



LATROBE CITY COUNCIL

MINUTES FOR THE ORDINARY COUNCIL MEETING

HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 5.30PM ON
16 SEPTEMBER 2013

CM420

PRESENT:

Councillors:	Cr Sharon Gibson, Acting Mayor	West Ward
	Cr Peter Gibbons	West Ward
	Cr Dale Harriman	East Ward
	Cr Graeme Middlemiss	Central Ward
	Cr Kellie O'Callaghan	East Ward
	Cr Michael Rossiter	East Ward
	Cr Christine Sindt	Central Ward
	Cr Darrell White	South Ward
Officers:	Michael Edgar	Acting Chief Executive Officer
	Julie Kyriacou	Acting General Manager Community Liveability
	Carol Jeffs	General Manager Governance
	Allison Jones	General Manager Economic Sustainability
	Zemeel Saba	General Manager Organisational Excellence
	Jamey Mullen	Acting General Manager Recreation, Culture & Community Infrastructure
	Tom McQualter	Manager Council Operations & Legal Counsel

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18.11 2013/21 - NOTICE OF RESCISSION - 18.7 REVIEW OF
GOVERNANCE PROCESSES ASSOCIATED WITH THE MOE
ACTIVITY CENTRE PLAN/MOE RAIL PRECINCT REVITALISATION
PROJECT964

1. OPENING PRAYER

The Opening Prayer was read by the Acting Mayor.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

The Recognition of Traditional Landholders was read by the Acting Mayor.

3. APOLOGIES AND LEAVE OF ABSENCE

Cr. Kam

4. DECLARATION OF CONFLICT OF INTEREST

Cr O'Callaghan declared an interest (not a conflict) under the *Local Government Act 1989* in relation to Item 9.3 – Consideration Of Adoption Of The Traralgon Growth Areas Review (Tgar) And Planning Scheme Amendments Authorisation Request

Cr O'Callaghan declared an Conflict of interest under the *Local Government Act 1989* in relation to Item 18.9 – Sponsorship Application

Cr Harriman declared an Indirect interest under the *Local Government Act 1989* in relation to Item 9.3 – Consideration Of Adoption Of The Traralgon Growth Areas Review (Tgar) And Planning Scheme Amendments Authorisation Request

Cr Gibbons declared an Direct interest under the *Local Government Act 1989* in relation to Item 18.11 – 2013/21 - Notice Of Rescission - 18.7 Review Of Governance Processes Associated With The Moe Activity Centre Plan/Moe Rail Precinct Revitalisation Project

Cr Gibson declared an Direct interest under the *Local Government Act 1989* in relation to Item 18.11 – 2013/21 - Notice Of Rescission - 18.7 Review Of Governance Processes Associated With The Moe Activity Centre Plan/Moe Rail Precinct Revitalisation Project

5. ADOPTION OF MINUTES

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 2 September 2013 be confirmed.

Moved: Sindt
Seconded: Gibbons

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

The Acting Mayor called for nominations for a temporary chair for all matters relating to Item 18.11 2013/21 - Notice Of Rescission - 18.7 Review Of Governance Processes Associated With the Moe Activity Centre Plan/Moe Rail Precinct Revitalisation Project 932 as she had a conflict of interest in this matter.

Cr Gibbon's nominated Cr Harriman

Moved: Gibbons
Seconded: Rossiter

Cr White nominated Cr O'Callaghan

Moved: White
Seconded: Middlemiss

For the Motion for Councillor Harriman to become temporary Chair

Councillor/s Gibbons, Gibson, Rossiter, Harriman, Sindt

Against the Motion for Councillor Harriman to become temporary Chair

Councillor/s Middlemiss, White, O'Callaghan

The Acting Mayor confirmed that Cr Harriman was appointed as the temporary Chair.

Cr Gibson, Acting Mayor and Cr Gibbons left the Council Chambers at 6.00pm and Councillor Harriman took the chair.

6. PUBLIC QUESTION TIME**18.11 2013/21 - NOTICE OF RESCISSION - 18.7 REVIEW OF GOVERNANCE
PROCESSES ASSOCIATED WITH THE MOE ACTIVITY CENTRE PLAN/MOE RAIL
PRECINCT REVITALISATION PROJECT**

Mr John Guy asked the following question:

Question

Why is this matter being held in camera? Suppression of this matter leads to speculation in the Community that Council has something to hide and is not being transparent with its ratepayers. Will Council reconsider and bring this matter forward to open Council?

Answer

Given the item is declared confidential the question is taken on notice with the answers provided in writing and also included in the minutes of this meeting . Please see copy of letter below.

Councillor Gibson, Acting Mayor returned to the Council Chambers at 6.02 pm and resumed the chair.

Councillor Gibbons returned to the Council Chambers at 6.02

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CJ:TM

19 September 2013

Mr John Guy
Via Email: guyjv@wideband.net.au

Dear John

**REVIEW OF GOVERNANCE PROCESSES ASSOCIATED WITH THE MOE
ACTIVITY CENTRE PLAN**

Thank you for your Public Question at the Ordinary Council Meeting on 16 September 2013.

Your question was; Why is this matter being held in camera? Suppression of this matter leads to speculation in the Community that Council has something to hide and is not being transparent with its ratepayers. Will Council reconsider and bring this matter forward to open Council?

In response, this matter is considered confidential under Section 89(2) (h) of the Local Government Act, as it deals with a matter which the Council considers would prejudice the Council or any person. As such, it is appropriate for this item to be considered in camera.

At the ordinary Council meeting on 16 September 2013 a motion was put before the Council to consider the item above in the public section of the agenda. That motion was defeated.

I apologise for not being able to provide any greater level of information.

Yours sincerely

CAROL JEFFS
General Manager Governance

7. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION

Suspension of Standing Orders

Moved: Cr Rossiter
Seconded: Cr Gibbons

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 6.03 pm

Cr Harriman left the Chamber at 6.03 pm due to an Indirect Interest

Mr Robert Lorenz addressed Council I relation to item 9.3 Consideration Of Adoption Of The Traralgon Growth Areas Review (TGAR) And Planning Scheme Amendments Authorisation Request

Mr John Buhagiar addressed Council I relation to item 9.3 Consideration Of Adoption Of The Traralgon Growth Areas Review (TGAR) And Planning Scheme Amendments Authorisation Request

Mr Sal Testa addressed Council I relation to item 9.3 Consideration Of Adoption Of The Traralgon Growth Areas Review (TGAR) And Planning Scheme Amendments Authorisation Request

Cr Gibson read a letter on behalf of Mr Brownlee.

Cr Harriman returned to the Council Chamber at 6.21 pm

Mr Talfryn Glass addressed Council I relation to item 16.5 Planning Permit Application 2013/89 Use Of The Land For Transfer Station And Ancillary Works, 32a Swan Road, Morwell

Mr Darrell Hutton addressed Council I relation to item 16.5 Planning Permit Application 2013/89 Use Of The Land For Transfer Station And Ancillary Works, 32a Swan Road, Morwell

Mr Keith Johnson addressed Council I relation to item 16.5 Planning Permit Application 2013/89 Use Of The Land For Transfer Station And Ancillary Works, 32a Swan Road, Morwell

Ms Narelle Brown addressed Council I relation to item 16.5 Planning Permit Application 2013/89 Use Of The Land For Transfer Station And Ancillary Works, 32a Swan Road, Morwell

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Mr Mick Nicola addressed Council I relation to item 16.6 Planning Application No. 2013/9 Variation Of Restrictive Covenant, Development Of Two Dwellings And Two Lot Subdivision At 15 Bowral Way, Traralgon

Mr Matthew Curtain addressed Council I relation to item 16.6 Planning Application No. 2013/9 Variation Of Restrictive Covenant, Development Of Two Dwellings And Two Lot Subdivision At 15 Bowral Way, Traralgon

Mr P.J Appleton addressed Council I relation to item 16.6 Planning Application No. 2013/9 Variation Of Restrictive Covenant, Development Of Two Dwellings And Two Lot Subdivision At 15 Bowral Way, Traralgon

Mr Bradley Tomholt addressed Council I relation to item 16.6 Planning Application No. 2013/9 Variation Of Restrictive Covenant, Development Of Two Dwellings And Two Lot Subdivision At 15 Bowral Way, Traralgon

Cr Gibson, Acting Mayor and Cr Gibbons left the Council Chambers at 6.54 pm and Councillor Harriman took the chair.

Ms Anne Murphy addressed Council I relation to item 18.11 2013/21 - Notice Of Rescission - 18.7 Review Of Governance Processes Associated With The Moe Activity Centre Plan/Moe Rail Precinct Revitalisation Project

Councillor Gibson, Acting Mayor returned to the Council Chambers at 7.01 pm and resumed the chair.

Councillor Gibbons returned to the Council Chamber at 7.01 pm.

Standing Orders were resumed at 7.01 pm

Cr White sought Council's consent to bring forward and out of Items Closed Item 18.11 2013/21 - Notice Of Rescission - 18.7 Review Of Governance Processes Associated With The Moe Activity Centre Plan/Moe Rail Precinct Revitalisation Project

Cr Gibson, Acting Mayor and Cr Gibbons left the Council Chambers at 7.02 pm and Councillor Harriman took the chair.

Moved: Cr White
Seconded: Cr Middlemiss

For the Motion

Councillor/s Middlemiss, White, O'Callaghan

Against the Motion

Councillor/s Rossiter, Sindt, Harriman

The Acting Mayor confirmed that the Motion had been LOST on the casting vote of the temporary Chair.

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Councillor Gibson, Acting Mayor returned to the Council Chambers at 7.16 pm and resumed the chair.

Councillor Gibbons, returned to the Council Chambers at 7.16 pm.

**9.3 CONSIDERATION OF ADOPTION OF THE TRARALGON
GROWTH AREAS REVIEW (TGAR) AND PLANNING SCHEME
AMENDMENTS AUTHORISATION REQUEST****CEO****Chief Executive Officer****For Decision****PURPOSE**

The purpose of this report is for Council to consider:

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

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

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

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

Strategic Objectives – Economy

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

Strategic Objectives – Governance

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 5: Planning for the future

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

Strategic Direction – Planning for the future

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

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

Legislation:

Local Government Act 1989

Planning and Environment Act 1987

Transport Integration Act 2010

Policy - Traralgon West Infrastructure Development Policy 11 POL-2

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

BACKGROUND

The Traralgon Growth Areas Review (TGAR)

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

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

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

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

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

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

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

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

4 June 2012 Council Meeting

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

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

20 August 2012 Council Meeting

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

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

17 September 2012 Council Meeting

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

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

11 February 2013 Council Meeting

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

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

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

The Planning Scheme Amendment Proposal

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

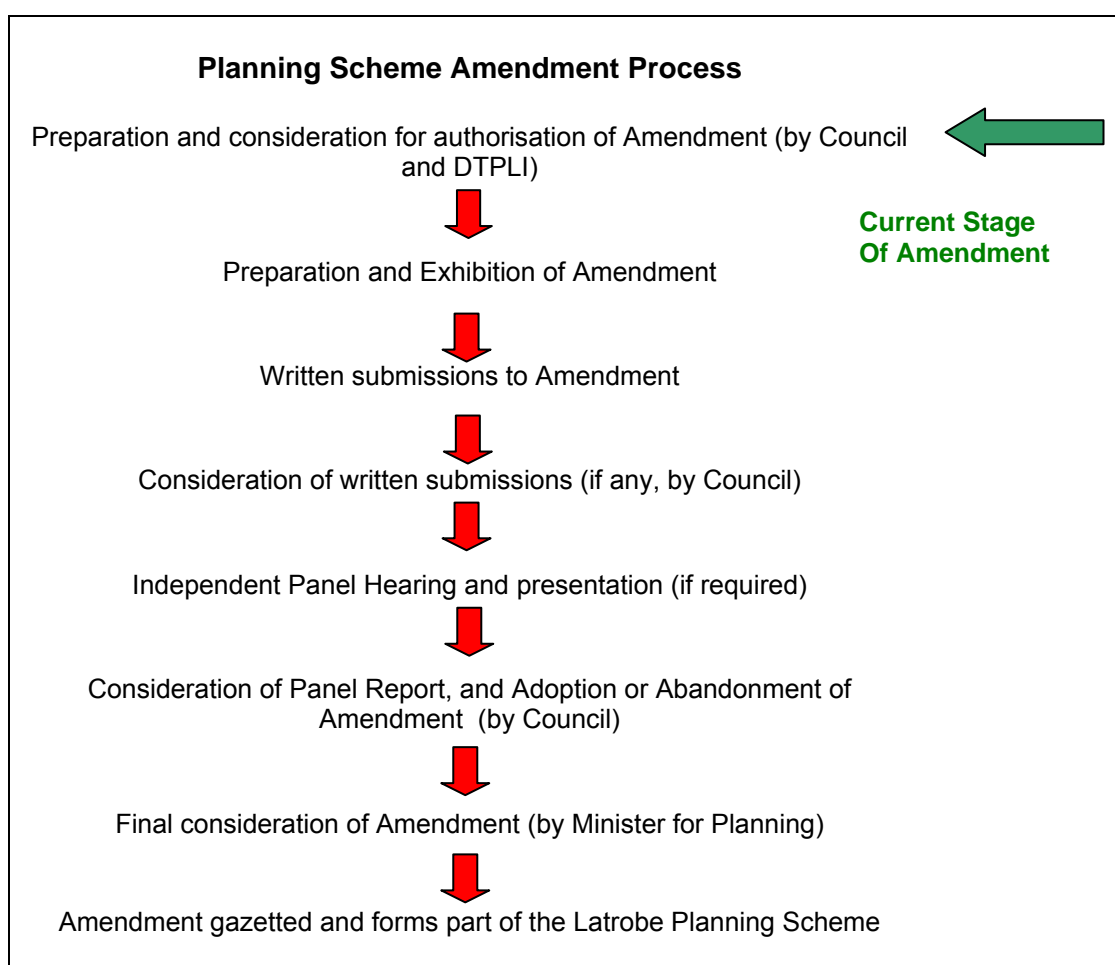
- Inclusion of new and amended TGAR wording objectives and strategies for clauses 21.02 Municipal Vision; 21.04 Built Environment Sustainability; 21.05 Main Towns; 21.06 Small Towns; and 21.07 Economic Sustainability
- Inclusion of a new Growth Area Framework map and Traralgon to Morwell Corridor Structure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

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- Inclusion of further work to be undertaken in the 'Implementation - Further Strategic Work' clauses
Proposed zone and overlay changes do not form part of the planning scheme amendment proposal. These changes may form parts of separate future planning scheme amendment proposals.

Planning Scheme Amendment Statutory Requirements

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



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

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

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The amendment proposal has had regard to Section 12 and is consistent with the requirements of Section 12 of the Act and the *Strategic Assessment Guidelines for Planning Scheme Amendments*.

ISSUES

The draft TGAR Background Report, draft TGAR Framework Plan and draft Traralgon West Structure Plan were placed on public exhibition for a period of 32 weeks from 9 April 2012 until 16 November 2012. A total of 72 written submissions were received in response to the public exhibition of the draft TGAR reports. Further details on the activities undertaken during the exhibition period and the main themes arising from the written submissions are provided in the Internal/External Consultation section of this council report.

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

Table 1 Submission Summary

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

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

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

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

New Australian Bureau of Statistics (ABS) Data

The exhibited draft TGAR Background Report, draft TGAR Framework Plan and draft Traralgon West Structure Plan used 2006 ABS and 2008 Victoria in Future population data to guide population and urban land use (i.e. residential, commercial, industrial and open space) demand projections.

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The draft TGAR report and plans have now been updated to include the 2011 ABS and 2012 Victoria in Future data. The updated data shows evidence of recent increases in population growth rates. However, this is consistent with the original longer term population projections that were provided in the exhibited draft TGAR report and plans.

New and Changing Policy Environment

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

New Council Resolutions and Development Plan Approvals

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

Changes in New and Redundant Zones and Overlays

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

Australian Paper Urban Amenity Buffer Amendments

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

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

Bulky Goods

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

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

Employment Investigation Area and Neighbourhood Activity Centre

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

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

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

The NAC is not intended to serve a significant retail function, as seen in centres such as Mid Valley and the Traralgon and Morwell CBDs, rather it is intended to provide a locally accessible range of services and retail offering to meet the day-to-day needs of the resident and worker population of the area as well as support the airport and hospital by offering flexibility for related land uses to establish in close proximity.

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Larger scale office uses should be restricted to the Traralgon CBD, or where there is a demonstrated nexus through co-location, such as in association with the hospital or airport.

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

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

Some integrated residential development on unconstrained land where it will not compromise the preferred future employment use of the area could be supported. The area has not been identified for retail uses, with the exception of land that may form part of the NAC or be directly associated with the airport or hospital, as dispersal of retail development is to be avoided in the area without strong justification.

Urban Growth to the East and West of Traralgon

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

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

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

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

Bushfire Buffers and Industrial Buffers

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

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

Biodiversity

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

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the *Risk Management Plan 2011-2014*.

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

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

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Community Consultation

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

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

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

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

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

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

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

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

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

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

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Council officers have met with stakeholders for one-on-one discussions at Latrobe City Council offices during and post the community consultation period.

Submissions received

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

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

- Support for the development of a train station at the Traralgon - Morwell Corridor
- Support for the future rezoning and subdivision opportunity in various locations for landholders
- Clarification surrounding the staging and timing of the release of future urban development in Traralgon East and Traralgon West
- Clarification of the role of the 'employment investigation area' and the 'neighbourhood activity centre' near the Latrobe Regional Hospital
- The need for food security to be identified as a constraint for urban development due to the Gippsland region being identified as an important area for food production into the future
- The identification of environmental and socio-economic constraints that may affect future urban development
- The perceived devaluation of property values due to proposed Australian Paper odour buffer
- The proposed application and extent of Australian Paper odour buffer in the Traralgon West and Morwell North areas
- Concerns regarding the development of a new bulky goods store and medium density development at Hollydale in the Morwell-Traralgon Corridor
- Requests to change the land use shown in TGAR for various parcels of land
- The need for greater emphasis in the TGAR reports on biodiversity issues and bushfire risk issues in identifying areas for future urban development
- Concerns regarding residential development surrounding the Traralgon golf course

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- The increase of rates for land rezoned to Residential Zone in recent ministerial C48, C56 and C58 rezonings (although it is noted that this issue goes beyond the scope of the study)

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

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

The Planning Scheme Amendment Proposal

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

OPTIONS

The Traralgon Growth Areas Review (TGAR)

The options available to Council are as follows:

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

The Planning Scheme Amendment Proposal

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

1. That Council pursues the proposed amendment and supports the request to be made to the Minister for Planning to authorise the

ORDINARY COUNCIL MEETING MINUTES 16 SEPTEMBER 2013 (CM420)

preparation and exhibition of the amendment to the Latrobe Planning Scheme.

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

CONCLUSION

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

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

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

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

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

**ORDINARY COUNCIL MEETING MINUTES
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1. Traralgon Growth Areas Framework Plan
2. Traralgon Growth Areas Review Background Report
3. Traralgon West Structure Plan
4. TGAR Late Submissions 70-72

RECOMMENDATION

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

Cr Harriman left the Chamber at 7.31 pm due to an indirect interest under section 78C of the Local Government Act 1989

Moved: Cr Sindt

Seconded: Cr Middlemiss

For the Motion

Councillor/s

Against the Motion

Councillor/s Sindt, Middlemiss, Rossiter, Gibson, Gibbons, White, O'Callaghan

The Acting Mayor confirmed that the Motion had been LOST

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ALTERNATE MOTION

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

Moved: Cr O'Callaghan

Seconded: Cr Middlemiss

That the Motion be adopted.

CARRIED UNANIMOUSLY

Cr Harriman returned to the Chamber at 7.54 pm

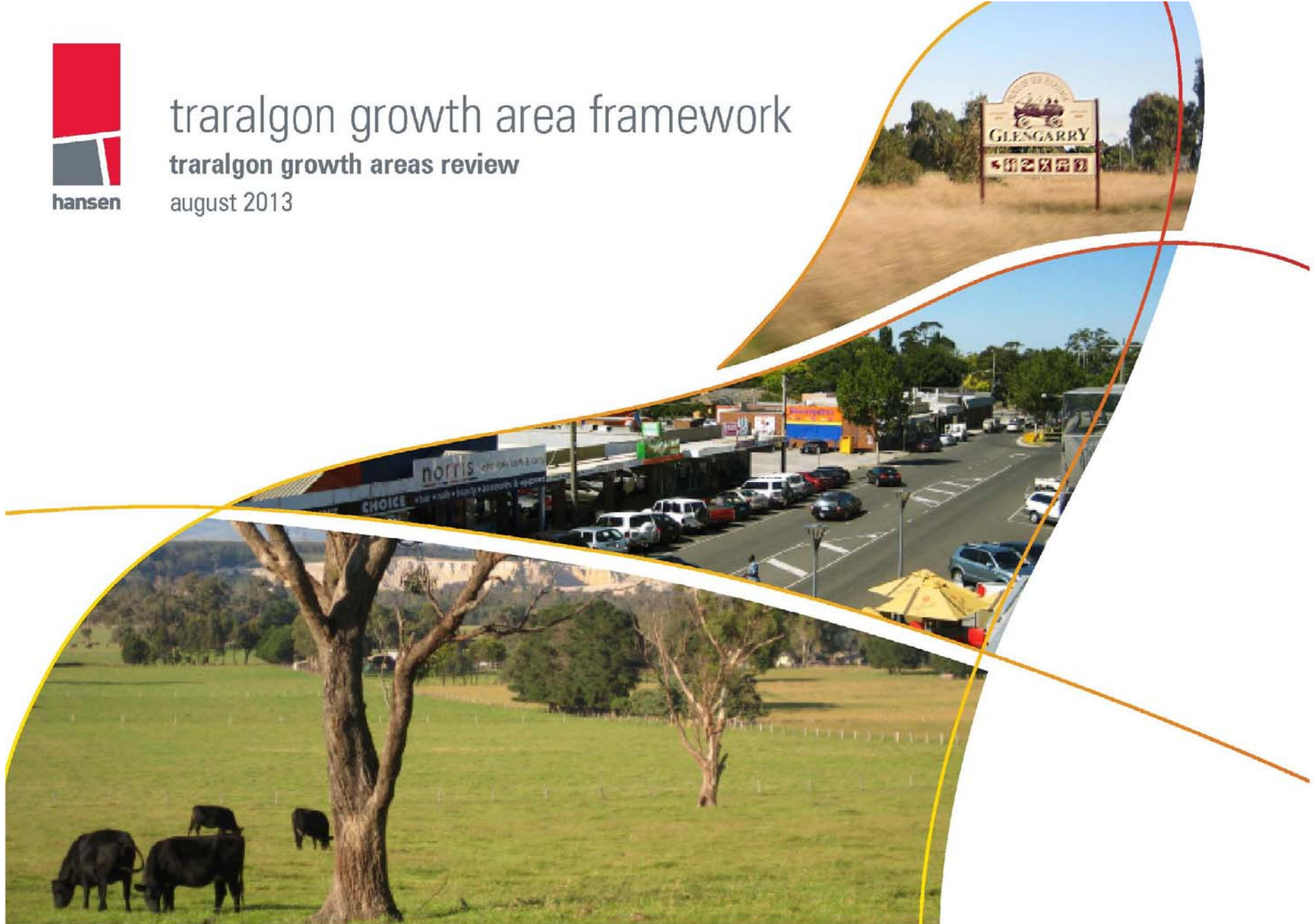
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CONSIDERATION OF ADOPTION OF THE TRARALGON GROWTH AREAS REVIEW (TGAR) AND PLANNING SCHEME AMENDMENTS AUTHORISATION REQUEST

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- 2 Traralgon Growth Areas Review Background ReportError! Bookmark not defined.
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traralgon growth area framework
traralgon growth areas review
august 2013





This Traralgon Growth Area Framework was prepared by **hansen partnership** as part of the Traralgon Growth Areas Review.

This Traralgon Growth Areas Review is a shared initiative of the Victorian State Government and Latrobe City Council.

August 2013

traralgon growth areas review: traralgon growth areas framework

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1 introduction

1.1 purpose of report

The purpose of the Traralgon Growth Areas Review (TGAR) project is to:

- Prepare a Growth Area Framework for Traralgon and surrounding areas including Glengarry and Tyers; and
- Prepare a more detailed Structure Plan for an area to the north of the existing Princes Highway between Traralgon and Morwell (the *Traralgon West Structure Plan*).

This report represents the second part of the project. It presents a Growth Areas Framework Plan for Traralgon and its surrounds, following a Background Report.

1.2 need for the growth area review

Opportunities for the long term growth and expansion of Traralgon are heavily constrained and Latrobe City Council does not presently have a long term urban growth strategy for the town. This project seeks to provide a framework for growth until 2051, allowing strategic decisions to be made in a coordinated manner. It should be noted however, that development parcels identified within this document have the potential to accommodate development well beyond this timeframe depending on how efficiently the land is used.

The need for the project has arisen as a consequence of the State Government's decision to locate the future Traralgon Bypass along its northernmost alignment, thus affecting land that had previously been identified as Traralgon's major urban growth corridor. As summarised:

"The Victorian government's decision to nominate the northern most alignment for the future Traralgon Bypass has directly impacted on the adopted Traralgon – Morwell Corridor Concept Plan 2007 which had earmarked a large area of land (approximately 500 ha) for future urban growth that is now south of the bypass alignment.

Latrobe Council must now revise its current strategies to accommodate future urban growth as development of land south of the bypass area to form part of Traralgon's future urban area is not a desirable or feasible settlement outcome."

Work undertaken by the Department of Planning and Community Development through the Regional Urban Development Program (DPCD, 2010 - p29) indicated that Traralgon may have had as little as 4 to 11 years supply of residential land available (based on existing development trends) prior to recent rezonings. Council needs to prepare an urban growth strategy to show how the growth and development of Traralgon can be accommodated in the long term to avoid a similar scenario. This will also allow for the coordinated development of significant urban infrastructure investments. The purpose of this project, and of this report, is to develop a framework to explain how that can happen.

1.3 background to project

This project builds on earlier work undertaken by Parsons Brinckerhoff which included extensive background research and analysis and the preparation of a Draft Structure Plan. It is the intention of Council that this current project use and build upon that earlier work wherever appropriate. Accordingly this report relies upon the following documents:

- *Draft Traralgon Growth Areas Review (TGAR) – Sustainable Options Report*, Parsons Brinckerhoff, September 2010
- *Draft Traralgon and Surrounds Structure Plan*, Parsons Brinckerhoff, September 2010

The project also draws on work which was undertaken as part of the *Small Town Structure Plans: Boolarra, Glengarry and Tyers* in 2010 (noting that this framework addresses only Tyers and Glengarry as Boolarra is located beyond the study area).

The project will build on various strategies and studies already completed by Latrobe City Council, as well as those currently under preparation. These are identified more fully in the *Traralgon Growth Areas Review: Background Report* which forms part of the suite of documents.

The area which has been considered as part of this project is illustrated on the following page.

