range of  $1 \times 10^{-7}$  to  $3 \times 10^{-4}$  m/sec ( $\approx 0.009$  to 26 m/day). With certain modifications it can also be used for permeabilities less than  $1 \times 10^{-7}$  m/sec.

#### TEST METHODOLOGY

##### 1 Scope

In a constant head test, the water that runs out of an unlined test hole is replenished at the same rate from a reservoir, and one measures the loss of water from the reservoir over time. During this test the head of water in the hole remains the same, and a well-validated mathematical model can be used to calculate  $K_{sat}$  from the measurement.

##### 2 Apparatus

The following is required to carry out soil permeability tests using the constant head method;

- (a) soil auger of 75 to 100 mm diameter,
- (b) permeameter and tripod as illustrated in Figure 1,
- (c) anti scouring device,
- (d) suction flask,
- (e) stopwatch and field data sheets,
- (f) water container.

##### 3 Procedure

Excavate the required number of holes to 50 cm depth<sup>9</sup>, spacing holes over required area. Record the depth of the holes. Remove most of the loose earth at the bottom of the hole by hand.

Measure depth of hole and adjust tripod on permeameter to maintain 25 cm head of water in hole. Record the height of the head.

Place anti scouring device in hole and fill hole with water to approximately 25 cm depth soak test holes until the water infiltration is not influenced by the dryness of the soil, and record time of soaking

Fill permeameter with water, invert and place into hole so that water flows out of base. To the start test, suck water out of hole using suction flask apparatus until first air bubble appears. Set stop watch to 0.00 and start recording drop in solution reservoir (in cm) over time. Five minute intervals enable 8

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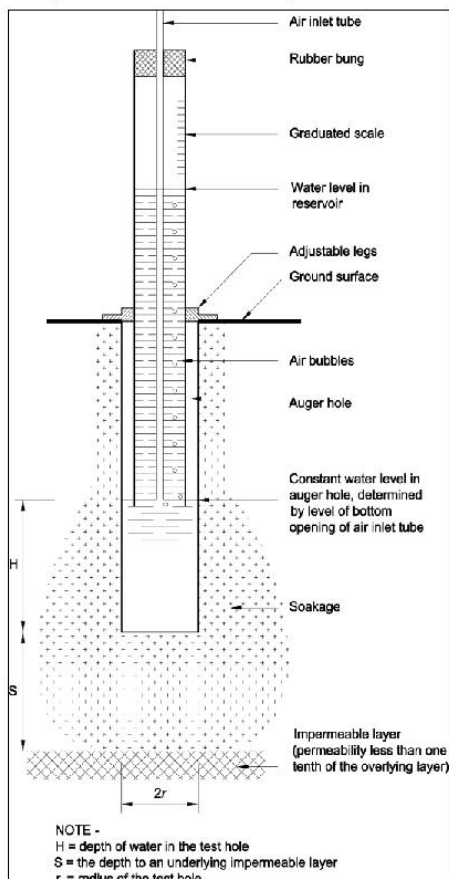
<sup>8</sup> As per procedure in AS 1547:2012

<sup>9</sup> The depth of hole and height of head may be varied for particular situations, and the depths should be recorded to ensure the calculations are performed correctly.

tubes to be measured, with tubes read 30 seconds apart in 4 minutes. The time should be adjusted if the drop in the water level is too rapid. With very high infiltration rates, each tube is read separately to its finish.

Record drop in water level in the reservoir using the field sheet (see next page) until it becomes “constant”, i.e. the last drop differs by less than 10% of the preceding drop.

Well permeameter assembly



4 Calculations

Calculate the soil hydraulic conductivity according to the equation;

$$K_{sat} = 4.4 Q [0.5 \sinh^{-1}(H/2r) - \sqrt{\{(r/H)^2 + 0.25\}} + r/H] / 2\pi H^2$$

Where:

- $K_{sat}$  = saturated hydraulic conductivity of the soil in cm/min.
- 4.4 = correction factor for a systematic under-estimate of soil permeability in the mathematical derivation of the equation,
- Q = rate of loss of water from the reservoir in  $cm^3/min$ ,
- H = depth of water in the test hole in cm,
- r = radius of the test hole in cm.

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**Appendix 3 Water Balance – Absorption Trenches – Four Bedrooms**

| Nominated Area for 700 mm wide Absorption Trenches |       |  |            |              |                         |          |                       |            |           |         |
|--|-------|--|------------|--------------|-------------------------|----------|-----------------------|------------|-----------|---------|
| Site Address                                       |       | Kay St - Traralgon - Brownlee  |            |              | Evap. data              |          | Yallourn SEC (085103) |            |           |         |
| Mean   |       | Mean of Morwell (085280), Yallourn (08                                 |            |              | average Pan evaporation |          |                       |            |           |         |
| Source: AS1547-1994 - Table G1                     |       | (Prepared by R.A. Patterson, Lanfax Labs. Armidale updated April 2006) |            |              |                         |          |                       |            |           |         |
| 1  | 2     | 3  | 4          | 5            | 6                       | 7        | 8                     | 9          | 10        |         |
| Month  | Days  | daily pan  | Pan Eo     | Et           | Rainfall                | Retained | LTAR*N                | Disposal   | Effluent  | Size of |
|  | per   | per  |            | +C*Eo        | P                       | Rainfall |                       | rate/month | applied   | area    |
|  | month | (B.Met)  |            |              | Re=(1-r)P               |          | 4                     | (Et-Re)+   | per month | (B)/(7) |
|  |       |  |            |              |                         |          |                       | LTAR*N     | 750       |         |
|  |       | mm   | mm         | mm           | mm                      | mm       | mm                    | mm         | L         | m2      |
| Jan  | 31    | 5.9  | 182.9      | 146          | 55.6                    | 44.5     | 124                   | 225.8      | 23250     | 103     |
| Feb  | 28    | 5.6  | 156.8      | 125          | 52.3                    | 41.8     | 112                   | 195.6      | 21000     | 107     |
| Mar  | 31    | 3.9  | 120.9      | 97           | 58.3                    | 46.6     | 124                   | 174.1      | 23250     | 134     |
| Apr  | 30    | 2.7  | 81.0       | 57           | 70.3                    | 56.2     | 120                   | 120.5      | 22500     | 187     |
| May  | 31    | 1.7  | 52.7       | 37           | 68.8                    | 55.0     | 124                   | 105.9      | 23250     | 220     |
| Jun  | 30    | 1.2  | 36.0       | 25           | 73.7                    | 58.9     | 120                   | 86.3       | 22500     | 261     |
| Jul  | 31    | 1.3  | 40.3       | 28           | 72.9                    | 58.3     | 124                   | 93.9       | 23250     | 248     |
| Aug  | 31    | 1.6  | 49.6       | 35           | 78.9                    | 63.1     | 124                   | 95.6       | 23250     | 243     |
| Sep  | 30    | 2.4  | 72.0       | 50           | 78.5                    | 62.8     | 120                   | 107.6      | 22500     | 209     |
| Oct  | 31    | 3.3  | 102.3      | 82           | 84.6                    | 67.7     | 124                   | 138.1      | 23250     | 168     |
| Nov  | 30    | 4.4  | 132.0      | 106          | 78.2                    | 62.6     | 120                   | 163.0      | 22500     | 138     |
| Dec  | 31    | 5.0  | 155.0      | 124          | 69.1                    | 55.3     | 124                   | 192.7      | 23250     | 121     |
| <b>Totals</b>                                      |       | <b>1181.5</b>  | <b>912</b> | <b>841.2</b> | <b>673.0</b>            |          |                       |            |           |         |

**TABLE G2 - Depth of stored effluent First trial - choose from col.9 table above**

| 1     | 2                 | 3           | 4         | 5       | 6            | 7        | 8        | 9        | 10         | 11         |
|-------|-------------------|-------------|-----------|---------|--------------|----------|----------|----------|------------|------------|
| month | first trial       | application | Disposal  | (3)-(4) | Increase     | Starting | increase | computed | reset if   | equivalent |
|       | area              | rate        | rate      |         | depth of     | depth    | depth    | depth    | Et deficit | storage    |
|       | (m <sup>2</sup> ) | (8)/(2)     | per month | (above) | stored       | effluent | effluent | effluent | <0         | 10 x area  |
|       |                   | (mm)        | (mm)      | (mm)    | (5)/porosity | month    | +        | (mm)     | (mm)       | (L)        |
| Dec   |                   |             |           |         |              |          |          | 0.0      | 0          | 0          |
| Jan   | 203               | 3733        | 114       | 226     | -112         | -372     | 0        | -372     | -372       | 0          |
| Feb   |                   |             | 103       | 196     | -92          | -308     | 0        | -308     | -308       | 0          |
| Mar   |                   |             | 114       | 174     | -60          | -199     | 0        | -199     | -199       | 0          |
| Apr   |                   |             | 111       | 120     | -10          | -33      | 0        | -33      | -33        | 0          |
| May   |                   |             | 114       | 106     | 8            | 28       | 0        | 28       | 28         | 1723       |
| Jun   |                   |             | 111       | 86      | 24           | 81       | 28       | 81       | 109        | 6679       |
| Jul   |                   |             | 114       | 94      | 20           | 68       | 109      | 68       | 178        | 10839      |
| Aug   |                   |             | 114       | 96      | 19           | 62       | 178      | 62       | 240        | 14641      |
| Sep   |                   |             | 111       | 108     | 3            | 10       | 240      | 10       | 250        | 15253      |
| Oct   |                   |             | 114       | 138     | -24          | -79      | 250      | -79      | 171        | 10410      |
| Nov   |                   |             | 111       | 163     | -52          | -175     | 171      | -175     | -4         | 0          |
| Dec   |                   |             | 114       | 193     | -78          | -261     | 0        | -261     | -261       | 0          |
| Jan   |                   |             | 114       | 226     | -112         | -372     | 0        | -372     | -372       | 0          |
| Feb   |                   |             | 103       | 196     | -92          | -308     | 0        | -308     | -308       | 0          |
| Mar   |                   |             | 114       | 174     | -60          | -199     | 0        | -199     | -199       | 0          |
| Apr   |                   |             | 111       | 120     | -10          | -33      | 0        | -33      | -33        | 0          |
| May   |                   |             | 114       | 106     | 8            | 28       | 0        | 28       | 28         | 1723       |

From calculations in tables above for optimised drainfield area, using Appendix G AS1547-1994

|   |  |
|---|--|
| <b>Porosity in disposal area</b>          | <b>30%</b>   |
| <b>Variables Table</b>                    | <b>Runoff Coeff = 0.2 percentage runoff</b>                      |
|   | <b>Summer Crop Factor = 0.8 crop transpiration rate Oct-Mar</b>  |
|   | <b>Winter Crop Factor = 0.7 crop transpiration rate -Apr-Sep</b> |
| Change as required                        | <b>DLR = 4 L/m<sup>2</sup>/day</b>                               |
|   | <b>FLows = 750 L/day</b>   |
| <b>Estimated base area of trench =</b>    | <b>203 square metres</b>   |
| <b>Maximum depth of stored effluent =</b> | <b>250 mm depth</b>  |
| <b>Trench dimensions (mm)</b>             | <b>width = 700 mm depth = 400 mm</b>                             |
| <b>Length of trench required =</b>        | <b>156 metres</b>  |

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**Appendix 4 MAV Water Balance – Subsurface Irrigation – Four bedrooms**