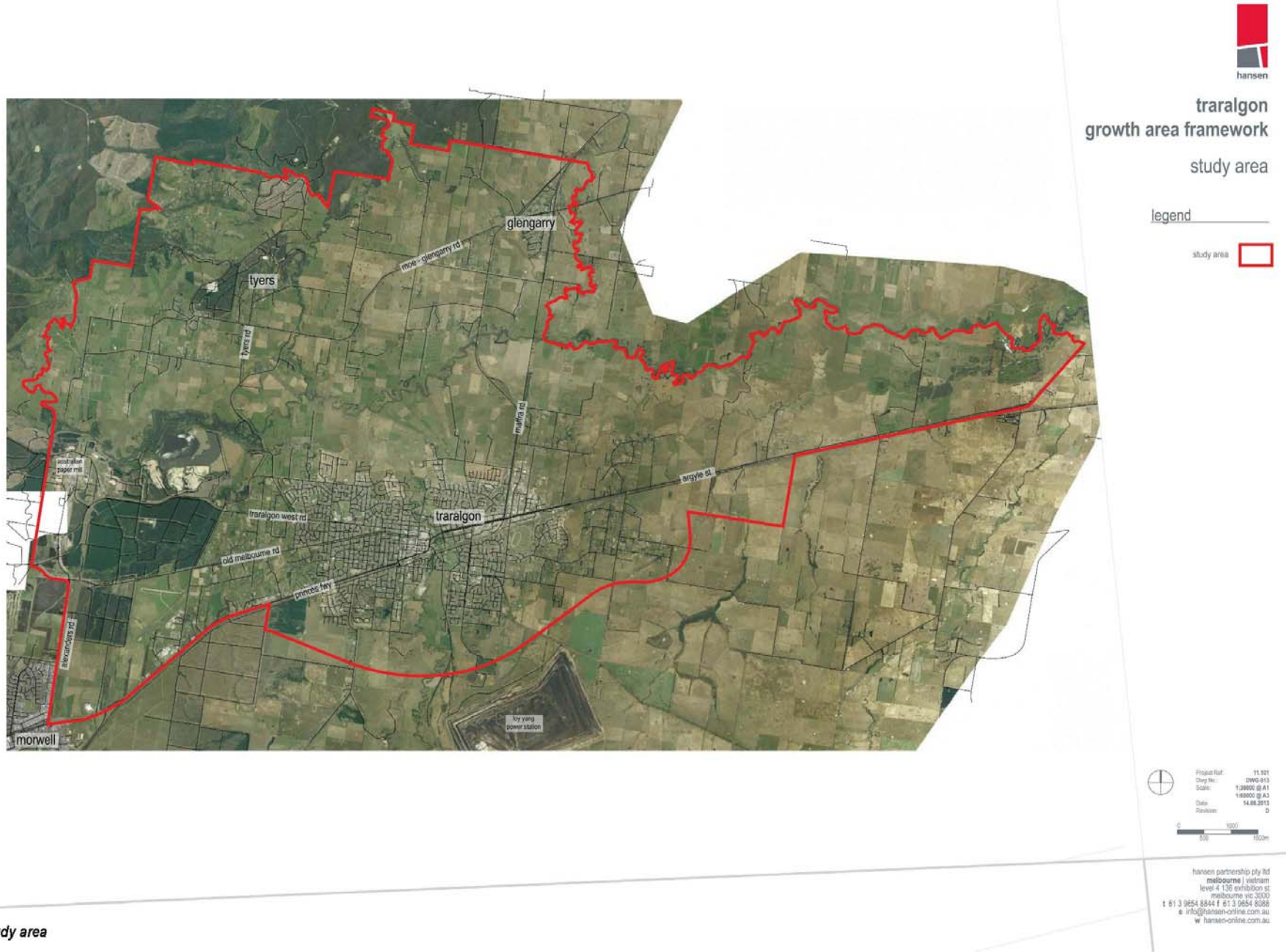


Figure 1: study area

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1.4 consultation

A range of consultation events have informed the Traralgon Growth Areas Framework, which are briefly summarised below:

- A range of background investigations and workshops held in September 2009.
- Public exhibition for a period of 32 weeks from 9 April 2012 until 16 November 2012.
- Council officers and project consultants met with over 250 people during four targeted workshops and over 50 one-on-one meetings at the Traralgon RSL from 1 May 2012 until 3 May 2012.
- As part of the community consultation process Council officers posted approximately 950 letters to the following groups:
 - Directly affected landowners
 - Statutory agencies, referral authorities, Council officers
 - Private land surveyors, development consultants, builders, and major employers.
- Two public notices were published in the Latrobe Valley Express in April 2012.
- Community meetings with interested parties regarding the TWSP in particular the proposed AP Buffer, were held on 7-9 August 2012 attended by approximately 90 people.
- A series of follow up meetings held in August 2012 to provide additional information of the Australian Paper Amenity Buffer.
- A range of further meetings to resolve issues around the paper mill buffer with Residents Groups, Australian Paper and the EPA.
- A number of Councillor briefings during 2013.
- Opportunities to provide formal submissions regarding the draft document were also provided and the response to these submissions is documented at Appendix 1.

traralgon growth areas review: traralgon growth areas framework

2 latrobe context

2.1 regional context

The following context regarding the municipality of Latrobe was provided in the study brief:

"Latrobe City is centrally located in eastern Victoria approximately two hours east of Melbourne. The City has a combined population of over 70,000 and includes the three main towns of Traralgon, Morwell, Moe, the satellite town of Churchill and the smaller townships of Toongabbie, Glengarry, Tyers, Yalloum North, Traralgon South, Yinnar, and Boolarra. Traralgon is the largest town within the municipality with a population of approximately 21,700.

Traralgon serves as the primary commercial and employment centre servicing a regional catchment. The centre performs a number of economic roles, including:

- *sub-regional shopping destination;*
- *major government services focus, including regional offices of local, State and Commonwealth Government;*
- *strong commercial and employment service offering, including financial, legal, property and technical services as well as job search and recruitment agencies;*
- *large group of health service professionals; and*
- *education services*

Traralgon is also located on the main train line to the east of Melbourne, known as the Bairnsdale line and together with nearby Warragul, is a designated Transit City, under State government guidelines.

Latrobe Valley generates 85 percent of Victoria's electricity and contains vast deposits of brown coal. The natural environment contains nationally significant rainforest in the Strzelecki Ranges, endangered remnant grasslands of the Gippsland Plains, and includes parts of seven water supply catchments.

A key priority and action of the City Planning Business Plan (2011/2012 – 2014/2015) relevant to this project is to progress a planning scheme amendment to implement the adopted recommendations of the Traralgon Growth Areas Review."

The draft Regional Growth Plan (2013) identifies that *"current projections indicate that by 2041 the Gippsland region is expected to grow by 116,000 to reach a total population of 386,000 (Victoria in Future 2012 population projections, unpublished, 2012). The projected growth rate of 1.19 per cent per annum is similar to other growth rates across regional Victoria, but is higher than historical rates of growth for the region (one per cent growth rate achieved since 1996). The total number of additional people will be significantly higher than the 60,000 people added to the region over the previous 30 years. Population growth will not occur evenly across the region, with most of the region's growth focused on Traralgon, Bairnsdale, Wonthaggi, Warragul and Drouin."* The draft statement on Latrobe City (p 40) is identified below

Latrobe City as Gippsland's regional city

The regional city provides a focus for future regional investment to help achieve the momentum necessary for a more diverse and resilient economy, capable of attracting more specialised services and enhancing access to goods and services otherwise only available in metropolitan Melbourne.

Significant assets such as the Latrobe Regional Hospital, Latrobe Regional Airport, the university campus at Churchill, manufacturing and commercial functions, and rail and road transport connections provide a platform to support a knowledge-driven economy directed at utilising the region's resources in new and sustainable industries.

Future directions for the regional city will include integrated planning across the four urban centres to provide adequate land supply for residential and employment uses, and planning for infrastructure to meet the needs of a growing and changing population, business and industry [refer to Map 9]. An assessment of urban land supply indicates a potential yield in excess of 13,000 residential lots has been identified to meet future demand. This supply is sufficient to meet the additional 7800 households required by 2041 based on indicative population estimates. Efficient and reliable transport connectivity between the four centres will be important to enable full integration of their respective services and facilities, including access to employment, education and housing choices.

Success in growing Latrobe City as a single urban system will support growth within the Princes Highway corridor, including in the regional centres of Bairnsdale and Sale. Accessibility to employment opportunities and higher order services in Latrobe City will enhance Bairnsdale and Sale as alternative locations of choice.

The regional context is illustrated graphically on the following page.

8



Figure 2: regional context

traralgon growth areas review: traralgon growth areas framework

importance of continued growth of traralgon to latrobe city

To date, all towns within Latrobe City and its surrounds (with the possible exception of Morwell over more recent years) have experienced what might be termed 'natural growth' - i.e. their growth has not been stopped or slowed by physical constraints that have prevented the town from experiencing naturally occurring population growth or investment based on the attractions of the town as a place to live, work and invest. Morwell, whilst still having land available for future urban development, is heavily constrained by coal resources and the Australian Paper Mill and has been for some time. This is likely to have affected its growth and development, and its attractiveness as a place to live and invest over the past decade or so, although anecdotally industrial development has recently been increasingly focussed on Morwell.

Given this context, the experience over the 20 years from 1991 to 2011 may be seen as a reasonable reflection of the relative importance of the growth of each town and to the growth and prosperity of the municipality overall. During this period Traralgon is the only town in Latrobe City to have grown (see Figure 3). Moe, Morwell and Churchill all lost population between 1991 and 2011.

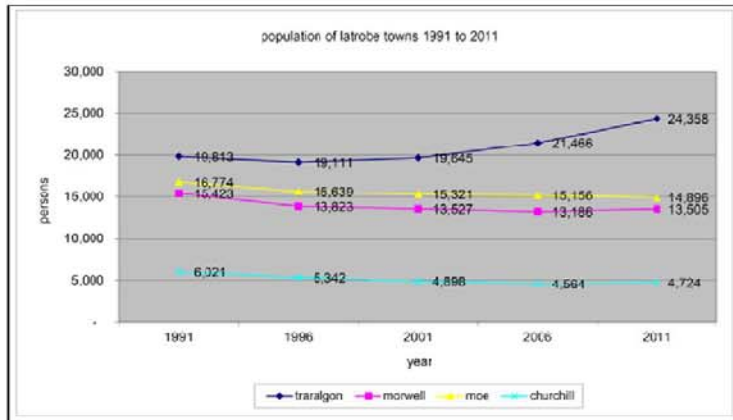


Figure 3: population of latrobe city towns 1991 to 2011

The loss in population that occurred in all Latrobe Valley towns during the mid to late 1990s is largely due to the very significant economic restructuring that occurred in the Valley during that time, with the privatisation of the mining and power generation industry. All towns, including Traralgon, lost population during that period. Since 1996 population

losses have stabilised in the other towns and Traralgon has experienced a reasonable rate of population growth. The increased rates of growth in Traralgon over this period are also likely to be caused in part by significant new investment at the eastern end of the Valley at Loy Yang, perceptions of residential amenity, and the range of services and facilities available in the town.

The importance of Traralgon's growth to the development of both Latrobe City and the wider Gippsland region is highlighted in the recently released draft Gippsland Regional Growth Plan (2013).

2.2 traralgon in the wider princes highway corridor

In a wider regional context, Traralgon is part of a linear region that extends along the Princes Highway from Drouin in the west to Sale in the east.

Figure 5 shows the population for each of the towns in that corridor from 1991 to 2011. Relative observations are:

- Traralgon, Drouin and Warragul (which are located at the western end of that corridor outside Latrobe City) are the only towns to have grown between 1991 and 2011. Growth in Drouin and Warragul is partly driven by proximity to the outer urban fringe of Melbourne.
- While Traralgon experienced the greatest real increase, both Drouin and Warragul experienced a significant total increase in population in the period, and experienced greater proportional growth than Traralgon.
- Most other towns in the corridor, including the smaller Baw Baw towns (other than Trafalgar and Yarragon with small increases) experienced population decline.

Traralgon is the only town beyond relatively easy commuter distance to Melbourne that grew during the period from 1991 to 2011.

traralgon growth areas review: traralgon growth areas framework

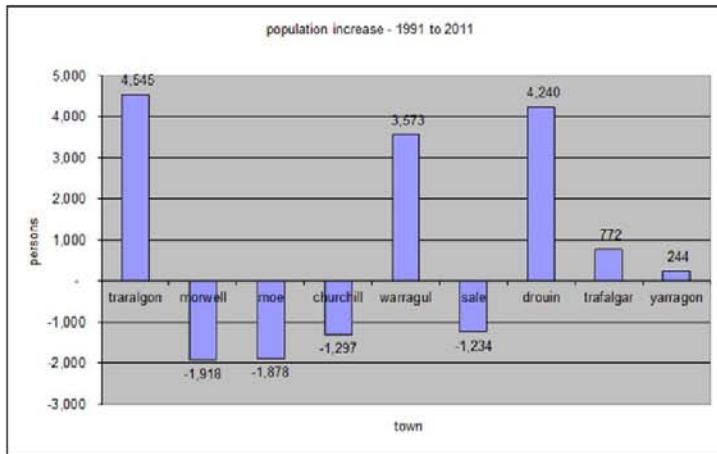


Figure 4: population increase - 1991 to 2011

2.3 previous attempts to artificially direct urban growth

Clearly Traralgon has experienced the most growth and development in the municipality over the past 20 years, and beyond.

A key question relevant to this project is: If Traralgon cannot continue to grow in the long term, what impact is that likely to have on the future growth and prosperity of the municipality as a whole?

There is a previous example of an attempt to establish a 'new town' and to 'artificially' plan to accommodate population growth in the municipality in the past, contrary to 'natural' urban growth pressures. In the late 1970s the town of Yalloom was removed to gain access to coal resources beneath the town. The new town of Churchill was established to the south of Morwell, in part to accommodate population displaced from Yalloom, and in part to accommodate what at the time was forecast to be rapid population growth in the Valley, as a result of very significant planned expansion of the power generation industry. Expansion of the power industry did not occur at the level anticipated. A review of the population growth rates that have subsequently occurred at Churchill, suggest that despite major infrastructure investment (such as the establishment of a campus of Monash University in the town) Churchill has not been effective in attracting a significant proportion of the population growth that has occurred in the municipality since the town was established. While Churchill is beginning to experience some demand for residential

development, it is not on the scale of that seen in established towns. Furthermore, the location off the key transport corridor of the Princes Highway will continue to influence development pressures.

Most of the population growth that has occurred in the municipality in recent times has gone to Traralgon, which is accommodating an increasingly larger proportion of the municipality's urban population over time. In 2011 Traralgon accommodated some 42% of the urban population of the municipality, up from 34% in 1991. Between that period Traralgon grew by some 4,545 people, whilst all other towns within the municipality lost population.

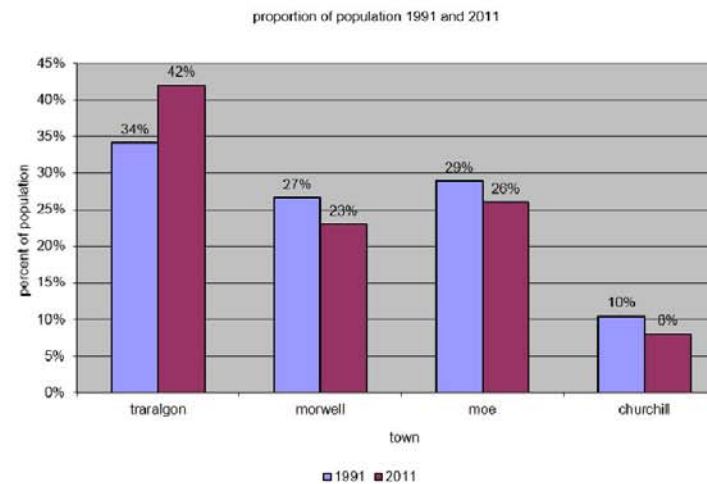


Figure 5: proportion of population 1991 and 2011

It is considered that there is a real risk to the long term growth and prosperity of the municipality if Traralgon cannot continue to accommodate residential growth in the longer term. This risk also affects the broader Gippsland region, as the development of Traralgon (as the strongest settlement of the Regional City) is highlighted as a key factor in the growth and development of the wider Gippsland region through the recent draft Regional Growth Plan.

traralgon growth areas review, traralgon growth areas framework

3 how much growth?

In terms of anticipating the likely needs for future urban growth and development in Traralgon there are a number of key considerations:

- How many people are expected to live in Traralgon in the future?
- How many dwellings are likely to be needed to accommodate the forecast population growth?
- How much land is likely to be required to accommodate the anticipated number of dwellings?

This section addresses each of these issues, all of which relate to residential development. Residential development is generally the largest land use element of a city. Other incidental components of an urban area such as open space and land for schools, community services and facilities etc, generally relate to population, and can be taken into account as part of gross land area estimates related to residential development.

Industrial land is the other major land use element that needs to be considered in assessing how much land is likely to be required for urban development in Traralgon in the long term. This is also addressed in this section of the report.

Land for activity centres and bulky goods uses comprises a relatively small component of urban land overall. In Traralgon's case, the *Traralgon Activity Centre Plan* will provide a vision for a town centre that will accommodate the needs of a substantially larger population in Traralgon, without any increase in land area. Accordingly whilst activity centre locations are shown in the framework plan, land area requirements for activity centres have not been separately identified. Bulky goods retailing is addressed at Sections 4.4 and 7.3 of this report.

3.1 how many more people?

A number of different population growth forecasts have been prepared for Latrobe City and Traralgon over the past few years. Each of these is based on slightly different assumptions, geographical areas and timeframes. To understand the population outlook for Traralgon it is necessary to understand the differences between each of these forecasts and to extrapolate them to a common timeframe. This has been done by continuing the annual growth rates inherent in each forecast from their start to end date, out to 2051. The year 2051 is adopted as the planning horizon for this project, given the need to examine the availability of land around Traralgon for future urban expansion in the long term. The following provides a summary of population growth forecasts which have been prepared for Latrobe City and Traralgon:

victoria in future 2012

- Victoria in Future (VIF) provides population forecasts to 2031, for both the municipality of Latrobe and the Traralgon SLA, which includes rural areas and smaller settlements to the north and south of Traralgon.
- Based on estimated resident population.

forecast id

- Provides forecasts to 2031.
- Relates to what appears to be the Statistical Local Area (SLA) of Traralgon.
- Based on estimated residential population.

essential economics

- Provides forecasts as part of the *Residential and Rural Residential Land Assessment Project* undertaken for Council in 2009.
- Figures relate to the Traralgon SLA.
- Provides forecasts to 2023.
- Presents three scenarios: high, medium and low growth.

parsons brinckerhoff

- Adopted the high growth scenario from the Essential Economics report, and extrapolated to 2051.

Figure 6 (on the following page) illustrates the difference between each forecast once they have been adjusted to extend to 2051. The following observations can be made:

- The forecast id and the Essential Economics High Growth forecasts assume a similar rate of growth, but have a different starting population for 2006.

traralgon growth areas review: traralgon growth areas framework

- The Victoria in Future 2012 forecast has an average annual growth rate (1.46%), which is the highest of all growth rates. The VIF2012 forecasts are based on 2011 census and are based on a 2011 population of 31,105 which approximates the 2011 population of the Essential Economics forecast, even though they were prepared a number of years ago.

For the purposes of this report the Essential Economics forecasts are proposed to be used. The growth rate for the high growth forecast is consistent with the forecast ID forecast. The low growth scenario provides a moderating forecast, approximating the VIF 2012 forecast.

As a consequence the additional population that might be expected in Traralgon between 2011 and 2051 is shown in the following table. It should be noted that the additional population increase between 2011 and 2051, if based on VIF 2012 forecast the estimated population in 2051 would be some 55,623 people, some 3,700 persons more than the Essential Economics high growth scenario.

council adopted population forecast for traralgon – 2011 to 2051					
scenario	2011 (persons)	2051 (persons)	additional (people)	ave. annual change (persons)	ave. annual % change
Low	30,145	44,345	14,200	355	0.97%
medium	30,403	48,043	17,640	441	1.15%
High	30,673	51,913	21,240	531	1.32%

Table 1: council adopted population forecast for traralgon – 2011 to 2051

It is noted that recent population estimates identified in the draft Regional Growth Plan identifies that beyond existing anticipated growth in Traralgon:

“Significant new investment in the region, particularly efforts to develop clean and renewable energy, and to foster supporting research and advanced manufacturing sectors could help attract a higher population of up to 465,000 by 2041. This upper range figure envisages that Latrobe City, as the regional city, comprising Moe, Morwell, Traralgon and Churchill, will experience significant population and economic growth.”

This higher figure is almost 80,000 people higher than the baseline projection of 388,000 by 2041 for the region and it can be presumed that this additional growth is likely to occur primarily within Latrobe City.

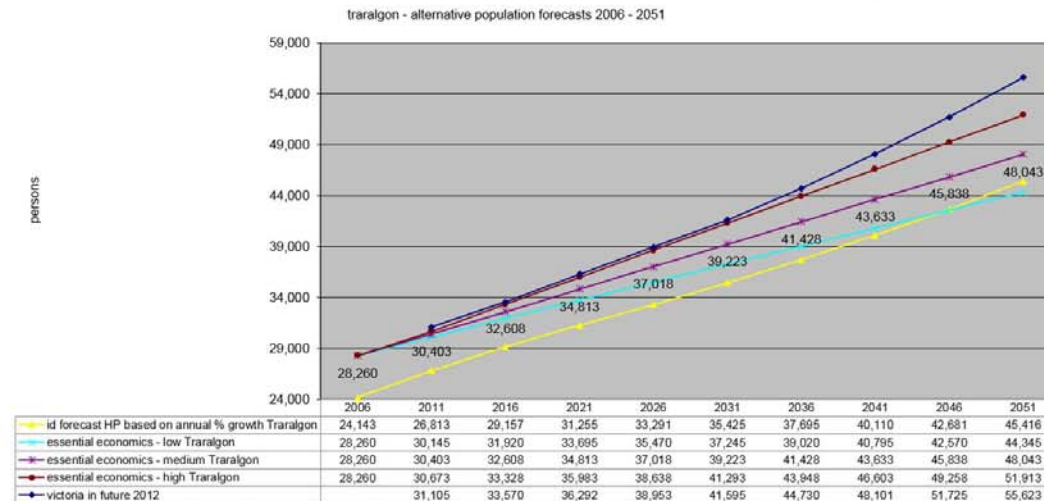


Figure 6: traralgon - alternative population forecasts to 2051

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3.2 how many more dwellings?

A number of estimates have been prepared in past studies of the number of additional dwellings likely to be accommodated in Traralgon into the future. The number of dwellings estimated to be required is generally based on the population forecasts identified by each source, adjusted in different ways, but generally allowing for changes in the number of persons per occupied household, the proportion of dwellings occupied etc.

The exception to this is work undertaken by the Department of Planning and Community Development (DPCD) as part of the Regional Urban Development Program (UDP). That report provides two scenarios. One is based on the population forecasts contained in VIF 2008. The other is an alternative scenario based on dwelling approvals and residential lot creation figures in the municipality. This alternative scenario was prepared due to the high rates of dwelling approvals that have recently been experienced in the municipality, particularly in Traralgon, and the considerable differences between forecasts based on such figures and those based on VIF 2008.

The various estimates are summarised in the following table. Each of the forecasts are based on the following assumptions.

forecast id

- 241 dwellings in 2007, declining consistently to around 202 dwellings per annum by 2017 and remaining at about that rate until 2031. Between 2007 and 2031 anticipate a total increase of 5,140 dwellings at an average of 214pa.

parsons brinckerhoff

- Estimate based on additional population expected between 2011 to 2051 (high growth scenario) divided by the average household i.e. $23,118 / 2.46 = 9,398$ dwellings = 209pa.

essential economics

- Identified the new dwelling approvals in Traralgon at an average of 257 per annum between 2003 and 2007, and 142pa between 1998 and 2007.
- Essential Economics estimate breaks up the anticipated demand for new dwellings by land use zone (p56). From 2008 to 2023 it is anticipated that the demand for new dwellings in the General Residential Zone will range from 3,430 lots (229pa), to 3,994 (266pa) and 4,567 (304pa) under low, medium or high growth scenarios.

dpcd

Two demand scenarios were included in the DPCD work (p29) to account for the acknowledged gap between VIF estimates and recorded activity:

- 134 dwellings pa - based on VIF 2008 demand forecasts.
- 332 dwellings pa - based on trends (a simple trend based assumption directly relating to the amount and distribution of recent residential lot construction activity).

The following table summarises the various estimates of demand for dwellings in Traralgon.

source	time period	ave. number dwellings per year	traralgon (general residential zone only)
Forecast id	2007 - 2031	214	
Essential economics - low	2008 - 2023		233
Essential economics - moderate	2008 - 2023		266
Essential economics - high	2008 - 2023		304
Parsons Brinckerhoff	2006 - 2050	209	
Urban development program - based on VIF 2008	2011 - 2026	134	
Urban development program - development trends	2011 - 2026	332	
adopted by hansen - low	2006 - 2051	180	
adopted by hansen - moderate	2006 - 2051	218	
adopted by hansen - high	2006 - 2051	257	

Table 2: forecast additional dwellings in traralgon

hansen approach

To confirm the above figures and extend the forecast to 2051, hansen has prepared an estimate of the demand for dwellings based on the following methodology:

- Total estimated population of Traralgon annually to 2051 (as adopted by Council).
- Divided the total population (not just number of additional people) by the average number of persons per occupied household, based on household occupancy rates adopted in Victoria in Future 2012 up to 2031, and then assuming a slowly declining rate to 2.36 by 2051.
- Adjusted to reflect the percentage of total dwellings that are occupied - 92% as per 2011 Census data.

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The resultant estimates are shown in the following two figures. The first figure shows the forecast number of additional dwellings required each 5 year period. The second figure shows the cumulative number of dwellings required to 2051. The total number of additional dwellings forecast is:

- High growth - 11,574 dwellings – ave. 257pa
- Medium growth – 9,791 dwellings – ave. 218pa
- Low growth – 8,088 dwellings – ave. 180pa

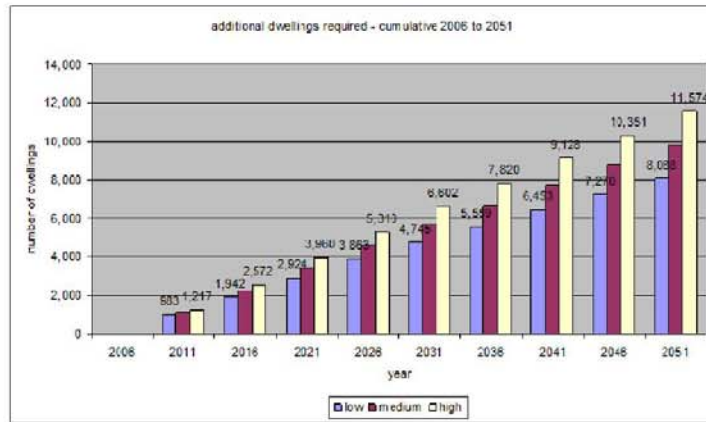


Figure 7: additional dwellings required - cumulative 2006 to 2051

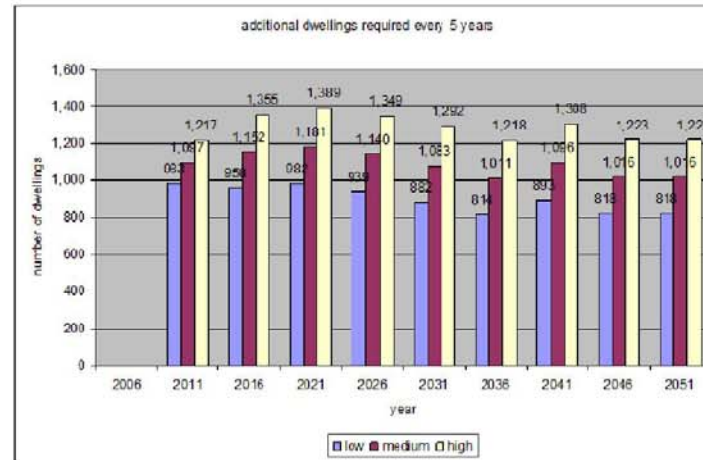


Figure 8: additional dwellings required every 5 years

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3.3 how much more residential land is required?

other forecasts

The work undertaken by Essential Economics and the Department of Planning and Community Development did not directly identify the number of hectares of greenfield land likely to be required to accommodate future growth. Rather, both studies measured demand and supply in terms of dwelling numbers.

Essential Economics estimated future dwelling needs by zoning (i.e. Residential, Low Density Residential and Rural Living) and referred to an assumed gross density of 10 lots per hectare in terms of estimating the capacity of available land for development. The analysis did not appear to allocate a proportion of new dwellings identified for Residential 1 Zone land between greenfield areas and infill development within the existing urban area.

Parsons Brinckerhoff (p 37) estimated that an additional 846 hectares of land would be required to meet future residential demand between 2006 and 2050. This was based on an assumed lot size of 900 sqm, which equates to a net density of 11 lots per hectare.

hansen's forecast

It is considered useful to estimate the amount of greenfield land required to accommodate future growth, to clarify the demand / supply equation in land area terms, rather than in relation to just dwelling numbers and years supply of land available.

The amount of land required will largely depend on the following factors:

- The density at which new development occurs i.e. dwellings per hectare; and
- The proportion of new development that can be accommodated in the existing urban area over time i.e. through infill development such as unit / townhouse / apartment developments in residential areas, and development above shops and / or other uses in business areas.

Residential development densities in newly developing areas in Traralgon are presently at around 10 to 11 dwellings per hectare. The *Precinct Structure Planning Guidelines* prepared by the Growth Areas Authority (GAA) for growth areas in metropolitan Melbourne (at Clause 11.02-2 of the Latrobe Planning Scheme) identify a target minimum net density of 15 lots per hectare for residential land and some recently prepared Latrobe City Development Plans have sought to achieve this density. Net residential density excludes all encumbered land and land used for arterial roads,

railway corridors, government schools, community facilities, commercial facilities and public open space etc. In terms of estimating the development potential of greenfield areas it is useful to convert net residential densities into gross densities. To do this an assumption is required regarding the proportion of an area that is developable for residential purposes.

Examination of precinct structure plans prepared by the Growth Areas Authority for large greenfield development areas around Melbourne indicate a net developable area of around 75% to 80% of the total planning area of precincts. Given that the land areas identified for future urban development around Traralgon within this document are relatively small, with most constraints, encumbrances etc removed, it can be assumed that the net residential development area will be a higher proportion than 75% to 80%. For the purposes of this project it is assumed that the net residential developable area of greenfield locations will be around 85%. On this basis a net density of 15 lots per hectare equates to a gross density of 12.8 lots per hectare. A net density of 10 lots per hectare relates to a gross density of 8.5 lots per hectare.

Reference to 2011 Census data indicates that 15% of all occupied dwellings in the centre of Traralgon are medium density. The proportion of medium density housing in newly developed residential areas on the fringe of Traralgon is very low. In collector districts closest to the town centre to the west, the proportion of medium density housing is up to 25%. Accordingly, it is assumed that a higher proportion of medium density development over recent years has been constructed in established urban areas, rather than in greenfield subdivisions (i.e. in the form of infill housing, rather than in new development areas). For the purpose of this assessment two scenarios are used regarding the proportion of all new housing that might be infill housing i.e. 5% and 10%. As can be seen from existing figures (15-25%) the assumptions of 5 and 10% are very conservative.

The following figures present two alternative scenarios regarding the intensity at which residential development might occur in Traralgon in the future, and then identify the estimated demand for greenfield land based on two urban form assumptions. These scenarios are as follows:

- **Conventional urban form** – 5% of all new dwellings required are located in the established urban area as infill dwellings. 10 dwellings / ha net in greenfield locations.
- **Compact urban form** - 10% of all new dwellings required are located in the established urban area as infill dwellings. 15 dwellings / ha net in greenfield locations.

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It should be noted that 'compact urban form' still reflects a typical suburban typology rather than a more urban form seen in areas such as inner city Melbourne, where densities and infill development are well above the levels identified in this report. Applying these two scenarios to the estimated demand for dwellings to 2051 identified in the preceding section of this report, results in the following estimates of land (ha) required to accommodate the future residential growth of Traralgon to 2051. The estimates provided in the Parsons Brinckerhoff report are included in the table for comparison purposes.

	per year (ave) ha	2006 to 2051 (ha)
conventional – low	20	904
conventional – mod.	24	1,094
conventional – high	29	1,294
compact – low	13	571
compact – moderate	15	691
compact – high	18	817
PB	19	846 (to 2006 to 2050)

Table 3: traralgon - estimated residential land (ha) requirement 2006 – 2051

The following figures show cumulative and 5 yearly residential land area requirements for each of the two scenarios. What is apparent from this information is that:

- Potentially as much as 1,294 hectares, and as little as 571 hectares of land may be required to accommodate residential development to 2051, depending on the rate and the density at which development occurs.
- If development continues to occur at a density much the same as presently exists in Traralgon (i.e. the conventional scenario), it is estimated that between 904 and 1,294 hectares would be required to 2051, depending on the rate of population growth that eventuates.
- The very significant impact / benefits of a more compact urban form on reducing the amount of additional land required, is clearly apparent from Table 3. The relatively modest density differences between the conventional and compact scenarios have the potential to reduce the amount of land required by 2051 to accommodate the higher population growth projections from 1,294 hectares, to 817 hectares. This is a difference of 477 hectares or 37%. A more compact urban form has the potential to increase the number of years supply of residential land in Traralgon by 24 years by using the available land more efficiently. Increasing, or even maintaining the existing rate of infill development within the central areas of Traralgon will increase this timeframe further still.

- It is important to recognise that the recent Council resolution which seeks to apply a dwelling density of 11 dwellings per ha rather than the current requirement of 15 dwellings per ha will have a significant impact on the amount of land available for development in Traralgon in the longer term.

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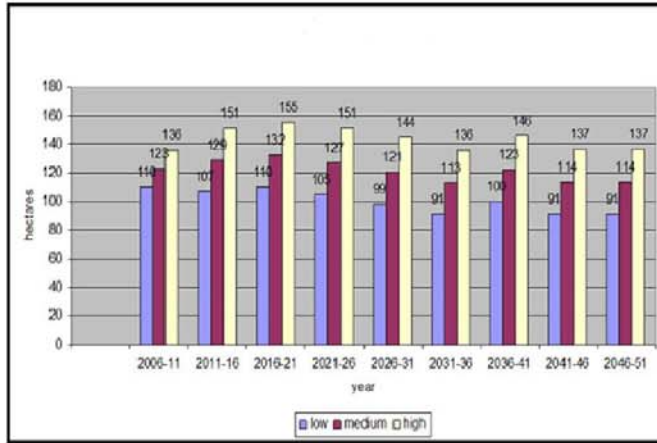


Figure 9: greenfield land required residential each 5 years, assumptions – 5% infill, 8.5 lots/ha gross

Figure 10: greenfield land required residential – cumulative, assumptions – 5% infill, 8.5 lots/ha gross

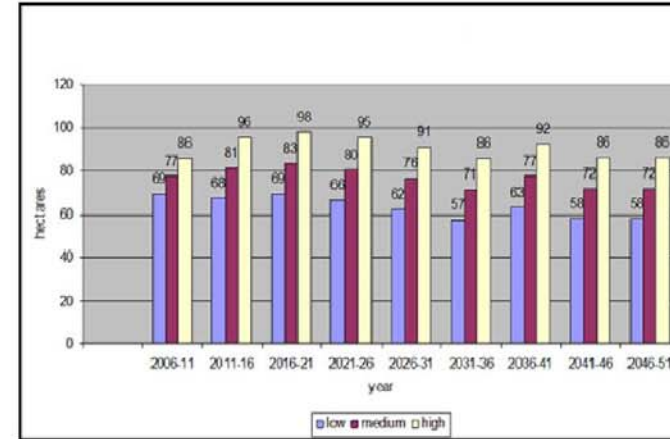
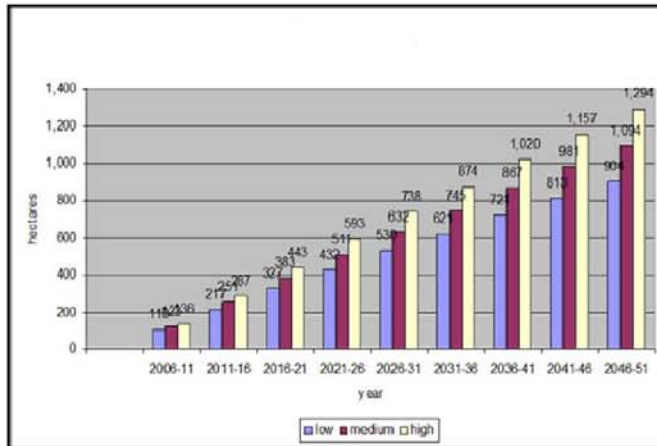
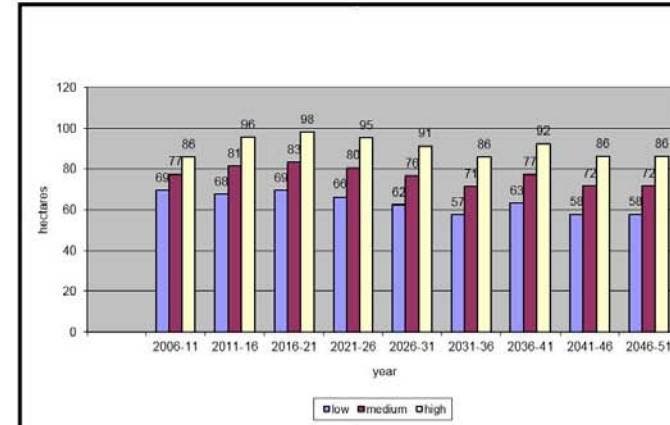


Figure 11: greenfield land required residential each 5 years, assumptions – 10% infill, 12.8 lots/ha gross

Figure 12: greenfield land required residential – cumulative, assumptions – 10% infill, 12.8 lots/ha gross



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4 how much land is available

4.1 how much residential land is presently available

what other studies say

DPCD

The Department of Planning and Community Development’s Regional Urban Development Program (UDP) (2010) provides the most recent and thorough assessment of the supply of residential land in Traralgon.

It identifies the following supply of land for Traralgon in terms of potential lots (p 18):

- Minor infill – 372 lots (relates to vacant residential zoned lots with an area of 1,000sqm to 1ha)
- Major infill – 0 lots (relates to vacant residential zoned lots with an area greater than 1ha)
- Broad hectare – 772 lots (relates to vacant residential zoned land generally on the urban fringe)
- Future residential – 3,927 lots – (relates to land identified for future residential rezoning, but not yet zoned for that purpose)
- Total – 5,071 lots

The UDP document also identifies 432 vacant residential lots as existing in Traralgon (i.e. vacant lots of less than 1,000 sqm). This would increase the potential supply to 5,503. It should be noted that these figures exclude land identified in the UDP related to Low Density residential development.

Figure 14 opposite shows the land taken into account by DPCD in estimating the potential supply of land. It is apparent that the estimated supply includes all existing and proposed residential zoned land in Traralgon, including land recently rezoned to Residential 1 by Amendments C47, C56 and C58. It is noted that the areas identified with a star on Figure 14 have not yet been rezoned.

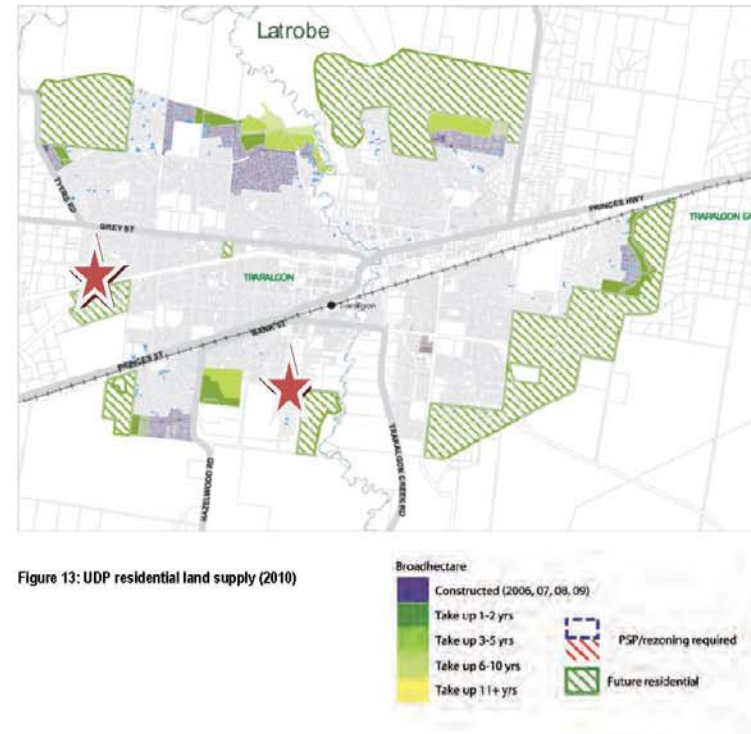


Figure 13: UDP residential land supply (2010)

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While the planning process is well advanced for some of the areas identified by the UDP as 'future residential', and others have started, much of this land remains undeveloped and so is still available to accommodate growth in the short term. Development Plan progress at the time of writing is as follows:

- Erin Park / Bank Street (south west): development plan and permits approved and works commenced, anticipated to accommodate 150 dwellings
- Cross's Road (north west): approved and permit process underway, anticipated to accommodate 677 dwellings
- Franklin Place (north east): development plan approved, anticipated to accommodate 338 dwellings
- Traralgon North (north east): draft development plan prepared and awaiting approval, anticipated 1337 dwellings
- Ellavale (east): development plan process just commenced
- Traralgon South East: no Development Plan process initiated

In addition, it is noted that rezoning and Development Plans arising from the *Small Town Structure Plans* for Glengarry and Tyers are also in the very early stages.

essential economics

Essential Economics in 2009 identified a total potential lot supply of between 4,900 and 5,900 lots (Residential 1 zoned land), depending on whether development occurs at a density of 10 or 12 lots per ha (assumed to mean gross density). The estimate includes similar areas of land to that were considered by the DPCD: all currently zoned land as well as all land identified for future residential development by the *Traralgon Structure Plan* (2007). Significant areas of the land suggested for residential rezoning by the 2007 Structure Plan have recently been rezoned by Amendments C47, C56 and C58.

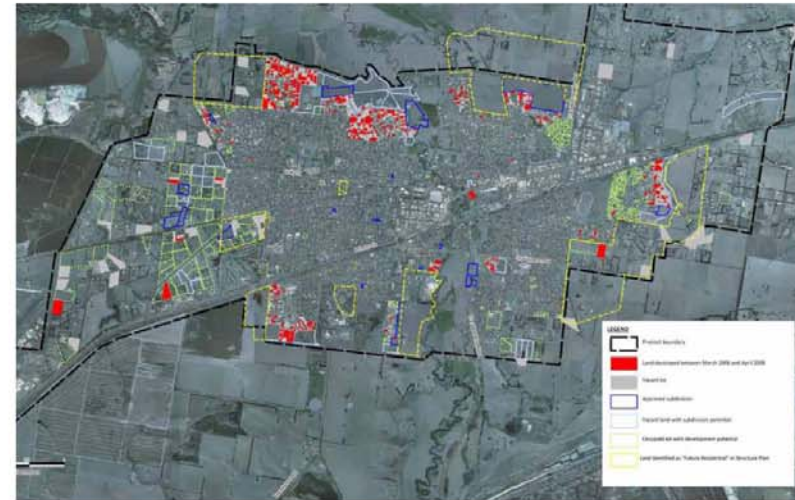


Figure 14: essential economics land supply assessment

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4.2 existing identified future residential land

Based on the two demand scenarios prepared in the UDP report, currently available DPCD (p28/9) estimates of the number of years supply of residential land are shown in Table 4 and based on the following:

- Between 11 to 15+ years – based on VIF 2008 demand forecasts (noting that VIF 2012 figures were not available at the time) – assumes 134 dwellings per year (low demand scenario).
- Between 4 to 11 years – development trend based - assumes 332 dwellings per year (high demand scenario).

It should be noted that the DPCD estimate is conservative as it did not include existing vacant lots, which was estimated to be around 432 (p19). This would equate to around 1 to 3 years of additional forecast demand.

The following table summarises the estimates of required lots (as opposed to potential lots discussed in the previous section) generated by DPCD and based on development trends (pg29).

	Minor infill	Major infill	Zoned Broad Hectare	Total Zoned	Future Res.	Total	Years supply (zoned)	Years supply (future)
Traralgon Supply of lots	624	0	988	1,617	3,927	5,544		
Years supply VIF 2008 – assuming 134 dwellings per year							11	15+
Years supply Trend based – assuming 332							4	11

Table 4: DPCD estimated years supply of residential land

It is not clear from the Regional Urban Development Program the assumptions made regarding the density of development in greenfield areas, or the proportion of new dwellings that could be accommodated within the existing urban area as infill development. Hansen has estimated that the broad hectare land identified by DPCD has an area of around 620 hectares:

- Existing zoned broad hectare – 98ha
- Future residential – 522 ha

The current zoning of the study area, including Residential 1, Low Density Residential and Rural Living zones is illustrated on the following page.

It is important to note however, that the recently released draft *Gippsland Regional Growth Plan (2013)* identified *“urban land supply indicates a potential yield in excess of 13,000 residential lots has been identified to meet future*

demand.” This assessment would seem to indicate an assessment of either greater available land than identified by the earlier UDP work or a higher density of development over time. This was identified as being sufficient to meet demand to 2041.

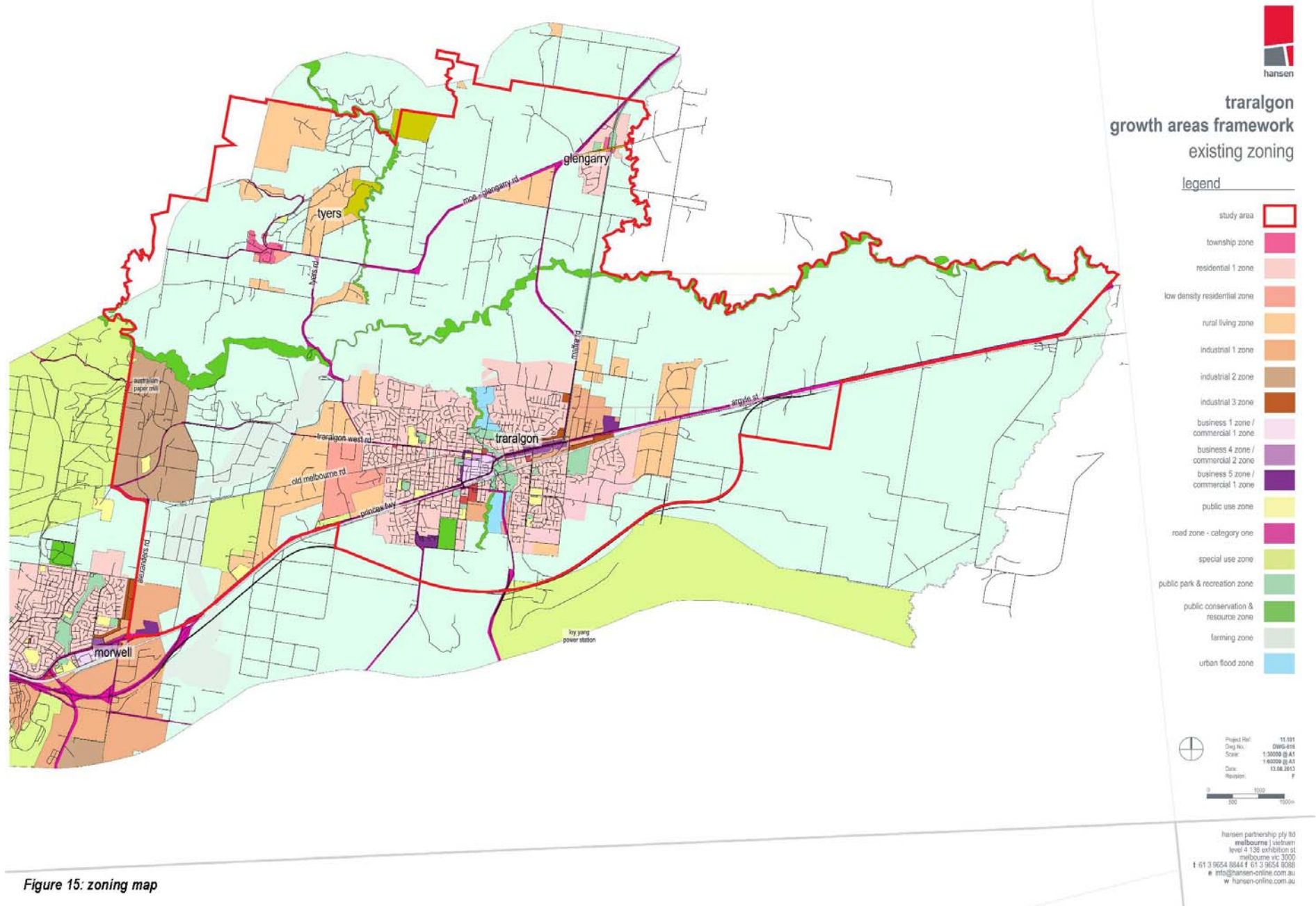


Figure 15: zoning map

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4.3 industrial land

Industrial zoned land is generally the second largest component of 'urban' zoned land within a city, after residentially zoned land.

Estimating likely future requirements for industrial zoned land is less precise than estimating requirements for residential land, as the amount of land needed is not necessarily directly related to population. Regional, state and national factors can influence industrial land requirements, as can the type of industries that may locate in an area. This is especially the case in the Latrobe Valley, given the significance of the coal and power generation industries, which are major contributing factors to the manufacturing and industrial base of the region.

Traralgon has been the major residential growth area in the municipality for a number of years and is likely to continue to be so for the foreseeable future; at least until physical constraints begin to impact on residential development opportunities. From a strategic planning perspective merit exists in maximising opportunities for residential rather than industrial development in Traralgon particularly given proximity to industrial land in Morwell. In relation to industrial development in Traralgon, strategic merit exists in focusing on accommodating those types of industrial uses that 'service' the needs of the population of Traralgon, on the limited amount of land that remains for urban development in the longer term. Alternative locations should be explored elsewhere in the municipality to accommodate core industrial uses associated with the coal power generation industrial base of the Valley and with other emerging industries which may have significant land requirements or off-site impacts.

Currently available DPCD figures have identified that there is around 135 hectares of industrial zoned land within Traralgon, of which approximately 24 hectares is considered to be available for future development (*DPCD Urban Development Program Regional Industrial Report: City of Latrobe 2009*). The UDP report also identified that a further 77 hectares of unzoned land was available. That relates to land identified for future industrial purposes in the 2007 *Traralgon Structure Plan* (Beca). The supply of industrial land also needs to be considered in light of the specific conditions required by some industrial uses (i.e. very large lots) which may not be available within particular zoned areas.

As identified above, it is considered that there is merit in considering the supply of industrial land within the 'networked city' concept which underpins the structure of the municipality. There is additional industrial land located in other urban centres within the Latrobe municipality. Within the City of Latrobe as a whole, there is around 1,180 hectares of industrial zoned land, of which approximately 281 hectares is vacant and available for future development. An additional 190 hectares of land as not yet zoned, but is identified for future industrial use. This

does not include around 300 hectares of land which is also covered by a State Resource Overlay relating to the coalfields, south of the Princes Highway to the immediate east of Morwell.

There is the need to prepare a municipal wide industrial land use strategy that fully examines long term supply and demand for industrial land. Such a study would need to be finalised prior to confirming the suggestions / recommendations made in this report about industrial land. Given the need for this study all recommendations regarding industrial land should be considered as 'potential' areas and where identified, have been included to offset other recommendations which may result in a reduction in land already identified.

4.4 bulky goods retailing

Bulky goods retailing in Traralgon to date has either been accommodated within the existing CBD or along Argyle Street / Princes Highway to the east of the CBD. *The Bulky Goods Sustainability Assessment (2009)* undertaken by MacroPlan estimates that the market gap (the difference between available zoned land and estimated floorspace required to serve the catchment population) is currently around 28,000sqm of floorspace. In order to close this market gap, two dedicated bulky goods retail centres of approximately 15,000sqm – 20,000sqm each are required (a dedicated bulky goods retail precinct is required in the short term (2009 – 2013) with a second dedicated bulky goods retail precinct required in the medium term (2014– 2018)). This is a land requirement of 48,000sqm (around 5ha) to 2018.

Beyond that timeframe it is considered that there may be shifts in retail patterns which may influence the demand for this type of retailing and further land requirements should be established at a later date. The provision of additional land for future bulky goods retailing has been provided by Amendment C39 part 1, which provides around 10ha in Traralgon East near the intersection of Princes Highway and Stammers Road. It is considered additional development of bulky goods retailing can be sufficiently accommodated within this area. When combined with another amendment which rezoned 12ha of land for bulky goods retailing to the east of Morwell (Amendment C39 part 2), this would more than accommodate the market gap identified in the MacroPlan assessment in the short, medium and potentially longer term.

An additional assessment of bulky goods needs was provided by proponents of a development seeking to utilise the Hollydale sites for such purposes. This report (*Latrobe Bulky Goods Retail Need Analysis Traralgon West, MacroPlan Dimasi 2012*) identified that there was a need to provide land above and beyond that identified in the original MacroPlan report. However, a peer review of that assessment (*Review of economic support for the Masters development proposal in Traralgon West, Tim Nott 2012*) identified:

- There is no need to rezone any additional land to accommodate bulky goods uses and the two recently rezoned sites can easily accommodate demand to 2026.

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- Both the original MacroPlan report and the more recent development justification are based on a significant underestimate of existing bulky goods retail space.
- The development of the Hollydale site would be unlikely to result in any net increase in economic activity or employment as the development would be balanced by losses by existing businesses. As such there would not be sufficient overall community benefit to strategically justify (on the basis of economic development) an additional rezoning given existing available land.
- In addition, the assessment found that while the reduction in housing potential within Traralgon West would be modest, the impact on the development of an activity centre at the hospital site would be compromised.
- Development of bulky goods on the relatively restricted Hollydale site may also compromise the ability for a more extensive precinct to develop. This may compromise the ability of independent bulky goods development to maximise benefits from co-location with an anchor tenant such as Masters in the longer term.

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5 how much additional land could be made available?

Opportunities for urban development around Traralgon are heavily constrained. The type and nature of constraints is discussed in this section of the report.

5.1 physical constraints

The following table lists each of the physical constraints considered to limit opportunities for future urban expansion around Traralgon. It also provides an assessment of the severity of those constraints.

type of constraint	severity of constraint
Coal resources and electricity generation (Appendix 2 – Figure 1)	Absolute (other than for industry in ESO1) – Coal resources and electricity generation areas are identified by a combination of the Special Use Zone 1, which provides for coal mining and electricity generation and associated uses, Environmental Significance Overlay 1, which establishes a buffer to protect urban areas to the south of Traralgon from the impacts of the coal industry, and the State Resources Overlay, which covers areas of coal resources. While recent discussions were held between Clean Coal Victoria and Council to ascertain long term need for the resources in this area, current State Government policy is to retain the protection of these resource assets and the level of constraint therefore remains absolute. ESO1, which provides a buffer to the south of Traralgon, is considered to be an absolute constraint for residential development, but not for industrial development.
Flood prone land (Appendix 2 – Figure 2)	Absolute – New Floodway Overlays and Land Subject to Inundation Overlays along the Latrobe River to the north and east of Traralgon, as well as to other waterways throughout the study area were recently implemented through Amendment C9. The local Catchment Management Authority advised that both overlays are considered to be absolute constraints that will preclude consideration of land within the overlays for future urban development. Some flood mapping requires further updates.
Traralgon Bypass (proposed) (Appendix 2 – Figure 3)	Absolute (for residential development and sensitive uses, not a constraint for industry) – Design and Development Overlay 3 establishes a physical buffer along the alignment of the proposed Traralgon Bypass to protect sensitive urban uses from traffic noise. The DDO is considered to be an absolute constraint for residential development and other sensitive uses. It is considered that industrial uses could establish within the overlay area. However, ESO1 extends closer to urban Traralgon than DDO3, and hence defines the maximum possible extent of urban residential expansion possible to the south of Traralgon.
Paper mill urban amenity buffer and other buffers (Appendix 2 – Figure 4)	Absolute (for residential, not for industry) – Land on which the paper mill is located is zoned Industrial 2 Zone. There is a requirement in the Latrobe Planning Scheme (as part of the State Government framework) for the establishment of a nominal 5km buffer around the uses occurring on the site. This nominal buffer can be adjusted on the basis of more location specific modelling and assessment. Modelling has been undertaken for the Australian Paper Mill by GHD and is shown on both this document and the draft Gippsland Regional

type of constraint	severity of constraint
	Growth Plan. This buffer is considered an absolute constraint to residential development without the agreement of both Australian Paper and the EPA. The buffer would not be a constraint for other industrial land uses. Gippsland Water also has two storage facilities within the study area which have also been subject of assessment of appropriate buffers by GHD. These buffers are also considered a constraint to future residential development noting that they affect only land affected by other constraints and the Traralgon North development area already identified for growth. As such they are unlikely to have a significant impact on the identification of long term growth areas to the extent the paper mill buffer will.
Latrobe Regional Airport (Appendix 2 – Figure 5)	Absolute - The Latrobe Airport is included in Special Use Zone 7. An Airport Environs Overlay (AEO) presently applies to land around the airport. Amendment C57 introduced an interim site specific control and in an incorporated document into the scheme that restricts residential development within a 'tight circuit path area' defined in the incorporated document. Amendment C26 (recently reviewed by an independent Planning Panel), proposes to introduce two new DDOs that will regulate building height around the airport (DDO7 – 5m, and DDO8 – 10m). While the amendment proposed to remove the existing AEO this was not supported by the Panel who found that, while the existing overlay may not be entirely accurate it should remain in place while additional modelling was undertaken and then modified as required. The AEO is considered to be an absolute constraint, however, given that DDO7 will trigger the need for a permit for buildings higher than 5 metres, and DDO8 for buildings higher than 10m, these DDOs are not considered to be absolute constraints to development, as lower level urban development such as housing could comply with such heights. The possible relocation of the Latrobe Regional Airport to provide additional land for urban development has been discussed for many years. However, the 'urban amenity buffer' associated with the paper mill affects most of the airport land. Upon this basis it is not considered that relocation of the airport would derive any benefit in terms of making additional land available for urban / residential development.
BMO / WMO / steeply sloping land (Appendix 2 – Figure 6)	Absolute - The Wildfire / Bushfire Management Overlay applies to land in the hills to the north of Tyers and also to plantation areas to the east of the paper mill.
Gas pipeline easements (Appendix 2 – Figure 7)	Moderate (subject to possible change) – DDO1 applies to major gas pipelines that run through the municipality, generally to the north and west of Traralgon. The DDO is around 200 metres wide, whereas the pipeline is only located in the centre of the DDO area. Council is in discussion with the relevant agency to have the width of the DDO reduced or requirements under the DDO amended to more accurately reflect the width of the pipeline.
Hospital helipad (Appendix 2 – Figure 8)	Minor – DDOs 5 and 6 establish building height limits around the Latrobe Hospital Helipad. DDO5, the inner and more restrictive DDO, basically applies to land associated with the hospital. DDO6, the more expansive control, allows a building height of 12 metres more than DDO5 before the need for a permit is triggered. It is not considered a constraint for buildings of up to 3 storeys.
Environmental significance along waterways (Appendix 2 – Figure 9)	Absolute – ESO2 applies to areas of environmental significance along waterways.
Cultural heritage significance (Appendix 2 – Figure 10)	Moderate - Areas of cultural heritage sensitivity, which trigger the need for a cultural heritage plan to be prepared, generally exist within

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type of constraint	severity of constraint
Biodiversity assets	<p>200 metres of waterways. In places, where Flood and Land Subject to Inundation overlays have been prepared, these overlays may extend beyond 200 metres from a watercourse, which prevents urban development in those locations. However where areas of cultural significance extend further than floodplains from watercourses, or apply along waterways where no floodplains have been identified, they are a constraint that needs to be taken into consideration prior to the area being considered appropriate for future urban development.</p> <p>Moderate – Prior to impacting prescribed biodiversity assets, local, state or federal approval is usually required. Biodiversity assets within and surrounding Traralgon may provide an opportunity to explore how these assets can be used for green wedge zones, urban space, rehabilitation areas and future offset sites. Assessments of the quality and extent of the biodiversity assets should be undertaken at the development plan and planning permit stages to allow for prioritisation of resources to protect and enhance areas. The presence of high quality biodiversity assets may preclude residential development.</p>

Table 5: physical constraints to development

Each of the constraints is mapped individually in Appendix 2. Figure 15 presents a consolidated map that summarises the effect of all constraints to urban development around Traralgon. It is important to note that while the full extent of the DDO which affects the gas pipeline to the north of the town is shown on the plan, there is some flexibility which allows residential development to occur within the area covered by the overlay, subject to discussions with the responsible agency. The same principle applies to the other DDO controls which place parameters around the form of development rather than restricting development itself. The layer which identifies areas of cultural heritage sensitivity is also not an absolute constraint but would require a cultural heritage management plan to be undertaken as part of any development.