| <b><u>Nominated Area Water Balance &amp; Storage Calculations For Irrigation</u></b> |   |                |                |              |                |            |            |            |            |            |            |            |            |            |            |              |
|--|---|----------------|----------------|--------------|----------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|
| <b>Site Address:</b>   | <b>Kay St - Traralgon - Brownlee</b>                                |                |                |              |                |            |            |            |            |            |            |            |            |            |            |              |
| <b>INPUT DATA</b>  |   |                |                |              |                |            |            |            |            |            |            |            |            |            |            |              |
| Design Wastewater Flow   | Q   | 750            | L/day          | 4            | 1              | 5          | 150        | 750        |            |            |            |            |            |            |            |              |
| Design DIR   | DIR   | 17.5           | mm/week        |              |                |            |            |            |            |            |            |            |            |            |            |              |
| Daily DIR  |   | 2.5            | mm/day         |              |                |            |            |            |            |            |            |            |            |            |            |              |
| Nominated Land Application Area  | L   | 552            | m sq           |              |                |            |            |            |            |            |            |            |            |            |            |              |
| Crop Factor  | C   | 0.7-0.8        | unitless       |              |                |            |            |            |            |            |            |            |            |            |            |              |
| Retained Rainfall  |   | 0.8            | unitless       |              |                |            |            |            |            |            |            |            |            |            |            |              |
| Rainfall Data (mean monthly)   | Mean of Morwell (085280), Yallourn (085098) & Yallourn SEC (085103) |                |                |              |                |            |            |            |            |            |            |            |            |            |            |              |
| Evaporation Data   | Yallourn SEC (085103)   |                |                |              |                |            |            |            |            |            |            |            |            |            |            |              |
| <b>Parameter</b>   | <b>Symbol</b>   | <b>Formula</b> | <b>Units</b>   | <b>Jan</b>   | <b>Feb</b>     | <b>Mar</b> | <b>Apr</b> | <b>May</b> | <b>Jun</b> | <b>Jul</b> | <b>Aug</b> | <b>Sep</b> | <b>Oct</b> | <b>Nov</b> | <b>Dec</b> | <b>Total</b> |
| Days in month  | D   | \              | days           | 31           | 28             | 31         | 30         | 31         | 30         | 31         | 31         | 30         | 31         | 30         | 31         | <b>365</b>   |
| Rainfall   | R   | \              | mm/month       | 54           | 54             | 60         | 71         | 69         | 74         | 72         | 79         | 78         | 83         | 79         | 69         | <b>845</b>   |
| Evaporation  | E   | \              | mm/month       | 183          | 157            | 121        | 81         | 53         | 36         | 40         | 50         | 72         | 102        | 132        | 155        | <b>1182</b>  |
| Crop Factor  | C   |                |                | 0.80         | 0.80           | 0.80       | 0.70       | 0.70       | 0.70       | 0.70       | 0.70       | 0.70       | 0.80       | 0.80       | 0.80       |              |
| <b>OUTPUTS</b>   |   |                |                |              |                |            |            |            |            |            |            |            |            |            |            |              |
| Evapotranspiration   | ET  | ExC            | mm/month       | 146          | 125            | 97         | 57         | 37         | 25         | 28         | 35         | 50         | 82         | 106        | 124        | <b>912</b>   |
| Percolation  | B   | (DIR/7)xD      | mm/month       | 77.5         | 70             | 77.5       | 75.0       | 77.5       | 75.0       | 77.5       | 77.5       | 75.0       | 77.5       | 75.0       | 77.5       | <b>913</b>   |
| Outputs  |   | ET+B           | mm/month       | 223.8        | 195            | 174        | 132        | 114        | 100        | 106        | 112        | 125        | 159        | 181        | 202        | <b>1825</b>  |
| <b>INPUTS</b>  |   |                |                |              |                |            |            |            |            |            |            |            |            |            |            |              |
| Retained Rainfall  | RR  | R*0.80         | mm/month       | 43.466667    | 43.413333      | 48.213333  | 56.746667  | 55.253333  | 59.39      | 57.63      | 63.17      | 62.21      | 66.61      | 63.04      | 55.25      | <b>674</b>   |
| Effluent Irrigation  | W   | (QxD)/L        | mm/month       | 42.1         | 38.0           | 42.1       | 40.8       | 42.1       | 40.8       | 42.1       | 42.1       | 40.8       | 42.1       | 40.8       | 42.1       | <b>496</b>   |
| Inputs   |   | RR+W           | mm/month       | 85.6         | 81.5           | 90.3       | 97.5       | 97.4       | 100.1      | 99.7       | 105.3      | 103.0      | 108.7      | 103.8      | 97.4       | <b>1170</b>  |
| <b>STORAGE CALCULATION</b>   |   |                |                |              |                |            |            |            |            |            |            |            |            |            |            |              |
| Storage remaining from previous month  |   |                | mm/month       | 0.0          | 0.0            | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |              |
| Storage for the month  | S   | (RR+W)-(ET+B)  | mm/month       | -138.2       | -114.0         | -89.9      | -34.2      | -17.0      | -0.1       | -6.0       | -6.9       | -22.4      | -50.6      | -76.8      | -104.1     | <b>-262</b>  |
| Cumulative Storage   | M   |                | mm             | 0.0          | 0.0            | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | <b>0</b>     |
| Maximum Storage for Nominated Area   | N   |                | mm             | <b>0.00</b>  |                |            |            |            |            |            |            |            |            |            |            |              |
|  | V   | NxL            | L              | <b>0</b>     |                |            |            |            |            |            |            |            |            |            |            |              |
| <b>LAND AREA REQUIRED FOR ZERO STORAGE</b>   |   |                | m <sup>2</sup> | 129          | 138            | 185        | 300        | 393        | 551        | 484        | 474        | 356        | 251        | 191        | 159        |              |
| <b>MINIMUM AREA REQUIRED FOR ZERO STORAGE:</b>                                       |   |                |                | <b>551.3</b> | m <sup>2</sup> |            |            |            |            |            |            |            |            |            |            |              |

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## Appendix 5 Nutrient Balance – Irrigation