5.2 other development constraints

Remaining 'non-urban' land within the study area is generally contained in three different zones: Low Density Residential; Rural Living and Farming. Low Density Residential and Rural Living Zones, where the land has been subdivided, provide a degree of constraint to future urban development that must also be considered as part of any framework. The level of this constraint differs across these zonings which will affect the ability of this land to accommodate additional residential growth (see Table 6)

Type of zone	Level of Constraint
Low Density Residential (LDR)	High level of constraint – Minimum lot size is 0.4 hectares. If land is subdivided into lots of around this size, it presents considerable difficulty in achieving future re-subdivision to smaller sized lots, should the land be rezoned to a General Residential Zone. Much of the land zoned LDR in proximity to Traralgon has been developed. While it is possible to progressively re-subdivide such lots over time, this requires land owner support and achieving coordinated development can be difficult.
Rural Living	High / Moderate level of constraint – Default minimum lot size is 8 hectares. Land subdivided into 8 hectare lots presents greater opportunity for re-subdivision into smaller 'urban' lots than Low Density Residential zoned land. Much of the land zoned for Rural Living in proximity to Traralgon has been developed, and many at smaller lot sizes as schedules to the zone within the Latrobe Planning Scheme allow this. Whilst it is possible to overcome via progressive re-subdivision of existing lots over time, this requires land owner support and achieving coordinated development of these areas is likely to be difficult. As lots within this zone are generally larger than those in the LDR areas it is more likely that there is capacity to increase the intensity of development within this land.
Farming	Low level of constraint – Generally to the south of the Latrobe River, includes larger lots used for farming or lifestyle purposes, and is well suited to rezoning and urban development. While the retention of productive agricultural land is a key planning objective, it is considered that this is not an issue to the south of the Latrobe River given the fragmented nature of the land. The protection of land to the north of the Latrobe River is more important due to the relatively unconstrained nature and land capability studies indicate that this area is of a relatively high agricultural quality compared to most land within the municipality.

Table 6: Difficulties in rezoning land in different zones

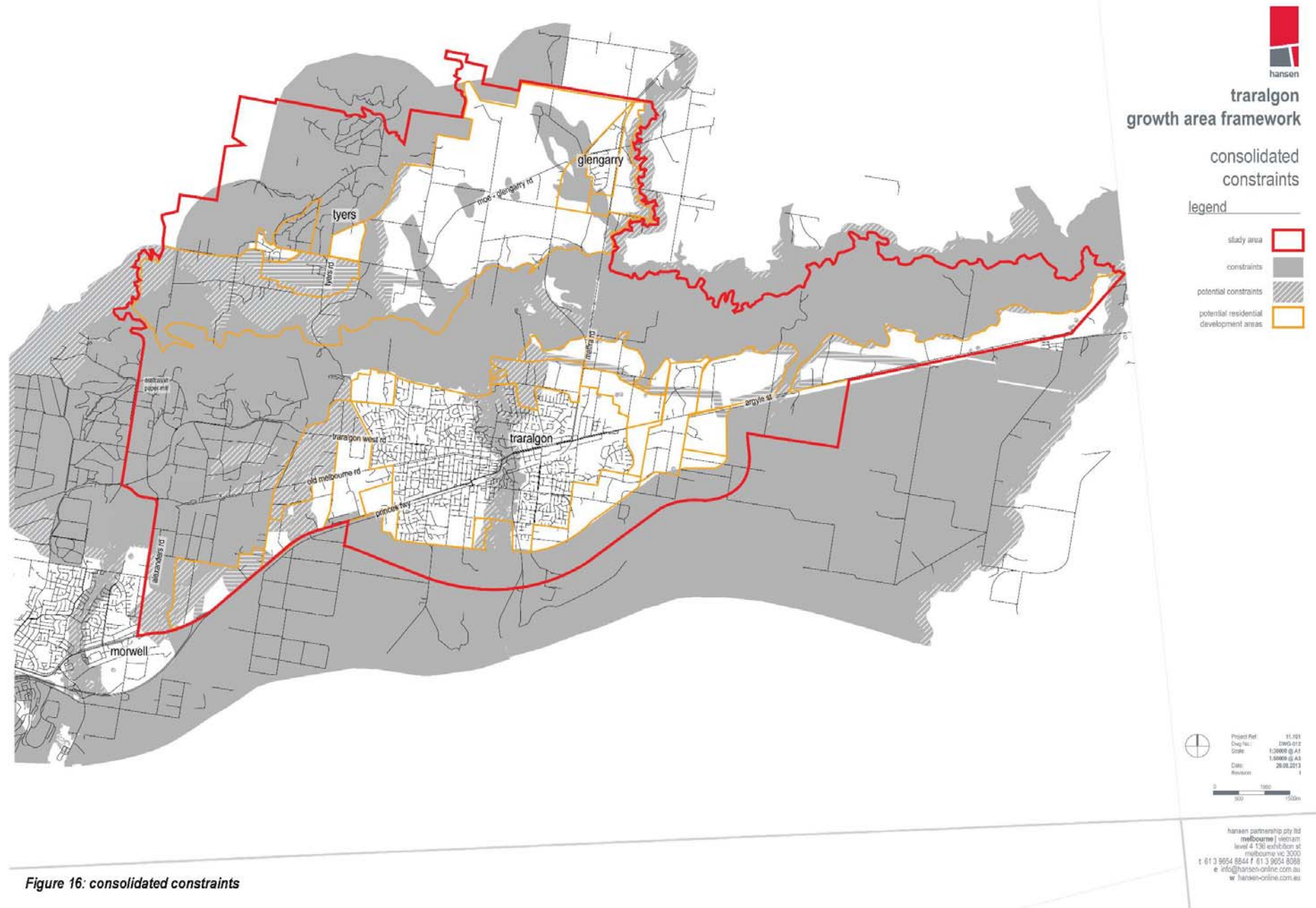


Figure 16: consolidated constraints

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6 'deciding' how traralgon should grow

Section 3 identified that by 2051, if Traralgon continues to develop at its current relatively low density, there may be the need for up to 1,294 hectares of additional residential land to accommodate the anticipated growth of the town. This could be reduced to around 817 hectares if increased levels of infill development and a higher density of development in greenfield areas could be achieved.

From Section 5.1 above it is apparent that opportunities for future urban expansion of Traralgon are significantly constrained in all directions:

- To the north and east – by the Latrobe River and its floodplain.
- To the south – by the proposed Traralgon Bypass and coal resources.
- To the west - by the paper mill and Latrobe Airport.

Given these constraints there are three general options for the ongoing urban growth of Traralgon:

- Consolidation – i.e. an intensification of population and activity within existing and planned future urban boundaries of the town.
- Expansion to the south of the Latrobe River (to the east and/or west).
- Expansion to the north of the Latrobe River.

It should be noted that the above options represent expansion opportunities for Traralgon's growth as opposed to the broader growth of Latrobe City. Growth in Latrobe City may be accommodated in other township, although the implications of constraining growth in Traralgon are discussed in Section 2.

It is considered that deciding how Traralgon should grow should be based on the following matters:

- Growth outlook (discussed in section 3);
- Land availability (discussed in Section 4); and
- State and local policies for urban development and / or settlement growth, which promote sustainable development and provide for the needs of future communities.

This section examines what are considered to be relevant policies that influence the decisions that will be made as to how Traralgon should be planned and developed into the future.

In addition to these important planning policies there are also a number of 'givens' which need to be considered when making decisions regarding the future growth framework for Traralgon. These are identified at section 6.2.

6.1 directions from planning policy

state planning policy

The objectives of planning in Victoria are:

- To provide for the fair, orderly, economic and sustainable use, and development of land.
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- To protect public utilities and other facilities for the benefit of the community.
- To balance the present and future interests of all Victorians.

The concepts of *sustainable development and net community benefit*, are particularly relevant to the application of State planning policies at the local government level.

State planning policies are numerous. Objectives and strategies that are particularly relevant to future planning and development of Traralgon include the following.

Settlement and urban form:

- To anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

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- To plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur.

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- To facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.
- When planning for urban growth to consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- To limit urban sprawl and direct growth into existing settlements, promoting and capitalising on opportunities for urban renewal and redevelopment.
- To encourage the development of compact urban areas which are based around existing or planned activity centres to maximise accessibility to facilities and services.
- To ensure that the potential of land that may be required for future urban expansion is not compromised.
- To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Regional development:

- Direct urban growth into the major regional cities of Geelong, Ballarat, Bendigo and the Moe, Morwell and Traralgon cluster.
- Direct growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.
- Managing the impacts of settlement growth and development to deliver positive land use and natural resource management outcomes.
- Avoiding development impacts on land that contains high biodiversity values, landscape amenity, water conservation values, food production and energy production capacity, extractable resources and minerals, cultural heritage and recreation values, assets and recognised uses.
- Ensuring that the capacity of major infrastructure (including highways, railways, airports, ports, communications networks and energy generation and distribution systems) is not affected adversely by urban development in adjacent areas.
- Strengthening settlements by ensuring that retail, office-based employment, community facilities and services are concentrated in central locations.
- Encouraging a form and density of settlements that support sustainable transport to reduce greenhouse gas emissions.
- Limiting urban sprawl and directing growth into existing settlements, promoting and capitalising on opportunities for urban renewal and redevelopment.

- Ensuring that the potential of land that may be required for future urban expansion is not compromised.
- Creating opportunities to enhance open space networks within and between settlements.
- Encouraging the development of compact urban areas which are based around existing or planned activity centres to maximise accessibility to facilities and services.

Activity Centres:

- To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.
- To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.
- To strengthen settlements by ensuring that retail, office-based employment, community facilities and services are concentrated in central locations.

The Environment

- To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.
- To achieve a net gain in the extent and quality of native vegetation.
- To protect productive farmland which is of strategic significance in the local or regional context.
- To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

Rural residential and rural living development:

- To manage rural residential development in rural areas to protect agriculture and avoid inappropriate rural residential development.
- To restrict low-density rural residential development that would compromise future development at higher densities.
- Ensure land is not zoned for rural living or rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.
- Ensure land is only zoned for rural living or rural residential development where it is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.

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The above policies provide the strategic context in which planning issues relevant to Latrobe City generally, and Traralgon specifically, have been considered and the directions presented in this document have evolved.

local planning policy

Policy directions from local planning policy generally reinforce state planning policy. Key directions and strategies include the following.

- Encourage well designed, infill residential development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility.
- Retain clear boundaries between urban areas and the surrounding rural environment.
- Protect areas for future urban growth, particularly the fragmentation of rural land on the urban fringe of major towns.
- Protect the effectiveness of the transport corridors between the towns.
- Discourage urban growth outside the urban development boundaries designated in the relevant local structure plan.
- Review existing smaller pockets of industrial areas and isolated industrial areas and confirm the role and viability of these small and isolated industrial areas for service industrial development, isolated larger industrial development, or conversion to residential development.
- Encourage residential intensification in Traralgon West.
- Establish neighbourhood activity centres and encourage basic goods, services, community services and facilities in these.
- Discourage significant new retail and office development outside of the Traralgon CBD and Argyle Street.
- Protect industry to the east from encroachment of sensitive uses that may result in constrained development.
- Where available, retain large farming lots along the western and eastern town boundary unless land is required for expansion of the township boundary.
- Extend east-west road links over Traralgon Creek.

6.2 givens

On the basis of the analysis undertaken to date it is considered that there are a number of 'givens' that are relevant in deciding how to accommodate the future growth and development of Traralgon in the long term.

These are identified within this section to reinforce the framework for decision making and essentially take these matters out of the debate, as they are considered to be unarguable. They include the following:

- *There is enough land to the south of the Latrobe River to accommodate growth to 2051.*
- *Land capable of accommodating urban development to the south of the Latrobe River is constrained and is finite.*
- *Traralgon will run out of urban expansion opportunities to the south of the Latrobe River in the future, what is variable is when this will occur.*
- *When Traralgon can no longer continue to grow naturally, it could have a significant impact on the overall growth and prosperity of the municipality.*
- *Planning policy strongly discourages the expansion of Traralgon to the north of the Latrobe River.*
- *It is sound and prudent planning to utilise land to the south of the Latrobe River to the highest degree possible, to extend the life of available land reserves to the north of the Latrobe River.*

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6.3 criteria for making a decision

The following criteria have been derived from the matters discussed above, in no particular order.

1. *Proximity to existing settlements and urban infrastructure, especially investment in transport and communication, water and sewerage and social facilities.*
2. *Consolidation, redevelopment and intensification of existing urban areas.*
3. *Limiting urban sprawl and directing growth into existing settlements.*
4. *Compact urban areas based around existing or planned activity centres.*
5. *Proximity to existing activity centres.*
6. *Land use and development consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*
7. *Protect and conserve biodiversity.*
8. *Protect productive farmland which is of strategic significance in the local or regional context.*
9. *Protect and where possible restore catchments, waterways, water bodies, groundwater, and the marine environment.*
10. *Restrict low-density rural residential development that would compromise future development at higher densities.*
11. *Ease of implementation given existing zoning and use of land.*

6.4 options to be assessed

The options to be assessed are identified as outlined below. In the context of this assessment, development south of the river has been split into the 'east' and 'west' areas. As such the areas for consideration at this broad level include the following:

- Urban consolidation (the existing urban area).
- West of Traralgon.
- East of Traralgon.
- North of Latrobe River.

The diagram on the following page illustrates how these four broad areas correspond to the precincts established in the background stage to this work, which are labelled on the diagram.

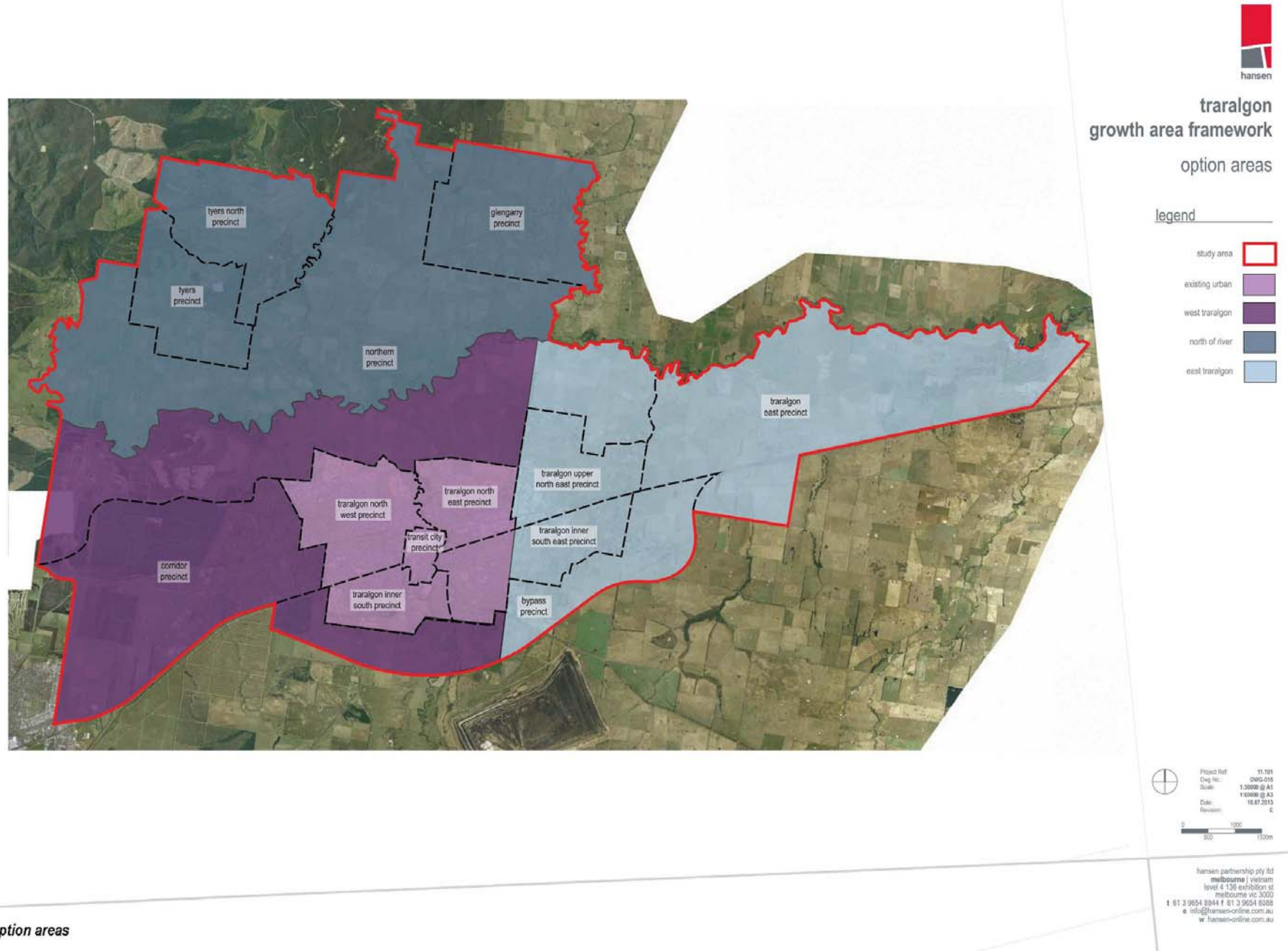


Figure 17: option areas

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The assessment involves considering each of the development options identified above in terms of the criterion identified in section 6.3. The assessment involves a simple 4 point scoring system that allows each of the four options to be ranked:

- high (1 point);
- medium (2 points);
- low (3 points); and
- extremely low (4 points).

If not applicable, a value of 1 is given so as not to distort the rankings. Where a consideration is not applicable this is clearly identified in the comments column.

The option with the lowest score is that which is deemed to convey the highest level of compliance with the assessment criteria used.

It should be noted that this form of numerical assessment is not definitive. It is merely one technique to be used in attempting to make decisions about how to accommodate the future growth and development of Traralgon. Any outcomes of the assessment need to be considered using logic and intelligent thought. Having regard to the assessment matrix, development preferences, in order of priority are as follows:

- Option 1 – Urban Consolidation.
- Option 2 – East Traralgon.
- Option 3 – West Traralgon.
- Option 4 – North of the Latrobe River.

Option 1, consolidation of the existing urban area of Traralgon clearly received the lowest total score and is clearly the preferred option having regard to the assessment criteria used. This is largely due to the strength of planning policy that encourages development in existing towns, urban consolidation, limiting urban sprawl etc.

Options 2 and 3 have a similar rating but with Option 3 having a slightly lower score. This due to the fact land to the east of Traralgon will be easier to redevelop given that it is generally zoned Farming, whereas redevelopment of much of the land to the west of Traralgon will be more difficult to achieve given that it is zoned Low Density Residential and Rural Living, has been largely subdivided and developed with houses in accordance with relevant zone provisions and their schedules. This does not consider the other, physical constraints which may affect the areas, such as buffers required by the Latrobe Regional Airport or the Maryvale Paper Mill. While the identification of Traralgon East is a new direction for the growth of Traralgon, it is considered that there are advantages in allowing

development contiguous with existing development to allow co-ordinated decision to be made on the transport connections and other community infrastructure that will be needed to service new residential communities.

Option 4, development to the north of the Latrobe River has the highest score and hence the lowest rating. This is due to distance by which that land is separated from the existing urban edge of Traralgon, from the services and facilities available in the Traralgon town centre and from the accessibility provided by the highway and railway line.

Planning policy strongly discourages new development from occurring in remote locations, away from the edge of existing settlements and distances from the services, facilities and infrastructure generally available within or close to existing towns.

It would be clearly contrary to planning policy to contemplate future large scale greenfield development to the north of the Latrobe River. Hence there is strong policy support to maximise opportunities remaining to the south of the Latrobe River, to avoid the need to consider the possibility of jumping the river in the long to very long term.

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traralgon options for urban growth - assessment matrix					
Criteria	Option 1 Urban consolidation	Option 2 West of Traralgon	Option 3 East of Traralgon	Option 4 North of the Latrobe River	Comment
1. Proximity to existing settlements and urban infrastructure	1	2	2	4	Option 1 has the highest rating, as it involves redevelopment within the existing urban area. Options 2 and 3 are rated the same as they both involve land that directly abuts the existing urban fringe of Traralgon. Option 4 has the lowest rating as it is physically separated from the existing urban edge of Traralgon by the Latrobe River and its extensive floor plain.
2. Consolidation, redevelopment and intensification of existing urban areas.	1	3	3	4	Option 1 has the highest rating, as it involves redevelopment within the existing urban area. Options 2 and 3 are rated the same but a lesser rating than Option 1, as they involve expansion of the existing urban area, rather than its consolidation. Option 4 has the lowest rating as it would involve the establishment of a new urban area, (or significantly expanding the small town of Glenaryn), to the north of the Latrobe River, a significant distance from the existing urban area of Traralgon.
3. Limiting urban sprawl and directing growth into existing settlements.	1	3	3	4	Same as for Criteria 2. The rating of Options 2 and 3 could be increased to 2 if a higher than conventional density of development occurred in greenfield areas.
4. Compact urban areas based around existing or planned activity centres.	1	3	3	4	Same as for Criteria 3.
5. Proximity to existing activity centres.	1	2	3	4	Option 1 has the highest rating as it involves redevelopment within the existing urban area, which is the closest area to the Traralgon CBD. Option 2 is ranked higher than Option 3, as even though both areas are a similar distance from the Traralgon CBD. Option 2 is closer to a second activity centre in Mid Valley / Monnell than Option 3, which is at the eastern extremity of Traralgon. Option 4, is remote from all town centres.
6. Proximity to major transport routes i.e. highway and railway line	1	3	2	4	Option 1 is given the highest rating as development within the existing urban area of Traralgon would be most accessible to the existing highway and railway line / station. Option 3 is given a rating of 2, as the highway and railway line converge to the east of Traralgon, and if a new railway station could be provided in that location, it would provide the opportunity to establish a highly accessible linear city / transport corridor, focused on those two items of infrastructure. Option 2 is given a rating of 3, as it is more distant from the highway and railway line than Option 3. Option 4 is given the lowest rating as it is physically isolated from both infrastructure items.
7. Protect and conserve biodiversity.	1	3	3	3	Option 1 is ranked highest as it involves land that is already developed for urban purposes. Options 2, 3 and 4 are ranked the same. All options would involve expanding the urban footprint to land not currently used for urban development. However structure planning would ensure no areas of environmental significance were adversely impacted upon as part of the detailed planning of development areas.
8. Protect productive farmland which is of strategic significance in the local or regional context.	1	2	3	4	Option 1 is ranked the highest as it would avoid any loss of Farming Zone land. Option 3 would result in a greater loss of farming zoned land than Option 2, as much of the land affected by Option 2 is zoned Low Density Residential or Rural Living. Option 4 would introduce urban development into an expansive area of Farming zoned land which is presently buffered from the effects of urban encroachment by

traralgon options for urban growth - assessment matrix					
Criteria	Option 1 Urban consolidation	Option 2 West of Traralgon	Option 3 East of Traralgon	Option 4 North of the Latrobe River	Comment
9. Protect and where possible restore catchments, waterways, water bodies, groundwater, and the marine environment.	1	1	1	1	the Latrobe River and flood plain. All options are ranked equal, as none would encroach onto the floodplain of waterways
10. Restrict low-density rural residential development that would compromise future development at higher densities.	1	3	2	1	Options 1 and 4 are given a rating of 1 as the criterion is not applicable to those two options. Option 2 is given the lowest rating as much of the land to the west of Traralgon is presently included in a Low Density Residential or Rural Living Zone. In retrospect, given the constraints around Traralgon for long term urban expansion, these zonings restrict the orderly expansion of the town. Not as much land to the east of Traralgon is zoned Low Density Residential, therefore the constraint is less than for Option 2.
11. Ease of implementation given existing zoned and use of land.	3	4	2	1	Conversion / rezoning of Farming zoned land is the easiest option in terms of converting non-urban zoned land to urban land, as it is usually contained in larger allotments and is generally undeveloped. Rural Living zoned land provides a relatively lower level of constraint, as lots in the 8ha range provide a reasonable opportunity to be rezoned and redeveloped for urban purposes, subject to the aspirations of existing land owners. Low Density Residential zoned land provides a higher level of constraint, as lots of 0.4 ha developed for a house, may have limited potential for re-subdivision, depending on the location of existing improvements and depending on the aspirations of existing property owners. Significant changes to the rate of infill development in the existing urban area can be difficult to achieve in practice, despite the fact that no rezoning is generally required, due to existing community values, housing preferences and tolerance to change.
Total score	13	29	27	34	
Overall preference	1	3	2	4	

Table 7: options for urban growth

note: lower scores are preferable

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7 development capacity south of the latrobe river

Given the findings of the previous chapter, the most logical and strategically justified option for urban expansion in Traralgon is to utilise land not fully developed for urban purposes to the south of the Latrobe River. Leaving aside dwellings that could be accommodated within existing urban areas, Table 7 summarises the amount of unconstrained land to the south of the Latrobe River, in addition to that already identified by the DPCD as part of the UDP that has been developed between 2006-9 and land which could potentially be used for urban development in the future.

There are a number of additional matters which will influence land availability that have been considered further in finalising figures on the availability of land for development. These include the consideration of the following:

- Separation out of the existing land previously identified for residential development, addressed by the UDP and identified in green on the following diagram to allow consideration of existing land and newly proposed land for development.
- Acknowledgement of the proposed 'urban amenity buffer' to the Australian Paper Mill identified by GHD as agreed by Council, Australian Paper and the EPA. This buffer is a constraint to the intensification of residential development and is likely to preclude residential development, noting that this buffer has been subject to a peer review undertaken by AECOM.
- The exclusion of land which is subject to the Airport Environs Overlay given intensification of sensitive uses in areas affected by this overlay may be contrary to the purpose of the overlay.
- The inclusion of land that may be available for development which is affected by the Design and Development Overlay associated with the Latrobe Regional Airport. The DDO relates to the form of development, and as such, in itself is not a constraint to the intensification of residential uses on the land. The land affected by the DDO relating to the gas line (DDO1) has also been included in these calculations as the DDO identifies a large area within which a planning permit is triggered, however, there remains the possibility of development within much of this area, subject to approval by the relevant referral authority.
- The inclusion in the calculations of land which would require consideration of cultural heritage matters, as identified in Appendix 2, figure 10. Again, while this is a consideration at the development stage it is not a fundamental constraint to increased residential development.
- The impact on amount of land identified under the UDP of recent flood studies which may mean some land is not developable (an area of around 33ha) to the immediate east of Traralgon Creek.