| <b>Nutrient Balance</b>  |                         |  |                                       |              |  |
|--|-------------------------|--|---------------------------------------|--------------|--|
| <b>Site Address:</b>   |                         | <b>Kay St - Traralgon - Brownlee</b>   |                                       |              |  |
| <i>Please read the attached notes before using this spreadsheet.</i>                 |                         |  |                                       |              |  |
| <b>SUMMARY - LAND APPLICATION AREA REQUIRED BASED ON THE MOST LIMITING BALANCE =</b> |                         |  |                                       |              | <b>420 m<sup>2</sup></b>               |
| <b>INPUT DATA <sup>[1]</sup></b>   |                         |  |                                       |              |  |
| <b>Wastewater Loading</b>  |                         |  | <b>Nutrient Crop Uptake</b>           |              |  |
| Hydraulic Load   | 750 L/Day               |  | Crop N Uptake                         | 250 kg/ha/yr | which equals 68 mg/m <sup>2</sup> /day |
| Effluent N Concentration   | 48 mg/L                 |  | Crop P Uptake                         | 50 kg/ha/yr  | which equals 14 mg/m <sup>2</sup> /day |
| % Lost to Soil Processes (Geary & Gardner 1996)                                      | 0.2 Decimal             |  | <b>Phosphorus Sorption</b>            |              |  |
| Total N Loss to Soil   | 7200 mg/day             |  | P-sorption result                     | 300 mg/kg    | which equals 4500 kg/ha                |
| Remaining N Load after soil loss   | 28800 mg/day            |  | Bulk Density                          | 1.5 g/cc     |  |
| Effluent P Concentration   | 13 mg/L                 |  | Depth of Soil                         | 1 m          |  |
| Design Life of System  | 50 yrs                  |  | % of Predicted P-sorp. <sup>[2]</sup> | 0.75 Decimal |  |
| <b>METHOD 1: NUTRIENT BALANCE BASED ON ANNUAL CROP UPTAKE RATES</b>                  |                         |  |                                       |              |  |
| <b>Minimum Area required with zero buffer</b>  |                         | <b>Determination of Buffer Zone Size for a Nominated Land Application Area (LAA)</b> |                                       |              |  |
| Nitrogen   | 420 m <sup>2</sup>      | Nominated LAA Size   | 562 m <sup>2</sup>                    |              |  |
| Phosphorus   | 303 m <sup>2</sup>      | Predicted N Export from LAA  | -3.29 kg/year                         |              |  |
|  |                         | Predicted P Export from LAA  | -2.93 kg/year                         |              |  |
|  |                         | Phosphorus Longevity for LAA   | 233 Years                             |              |  |
|  |                         | Minimum Buffer Required for excess nutrient  | 0 m <sup>2</sup>                      |              |  |
| <b>PHOSPHORUS BALANCE</b>  |                         |  |                                       |              |  |
| <b>STEP 1: Using the nominated LAA Size</b>  |                         |  |                                       |              |  |
| Nominated LAA Size   | 562 m <sup>2</sup>      |  |                                       |              |  |
| Daily P Load   | 0.00975 kg/day          | → Phosphorus generated over life of system   | 177.9375 kg                           |              |  |
| Daily Uptake   | 0.0075616 kg/day        | → Phosphorus vegetative uptake for life of system                                    | 0.250 kg/m <sup>2</sup>               |              |  |
| Measured p-sorption capacity   | 0.45 kg/m <sup>2</sup>  |  |                                       |              |  |
| Assumed p-sorption capacity  | 0.338 kg/m <sup>2</sup> | → Phosphorus adsorbed in 50 years  | 0.338 kg/m <sup>2</sup>               |              |  |
| Site P-sorption capacity   | 186.30 kg               | → Desired Annual P Application Rate  | 6.486 kg/year                         |              |  |
| P-load to be sorbed  | 0.80 kg/year            |  | which equals 0.01777 kg/day           |              |  |



## Appendix 6 EPA Setback Distances



### CODE OF PRACTICE – ONSITE WASTEWATER MANAGEMENT

Table 4.2: Setback distances for primary and secondary treated sewage in unsewered areas<sup>1</sup>

| Item  | Setback distance <sup>2,3</sup> (m) |
|---|-------------------------------------|
| <b>Building</b>   |                                     |
| Wastewater field up-slope of building <sup>4</sup>                          | 6                                   |
| Wastewater field down-slope of building                                     | 3                                   |
| <b>Allotment boundary</b>   |                                     |
| Wastewater field up-slope of adjacent lot                                   | 6                                   |
| Wastewater field down-slope of adjacent lot                                 | 3                                   |
| <b>Services</b>   |                                     |
| Water supply pipe   | 3                                   |
| Potable supply channel (wastewater field up-slope)                          | 300                                 |
| Potable supply channel (wastewater field down-slope)                        | 20                                  |
| Gas   | 3                                   |
| Underground water tank  | 15                                  |
| Stormwater drain  | 6                                   |
| Swimming pool   | 6                                   |
| Cutting/escarpment  | 15                                  |
| <b>Surface waters (up-slope from)</b>                                       |                                     |
| Dam or reservoir (potable, includes water for food production) <sup>5</sup> | 300                                 |
| Stream, river, waterways (potable water supply catchment) <sup>6</sup>      | 100                                 |
| Dam or reservoir (stock & non-potable) <sup>5</sup>                         | 60                                  |
| Stream or channel (continuous or ephemeral, non-potable)                    | 60                                  |
| <b>Groundwater bore</b>   |                                     |
| Potable or non-potable  | 20                                  |

- These distances act as a guide and must be measured horizontally from the defined boundary of the disposal/irrigation area. They do not apply vertically. For streams and dams, the measuring point shall be the 'bank-full discharge level'. See Table 5.3 for setback distances for irrigating with treated greywater.
- With the exception of groundwater bores, the setback distances may be reduced by up to 50 per cent where all the following conditions are met:
  - effluent quality meets 20/30 standard when used for sub-surface irrigation
  - or
  - effluent quality meets 20/30/10 standard when used for surface irrigation
  - and
  - slopes are <5% or pressure compensated sub-surface irrigation drip lines along the contour.
- Effluent typically contains high levels of nutrients that may have a negative impact on native vegetation. When considering setbacks, council should consider not only the potential impact of nutrients in regards to the proposed onsite wastewater system, but in regards to other existing onsite wastewater systems located in the same area.
- Setback distances help protect human health. However, establishing an effluent disposal field/irrigation area upslope of a building may have implications for the structural integrity of the building. This issue is beyond this Code's scope and should be examined by a building professional on a site-by-site basis.
- Does not apply to dams and reservoirs located above ground-level.
- Means a water course within a Special Water Supply Catchment Area listed in Schedule 5 of the *Catchment and Land Protection Act 1994*.

## Appendix 7 EPA Design Flow Rates

### CODE OF PRACTICE – ONSITE WASTEWATER MANAGEMENT

Table 4.1: Typical domestic wastewater flow design allowances\*

\* Reference: AS/NZS 1547:2000 (page 141). NOTE: when calculating the flow allowance for a premise, use the most recent version of AS/NZS 1547.

| Source  | Typical wastewater flow allowance in L/person/day ( see Note 1) |  |
|---|---|--|
|   | On-site roof water tank supply                                  | Reticulated community or a bore-water supply |
| Households with standard fixtures (including automatic washing machine) | 140   | 180  |
| Households with standard water-reduction fixtures (see Note 2)          | 115   | 145  |
| Households with full water-reduction facilities (see Note 3)            | 80  | 110  |
| Households with extra wastewater producing facilities                   | 170   | 220  |
| Households (blackwater only)  | 50  | 60   |
| Households (greywater only)   | 90  | 120  |
| Motels/hotels   |   |  |
| - guests, resident staff  | 140   | 180  |
| - non-resident staff  | 30  | 40   |
| - reception rooms   | 20  | 30   |
| - bar trade (per customer)  | 20  | 25   |
| - restaurant (per diner)  | 20  | 30   |
| Community halls   |   |  |
| - banqueting  | 20  | 30   |
| - meetings  | 10  | 15   |
| Restaurants (per diner)   |   |  |
| - dinner  | 20  | 30   |
| - lunch   | 15  | 25   |
| Tea rooms (per customer)  |   |  |
| - without restroom facilities   | 10  | 15   |
| - with restroom facilities  | 15  | 25   |
| School (pupils plus staff)  | 30  | 40   |
| Rural factories, shopping centres                                       | 30  | 50   |
| Camping grounds   |   |  |
| - fully serviced  | 100   | 130  |
| - recreation areas  | 50  | 65   |

#### NOTES:

- 1 These flows are minimum rates unless actual flows from past experience can be demonstrated.
- 2 Standard water-reduction fixtures include dual-flush 11/5.5-litre water closets, shower-flow restrictors, aerator faucets (taps) and water-conserving automatic washing machines.
- 3 Full water-reduction fixtures include the combined use of reduced-flush 6/3-litre water closets, shower flow restrictors, aerator faucets, front-load washing machines and flow/pressure control valves on all water-use outlets. Additionally, water reduction may be achieved by treatment of greywater and recycling for water closet flushing (reclaimed water cycling).



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**Appendix 8 DLR & DIR Table 5.2 from AS/NZS 1547:2012**

| TABLE 5.2<br>SOIL CATEGORIES AND RECOMMENDED DESIGN IRRIGATION/LOADING RATES (DIR/DLR) FOR LAND-APPLICATION SYSTEMS |                       |                              |   |   |              |                            |                                      |                                      |                                 |                                |                               |     |    |
|---|-----------------------|------------------------------|---|---|--------------|----------------------------|--------------------------------------|--------------------------------------|---------------------------------|--------------------------------|-------------------------------|-----|----|
| Soil Category   | Soil texture          | Structure                    | Indicative permeability ( $K_{sat}$ ) (m/d) | Design irrigation/loading rate (DIR/DLR) (mm/day) |              |                            |                                      |                                      |                                 |                                |                               |     |    |
|   |                       |                              |   | Trenches and beds (see Table L1)                  |              |                            | ETA/ETS beds and trenches (Table L1) | Drip and spray irrigation (Table M1) | LPED irrigation (Table M1)      | Mounds (basal area) (Table N1) |                               |     |    |
|   |                       |                              |   | Primary treated effluent                          |              | Secondary treated effluent |                                      |                                      |                                 |                                |                               |     |    |
|   |                       |                              |   | Conservative rate                                 | Maximum rate |                            |                                      |                                      |                                 |                                |                               |     |    |
| 1   | Gravels and sands     | Structureless (massive)      | > 3.0                                       | (see Note 1 of Table L1 for DLR values)           |              |                            | 5<br>(see Note 2 of Table M1)        | (see Note 3 of Table M1)             | 32                              |                                |                               |     |    |
| 2   | Sandy loams           | Weakly structured massive    | > 3.0                                       | 15  | 25           | 50                         |                                      | (see Note 4 of Table L1)             | 4                               | 24                             |                               |     |    |
| 3   | Loams                 | High/moderate structured     | 1.5 – 3.0                                   |   |              |                            | 15                                   |                                      | 25                              | 50                             | 4<br>(see Note 1 of Table M1) | 3.5 | 24 |
|   |                       | Weakly structured or massive | 0.5 – 1.5                                   |   |              |                            | 10                                   |                                      | 15                              | 30                             |                               |     | 16 |
| 4   | Clay loams            | High/moderate structured     | 0.5 – 1.5                                   | 10  | 15           | 30                         | 12                                   | 3.5<br>(see Note 1 of Table M1)      | 3                               | 16                             |                               |     |    |
|   |                       | Weakly structured            | 0.12 – 0.5                                  | 6   | 10           | 20                         | 8                                    |                                      |                                 | 8                              |                               |     |    |
|   |                       | Massive                      | 0.06 – 0.12                                 | 4   | 5            | 10                         | 5                                    |                                      |                                 | (see Note to Table N1)         |                               |     |    |
| 5   | Light clays           | Strongly structured          | 0.12 – 0.5                                  | 5   | 8            | 12                         | 8                                    | 3<br>(see Note 1 of Table M1)        | 2.5<br>(see Note 4 of Table M1) | 8                              |                               |     |    |
|   |                       | Moderately structured        | 0.06 – 0.12                                 |   | 5            | 10                         |                                      |                                      |                                 | (see Note to Table N1)         |                               |     |    |
|   |                       | Weakly structured or massive | < 0.06                                      |   |              | 8                          | 5                                    |                                      |                                 |                                |                               |     |    |
| 6   | Medium to heavy clays | Strongly structured          | 0.06 – 0.5                                  | (see Notes 2 and 3 of Table L1)                   |              |                            | (see Notes 2, 3, and 5 of Table L1)  | 2<br>(see Note 2 of Table M1)        | (see Note 3 of Table M1)        | (see Note to Table N1)         |                               |     |    |
|   |                       | Moderately structured        | < 0.06                                      |   |              |                            |                                      |                                      |                                 |                                |                               |     |    |
|   |                       | Weakly structured or massive | < 0.06                                      |   |              |                            |                                      |                                      |                                 |                                |                               |     |    |

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### Appendix 9 Estimating Coefficient of Run-off

Estimating coefficient of run-off R, as a percentage value, for use with the rational formula ( $Q = RiA$ ) or catchments with area less than 1 square mile (2.56 square km). Values in brackets are percentage run-off and are to be added together for each combination of the five catchment characteristics Burton<sup>10</sup> 1965).