The table below identifies the land available within the existing UDP identified areas, as well as within areas affected by different zoning. This allows calculations regarding potential dwelling numbers to take into account the different

development scenarios which are likely within different areas. It should be noted that the density of redevelopment for both Rural Living and Low Density Residential Zoned land under all scenarios is assumed to be 10 lots per ha (rather than 15), given the difficulty in efficiently re-subdividing fragmental land holdings. Taking into account the constraints to development identified in Section 5.1 and the above factors, the available land for development south of the Latrobe River can be identified below.

existing zoning	area (ha)	lot potential (10 lots / ha net)	lot potential (13 lots / ha net)	lot potential (15 lots / ha net)	lot potential (17 lots / ha net)
low density residential	164	1394	1394 (10ha)	1394 (10ha)	1394 (10ha)
rural living	435	3697	3697 (10ha)	3697 (10ha)	3697 (10ha)
farming	963	7335	9536	10560	12470
identified res land under UDP	685	5822	7569	8768	9998
total	2,147	18,248	22,196	24,419	27,459

Table 8: developable land availability to the south of the latrobe river

These figures indicate that there is a theoretical land availability south of the Latrobe River which is capable of accommodating between 18,248 and 27,459 new dwellings.

While it is considered unlikely that land within the Traralgon context will develop at a density of 17 lot per hectare, given current difficulties in achieving 15 lots per hectare, it is nonetheless considered important to understand the differences in potential dwellings associated with decisions relating to the density of development.

The calculations above consider land only for residential development. If you remove areas currently zoned farming which have the potential and / or likelihood of accommodating industrial development, the figures are as outlined in Table 8. The parcels removed from calculations below are the parcel of unconstrained farming zoned land closest to Morwell and the parcel south of the Princes Highway to the east of Traralgon (a total of 241 ha). These areas can be seen on the following diagram. The table below also excludes areas which were identified within the UDP as having been previously developed in 2006-9. These areas totalled 98ha, giving a total available greenfield area (as identified in the UDP) of 620ha.

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existing zoning	area (ha)	lot potential (10 lots / ha net)	lot potential (15 lots / ha net)
low density residential	164	1394	1394 (10/ha)
rural living	435	3697	3697 (10/ha)
farming	584	4964	7,475
identified res land under UDP	620	5270	7936
total	1,756	15,325	20,502

Table 9: land availability (excluding developed and potential industrial land)

7.1 theoretical development potential to the south of the latrobe river

To the south of the Latrobe River, between Morwell and Sheepwash Creek to the east of Traralgon, over 800 hectares of land would be available for development if all unconstrained farming zoned land was rezoned for residential purposes in addition to that identified by the UDP. If you exclude the parcels closest to Morwell which are likely to accommodate non-residential uses and allow for a parcel of land to be retained for industrial development to the east of Traralgon, there remains around 580 hectares of land, with the potential for between 4,964 and 7,475 lots. If Traralgon continues to develop at a relatively low density (10 dwellings per ha), as is presently the case, this land is unlikely to fully accommodate the future residential development needs of Traralgon to 2051. If development densities can be increased as per those in the 'compact settlement form' previously discussed, such land (in addition that that already identified through the UDP program) would be sufficient in area to accommodate Traralgon's estimated residential growth to 2051.

The ultimate development capacity of Traralgon (to the south of the Latrobe River) could be expanded considerably by the rezoning Rural Living and Low Density Residential zoned land that presently exists on the edge of town, to enable re-subdivision to more conventional 'urban densities'. If a more compact approach to new residential development does not occur in Traralgon, there will be a critical need to rezone such land, merely to accommodate the expected growth of the town to 2051. If a more compact urban form does evolve, the need to rezone such land will relate primarily to the desire to better utilise available land to the south of the Latrobe River, and extend the time period over for 'unconstrained' growth of Traralgon

	description of land	hectares	potential lots (10/ha net)	potential lots (15/ha net)
Readily achievable – Existing zoned and identified areas plus Farming zoned land	Infill		624	624
	Existing zoned and identified residential areas – as identified by DPCCD	620	5,270	7,936
	Farming Zoned Land (excluding potential industrial)	584	4,964	7,475
	Sub-Total	1,204	10,234	15,411
More difficult to achieve - above plus intensification of Rural Living zoned land	Rural Living Zoned land	435	3697	3697 (10/ha)
	Sub-total	1,639	13931	19,108
Difficult to achieve - above plus re-subdivision of Low Density Residential zoned land	Low Density Residential Zoned	164	1394	1394 (10/ha)
	Total	1803	15325	20,502

Table 10: theoretical residential development potential of land to the south of the river

The 'theoretical' development potential of all possible areas to the south of the Latrobe River that could be rezoned for residential development is outlined in Table 10. That table shows that:

- Existing residential zoned land and areas presently identified for future residential development through the UDP (including infill) have the potential to accommodate between 5,894 and 8,560 dwellings.
- Adding the possible rezoning of Farming zoned land would increase the potential to between 13,229 and 19,120 dwellings. If potential land that may be required for industrial purposes is excluded, the potential dwellings would be between 10,234 and 15,411 (depending on densities).
- Adding the possible rezoning of Rural Living zoned land to allow conventional residential development would increase the potential to between 13,931 and 19,108 dwellings.
- Adding the possible rezoning of Low Density Residential zoned land would increase the potential to between 15,325 to 20,502 dwellings.

Figures identified in Table 8 addressing the potential dwellings when a moderate density of 13 dwelling per hectare or higher density of 17 dwellings per hectare can be extrapolated out in a similar manner. In Section 3.2 of this report it was identified that the maximum potential demand for new dwellings in Traralgon to 2051 was 11,574.

The theoretical potential of all land to the south of the Latrobe River is between 15,325 and 20,502 dwellings, depending on the density of development that occurs and including re-subdivision of both Low Density and Rural Residential zoned land. If average dwelling densities of 15 dwellings per ha are achieved the demand can be met

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without this rezoning. Accordingly sufficient land is available to accommodate development in Traralgon until well past 2051 (depending on the density of development that occurs and the extent of rezoning of existing Low Density Residential and Rural Living areas) utilising land to the south of the Latrobe River.

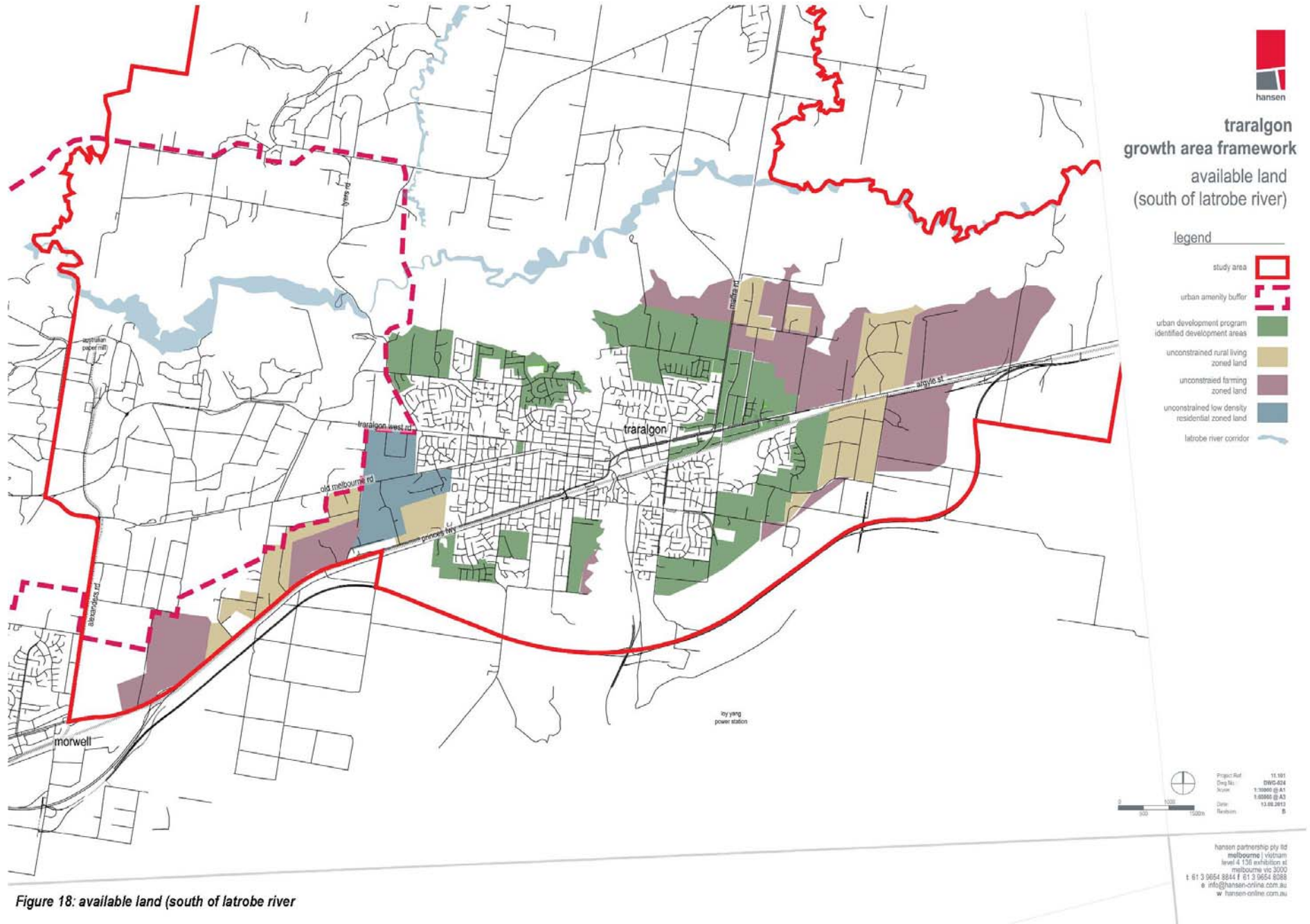


Figure 18: available land (south of latrobe river)

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8 traralgon growth area framework: principles

The growth area framework plan is shown in Figure 21. While the framework incorporates many of the key ideas and strategies from the existing *Traralgon Structure Plan (2007)*, it aims to adjust these to reflect both the longer term needs of the wider Traralgon area, but also recent planning decisions such as the bypass route, which have affected the implementation of the Structure Plan. The framework plan seeks to implement the following key principles for long term growth:

broad settlement patterns

1. Balance municipal growth by continuing to promote development in other urban centres, especially Churchill and Moe / Newborough.
2. Contain the majority of urban growth to the south of the Latrobe River in the long term by retaining rural land to the north of the Latrobe River, in the direction of Glengarry as broad hectare farmland. Do not support any rezoning of land in this area that would allow re-subdivision into smaller Rural Living or Low Density residential parcels.
3. Consolidate existing and future urban areas to the maximum extent acceptable to the community.
4. Avoid urban development to the east of Sheepwash Creek.

residential development

5. Maximise residential development opportunities within and around the CBD and other activity centres in Traralgon.
6. Maximise redevelopment opportunities on strategic development sites as identified in section 9.1.
7. Promote medium density infill development throughout existing residential areas generally, in suitable forms, having regard to the findings of any future Housing Strategy.
8. Seek an appropriate density of development in new greenfield residential developments in order to maximise potential for growth of Latrobe City.

9. Progressive rezoning of all land to the south of the Latrobe River within the identified urban growth boundary presently zoned Farming, to a General Residential Zone, as required over the longer term.
10. Establish a new major residential development corridor in Traralgon East to the north of the Highway. Develop that corridor in a progressive and sequential manner, moving from west to east.
11. Progressively rezone unconstrained land to the south of the Latrobe River that is presently zoned Rural Living and Low Density Residential, to General Residential Zone, in consultation with existing landowners.
12. Encourage development of integrated medium density villages on the Hollydale and Traralgon Golf Course sites.
13. Support ongoing growth and development of Glengarry as a relatively small, compact, urban village. New development should largely be in the form of urban density (fully serviced) residential lots having regard to the existing character of the township.
14. Low density and rural residential development (other than land identified in the existing *Small Town Structure Plan*) should be minimised around Glengarry and, if provided, should only be in discrete locations which do not compromise the logical outward expansion of the town in the long term.
15. Support ongoing growth and development of Tyers as a lower density rural / lifestyle village which provides lower density lifestyle opportunities to those available within Traralgon and Glengarry.
16. Provide appropriate community facilities' and services, such as schools and meeting rooms within easy walking distance of new communities.
17. Generous new areas of public open space to the north of Traralgon and along waterways should be provided to balance increases in residential densities through increase amenity.

industrial and commercial development

18. Establish an area for future industrial development at the outer eastern extremity of Traralgon, to the south of the Highway and adjacent to the proposed Bypass, with appropriate buffers to residential areas.

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19. Encourage industrial land within Traralgon to accommodate service and related industrial uses that primarily serve the needs of residents and businesses of Traralgon and the region. Larger scale base manufacturing and industrial enterprises associated with the mining and power generation industries etc are to be located in other industrial areas within the municipality.
20. A municipal industrial land use strategy should be prepared to confirm the adequacy of provision for industrial land in Traralgon, and to identify other locations for base manufacturing and industry within the municipality.
21. Vertical expansion of the Traralgon Activity Centre (the CBD) should be encouraged to accommodate additional office and retail development.
22. A clear and hierarchical network of activity centres should be established within the study area and across the broader Regional City.
23. Scope should be provided for additional commercial and employment generating uses associated with the Latrobe Regional Airport and Hospital to establish proximate to those developments, in line with Council's Economic Sustainability Strategy within the identified 'employment investigation area'.
24. Bulky goods development should continue to be provided along the Argyle Street/ Princes Highway corridor to the east of the Traralgon CBD and in recently rezoned land to the east of both Morwell and Traralgon.
25. Development of a commercial 'strip' along the Princes Highway should be discouraged between the existing urban areas of Traralgon and Morwell.

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9 growth area framework

From the above assessment and principles the growth area framework outlined on the following pages has been developed. The following sections of this report detail and discuss the key directions which form the basis of the growth area framework provided on the following page. To facilitate the development of the growth area framework a number of relatively unconstrained areas have been established through this process and are referenced in the following section of this report. The correspondence between these areas and the precincts and areas outlined in Figure 16 are established in the table below to allow for easy cross reference. Of the areas identified in the table below, some are more suitable for particular types of development than others, and some are considered not suitable for development, even if they are physically unconstrained. The areas have been identified to allow for discussion and the recommendations in relation to these areas can be found on the following pages.

Area #	Description	Broad area
1	Existing urban area of Traralgon (including the Traralgon Inner South Precinct and the Traralgon Activity Centre)	Urban Consolidation (existing area)
2	North and south of Marshalls Road, to the west of Traralgon-Maffra Road, rezoned to Residential 1 under AmC56	Traralgon East
3a	Land between the gas pipeline overlay and the floodplain of the Latrobe River, to the northeast of the existing urban area, west of the Traralgon-Maffra Road	Traralgon East
3b	Land between the gas pipeline overlay and the floodplain of the Latrobe River, to the northeast of the existing urban area, east of the Traralgon-Maffra Road	Traralgon East
4	Land designated as 'future industrial' within the Traralgon Structure Plan (2007)	Traralgon East
5	Rural Living zoned land to the east of town, north and south of the highway	Traralgon East
6	Land between the existing Rural Living zoned land and Sheepwash Creek to the north of the Princes Highway	Traralgon East
7	Land to the east of Sheepwash Creek, north of the Princes Highway	Traralgon East
8	Land south of the Princes Highway, between the proposed Traralgon Bypass and the existing Rural Living zoned land	Traralgon East
9	Farming zoned land accommodating rural residential development to the southeast of the study area	Traralgon East
10	Land to the south east of the existing urban area rezoned to Residential 1 Zone under amendment C47	Traralgon East
11	Land to the south east of the existing urban area rezoned to Residential 1 Zone under amendment C58	Traralgon East
12	Land to the south of the existing urban area zoned for Farming to the immediate west of Traralgon Creek	Traralgon West
13	Land to the south west rezoned to Residential 1 under amendment C47	Traralgon West
14	Traralgon Gold Course, currently zoned Rural Living	Traralgon West
15	Existing Low Density Residential Zone to west of town centre, north and south of Old Melbourne Road	Traralgon West
16	Land to the north west rezoned to Residential 1 under amendment C58	Traralgon West
17	Rural Living zoned land west of the town centre within the extent of the urban amenity buffer	Traralgon West
18	Rural Living zoned land west of the town centre outside the extent of the urban amenity buffer	Traralgon West
19	Land to the north of the Princes Highway between Traralgon and Morwell	Traralgon West
20	Land to the immediate south of the Tyers township	North of the river
21	Land to the north-east of the Tyers township, previously identified for low density development	North of the river
22	Tyers township	North of the river
23	Land to the immediate west of Rural Living land to the north of the Glengary-Moe Road	North of the river
24	Land to the south west of Glengary previously identified for low density development	North of the river
25	Glengary township	North of the river
26	Land between the existing Glengary township and the floodplain to the east	North of the river
27	Land to the north of the Latrobe River	North of the river

Table 11: potential residential development areas

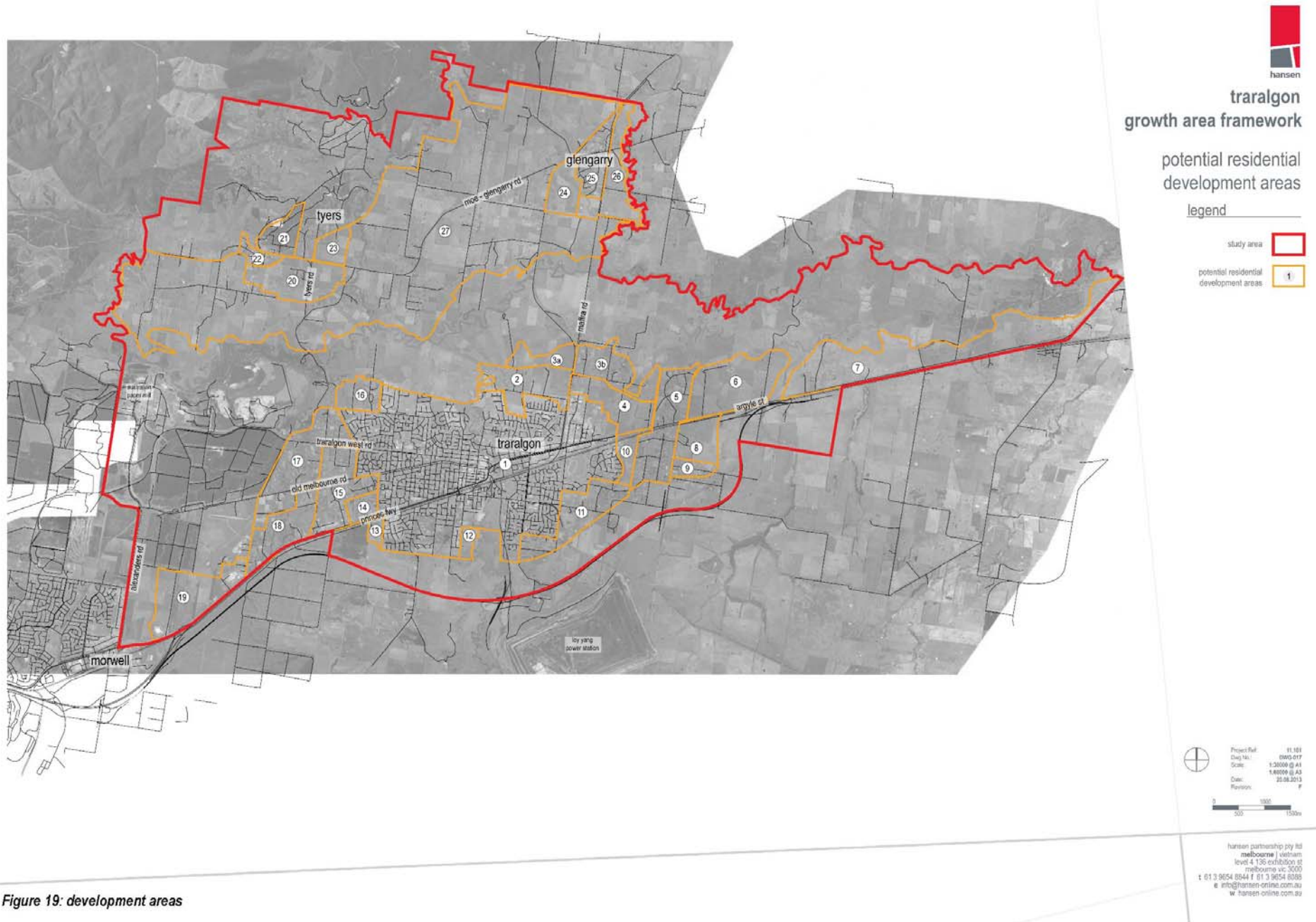


Figure 19: development areas

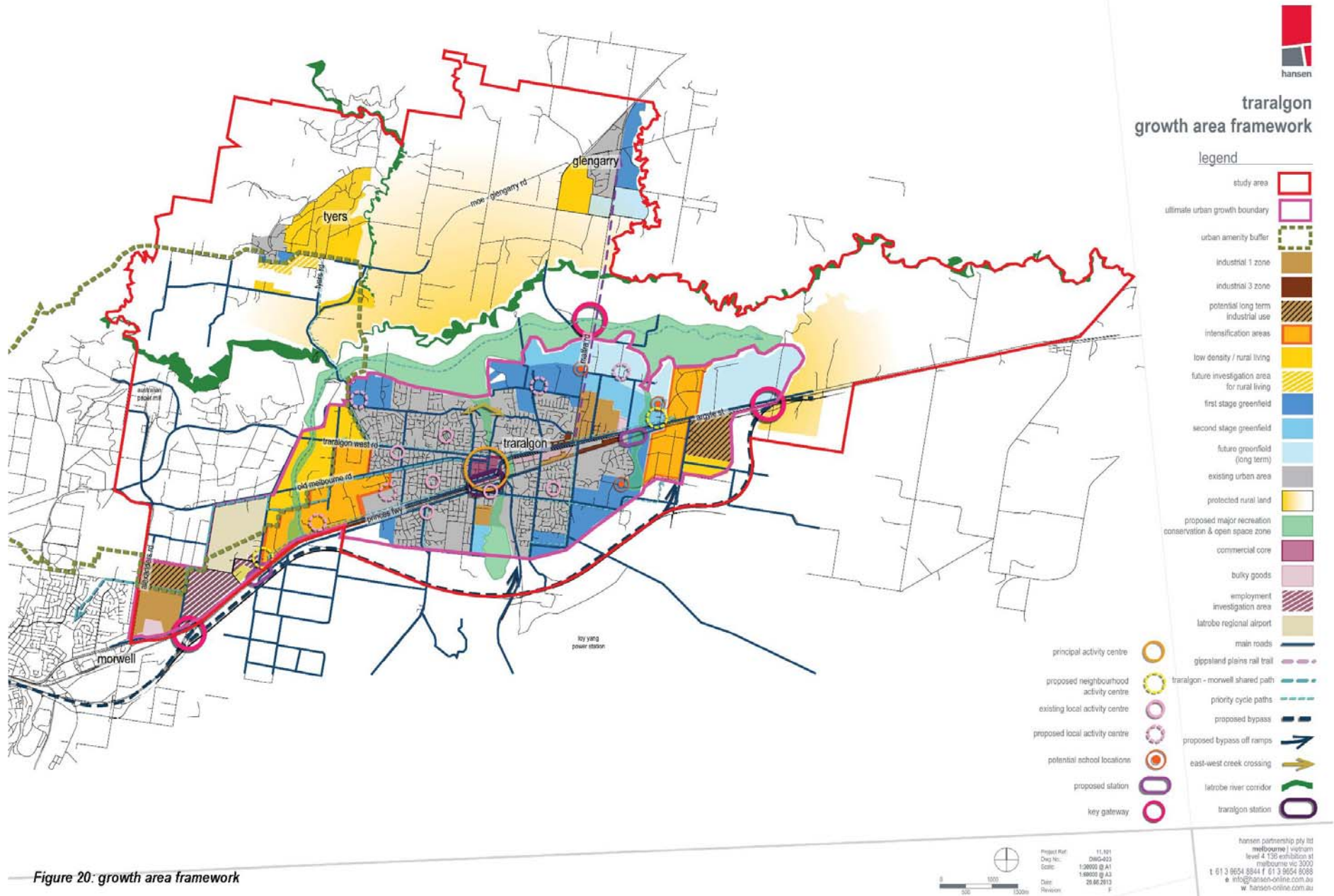


Figure 20: growth area framework

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9.1 residential

This growth framework seeks to establish a number of options for growth, allowing flexibility to both respond to unforeseen constraints, but also to react to new directions or increases in demand. This is particularly important given the long timeframe for which this framework seeks to provide guidance.

As a first priority, any growth area framework should aim to consolidate the existing urban area of Traralgon as much as possible. Such action will prolong the time over which unconstrained land to the south of Traralgon will remain for development. However, the growth of Traralgon should not depend entirely on this option, as a diversity of housing options is a key planning principle. As such, a series of growth options are discussed below.

consolidation of the existing urban area

Consolidation of the existing urban area (area 1) should be sought through a variety of means. These should include:

- The development over time of strategic sites, including those identified below for medium density residential uses. Any development should occur in consultation with the landowners and key stakeholders. There is a role for Latrobe City Council to play in facilitating potential relocation areas for these uses, should this approach be supported. Strategic sites for medium density development include (but are not limited to):
 - a. The 'Hollydale' site, which offers opportunities to develop a 'high end' housing product in a landscape setting;
 - b. The Traralgon golf course, which could relocate to the fringe of the city and also offer opportunities for a high end housing product in a landscape setting;
 - c. The remaining undeveloped land from the former psychiatric hospital in the south west, again which provides potential for an alternative form of residential development in a landscape setting;
 - d. Glenview Park, which could be redeveloped (as with many racetracks in Melbourne) without necessitating the removal of current activities;
 - e. Promotion of higher density residential development within the Traralgon CBD, particularly in areas with good amenity, as well as encouraging higher density development around other Neighbourhood Activity Centres; and
 - f. Implementation of the Traralgon Inner South Precinct Masterplan.

Promotion of medium density infill development throughout existing residential areas generally which is responsive to the local context that is present in different areas of the city should also be considered.

The increase in dwellings within the established urban area needs to be considered a priority for Council in ensuring that residential development opportunities remain available within Traralgon in the longer term. To this end, clear guidance should be provided on what infill development will be supported in different areas of the city. A Strategic Infill Assessment looking at both the opportunities available on strategic development site, as well as providing guidance for what typology of infill development is suitable in different parts of the city should be a priority. This work should also inform the application of new residential zones recently introduced by the State Government and could form part of a broader Housing Strategy.

increasing densities in greenfield areas

As important as increasing densities in existing urban areas is consideration of whether new areas, particularly those recently rezoned under Amendments C47, C56 and C58, are developed in a manner which has regard to the longer term constraints to development of the city.

densities

The draft Traralgon Growth Areas Framework (TGAF) identified that existing state level policy seeks to target a **minimum net density** of 15 lots per hectare for residential land.

Under the Growth Area Authority (GAA) Precinct Structure Planning guidelines which were referenced in this report, the definition of **net housing density** is as follows: "The number of houses divided by the **net developable area**"

The **net developable area** is defined as: "Land within the precinct available for development. This excludes encumbered land, arterial roads, railway corridor, government schools and community facilities and public open space. It includes lots, local roads and connector streets."

The 23 areas identified within the growth areas framework represent **gross developable areas**, as defined by the GAA given that major constraints etc have been removed. The transfer of this **gross area** to a **net developable area** was undertaken by way of an examination of precinct structure plans prepared by the GAA for large greenfield development areas around Melbourne. These indicated a **net developable area** of around 75% to 80% of the total planning area of precincts. Given that, the land areas identified for future urban development around Traralgon are relatively small, with most constraints, encumbrances etc removed and little existing infrastructure existing, it was assumed that the net residential development area will be a higher proportion than 75% to 80% and for the purposes of this project it was assumed that the **net developable area** of greenfield locations will be around 85%.

It is worth noting that the draft TGAR report refers to **net residential developable area** (which excludes other land uses such as commercial areas and non gov (schools) in this explanation rather than **net developable area**. Net developable area is what's meant in that case and is considered to be around 85%. This is due to the fact that the vast majority of areas likely to be developed in the Traralgon context will be for residential rather than commercial uses, with only small local centres to be provided in most cases.

These definitions informed TGAR but it was identified that in terms of estimating the development potential of greenfield areas it would be useful to convert **net housing densities** into gross densities given the broad calculations and land areas utilised by this overall framework plan.