| Run-off producing characteristics            |   |  |   |  |
|--|---|--|---|--|
| Catchment characteristics                    | Extreme - 100   | High - 75  | Normal - 50   | Low – 25   |
| Rainfall Intensity                           | (30)<br>75-100 mm/hour  | (25)<br>50-75 mm/hour  | (15)<br>25-50 mm/hour   | (5)<br>< 25 mm/hour  |
| Relief                                       | (10)<br>Steep rugged country with average slope above 20%   | (5)<br>Hilly with average slopes of 10%-20%  | (0)<br>Rolling with average slopes of 5%-10%  | (0)<br>Relatively flat land with average slopes of 0%-5%   |
| Surface retention stream and surface storage | (10)<br>Negligible; few surface depressions; water courses steep with thin film overland flow         | (5+)<br>Well-defined system of small water courses   | (5)<br>Considerable surface depressions; overland flow is significant; some farm ponds and swamps; some contour banks and furrows | (0)<br>Poorly defined and meandering stream courses; large surface storage; water and soil conservation plan on 90% of the catchment |
| Infiltration                                 | (25)<br>No effective soil cover; either solid rock or thin mantle of negligible infiltration capacity | (20)<br>Slow water infiltration; e.g. sodic soils when surface sealed or saturated                                       | (10)<br>Loam soils or well-structured clay soils; e.g. krasnozems   | (5)<br>Deep sands or well-aggregated soil, e.g. chernozems   |
| Cover  | (25)<br>No effective plant cover  | (20)<br>Sheet-eroded native pasture; less than 10% of area under good native or improved pasture; clean cultivated crops | (10)<br>About 50% of area with improved cover; not more than 50% cultivation; open woodlands                                      | (5)<br>About 90% of area with improved pasture; dry sclerophyll type forest  |

Note: Determine the cumulative value for each of the characteristics of the catchment in question by summing individual % run-off values. In this instance a run off of 20 % is thought to be too great, 10 % has been used instead in the water balance calculations.

<sup>10</sup> Burton J.R (1965). "Water Storage on the Farm", Bulletin No.9, Water Research Foundation of Australia.

LCA – Kay St & Alamere Dr – Traralgon – Brownlee

**Appendix 10 Soil Laboratory Chemical Analysis**

|                                   |          |                             |
|-----------------------------------|----------|-----------------------------|
| Sample ID                         |          | 21308497                    |
| Sample Name                       |          | BROWNLEE TRARALGON          |
| User ID                           |          | 637                         |
| User Name                         |          | Glenn Marriott              |
| Grower Name                       |          | BROWNLEE                    |
| Customer Name                     |          | AG CHALLENGE CONSULTING P/L |
| Paddock Name                      |          | SITE 1                      |
| Sampling Date                     |          | 24/12/12                    |
| Sample Depth From                 |          | 50                          |
| Sample Depth To                   |          | 90                          |
| Crop                              |          | UNKNOWN                     |
| Test Code                         |          | 2011-069                    |
| Results Only                      |          | 0                           |
| pH (1:5 Water)                    |          | 5.7                         |
| pH (1:5 CaCl2)                    |          | 4.3                         |
| Elect. Conductivity               | dS/m     | 0.08                        |
| Phosphorus (Colwell)              | mg/kg    | <5                          |
| Phosphorus Buffer Index (PBI-Col) |          | 160                         |
| Available Potassium               | mg/kg    | 48                          |
| Calcium (Amm-acet.)               | Meq/100g | 1.5                         |
| Potassium (Amm-acet.)             | Meq/100g | 0.12                        |
| Magnesium (Amm-acet.)             | Meq/100g | 7.6                         |
| Sodium (Amm-acet.)                | Meq/100g | 1.2                         |
| Calcium/Magnesium Ratio           |          | 0.2                         |
| Aluminium (KCl)                   | Meq/100g | 3                           |
| Cation Exch. Cap.                 | Meq/100g | 13.4                        |
| Sodium % of Cations (ESP)         | %        | 9                           |
| Aluminium Saturation              | %        | 22                          |
| Disp. Index, Loveday/Pyle         |          | 15                          |
| Slaking 2Hrs                      |          | Water Stable                |
| Aluminium (KCl)                   | mg/kg    | 270                         |
| Calcium (Amm-acet.)               | %        | 11                          |
| Magnesium (Amm-acet.)             | %        | 57                          |
| Potassium (Amm-acet.)             | %        | 0.9                         |
| Potassium to Magnesium Ratio      |          | 0                           |



## Appendix 11 Details of Secondary Treatment Systems

There are many ways in which wastewater may be treated to a secondary (20/30) standard and a full list of EPA approved wastewater treatment systems is available on the EPA Victoria website<sup>11</sup>. There are some disadvantages associated with Aerated Wastewater Treatment Systems (AWTS), including the continuous need for electrical power and maintenance to be carried out every three months by an accredited person<sup>12</sup>. The options of a Sand filter and Rootzone Reed Bed have been included in this report as alternatives to an AWTS for the treatment of effluent up to a secondary standard (20/30).

- Sand filter beds require annual maintenance by an accredited person or servicing agent<sup>13</sup>, but still use electric pumps to ensure even effluent distribution over the sand, and for irrigation to land.
- Rootzone Reed beds require four maintenance visits by an accredited person or servicing agent in the first year, and annual maintenance thereafter<sup>14</sup>.

---

<sup>11</sup> EPA Victoria online : Wastewater treatment systems with Certificates of Approval

<http://epanote2.epa.vic.gov.au/epa/septic.nsf/2830336ba1417b774a25664a002344d5?OpenView>

<sup>12</sup> EPA Victoria (2002) – Guidelines for Environmental Management – Guidelines for On-site Aerated Wastewater Treatment Systems. Domestic Wastewater Management Series. Document No. 760 Page 39

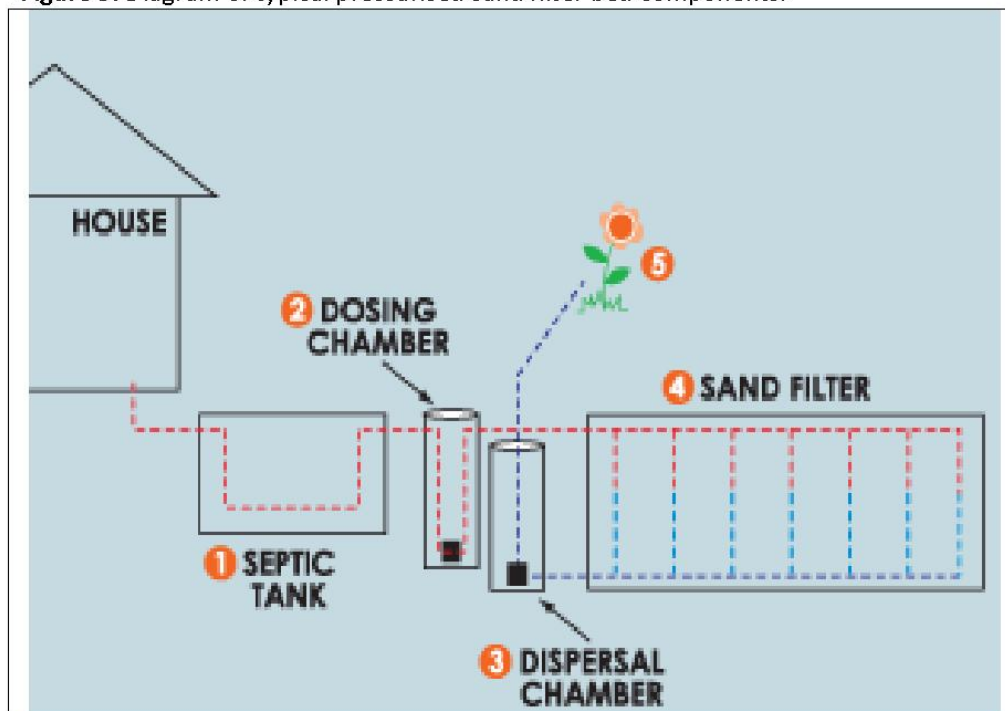
<sup>13</sup> EPA Victoria (2003) Certificate of Approval Sand Filters. CA 1.3/03

<sup>14</sup> EPA Victoria (2009) Certificate of Approval Rootzone. CA 103/09

### Sand Filter Bed

A typical pressurised sand filter system involves the primary treated effluent being collected in a 500 L dosing chamber after leaving the septic tank. From the dosing tank the effluent is pumped to the sand filter bed (7 m x 4 m and 1.4 m deep for 900 L/day) and then returned to a 500 L dispersal tank, before being pumped to irrigation or absorption trenches. The sand filter is normally covered with a thin layer of topsoil with lawn allowed to grow over the top. The area would then blend into the surrounds and can be easily mown over with the rest of the lawn. Figure 5 have been included to demonstrate the components and layout of a typical sand filter bed<sup>15</sup>.

Figure 5. Diagram of typical pressurised sand filter bed components.



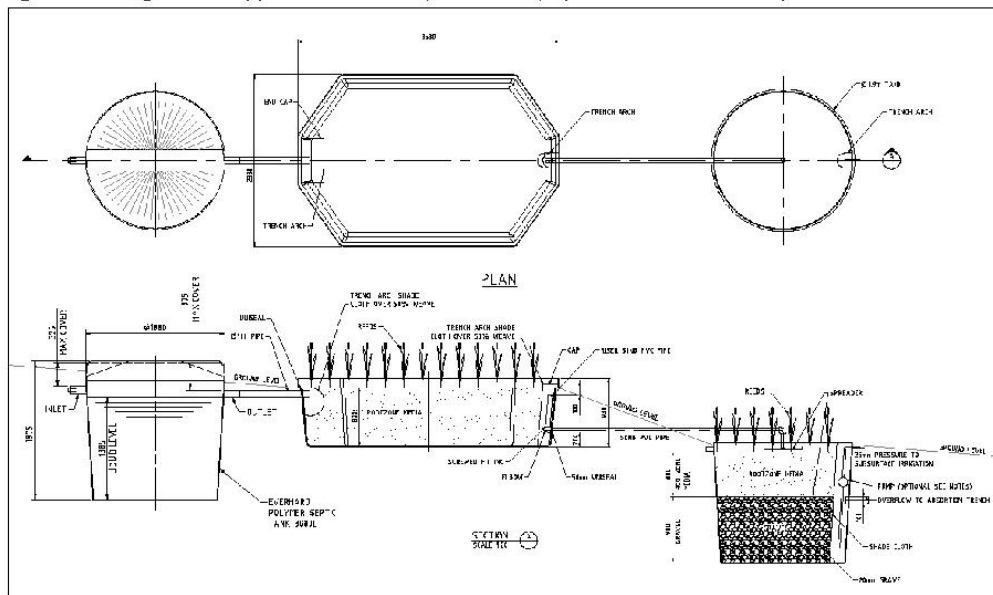
<sup>15</sup>Valley Septics Sand Filter - <http://www.valleyseptics.com.au/Sand%20Filter.htm> Accessed 17 Jan 2008

**Rootzone Reed Bed**

The Rootzone reed bed system consists of two different reed beds - a horizontal reed bed and a vertical reed bed (Figure 6). Primary treated effluent from the septic tank (minimum capacity of 3000 L) flows into the front end of the first reed bed (constructed in a 930 mm deep tub with the base 800 mm below ground level) and flows horizontally through the filter media. Effluent traversing this filter exits the bed near the base and flows into the top of the vertical reed bed (constructed in a 3000 L tank containing filter media to a depth of 600 mm on top of 900 mm of gravel), where it flows vertically through the filter media into the gravel storage area below.<sup>16</sup>