On the basis outlined above a **net housing density** of 15 lots per hectare equates to a gross density of 12.8 lots per hectare. This due to the fact that once the additional undevelopable land has been removed from a gross developable area the density of dwellings per hectare will consequently be higher. This figure of 12.8 was used to calculate the suitability of identified unconstrained areas (which represent gross developable areas) to accommodate the projected growth out to 2051.

The ambition to achieve a minimum net density of 15 dwellings per hectare is pursued by the State Government but is understood to be of concern to many residents in relation to recent outcomes in achieving this density. Appreciating the role that densities in new greenfield areas play in the long term growth prospects of the city is an important ambition of TGAR plan to accommodate growth.

Often there is a desire to identify a lot size under such a minimum net density and a tendency to identify that this will lead to the imposition of smaller lots sizes which will not meet market demand but, this does not have to be the case. The intention of a 15 dwellings per ha minimum density is intended to provide an **average** within an area. It is likely that some lots will be above, and

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some below, any 'average' lot size you would get by merely dividing land (i.e. 1ha developable area divided by 15 dwellings = 500 - 600sqm lots). TGAR strongly encourages the development of different types of housing (i.e. townhouses or other medium density developments) that may assist in providing a **diversity** of housing rather than provision of smaller lots to accommodate standard conventional detached dwellings in responding to density targets, as has occurred previously. Diversifying the types of housing provided within a development front (e.g. Traralgon North: Marshalls Road) allows the majority of lots to be provided a larger size. As a theoretical example, one row of townhouses in an appropriate location may mean the remainder of lot could be 1000sqm. As such, it is considered important for the encouragement of housing diversity that the minimum lots sizes remain a key ambition. The appropriate mechanisms for achieving this diversity and consolidation within the Traralgon context should be established through a more detailed Housing Strategy.

This means that first stage greenfield areas within Traralgon (2, 10, 11, 13 and 16) should:

- Maximise density of development in new greenfield residential developments. This should be subject to the findings of a Housing Strategy to identify mechanisms for providing increased densities to avoid constraining growth and promoting diversity while maintaining existing lifestyle and character values.
- Consider introducing zones such as the Residential Growth Zone around activity centres or high amenity corridors in these areas to ensure that development at higher densities is achieved.

consolidation of existing low density and rural living areas

Any consolidation policy should apply not only to General Residential zoned land but also to Low Density Residential and Rural Living zoned land adjacent to the urban areas of Traralgon. Rezoning of existing Low Density Residential and Rural Living areas will affect the amenity and aspirations of existing landowners. No rezoning of these areas should occur without consultation with and involvement of these owners. As a consequence, redevelopment of these areas is likely to be relatively ad-hoc and occur incrementally over an extended period of time. Some pockets of low density development may remain. Over time such areas are likely to gradually redevelop and change. The process will be relatively slow and it is not appropriate to rely on these areas solely to provide a future supply of residential lots. Other development fronts comprising more readily developable Farming zoned land will still be required to accommodate the major proportion of development in Traralgon. Consolidation of existing Low Density and Rural Living areas (5, 14, 15 and 18) would require:

- Progressive rezoning of unconstrained land to the south of the Latrobe River that is presently zoned Rural Living and Low Density Residential, to General Residential Zone in consultation with existing land owners, with the exception of land affected by absolute constraints or the urban amenity buffer.
- The preparation of Development Plans to ensure that development across the precincts occurs in a coordinated manner and that the provision of relevant infrastructure and facilities is not constrained.

- As a priority, seeking to increase densities within areas 5 and 15, where possible.
- Increasing densities in area 17 only where supported by the EPA and Australian Paper, noting that this area may become highly valued as other lower density areas adjacent to Traralgon intensify over time.
- Recognise areas 8 and 9 as a Rural Living area given existing development once intensification of Area 5 progresses.

development to the east

Land to the east of Traralgon is generally less constrained and has greater potential to provide for ongoing greenfield residential development than land to the west. Land to the west is not only constrained by the airport and paper mill, but also the existing fragmented small lot subdivision pattern and is unlikely to meet the long term growth needs of the city. The opportunity exists to provide a major new residential development cell to the east of Traralgon, north of the Highway. This area has the potential to extend to the east, to the logical barrier posed by Sheepwash Creek over the very long term allowing for the planning of well-connected and properly serviced new communities. Given the distance of this area from the Traralgon Town Centre a new activity centre and community services cluster will need to be provided in this area, ideally located near existing businesses and supported by an additional train station. Merit is seen in using land identified in the *Traralgon Structure Plan (2007)* for future industrial use, for residential use, and in providing for additional long term industrial land on the south side of the highway adjacent to the proposed bypass, at what will become the eastern extremity of the urban area in the longer term. In developing this area the framework seeks the following:

- The next major greenfield growth areas of Traralgon should be located in Traralgon East to the north of the existing Traralgon North development area, to the boundary of the floodplain and north of the Highway, in land currently identified for 'future industrial' in the *Traralgon Structure Plan (2007)* (areas 3 and 4).
- That corridor should develop in a progressive and sequential manner, moving from west to east and consideration should be given to identified longer term growth during the preparation of Development Plans.
- Consideration should be given within any Municipal Industrial Study, as to the extent that the currently zoned industrial land which could be reduced, and this may also allow some additional residential development to the south of area 4, subject to further studies. Appropriate buffers should also be provided between industrial areas and any new residential development.
- Establish parameters for development in the areas affected by the gas pipeline easement (DDO1).
- Once areas 3 and 4 have been developed, and in tandem with the ongoing intensification of area 5, develop area 7 for residential purposes. Sustainable transport connections and local services and facilities will need to be developed in conjunction with any residential growth in this area.

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- Ensure that area 6 remains outside the urban growth boundary of Traralgon in the very long term due to its separation and distance from the CBD and associated services and facilities and the need to ensure a compact urban form to protect surrounding agricultural land.

development to the west

Development in the west of Traralgon is constrained to a degree by the identified 'urban amenity buffer' associated with the Australian Paper mill. These constraints mean that efficiently using the strategically located unconstrained land within the corridor between Morwell and Traralgon will be important. While some of this land is identified for commercial purposes, see section 9.3, consolidation of residential uses in this corridor are an aspiration of the framework. Intensification of existing lower density residential areas to the west of Traralgon will not form the major future growth area for Traralgon (that are will be to the east of town), but they will play an important role in accommodating growth. However, in consultation with existing land owners, these areas could be progressively rezoned and redeveloped over time and there are a number of strategic development sites within this corridor capable of supporting significant residential communities. Within this area:

- As a priority seek to increase densities within area 15, where possible and not constrained, subject to the preparation of a Development Plan to ensure co-ordinated development.
- Support development of a medium density village in Area 14 subject to the wishes of the Traralgon Golf Club and ensure any development retains existing landscape setting, in particular canopy vegetation.
- Retain Rural Living development in area 17 to avoid increasing densities proximate to the Australian Paper Mill and the regional airport. Development on the basis of existing subdivision potential under existing zoning in this area will need to be subject to consideration by the EPA and Australian Paper.
- Encourage development of a higher density residential village on the large and strategically positioned Holydale site.
- Provide high levels of access to public transport along the highway corridor, including the potential provision of a new train station and a high frequency bus service.
- Provide a new Neighbourhood Activity Centre around the intersection of the Princes Highway and Airfield Road to service the needs of those using the hospital, airport and associated facilities. The extent of this centre could be expanded should the corridor concept be pursued by Council to accommodate additional employment generating uses associated with either the airport or the hospital. Further detail regarding this centre is provided at section 9.3.
- Other than the proposed Neighbourhood Activity Centre proximate to the hospital, the existing strip of car yards and local convenience shopping, no commercial development should be permitted in this corridor to protect the existing town centres of Morwell and Traralgon and to retain this land for residential uses.

- Seek to develop generous new areas of public open space and community facilities in new growth areas, subject to preparation of Development Plans.

development north of the latrobe river

Given the remoteness of areas to the north of the Latrobe River from activity centres and other urban services and facilities available in Traralgon, the growth framework aims to avoid major urban development to the north of the Latrobe River. Whilst some community services and facilities are available in the small towns of Tyers and Glengarry, these do not sufficiently justify major urban expansion of these towns.

Glengarry (area 24, 25 and 26)

Land to north of the Latrobe River, particularly in the direction of Glengarry is relatively unaffected by physical constraints to urban development. The main reasons why such land is not considered appropriate for large scale urban development is due to planning policies, particularly those regarding settlement patterns, which are based on objectives regarding sustainable urban forms and access to services and facilities. However, no future development or subdivision should occur to the north of the river, and around the town of Glengarry that would prejudice the potential for possible urban development in the very long term. Additional low density residential development should be avoided in proximity to the urban centre of Glengarry. While some lower density development is likely to occur in areas identified in the *Small Towns Structure Plans* in the short term, in the long term, LDRZ land should be carefully considered in the broader context and should not be provided immediately adjoining Railway Avenue to avoid prevention of longer term urban expansion opportunities for Glengarry. This direction will require a minor change to the recent Structure Plan but it is considered that this is important for the long term future of the area when considered at a broader scale. The following directions for Glengarry are to be pursued:

- Land around Glengarry is relatively unconstrained. It is considered that development of Glengarry should take a more efficient 'urban form' (responsive to the rural township character) rather than low density residential.
- Support the gradual development of land to the east, between Railway Avenue and the floodplain, with standard residential densities, as identified in the *Small Town Structure Plans* and extending to the south.
- The area identified for Low Density Residential development as part of the *Small Town Structure Plans* is supported due to existing flooding constraints (which has been considered by the *Small Town Structure Plans*), excluding land to the east not affected by flooding which should be retained for conventional 'urban' development contiguous with the existing Residential 1 Zone.
- Low density and rural residential development should be provided only in the identified area adjacent to Glengarry and in discrete locations which do not compromise the logical outward expansion of the town in the very long term.

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Tyers (areas 20, 21, 22 and 23)

Tyers is more distant from Traralgon than Glengarry and is located at the base of the foothills and is not currently provided with sewerage infrastructure. It is acknowledged that there is significant community and Council support for the provision of sewerage infrastructure within Tyers given existing issues on smaller lots within the township.

However, it is understood the provision of sewer servicing is not anticipated in the short to medium term within Tyers.

Given strategic directions for other area, there is the potential for the township to play a very significant role as a lower density lifestyle area while avoiding similar issues into the future. This will be particularly important to continue to provide such highly valued lifestyle opportunities around Traralgon, given the progressive intensification of land to the south of the Latrobe River. In relation to the Tyers township the following directions in relation to residential land are recommended:

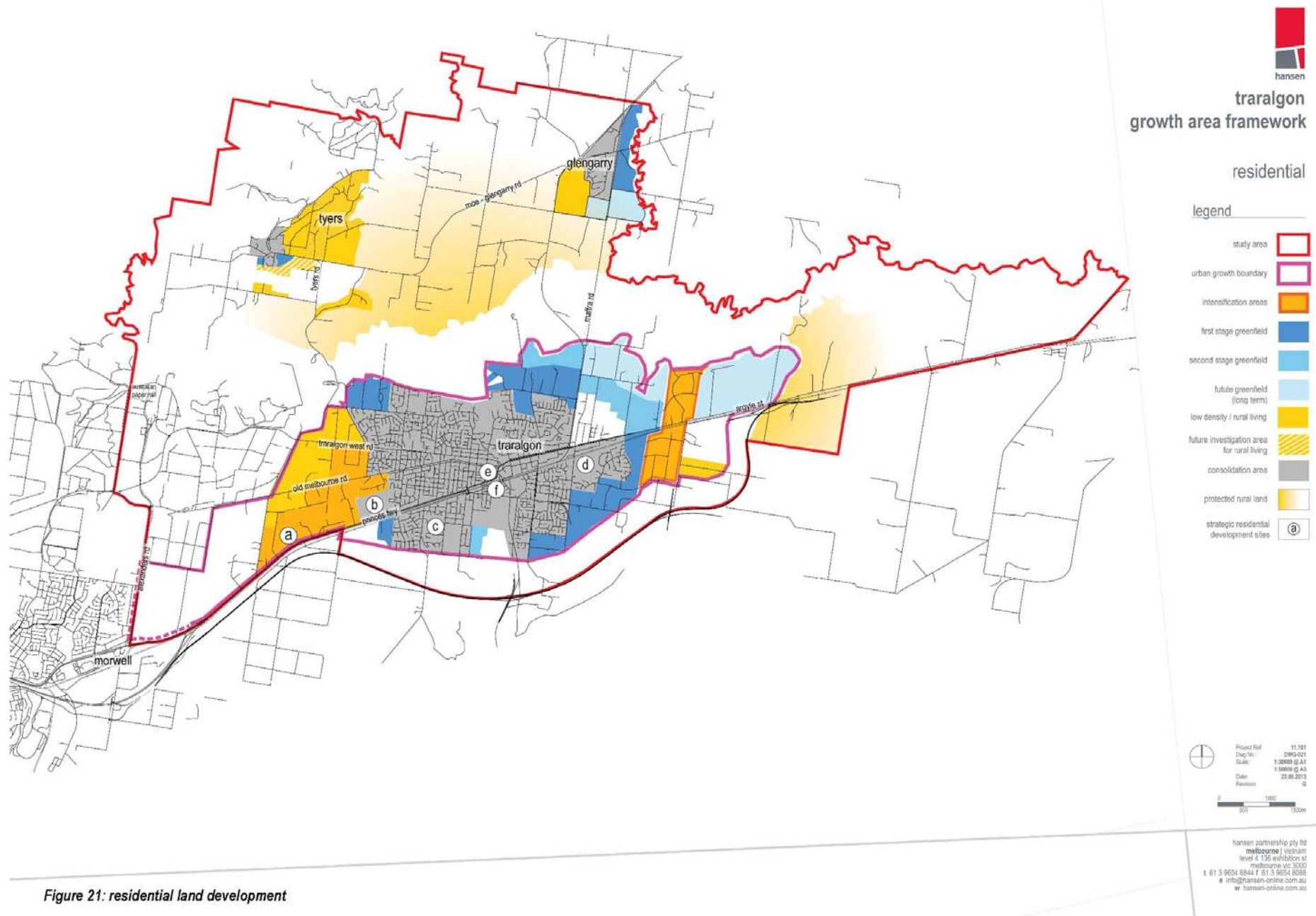
- Support ongoing growth and development of Tyers as a lower density / rural lifestyle village which provides lower density lifestyle opportunities to those available within Traralgon and Glengarry. Support expansion of the township as identified in the relevant Tyers Structure Plan subject to appropriate consideration of bushfire risk.
- When appropriate demand for larger lot housing exists, support expansion of rural living opportunities to the east (Area 23) to support the continued development of Tyers.
- Discourage expansion of the Tyers township area (area 22) to the south. This expansion was outlined in the Structure Plan, however in light of the buffers now known to be associated with the Australian Paper Mill, rezoning to Township Zone to allow expansion to the south of the existing township needs to be reconsidered.
- Consider the development of additional areas of Rural Living opportunities to the south of Tyers (area 20) where 'long term urban' expansion is proposed in the *Small Town Structure Plans*. The suitability of this type of development will be subject to additional consultation with the paper mill and the EPA and subject to further modelling given the development would occur within the identified urban amenity buffer area. An agreed area has been identified as a 'future investigation area for rural living' in which additional testing should be undertaken and is shown on relevant plans. However, consideration may be given to expanding this investigation area to the extent of the existing pockets of Rural Living Zone land slightly further to the south and south-east.

It is noted that the directions above will require some amendments to the existing Tyers Structure Plan.

Other land north of the Latrobe River (area 27)

There should be no rezoning or significant subdivision of the land to the north of the Latrobe River in the medium to long term in order to protect opportunities for future expansion. While development across the river is not supported at this point in time, it is difficult to predict the development pressure or styles of development that will occur in the much longer term. In addition, there may be an important role for the area in supporting economic opportunities

associated with agriculture. The future of this land should be determined in consultation with the community at such a time as when the other opportunities for residential development outlined in this framework have been utilised.



traralgon growth areas review, traralgon growth areas framework

9.2 industrial land

The *Traralgon Structure Plan (2007)* identified an area of land for future industrial rezoning which was located to the north and east of the existing industrial area in Traralgon East (Figure 23). That parcel of land has an area of 109 hectares. The land is gently undulating grazing land which is currently zoned Farming. Whilst the land abuts the existing Traralgon East industrial area, it is largely unconstrained in other regards. Given the constraints to residential development that exist around Traralgon, merit exists in considering this land for future residential development, other than for industrial uses which have less constraints in terms of location. It is considered suitable for residential for the following reasons:

- Gently undulating land that is well suited to residential development and slightly elevated with good outlooks to the north and to the south.
- Is located further from the industrial complex at Loy Yang than potential residential areas to the south of the Highway.
- Is a large area of land, which when combined with other land to the north (running down to the Latrobe River) and to the west, would enable an attractive and a functional residential neighbourhood to be established.

The only constraint in terms of using the land for residential purposes would be providing an appropriate interface with the existing industrial precinct located at the intersection of the Princes Highway and Traralgon-Maffra Road. There is also the possibility that some of the larger lots at the northern edge of this existing industrial area may be able to transition to residential uses over time, providing additional land within this area, although this would need to be carefully considered as part of a future industrial study.

In terms of alternate locations for industrial land around Traralgon, considerable vacant land exists to the south of the existing urban area of Traralgon. This land is not suitable for residential development because it is located within the buffer of either the coal mining industry (ESO1) or the Traralgon Bypass DDO3 which also restricts 'sensitive' uses. Discussion should be held with relevant parties to establish if there is flexibility to establish other (non-sensitive) uses within this buffer, particularly in proximity to proposed bypass ramps. Use of such land for industrial purposes would result in an 'urban' use of land within the buffer area, whilst releasing less constrained land previously identified for future industrial purposes, for residential development.

An alternative potential future industrial area is identified on Figure 23. The land has an area of around 140 hectares, which provides for an area of land more than equal to that originally proposed under the *Traralgon Structure Plan (2007)*. The characteristics of the proposed alternative site that favour its use for future industrial development include the following:

- The land is relatively flat, cleared and unconstrained, other than by buffer overlays (in part).
- It directly abuts the proposed Traralgon Bypass.
- It would have good access to the Bypass given that an interchange is proposed at Minnedale Road, which runs past the western frontage of the land.
- The northern frontage of the land (along the Princes Highway) is separated from the Highway by the railway line and substantial tree planting. This will prevent direct frontage to the highway of industrial lots providing a landscaped buffer that will enhance the amenity of the eastern gateway into Traralgon.

While this land is identified within this framework for potential long term (light) industrial uses, this should be considered by a municipal wide industrial strategy and appropriate buffers to established residential areas being included in as part of any development. Should this land not be required for industrial purposes due to more suitable land being identified in other parts of the Regional City as part of future assessment of industrial needs then its use for residential purposes should be considered. Potential constraints to the use of the land for industrial purposes include the following:

- Access to the precinct from the Princes Highway will need to cross the railway line at Minnedale Road. Further traffic analysis would be required to confirm the appropriateness of this arrangement as part of any rezoning of the land once demand has been established.
- Appropriate parameters for development within DDO1 will need to be established.
- It abuts dwellings which are part of a rural residential subdivision (generally 2ha lots) to the south and west and an appropriate transition will need to be determined, potentially through use of the Industrial 3 Zone or the establishment of appropriate landscape buffers.

Further to this identification of new industrial areas, the longer term relocation of industrial uses from the Traralgon inner south area should continue to be pursued by Council as a strategic objective.

To the west of Traralgon an additional area of land to the west for the Latrobe Regional Hospital has been identified as an 'employment investigation area'. The uses that would be appropriate within this area should be subject to more detailed consideration but such uses may include industrial type development. In addition to this 'employment investigation area', a long term extension of the existing Morwell East industrial area should complement any such opportunity.

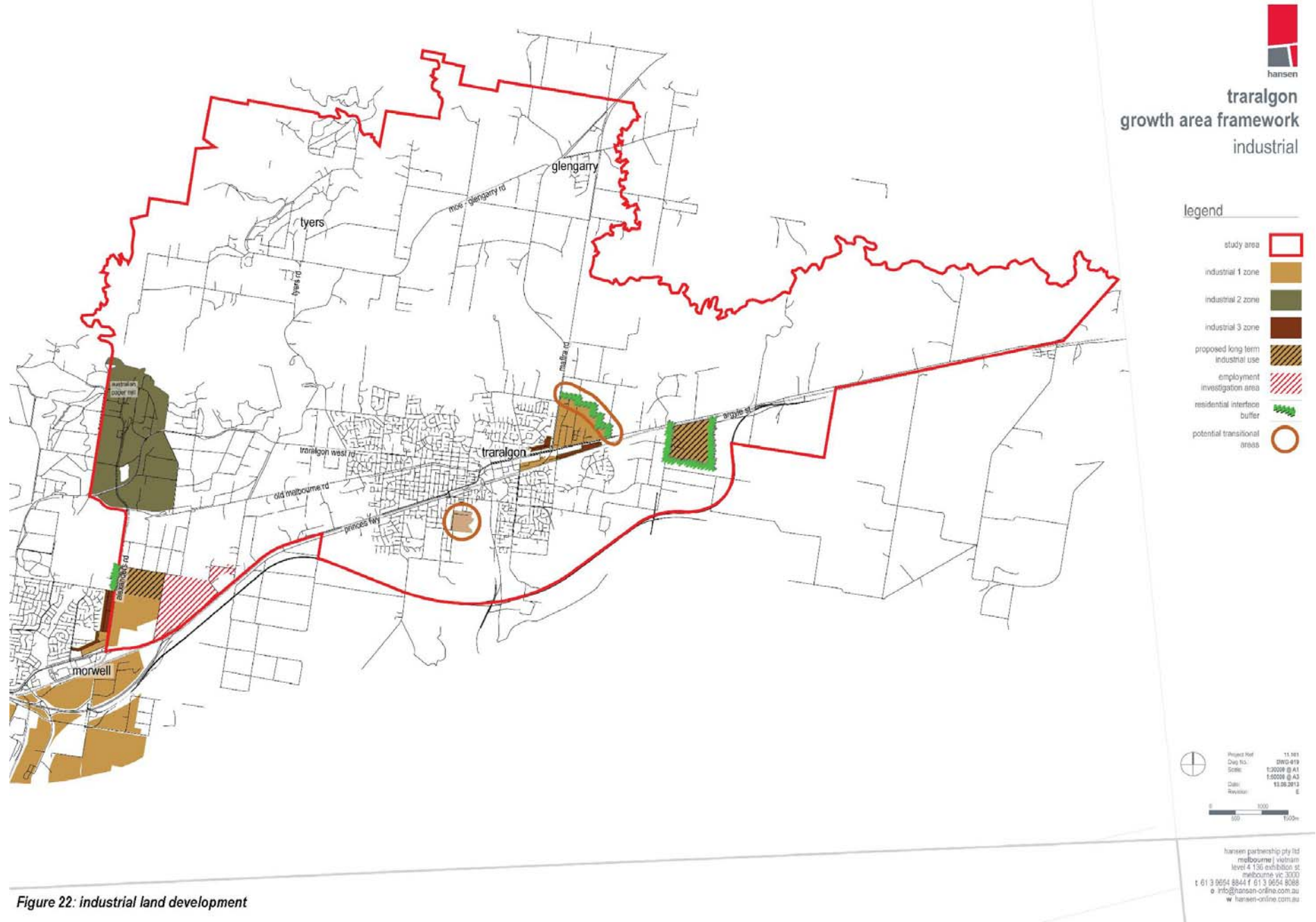


Figure 22: industrial land development

traralgon growth areas review, traralgon growth areas framework

9.3 commercial activity and activity centres

Traralgon is identified within local planning policy framework as the commercial centre for the municipality. As such it is important that sufficient consideration is given to the provision of land to allow the continued development of this part of Traralgon's future growth. It is considered that there are significant benefits to the town if this growth can be accommodated in a consolidated manner, allowing synergies to develop, rather than allowing dispersed development of retail and office uses. There is likely to be a requirement of over 40,000sqm of retail floorspace and around 30,000sqm of office floorspace (under a 'high growth' scenario where a department store is accommodated in the CBD, see *Traralgon Activity Centre Plan: Economic Assessment*, Tim Nott 2010). It is considered that the majority of this growth is able to be accommodated within the existing footprint of the Traralgon Activity Centre.

Within the context of Traralgon, the Central Business District (CBD) will remain the key commercial area, accommodating the majority of new business and other commercial development, as well as range of community services and facilities. Given the importance of this commercial centre to the wider Gippsland economy (as identified in the draft *Gippsland Regional Growth Plan (2013)*) clear identification of how this floorspace will be accommodated in the centre is crucial. The development of this important activity centre will be guided by the Traralgon Activity Centre Plan, which is currently being prepared and the completion of this project should be a Council priority. Within the broader residential areas, there are a number of small local centres, which consist primarily of milk bars or small convenience supermarkets, with a few associated shops such as take away food stores or dry cleaners.

Traralgon currently has no identified activity centre hierarchy. For the purposes of this project the following hierarchy has been adopted:

- **Principal Activity Centre:** The main focus for a wide range of higher density commercial, community and residential uses, the Traralgon CBD.
- **Neighbourhood Activity Centre:** Centres which provide a more localised cluster of services and facilities, including community uses, a supermarket, and local shops and personal services. These centres should not compete with the Principal Activity Centre,
- **Local Activity Centre:** Small centres containing individual shops, providing local convenience food shopping, take away food and personal services. Kindergartens and other more localised community uses may also be provided in such centres.

This hierarchy should be further refined through a more targeted Activity Centre study which will provide additional detail on the scale of centres having consideration for more detailed analysis of local populations. It is noted however, that both Neighbourhood Activity Centres have been proposed where they also service areas where clusters of

employment are expected and where the location of potential new train stations are identified. The nexus between providing areas of activity where there is both potential for additional transport options (especially rail services in the longer term) and where they can also service employment clusters is noted. This is particularly the case in Traralgon West where the regional benefits in providing an addition station proximate to the Latrobe Regional Hospital are clear. Any centre could leverage off this access. It would also provide a convenient location of the hundreds of existing workers in the area whose numbers are identified as doubling under current plans and could increase even more significantly as part of the development of the employment investigation area, not to mention patients and visitors associated with the hospital. Both identified NACs have been located an appropriate distance from the relevant CBDs of Morwell and Traralgon and would perform a different function to more regional destinations such as Mid Valley (i.e. the focus would be on employment with a supporting retail role, as opposed to a retail focus). The potential size and parameters around any such centres will need to be refined through further assessment.

As new residential areas develop, planning policy requires that they are provided with appropriate access to local shops and to community facilities within a walkable distance. The importance of these principles are underlined within the Latrobe Planning Scheme through the incorporation of the Healthy Design Guidelines, as well as through state planning policy which seeks to increase the sustainability of new communities by providing access within walkable catchments to a range of services for new residents. In addition the *Precinct Structure Planning Guidelines* prepared by the Growth Area Authority sets out a series of guidelines for the provision of services and facilities, such as 95% of new dwellings should be within 1km of a supermarket (appropriately sized). While these guidelines have been developed for a metropolitan context they provide a useful tool in assessing the potential location of activity centres provided the local context is considered e.g. the appropriate size for any supermarket within these centres.

The Latrobe Regional Airport is identified in the *Economic Sustainability Strategy* as one of three areas of "significant commercial importance". The airport and the development of the land around the airport should be considered in light of its designation as a "concentrated employment zone" and the opportunities for land use to support employment should be provided. The recent release of the draft *Regional Growth Plan* for Gippsland has identified that the potential for Latrobe Regional City to develop significantly and to play a much stronger role in Victoria (in line with Geelong, Ballarat and Bendigo). This development will be driven by growth in employment opportunities, many of which would benefit from locating in such a strategic area. The land has been identified as an 'employment investigation area' in recognition that further work is needed to assess the opportunities for economic development and jobs growth associated with both the hospital and airport sites, as well as the potential to develop other clusters, perhaps around research and development of value adding to the agricultural produce of the region. These and other opportunities, and the appropriate relationship between uses that may establish there and those sought by the CBDs of Morwell and Traralgon should be explored further prior to any rezoning of this land.

traralgon growth areas review, traralgon growth areas framework

Bulky goods development should be accommodated in either the existing area identified for bulky goods retailing along Argyle Street to the east of Traralgon's CBD, or within the two large areas recently rezoned for this purpose at either end of the study area (and identified on the 'commercial' plan), noting that further existing opportunities for this type of retail exist within the Mid Valley area of Morwell. Bulky goods retailing should not be allowed outside of these areas in the short to medium term, as these areas address identified demand.