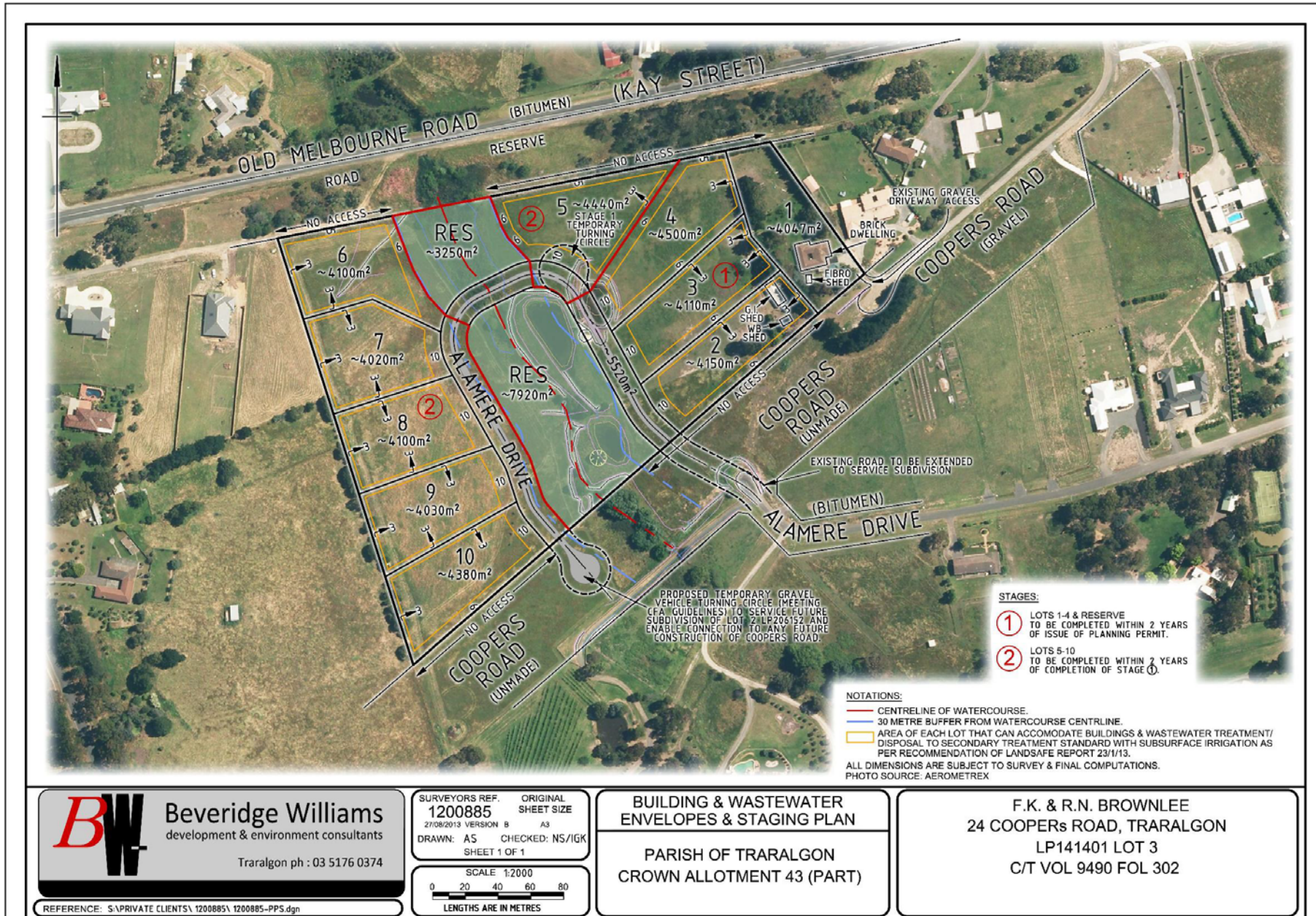
A suitably sized pressure pump is located in the exit well of the vertical filter for distribution of the treated effluent to the subsurface irrigation system. An emergency outlet pipe is installed above the gravel section to enable effluent to enter a short (10 m) subsoil absorption trench in the event of electricity disruption or pump failure. Reed beds are designed to retain effluent for five to seven days to allow for ideal secondary treatment before irrigation occurs. The Rootzone reed bed 1200G model would be the most appropriate model for this site as it is capable of treating up to 1200 L/day and there is sufficient slope for gravity to be relied upon for transfer between the two reed beds, provided reed beds are appropriately positioned. The 1200P model would be required if a pump was needed for effluent transfer between the two reed beds, which is a requirement for level sites.

**Figure 6.** Diagram of typical reed bed (Rootzone) system for secondary treatment.



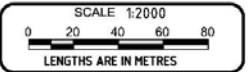
<sup>16</sup> EPA Victoria (2009) Certificate of Approval Rootzone. CA 103/09





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Traralgon ph : 03 5176 0374

SURVEYORS REF. 1200885 ORIGINAL SHEET SIZE A3  
27/08/2013 VERSION B  
DRAWN: AS CHECKED: NS/IGK  
SHEET 1 OF 1



**BUILDING & WASTEWATER ENVELOPES & STAGING PLAN**

PARISH OF TRARALGON  
CROWN ALLOTMENT 43 (PART)

F.K. & R.N. BROWNLEE  
24 COOPERS ROAD, TRARALGON  
LP141401 LOT 3  
C/T VOL 9490 FOL 302

**History of Application**

|                        |   |
|------------------------|---|
| 30 July 2013           | Planning permit application received by Council.  |
| 14 August 2013         | Referred internally to Infrastructure and Health  |
| 20 August 2013         | Request for further information   |
| 27 August 2013         | Response to further information received  |
| 12 & 13 September 2013 | Application advertised and referred to Gippsland Water, SP Ausnet and APA. Application sent to West Gippsland Catchment Management Authority (WGCMA) for comment.<br><br>Application referred internally to Infrastructure Planning, Health, Recreation and Strategic Planning. |
| 3 October 2013         | Completed statutory declaration returned by the applicant.  |
| 7 October 2013         | All external referral authorities' responses received.  |



●  
**LATROBE PLANNING SCHEME**

**State Planning Policy Framework**

Clause 11.02 'Urban Growth'  
Clause 11.05 'Regional Development'  
Clause 15.01 'Urban Environment'  
Clause 16.01 'Residential Development'  
Clause 18.01 'Integrated Transport'  
Clause 18.02 'Movement Networks'  
Clause 19.03 'Development Infrastructure'

**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 21.05 'Main Towns'  
Clause 21.07 'Economic Sustainability'  
Clause 21.08 'Liveability'

**Zoning – Low Density Residential Zone**

The subject land is located within the Low Density Residential Zone.

**Overlay**

There are no overlays that affect this property.

**Particular Provisions**

Clause 52.01 'Public Open Space Contribution and Subdivision'

**General Provisions**

Clause 65 'Decision Guidelines'

**Incorporated Documents (Clause 81):**

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

# ORGANISATIONAL EXCELLENCE

**17. ORGANISATIONAL EXCELLENCE**

Nil reports

# MEETING CLOSED TO THE PUBLIC

## 18. 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 18.1 *Adoption of Minutes* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

#### 18.2 CONFIDENTIAL ITEMS

Agenda item 18.2 *Confidential Items* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

#### 18.3 REQUEST TO ENTER INTO PROCUREMENT AUSTRALIA CONTRACTS

Agenda item 18.3 *REQUEST TO ENTER INTO PROCUREMENT AUSTRALIA CONTRACTS* is designated as confidential as it relates to contractual matters (s89 2d)

#### 13.4 GIPPSLAND HEAVY INDUSTRY PARK- INFRASTRUCTURE PROVISION OFFER VICTORIAN GOVERNMENT

Agenda item 13.4 *Gippsland Heavy Industry Park- Infrastructure Provision Offer Victorian Government* is designated as confidential as it relates to legal advice (s89 2f)