The following page identifies the framework for commercial activity in the longer term within Traralgon. It should be noted that this framework is broad in nature and further detailed analysis (through an Activity Centre Strategy) will need to be undertaken before the establishment of any new retail and commercial activity. The following principles should underpin the development of commercial uses as part of the *Traralgon Growth Areas Framework*:

- New Neighbourhood Activity Centres should be established to the west and east as identified on the following plan. The role and function of these centres and appropriate floorspace targets and community facilities should be further defined through the preparation of an activity centre strategy for the broader Traralgon area.
- A network of Local Activity Centres should be established broadly as identified on the following plan to service new residential areas. These should serve only a convenience role for their immediate communities.
- Commercial and retail uses should be accommodated within one of the activity centres shown on the following plan, unless there is robust strategic justification provided and a net community benefit can be established for alternate sites.
- The Traralgon CBD should accommodate the majority of retail and commercial development within Traralgon, intensifying the land use within this area over time and encouraging vertical development.
- Large scale office uses should be restricted to the Traralgon CBD, or to areas where there is a demonstrated nexus through co-location, such as in association with the hospital or airport.
- Bulky goods development should be restricted to the established areas, and those adjoining them, along Princes Highway/ Argyle Street to the east of the town centre or in recently rezoned land to the east of Traralgon and Morwell.
- All new activity centres should be easily accessible by foot or bicycle and Neighbourhood Activity Centres should be accessible by public transport.
- Consideration should be given to the requirements for commercial, employment generating uses associated with the Latrobe Regional Hospital and the Latrobe Regional Airport, and land that might be required in the *Traralgon West Structure Plan*.



traralgon
 growth area framework

commercial

legend

- study area
- commercial core
- bulky goods
- airport
- hospital
- employment investigation area
- principal activity centre
- proposed neighbourhood activity centre
- existing local activity centre
- proposed local activity centre
- potential residential development areas



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Figure 23: commercial

traralgon growth areas review, traralgon growth areas framework

9.4 community facilities and public open space

Along with access to local shops and services, state planning policy and growth area guidelines also seek to ensure that new and existing residents will have access to an appropriate community services and facilities such as schools, health care, parks and sporting facilities. The indicative provision of community facilities is outlined in Figure 25 on the following page. The existing provision of open space within the study area is also identified, along with additional open space networks which are recommended as part of the Growth Area Framework. Most significant of these is the provision of large scale open spaces linking the different areas of Traralgon, utilising existing waterways and floodplains. A strong network of green spaces within Traralgon's urban area will play a key role in ensuring improved amenity outcomes even where densities increase, but this will require clear planning and robust implementation. Linear green spaces also offer opportunities for informal exercise and leisure, improving social and health outcomes. The key feature of the open space network is development of an extensive network of connected green spaces along the northern urban edge of the city, where land begins to be affected by flooding. In the longer term, this major green network of parkland, plantation, wetlands and community uses such as a 'city farm' will form a clear 'edge to Traralgon, while supporting improved protection of the floodplain and improved amenity for the northern growth areas of the city. As part of the development of growth areas, community services and facilities should be provided in line with existing standards and in locations determined as part of any more detailed planning for these growth areas. More broadly, the following objectives should be applied to the provision of community services and open space:

- A new public school should be established in the north east to service new residential communities.
- Other proposed schools identified on the plan are indicative only and should be developed as necessary to serve increased residential populations in those areas.
- Community services such as maternal and child health centres, child care, and kindergartens should be co-located with schools wherever possible.
- As a first principle community services and facilities should be located in or near activity centres and be accessible by public transport.
- Aged care facilities should be provided within the residential growth areas, particularly in proximity to Neighbourhood Activity Centres to allow residents to easily access services and facilities.
- Investigate the establishment of a new and generous public parkland along the northern boundary of the town, in land constrained for residential development. Development of this parkland should focus on the protection and promotion of biodiversity and other environmental benefits, and which could also include urban forests and community gardens or 'city farms'.

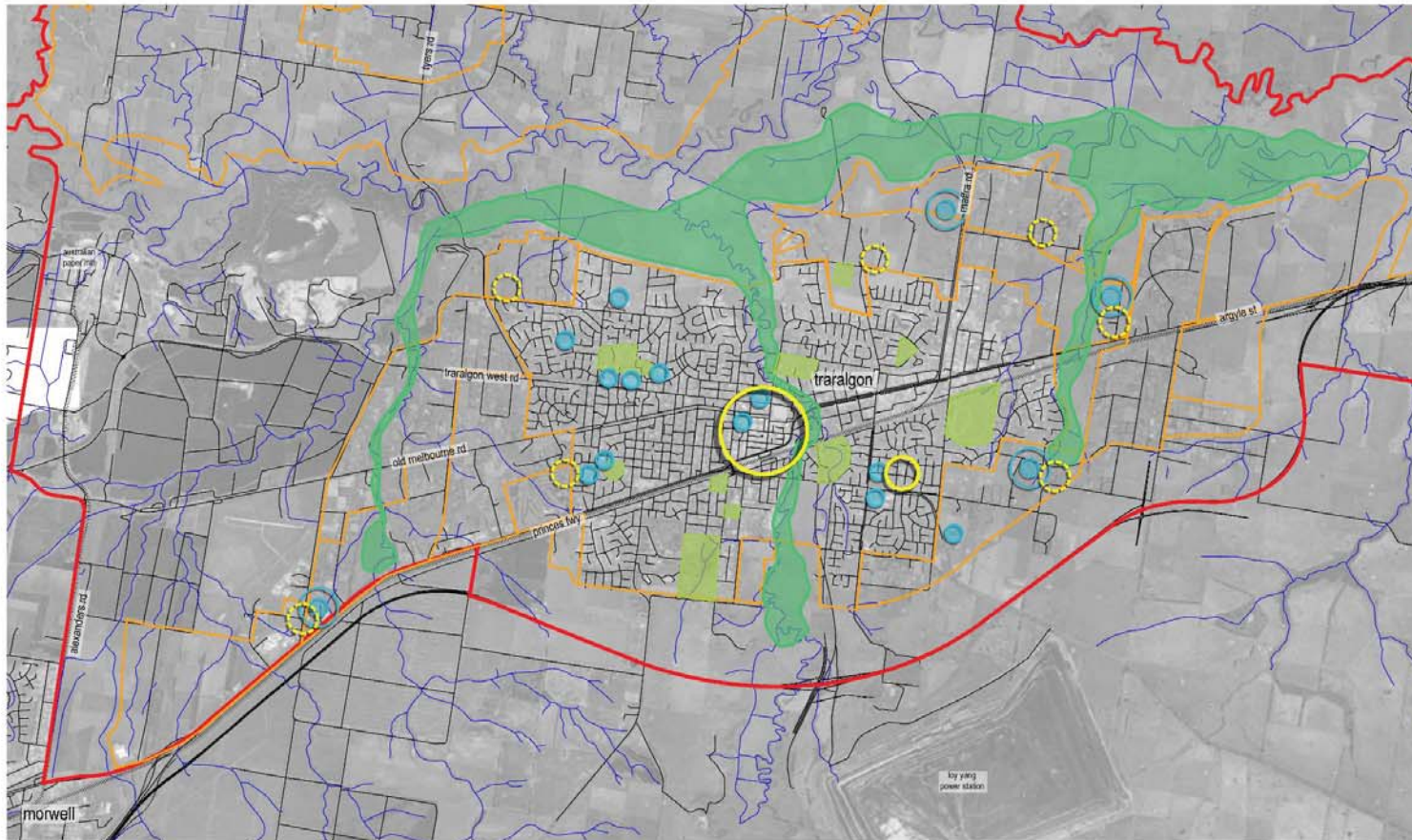
- Linear parklands should be developed within new residential areas to improve ease of access through, and amenity within, residential areas. These should be a focus of open space provision and include things such as running tracks and gathering spaces for adjoining communities.
- The upcoming Pathways, Tracks and Trails Strategy should consider of growth patterns outlined in this framework and provide additional detail about how these linear connections might be achieved.
- Other area of public open space should be provided in line with any Public Open Space Strategy adopted by Council.



traralgon
 growth area framework

community and
 open space
 legend

- study area
- potential residential development areas
- existing community hubs
- proposed community hubs
- existing schools
- potential school locations
- existing parks
- proposed major recreation conservation and open space zone



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Figure 24: community facilities and public open space

traralgon growth areas review, traralgon growth areas framework

9.5 transport and movement

One of the keys to the development of a successful and sustainable urban future for Traralgon is appropriate and sustainable transport networks. Access in this case regards both private vehicles, but also the provision of public transport and of pedestrian and cycle networks across the broader urban area and easy connection between communities.

The role and impact of the Traralgon Bypass needs to be considered in the longer term, including the location of the proposed 'off-ramps' as identified on the following plan. The Growth Areas Framework has sought to consider these things when determining the long term use of different land parcels, as well as the location of activity centres. The implications of the bypass on the existing Princes Highway have also been considered.

Considerable work has been completed on Latrobe's road systems and on the establishment of clear, 'priority' cycle paths as recommended in the *Latrobe Bicycle Strategy (2007)* and this framework seeks to support that established framework into the future. The following objectives should be applied to the development of transport networks in Traralgon over the next 40 years.

- The Traralgon Bypass, including the location of 'off ramps' should be considered in future land use planning decisions.
- An additional east-west vehicular link across the Traralgon Creek should be pursued by Council, as outlined in the existing *Traralgon Structure Plan (2007)*, as a priority, subject to an updated cost-benefit analysis and the availability of funding.
- A clear 'grid' of roads should be established connecting Tyers to Glengarry and the two towns to Traralgon utilising the existing Traralgon-Maffra Road and Tyers Road. The impact of flooding on these roads will need to be considered and improvements undertaken if necessary to ensure connections remain viable.
- A transition of the existing Princes Highway to a more amenable transport corridor which provides for safe cycle and pedestrian movement as well vehicles should be pursued, along with the development of a 'boulevard' style outcome within the CBD.
- A new station platform should be established in East Traralgon, as shown on the following plan. This should not replace the main platform in the centre of Traralgon but provide opportunities for direct access for residential of this area, and include dispersal of car parking from the central Traralgon station.
- Consideration should also be given to the development of a similar platform based station proximate to the Latrobe Regional Hospital, which would provide regional benefits in ensuring access to the hospital was easily accessible from the broader Gippsland area.

- In consultation with DTPLI and Latrobe Valley Bus Services, bus services should be improved and extended into new urban areas. In this regard, Council should consider the *Precinct Structure Planning Guidelines* which seek to provide a bus stop within 400m of 95% of new residential dwellings.
- A high frequency bus shuttle service should be established running from the proposed urban areas to the east of Traralgon to the western edge of Morwell.
- Old Melbourne Road to the west of Traralgon should be upgraded, in consultation with VicRoads, to provide a second option for access to Morwell, functioning as a priority cycle route, and should connect with the final alignment of a shared path between Morwell and Traralgon. Issues regarding native vegetation along this route to the west should be resolved through that project.
- Assessments of the quality and extent of the biodiversity assets contained within and around transport networks should be undertaken at the development plan and planning permit stages to allow for prioritisation of resources to protect and enhance areas.
- All growth areas must be designed to ensure safe, amenable and convenient pedestrian movement and should also seek to integrate appropriate cycle connections.



traralgon
 growth area framework

transport and access

legend

- study area
- rail line
- bypass
- bypass off ramps
- main roads
- gippsland plains rail trail
- proposed traralgon - morwell shared path
- priority cycle paths
- east-west creek crossing
- traralgon station
- proposed station
- key gateway
- high frequency travel corridor
- potential residential development areas



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Figure 25: transport and access

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10 Implementation

It is important to note that, as a high level framework, the *Traralgon Growth Areas Framework* is not intended to either explore or resolve all issues associated with the long term growth of Traralgon. Rather, it sets in place a high level framework and staging that should be pursued. It also identifies a program of further work which will be needed to confirmed, and if necessary refine, the framework through more detailed investigations of particular areas.

It is noted that this framework was prepared prior to the implementation of the new suite of zones released by the State Government, however, it is not considered that these will fundamentally affect either the aspiration or the outcomes of this document. A forthcoming Housing Strategy can further implement the outcomes sought by the framework though as assessment of where the new suite of residential zones should be applied.

10.1 staging

The rate in which the areas identified for future urban growth will be determined primarily by market forces and by the aspirations of the community in the longer term. In the short term, areas recently rezoned under Amendments C47, C56 and C58 will provide for residential growth. It should be acknowledged that there are benefits to development occurring on a number of fronts at once and that flexibility in accommodating this is important for the future development of the town. The suggested staging of development of conventional residential development (as opposed to low density residential development) in Traralgon to 2051 (and ideally beyond) is as follows. The principles which are outlined in Section 8 which are applicable to the recommended staging are provided for cross referencing purposes. The staging outlined below is shown on Figure 27.

stage 1:

- Begin consolidation of the existing urban areas where possible (*Principles 4, 5 and 6*).
- Development of areas rezoned under recent planning scheme amendments (Areas 2, 10, 13 and parts of 11 and 16) with the highest acceptable densities to ensure long term growth aspirations are achievable (*Principle 8*).
- Rezone remaining land immediate adjacent to recently rezoned land (remaining parts of Areas 11 and 16).
- Rezone land identified in the *Traralgon West Structure Plan*, (Areas 14, 15 and 18) as appropriate (*Principles 3, 6, 11 and 12*).
- Develop Residential 1 zoned area in Glengarry to the east between the existing urban areas and the flood constrained land, rezoned under Amendment C74(Area 26).

stage 2a:

- Rezone remaining unconstrained small pockets of Farming zoned land south of the Latrobe River, contiguous with the existing urban area, to the General Residential Zone (with Development Plan Overlay) or Urban Growth Zone to allow greenfield development (Areas 3a and 12).
- Rezone the large Farming Zone area currently identified in the *Traralgon Structure Plan (2007)* for future industry, to General Residential Zone (with Development Plan Overlay) or Urban Growth Zone (Area 4) (*Principle 10*).

stage 2b:

- Rezone remaining pockets of Farming land to the east of Area 5 (including small pockets of Rural Living zoned land) to General Residential Zone (with Development Plan Overlay) or Urban Growth Zone (Area 3b) (*Principle 11*).
- Rezone remaining parts of Glengarry development areas as required to meet market demand (Area 26).

stage 3:

- Rezone large areas of Rural Living Zone to the west of Traralgon (north and south of the highway) to General Residential Zone (with Development Plan Overlays) (Area 5) (*Principle 11*).

stage 4:

- Rezone the large parcels of Farming zoned land north of the highway and west of Sheepwash Creek to General Residential Zone (with Development Plan Overlay) or Urban Growth Zone to allow for greenfield development (Area 6).

The staging of the development of low density / rural living residential areas will depend on the availability of subdivisions to the market within the study area and should be considered for rezoning as the market demand arises. The areas identified for future low density / rural living development within the study area are as follows:

- Land to the west of Glengarry identified within the *Small Towns Structure Plan* for low density development (Area 24);
- Land between Tyers and the floodplain to the east should be rezoned to the Rural Living Zone (Area 23), adjacent to existing rural living area;

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Traralgon growth areas review, Traralgon growth areas framework

- Land to the north of Tyers, identified in the *Small Towns Structure Plan (Area 21)* should be rezoned as required.
- Pending outcomes of future investigations, land to the south of Tyers could be rezoned to Rural Living Zone (Area 20) to link the Tyers township, existing rural living development within the Framing Zone and existing pockets of Rural living land.

In addition, existing Rural Living Zone pockets (Areas 9 and 17) are proposed for retention within this zone.

10.2 development of growth areas

In developing the growth areas identified above there are a number of matters which need to be further considered. While these and many other requirements for the planning of greenfield land are documented through relevant planning processes and practice notes, some of the key matters for consideration include:

- Undertaking a broader Precinct Structure Plan for the identified eastern growth corridor will allow for the provision of higher level infrastructure to be considered for the whole area. This will then allow for the smoother preparation of more discrete Development Plans (and identification of associated financial contributions) as land is rezoned over time and will ensure that decision on infrastructure and higher level community or transport infrastructure can be co-ordinated with more localised development outcomes.
- Working closely with Gippsland Water to ensure key services are provided efficiently. While the identification of a clear staging process through TGAR documentation will assist in long term planning and decision making with regards to infrastructure, the timing of this infrastructure will be driven by growth rates over time and should be subject to ongoing discussion.
- Development of a precinct plan for the eastern growth area will also allow the identification of important biodiversity assets and allow resolution of matter such as development around the gas pipeline to be considered in advance of the release or rezoning of land.
- As Development Plans are prepared, and an understanding of the local population to be accommodated in particular areas is developed, the appropriate location of Local Activity Centres should be refined. The Development Plan process will also allow for identification of more localised community needs and connections. However, it is noted that the preparation of a higher level plan for the overall area could identify community uses which may be associated with larger footprints and assist Council or other relevant service providers in managing the acquisition of relevant land in a timely manner.
- Once the proposed new State Government framework for the preparation of Development Contributions is released, the appropriate mechanism for ensuring an appropriate balance between the cost imposed on Council

and developers in providing appropriate standards of service and facilities for new communities will need to be explored further.

10.3 further work to be undertaken

To support this framework and to ensure that decision-making and actions taken to implement this framework are informed by a comprehensive understanding of the strategic context, it is recommended that some additional work be undertaken. The recommended work to follow this framework is as follows:

immediate

- A Planning Scheme Amendment should be undertaken to incorporate the Traralgon Growth Areas Review into the Latrobe Planning Scheme. It is considered that the following clauses of the existing Planning Scheme will need to be updated:
 - Clause 21.04 should be updated with more specific references to the findings of TGAR, noting that the general statements and aspirations in this Clause remain relevant.
 - Clause 21.05 (particularly 21.05-6) will need to be updated to include key aspirations of the growth area framework.
 - Revisions to the *Small Town Structure Plans: Boolarra, Glengarry and Tyers* as shown at Clause 21.06 to reflect the wider strategic objectives of this study and changes identified, noting that no changes will be made regarding Boolarra.
 - Clause 21.07 relating to economic development should be updated to reflect direction relating to retail and industry as well as recognition of the 'employment investigation area'.
- Rezoning of land for residential purposes as part of the *Traralgon Growth Areas Framework* is not required at this point but rezoning proposed as part of the *Traralgon West Structure Plan* should be pursued, along with the application of associated overlay controls. These rezonings are outlined more fully within that document.

priority

- Preparation of a Housing Strategy which should include a focus on Strategic Infill Development. This study should look in more detail, among other matters, at strategic development sites within Traralgon and offer analysis as to the urban design of these sites and different typologies available, and provide recommendations for the types of medium and higher density development that should be encouraged in different areas. This would allow greater understanding of the type of medium density housing that would be suitable having regard to the regional context and provide both developers and residents with increased certainty relating to what constitutes 'acceptable' development.

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Traralgon growth areas review, Traralgon growth areas framework

- Relevant controls will also need to be incorporated into the Latrobe Planning Scheme to reflect the identified urban Amenity buffer associated with the Australian Paper Mill. It is understood that further modelling will be undertaken in relation to some discrete areas identified for 'future investigation' which are currently within the Australian Paper 'urban amenity buffer' (see Figure 28) . Once this additional modelling has been undertaken and as part of the implementation of any overlay controls relating to the buffer, a review of the framework plan should be undertaken. A system or trigger point should also be established for the periodic review of the extent of the urban amenity buffer to ascertain any additional development opportunities which may then be available over time.
- A municipal wide Industrial Land Use Study should consider industrial land use within a strategic context rather than as a land supply and demand exercise and should consider the best outcomes for Latrobe City as a whole as well as matters raised in the draft Regional Growth Plan.
- The *Traralgon Activity Centre Plan* intended to guide development and provide guidance about growth within the CBD of Traralgon should also be completed as a priority.
- A further investigation should be undertaken through Council's Economic Development unit to assess the potential future uses of the identified 'employment investigation area' to generate long term future employment opportunities, having regard for the matters raised within this document.
- An Activity Centre Strategy – This may be for Traralgon but a strategy that looks at the Regional City as a whole may be more useful. Such a strategy should look at the appropriate sizes for the centres, as well as the recommended community infrastructure that should be associated with each centre and indicative retail floor areas.
- Further discussion and resolution of the appropriate mechanism for generating development contributions for the provision of infrastructure within new growth areas relevant to the Latrobe context should be held with the State Government. Once this has been resolved a clear booklet of guidelines outlining developer responsibilities and requirements should be provided offering local examples and standards where relevant.

future work

- A Precinct Structure Plan should be prepared for the greenfield areas identified for future growth in Traralgon East to provide a broad framework for longer term growth, see Figure 26.
- A masterplan should be undertaken to develop land identified as green space to the north of Traralgon. This area is intended to accommodate a range of open space and recreational uses, and to provide key links through walking and cycle trails and community infrastructure such as kitchen gardens or city farms, and environmental systems such as wetlands and urban forests (which could be used to generate carbon credits). The extent identified on the 'landscape' plan is indicative only.

- The creation of a strategic monitoring system to guide future rezoning. At a minimum this should track the rate of subdivision and building approvals, the density at which development is occurring, the % of residential infill development that is being achieved and the years supply of greenfield land available. Consistency with State Government monitoring systems should be sought provided they are tailored to reflect the Traralgon context.
- Revisions to the framework plan as required on the basis of further investigation in relation to both the types of development appropriate within ESO1 and the final extent of the AEO, following further investigations in to these matters.

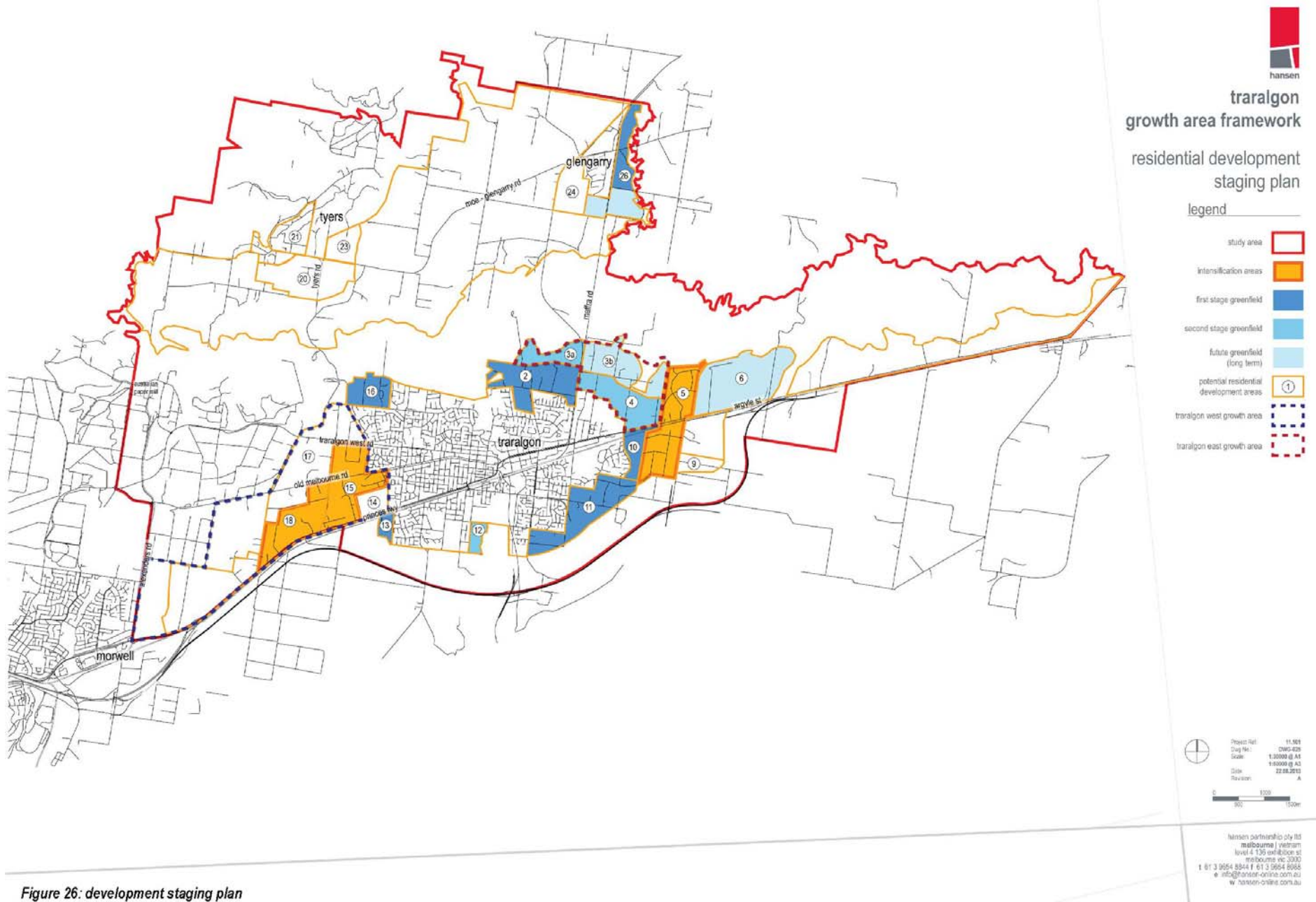


Figure 26: development staging plan

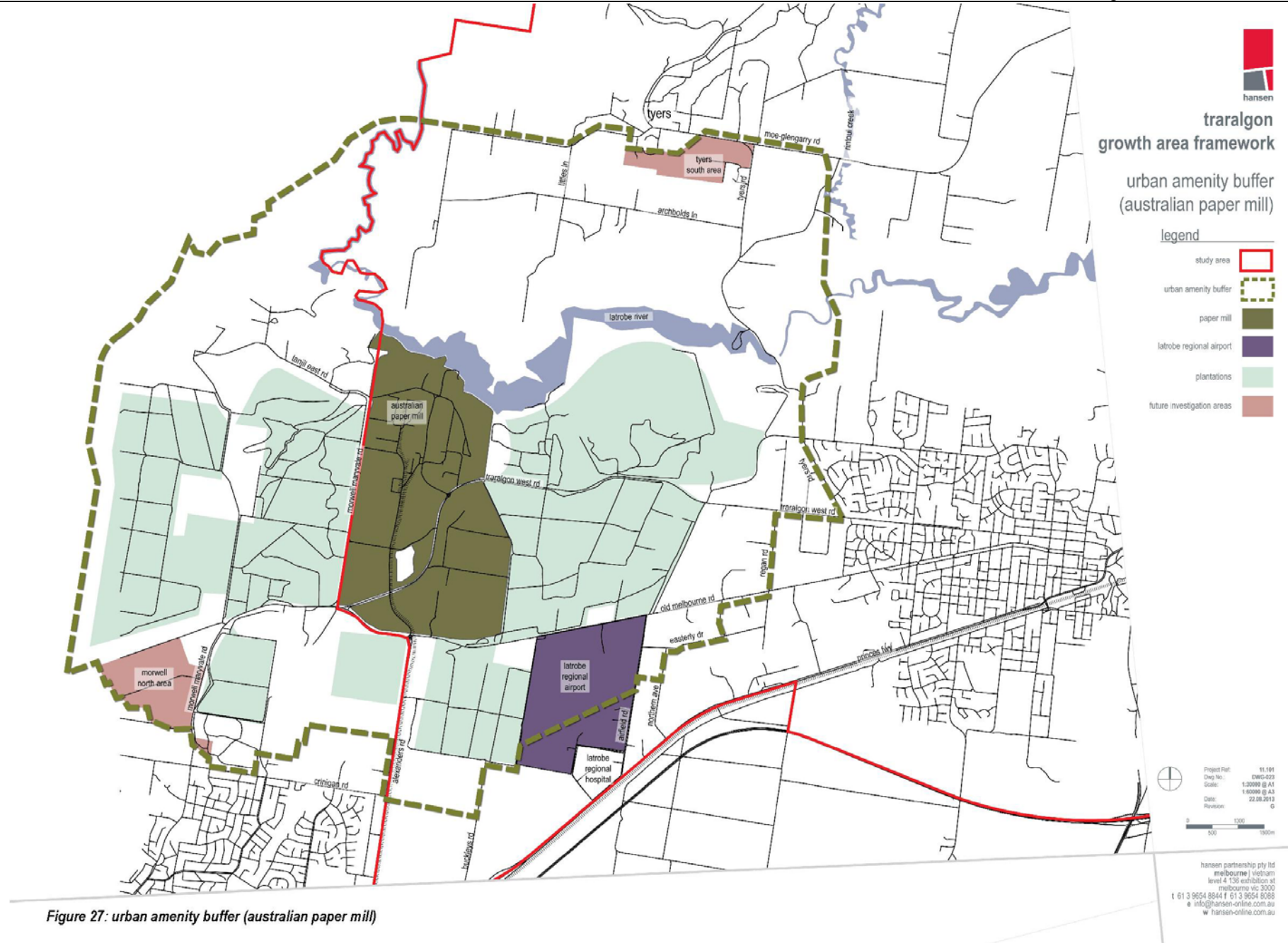


Figure 27: urban amenity buffer (australian paper mill)



appendix 1
response to submissions

response to submissions

feedback following public exhibition of the Traralgon Growth Areas Review

submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
1	Mr Adam Dunn Land Planning Manager West Gippsland Catchment Management Authority	Support	<p>Supports the Land Subject to Inundation Overlays for the Latrobe River, Traralgon Creek and Waterhole Creek and identifies flooding issues with some smaller waterways, drainage lines and overland flow paths which are not identified in the Traralgon Growth Areas Review documents</p> <p>Waterways within the identified Traralgon Growth Area declared under the <i>Water Act 1989</i> will place some restriction on future growth (ie a 30 metre buffer)</p> <p>Suggests stormwater quality infrastructure will be required to manage increased volumes of stormwater associated with development and to ensure no adverse offsite water quality or hydraulic impacts to properties or downstream</p> <p>Suggests an opportunity for Floodplain, Waterway and Stormwater planning to be integrated across the Growth Area instead of on an ad hoc basis, through a Development Plan for each precinct including areas in the Traralgon West Structure Plan</p> <p>Supports the Traralgon Growth Areas Review and Traralgon West Structure Plan as currently proposed and will work with Latrobe City Council to develop some necessary details for specific Development Plans for each precinct</p>	General support acknowledged and the support for the proposed management of growth areas through Development Plans is noted and reflected in the TGAR reports and plans	No
2	Mr Paul Young Gippsland Water	Support	<p>Supports the growth of urban areas to the south of Latrobe River</p> <p>Suggests significant infrastructure upgrades will be required to service Glengary beyond the urban growth areas shown in the Small Town Structure Plan</p> <p>To service all of the land identified as potential residential and industrial in Traralgon will require significant augmentation to both the existing water and sewerage infrastructure and development based infrastructure. Gippsland Water currently does not have a way forward on how to service additional land and reduce the impact on critical assets</p> <p>Large wastewater and water asset reserves will be required to allow transfer of water and sewerage and additional information will be required when Gippsland Water understands the impacts of the additional land on existing assets and systems</p> <p>The land east of Traralgon identified for rezoning will require the Regional Outfall Sewer easement to be converted to a Gippsland Water reserve at the time of subdivision</p> <p>Additional monitoring and modelling of the Maryvale Emergency Storage and Traralgon Emergency Storage is required in the future and may result in an increase in the odour buffer</p>	<p>Support acknowledged</p> <p>Development of Glengary is proposed in the short to medium term in line with the Small Town Structure Plan. It is acknowledged that further development may require infrastructure upgrades which would need to be assessed for feasibility at the rezoning and development plan stages</p> <p>The servicing of Traralgon will likely result in the need for additional infrastructure to be developed over the coming years and the use of development/contribution plans is encouraged to help co-ordinate the delivery of new shared infrastructure items</p> <p>Any required easements should be dealt with as part of any Development Plan and / or subdivision process</p> <p>The buffers associated with the emergency storage have been identified on the latest version of the Traralgon Growth Areas Review plans and their implications acknowledged through amendments to the Traralgon Growth Areas Framework Plan and Traralgon West Structure Plan</p>	Yes

response to submissions

feedback following public exhibition of the Traralgon Growth Areas Review

submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
3	Mr Alan Freitag Manager Planning and Development Department of Transport, Planning and Local Infrastructure (former Department of Planning and Community Development)	Support	<p>Supports the consolidation of bulky goods development to the east of Traralgon and Morwell on previously zoned land and not on the Hollydale site</p> <p>Suggests residential land should be developed in a logical, sequential manner with regard to provision of services and infrastructure and a good diversity of housing to meet existing and changing household needs</p> <p>Concerns with the growth prospects of the longer term development sites to the east and west of Traralgon due to constraints and isolation from existing residential development. Further investigation of these land parcels may be premature before the Gippsland Regional Growth Plan is complete</p> <p>Land identified for future residential development and consolidation in the Traralgon West Structure Plan is highly constrained by the Airport Environs Overlay, DD07, DD08 and APM Buffer. Careful consideration is needed regarding the appropriate location of land uses within the Traralgon West Structure Plan</p> <p>Concerns that the development of a Neighbourhood Activity Centre around Latrobe Regional Hospital may lead to out of centre development and consideration needs to be given to the potential implications of high densities of residential development, service facilities and shops within the area</p> <p>Amendment C26 has been approved by the Department in regards to Latrobe Regional Airport- DD07 and DD08 and references to these will need to be amended once gazetted</p> <p>References to the proposed removal of SUZ5 should be updated to reflect the outcomes of the SUZ5 Land Use Project</p> <p>References to proposed Amendment C9 (Flood Controls) should be updated to reflect the current status of these controls within the Latrobe Planning Scheme</p>	<p>Support for the consolidation of bulky goods development is acknowledged</p> <p>The TGAR reports and plans provide a framework for Traralgon's long term growth up to 2051 and it is expected that overtime urban growth areas to the East and West of Traralgon will be well connected to the existing urban area. The Traralgon Growth Areas Framework report provides a suggested staging plan and the need for development plans and contribution plans to assist the logical sequential development in these areas. The lack of urban growth opportunities to the North and South of Traralgon due to flooding and coal resource constraints and the location of the proposed Princes Freeway bypass reinforce the need to plan for future urban growth areas to the East and West of Traralgon. It is noted that the <i>draft Gippsland Regional Growth Plan 2013</i> only shows some of TGARs future urban growth areas to the East and West of Traralgon and council officers have provided feedback to DTPLI regarding this matter</p> <p>The constraints posed by the airport and the paper mill have been acknowledged, mapped, considered and have informed the future growth areas identified in the Traralgon West Structure Plan</p> <p>The identification of a Neighbourhood Activity Centre is intended to support a network of activity centres in line with Clause 11.01 of the planning scheme. It is considered that the potential location of a train station in the area due to the regional nature of the hospital as well as the needs of hospital and airport workers will result in a high level of activity within this area. When this is considered in line with the existing and future residential populations in the area, the identification of a Neighbourhood Activity Centre in this area will allow such a facility to be planned and considered strategically rather than in an ad-hoc manner. It is noted that through acknowledging and designating this area as an activity centre within the Latrobe retail hierarchy that it will no longer constitute 'out of centre' development</p> <p>The DDOs associated with the airport (and the associated Panel report) have been reviewed. The DDOs deal only with the height of buildings and as such are not considered to be constraints to development. The Airport Environs Overlay is considered to be a more significant constraint on development and this is reflected in the TGAR reports and plans</p> <p>Recently approved changes to the Latrobe Planning Scheme ordinance and mapping have been included in the TGAR reports and plans</p>	Yes

response to submissions

feedback following public exhibition of the Traralgon Growth Areas Review

submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
4	Mr J Brennan Manager, Statutory Planning Services Department of Sustainability and Environment	Support	<p>The submitter provides general support and makes specific comment about the TGAR reports and plans</p> <p>Traralgon Background Report</p> <ul style="list-style-type: none"> ▪ Does not describe the significant biodiversity assets at Latrobe Regional Airport within the conservation zone of the site which Council has an obligation to manage ▪ Community sentiment regarding the value of the natural environment is not well reflected in discussions identifying environmental assets ▪ Only describes mapped native vegetation and a simplified overview of existing native vegetation. The report describing native vegetation as EVCs is inaccurate ▪ In regards to Clause 12.01 Biodiversity, the report should identify and discuss opportunities and constraints for existing biodiversity values including waterways, wetlands and terrestrial biodiversity, not just native vegetation <p>Traralgon Growth Area Framework</p> <ul style="list-style-type: none"> ▪ It needs to be clear how key environmental objectives have been considered in development of the framework ▪ Bushfire prone areas, development of land near existing plantations or areas of native vegetation/ existing biodiversity values need to be considered ▪ Consideration is needed of biodiversity values within the Princes Highway road reserve and railway corridor to the east and west of Traralgon including potential constraints such as the presence of threatened species and communities <p>Traralgon West Structure Plan</p> <ul style="list-style-type: none"> ▪ Potential biodiversity impacts and values need to be considered in the Old Melbourne Road development for cycle paths and pedestrian pathways ▪ Potential future residential development in the southern section of Latrobe Regional Airport must consider existing biodiversity constraints <p>General comments</p> <ul style="list-style-type: none"> ▪ None of the reports identify or discuss the presence of areas reserved as 'net gain' offset sites, sites of biological significance, significant habitat values or bushland reserves ▪ Identifying where in the landscape there are significant biodiversity values, constraints and opportunities is recommended before finalising the report ▪ A list of rare and threatened species and floristic community throughout the study area from the DSE database is given in the submission. Council should 	<p>General support acknowledged</p> <p>The Traralgon Background Report has been updated to better reflect biodiversity issues that are relevant to the study area including matters raised by the submitter</p> <p>The community feedback is a reflection of matters documented in consultation sessions with the community</p> <p>The Traralgon Growth Area Framework report has been updated to better reflect biodiversity issues that are relevant to the study area including matters raised by the submitter</p> <p>The Traralgon West Structure Plan report has been updated to better reflect biodiversity issues that are relevant to the study area including matters raised by the submitter</p> <p>The TGAR reports have all been updated to better reflect biodiversity issues, constraints and opportunities that are relevant to the study area including matters raised by the submitter</p>	Yes

response to submissions

feedback following public exhibition of the Traralgon Growth Areas Review

submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
			<p>consider the implications of the impact of these flora and fauna within the study area</p> <ul style="list-style-type: none"> Bushfire Management Overlay (BMO) drafts will be provided to Council and should be considered in the TGAR 		
5	Mr G Kay EPA Victoria	Support	<p>EPA supports council endorsement of the Traralgon Growth Areas Framework and the Traralgon West Structure Plan</p> <p>Supports the proposed urban amenity buffer around the Australian Paper Mill because odour emissions should be considered as a constraint to any residential development or intensification within the buffer. EPA is currently in discussions with Council and Australian Paper to clearly establish the buffer boundary</p> <p>Opposes the possible residential area south of the Sibelco site in Traralgon due to unreasonably high noise emissions from the site that poses significant amenity issues on residents and substantial costs to industry to reduce noise</p> <p>Supports Gippsland Water's storage lagoon as a constraint to residential development due to odour complaints and that future residential areas within close proximity should be discouraged</p>	<p>Support acknowledged</p> <p>Sites to the south of Sibelco in Traralgon have previously been flagged for future residential development, but any rezoning for these purposes will need to acknowledge the implication of the ongoing viability of activities at the Sibelco industrial site. However, given the long term nature of this framework it is considered appropriate to identify the long term future use for the area south of Sibelco</p> <p>TGAR reports and plans also identify the need for a future industrial strategy that may inform the future use of the Sibelco site and surrounding sites</p> <p>See also submission 14</p>	No
6	Mr Charlie Speirs Director Clean Coal Victoria	Support	<p>Notes that planning for growth in the TGAR reports and plans in Traralgon is consistent with the proposed Traralgon By-Pass location and coal development strategies</p> <p>Supports the proposed land use and planning activity regarding the growth of Traralgon as outlined in the TGAR</p>	Support acknowledged	No
7	Mr Kenn Beer VicRoads	Support	Supports the principles of the TGAR reports and plans, but flags that the creation of a CBD boulevard must not compromise access along the arterial network and that development is co-ordinated and undertaken in an orderly manner	Support acknowledged	No
8	Ms Rosemary Waldrip Trustee for the estate of Helen Hines	Support	Supports the Traralgon Growth Areas Framework for Traralgon East	Support acknowledged	No
9	Mr Peter Walkley	Support	Supports the area marked '1 st stage Greenfields' in Glengarry on the Traralgon Growth Area Framework	Support acknowledged	No
10	Mr Ashley Schoer	Support	Supports rezoning of land from Rural Living to Residential 1 in Area 8 of the Latrobe Planning Scheme Traralgon Structure Plan and supports the proposal of a school along Melrossa Road in Traralgon	Support acknowledged	No

response to submissions

feedback following public exhibition of the Traralgon Growth Areas Review

submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
			Concerns regarding the large increase in rates due to recent rezoning of the Traralgon South East area to Residential 1 Zone	The recommendations of a proposed broad land-use strategy that may be perceived to contribute to decreasing or increasing council rates on specific properties is not a matter that is given significant weight in determining the adoption or abandonment of a proposed land-use strategy (see various Victorian Panel and VCAT cases) because it is often difficult to estimate the impact (if any) of land-use decisions on council rates. Furthermore, the impact of previous rezonings or future rezonings on council rates is outside of the scope of the TGAR project and is a consideration for the draft <i>Latrobe City Rating Strategy Review</i>	
			Requests that a development plan be prepared for the Traralgon South East area as soon as possible	The development plan for Traralgon South-East will be subject to future council budget and business planning processes and priorities	
11	Mr D & Mrs R Schoer	Support	Supports rezoning of land from Rural Living to Residential 1 in Area 8 of the Latrobe Planning Scheme Traralgon Structure Plan	Support acknowledged	No
			Concerns regarding the large increase in rates due to recent rezoning of the Traralgon South East area to Residential 1 Zone	Refer submission 10 response	
12	Mr M & Mrs V Lipman	Support	Supports the proposal for future subdivision in the Melrossa Road area in Traralgon	Support acknowledged	No
			Suggests that the Ellavale estate in Traralgon should continue east to Melaleuca Way	The commencement of a development plan and timing of such for the rezoned Residential land between Ellavale estate and Melaleuca Way will be determined by the Developers of the land. This process will also identify the possibility of any road connections over the existing drainage reserve	
13	Mr Nick Anderson NBA Group (on behalf of landowners in Marshalls Road)	Support	Generally supports the TGAR	Support acknowledged	No
			Supports the rezoning of land to Residential 1 in Area 2 where their client is proposing 380 residential lots and commercial development on Marshalls Road, Traralgon	No assessment of the submitter's draft development plan has been made as part of the TGAR reports and plans	
14	Mr Nick Anderson NBA Group (on behalf of Quartile Investments)	Support	Supports the land at Dunbar Road in Traralgon being designated as a Future Greenfields Residential. However, the submitter requests that the Dunbar Road land be released sooner. This is due to the possibility of nearby industrial uses relocating sooner than expected, and considering the immediate development potential of the site	Support acknowledged. The timing of the release of land will depend on the take-up of existing land which is recommended to be monitored Regarding the Dunbar Road area, a previous Amendment C62 Panel hearing into this matter recommended that the rezoning of the land to residential not be supported while the current situation regarding industrial uses to the north remain. However, it is acknowledged that should these industrial uses transition out of the area, then the land in question may be developed sooner, given its proximity to the existing urban area and associated facilities and infrastructure. There has been recent reinvestment in industrial activities in the area and as such, the long term prospect is considered the most accurate. However, the longer term relocation of industrial uses from the Traralgon inner south area (north of the Future Greenfield Residential site) will continue to be pursued by Council as a strategic objective under the adopted Traralgon Inner South Precinct Master Plan	No

response to submissions*feedback following public exhibition of the Traralgon Growth Areas Review*

submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
				See also submission 5	
15	Mr Nick Anderson NBA Group (on behalf of Yorksville)	Support	Generally supports the TGAR Supports the rezoning of land on the north side of the Tyers Township where their client is proposing low density residential and rural living zone subdivision and development	Support acknowledged	No
16	Ms Leanne Sutton	Support	Supports the Traralgon Growth Area Framework recommendation to rezone Area 4 in Traralgon to Residential 1	Support acknowledged	No
17	Mr Max Sutton	Support	Supports development of the 5 acre lots to the east of Ellavale estate in Traralgon for future housing at Residential 1 densities	Support acknowledged	No
18	Mr W Gilmour	Support	Supports rezoning Farming Zone land east of Stammers Road, Traralgon to Residential 1 Zone Concerns about the timing of rezoning and would like future input at an appropriate time Supports the progressive relocation of industrial development away from the area east of Traralgon-Maffra Road Supports reducing the width of the DDO buffer over the gas pipeline that runs through Farming Zone land east of Stammers Road, Traralgon	Support acknowledged Timing of the rezoning will be flexible depending on the take up of land which is recommended to be monitored by Council in considering future rezoning Development is able to occur within the DDO gas pipeline buffer subject to relevant approvals. Therefore, a reduction of the DDO buffer is not required	No
19	Mr G Schoer	Support	Supports the rezoning of land from Rural Living to Residential 1 in Area 8 of the Latrobe Planning Scheme Traralgon Structure Plan and supports the proposal of a school along Melrossa Road in Traralgon Concerns regarding the large increase in rates due to recent rezoning of the Traralgon South East area to Residential 1 Zone Requests that a development plan be prepared for the Traralgon South East area as soon as possible	Support acknowledged Refer submission 10 response Refer submission 10 response	No
20	Ms S Shanahan	Support	Supports rezoning of land from Rural Living to Residential 1 in Area 8 of the Latrobe Planning Scheme Traralgon Structure Plan Concerns regarding the large increase in rates due to recent rezoning of the Traralgon South East area to Residential 1 Zone Requests that a development plan be prepared for the Traralgon South East area as soon as possible	Support acknowledged Refer submission 10 response Refer submission 10 response	No
21	Mr Eugene McCrohan	Support	Supports rezoning of land from Rural Living to a more flexible zone around the Latrobe Regional Hospital precinct within Traralgon West 'intensification Area'	Support acknowledged. It should be noted that residential development in this area should only be supported if it forms part of a mixed use development that doesn't compromise current and future airport and hospital uses	No

response to submissions

feedback following public exhibition of the Traralgon Growth Areas Review

submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
22	Mr R & Mrs B Johnson Argyle Enterprises Pty Ltd	Support	Supports the proposal for residential development south of Traralgon's town centre between Hazelwood Road, the creek, Hyde Park Road, Hickox Street and Dunbar Road Suggests food security should be a major consideration on productive land instead of residential development. The area south of Traralgon along the western side of the creek has the potential for high food production due to soil and topography and this should be taken into account Questions why an area in the Traralgon Growth Area Framework (Section 8.4, p50-51) south of Traralgon Creek has been designated Conservation and Public Space when it is private land, currently being used for farming	Support acknowledged The protection of agricultural land is one of the reasons why the Traralgon Growth Area Framework is seeking a more efficient use of land within the existing urban area and new urban growth areas. Opportunities for small scale agricultural 'urban farming' may be available within Traralgon but should be subject to more localised investigations about the best use for the land The location of the designated Conservation and Public Space south of Traralgon Creek reflects the flood prone nature of the private land and doesn't preclude the land from being used for low scale farming practises	No
23	Mr Nick Anderson NBA Group (on behalf of Mid Gippsland Development P/L)	Support	Seeks rezoning of land within the Rural Living Zone west of the hospital site on the Princes Highway, Traralgon. Would like to see the land developed for both commercial and residential purposes. Would seek the development of higher density residential in the northern part of their lot and bulky goods development along the southern part	While the development of this land for a mixture of commercial and residential uses is supported in principle, the rezoning of the land for bulky goods purposes is not supported. As identified in submissions responding to the Hollydale site, Traralgon has sufficient Business 4 zoned land for the short to medium term and as such, the identification of other areas for this use should not be supported. The particular mix of commercial and residential development on this site should be considered as part of a broader development plan/masterplan rather than through a site specific rezoning. Further work needs to be done to determine both complementary uses to support the hospital and airport and in ensuring the precinct develops in a co-ordinated and well-connected manner. Additional investigations into the impact of any revised AEO and finalisation of a Masterplan for both the Latrobe Regional Airport and Latrobe Regional Hospital should also guide development in this area	No
24	Mr K & Mrs J Martin	Support	Supports the planned rezoning of Rural Living Zone land near the Latrobe Regional Hospital to Residential 1 Zone	Support acknowledged	No
25	Ms N Stow Beveridge Williams (on behalf of Mr B Neilson of BFN Developments)	Support	Strongly oppose any bulky goods retailing on the Hollydale site in the Traralgon West Structure Plan given the investment to date in existing Business 4 zones and the availability of large amounts of vacant Business 4 land in more suitable locations. Identifies that the development of such a proposal could have significant impacts for existing local businesses who have sought to develop in line with Council's adopted strategic aims	Support acknowledged The impact on existing land owners and businesses, as well as the lack of strategic justification has been considered in the decision to not support bulky goods development at the Hollydale site Refer Submission 27	No
26	Ms N Stow Beveridge Williams (on behalf of Mr Ruben Diaz)	Support	Would like to develop remainder of Rural Living Zone land on Airfield Road with consulting suites or other hospital associated uses. Current Rural Living zoning is preventing the land from being developed for those purposes. Supports the identification of this land as an 'investigation area' in the Traralgon West Structure Plan for the above purposes and would like to be advised of timing of any consultation	Support acknowledged The land forms part of the 'employment investigation area' and proposed 'neighbourhood activity centre'. This area is subject to a future development plan/masterplan that will inform the future use of the land	No
27	Mr Nick Anderson	Support in part	Supports the Hollydale site being used for future residential development	The proposal for bulky goods use and development at the Hollydale site and the	Yes in part

response to submissions

feedback following public exhibition of the Traralgon Growth Areas Review

submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
	NBA Group (on behalf of Stable Property Group)	Objection in part	Does not support the findings in the draft TGAR report and plans that discourage commercial Business 4 Zone at the Hollydale site and suggests a commercial proposal for the site will have no negative impact Requests that the Hollydale site be formally identified in the TGAR reports and plans as being best suited for the dual purpose of residential (R1Z) and commercial development (B4Z) in order to action the submitter's Master Plan for the Hollydale Site	submitters updated analysis of the supply and demand for bulky goods floorspace was independently reviewed by an economist. Based on the review and other planning matters, bulky goods use and development at the site is discouraged. The TGAR documents provide further discussion regarding the rationale for not supporting bulky goods use and development at the Hollydale site. The rationale includes (<i>inter alia</i>): <ul style="list-style-type: none"> Concerns over an existing oversupply of bulky goods land, which would be exacerbated by any further commercial rezoning including existing bulky goods opportunities in the new Commercial 2 Zone The existence of two other precincts (already adopted and identified in the Latrobe Planning Scheme as the most appropriate for bulky goods uses through a previous study) which have not yet been developed and are or will be available for development Activity created by a new bulky goods development may cause commercial shop closures elsewhere in the area and result in no real net gain in retail spending or employment <p>■ The intention of the TGAR framework to avoid ad-hoc 'strip' development along the Hollydale frontage, as has occurred previously between Morwell and Traralgon</p> <p>■ The importance of the Hollydale site as one of a limited number of strategically located greenfield sites capable of accommodating significant residential populations</p>	
	Ms S Emons Urbis (on behalf of Stable Property Group)		Objects to the draft TGAR reports in particular the referencing and reliance of the TGAR reports of Council's adopted <i>Assessment of Bulky Goods Floorspace Report 2009</i> . The submission includes an updated analysis of the supply and demand for bulky goods floorspace. Based on the analysis, the submitter suggests that the Latrobe City's predicted bulky goods floorspace growth is significantly below the needs of the region's growing population and that an additional location at the Hollydale site is needed Suggests that the alternative existing zoned bulky goods sites are unsuitable due to the limited exposure to passing traffic and that the Hollydale site would be a more appropriate location to cater for both employment and residential uses		
	(two submissions)		The draft TGAR reports will preclude the development of a Masters store within the Traralgon region resulting in lost opportunity for local job creation and improved consumer choice Suggests the proposed Neighbourhood Activity Centre should be more centrally located near the Hollydale site to maximise the available population catchment	The TGAR reports and plans acknowledge the potential opportunity for local job creation as a result of a new Masters store in Latrobe City while also supporting new bulky goods use and development in appropriate locations The TGAR reports and plans encourage a new Neighbourhood Activity Centre (NAC) near the Latrobe Regional Hospital and not at the Hollydale site due to: <ul style="list-style-type: none"> The large number of people employed at the airport and hospital who would be able to access services and facilities within the NAC ■ The recommended establishment of an additional rail station opposite the hospital would ensure improved and sustainable access to the NAC Persons who reside in existing higher density residential development in the form of retirement villages, caravan parks, as well as the accommodation options such as motels in the area would be able to access services and facilities within the NAC. These residential activities would also help support the ongoing viability of the NAC <p>It should be noted that a Local Activity Centre (LAC) is proposed at the Hollydale Site. The LAC is intended to provide for small scale locally accessibly convenience retailing to service the future residential population in Traralgon West</p>	
28	Ms G Potter Traralgon Pony Club	Support in part Objection in part	Concerned about land use changes increasing rates and pony club membership costs Willing to move to an alternate site on public land in the future	Refer submission 10 response The submitter is encouraged to continue discussions with Council if needed, regarding a suitable site for future relocation	No

response to submissions

feedback following public exhibition of the Traralgon Growth Areas Review

submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
29	Ms G Potter Traralgon West Nursery	Support in part Objection in part	Support for the provision of a train station and non-vehicle movement corridor between Traralgon and Morwell Concern regarding potential amenity impacts of a proposed road alignment through their property, a bus stop directly out the front and a nearby cycle link. Wants to retain rural feel of their property	Support acknowledged All road locations shown on the framework plan are indicative and will need to be subject to further detailed consideration and consultation as part of any Development Plan. However, it is noted that any additional roads are shown along property boundaries and are intended to identify where high level connections are sought. The roads will not be developed on anyone's land unless they are part of a development proposal The locations of the bus stops are also indicative and will be subject to review by the Department of Transport, Planning and Local Infrastructure. Any cycle link along Airfield Road may be developed within the road reserve and not on private property	No
30	Mr H Lovell Australian Paper	Support	Generally supports the draft Traralgon Growth Areas Framework and Traralgon West Structure Plan A 5 km buffer is specified in Clause 52.10 of the planning scheme for paper or paper pulp production involving sulphur between the industry and a residential zone, Business 5 Zone or land used for a hospital or education centre. However it is not feasible to protect a 5 km buffer as this would include much of the existing urban areas of Morwell and Traralgon. It is suggested that a buffer consistent with the Australian Paper's modelled 10 odour unit contour would provide an acceptable level of protection for both industry and residential, however should be modified to exclude existing developed or residentially zoned areas. The buffer could also be adjusted where the land is already zoned R1Z or is included within the urban growth boundary in the existing Traralgon Structure Plan and will be developed for residential purposes. The buffer should be realigned with a road or prominent feature if the adjusted buffer divides an allotment (refer to map attached to submission) Does not support the expansion of lower density residential development (rural living) south of Tyers (Area 20) as this will impact Australian Paper's obligation to address any adverse amenity impact of odour on residential properties within the 10OU buffer	Support acknowledged Subsequent to receipt of the submission, Council officers have continued to meet with the Environment Protection Authority, Australian Paper, community groups and individuals in an effort to finalise any required adjustments to the proposed urban amenity buffer. This planning response acknowledges the submission and also reflects the outcomes of current discussions with Australian Paper It is agreed that a 5km buffer that would include the existing urban areas of Morwell and Traralgon is impracticable. The TGAR proposed urban amenity buffer has used Australian Paper's modelled 10 odour unit contour as a guide but the urban amenity buffer has been changed in the following way: <ul style="list-style-type: none"> Existing Residential 1 Zone land or future Residential 1 Zone land in Morwell and Traralgon has been excluded from the proposed urban amenity buffer map to reflect subdivision opportunities that existed in the Latrobe Planning Scheme prior to Australian Paper odour modelling being undertaken Existing Low Density Residential Zone land immediately west of Traralgon has been excluded from the proposed urban amenity buffer map to reflect subdivision opportunities that existed in the Latrobe Planning Scheme prior to Australian Paper odour modelling being undertaken Minor amendment to the boundary of the proposed urban amenity buffer map to better reflect title boundaries and road reserve alignments, particularly in the south eastern section of the proposed urban amenity buffer Acknowledgment that an area in Morwell North around Paul Street may require further odour modelling by Australian Paper that may result in future minor amendments to the boundary of the proposed urban amenity buffer map The potential impact of odour on any rural residential development south of Tyers is acknowledged. However, the area is also identified in the adopted Tyers Small Town Structure Plan as being suitable for 'future long-term urban expansion' and this is reflected at Clause 21.06 of the Latrobe Planning Scheme. The position of long term urban expansion to the south of Tyers needs to be reviewed in light of the new	Yes

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submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
				<p>information provided by way of the Australian Paper odour modelling. Nonetheless, the identification of this land for 'rural living future investigation' is considered to have merit, noting:</p> <ul style="list-style-type: none"> ■ The area is approximately the same distance as some existing rural living areas to the west of Traralgon which will remain within the buffer ■ There are existing rural living allotments (and zoned land) at the southern extent of the area proposed • The development of rural living lots offers a 'role' for Tyers in providing a type of development opportunity that is no longer supplied in association with the growing regional centre of Traralgon • Rezoning of this area, should it be pursued, would only result in a limited number of new dwellings (depending on minimum lot size) <p>The submitter is in support of changing the TGAR proposed urban amenity buffer to acknowledge that the area immediately south of Tyers township may require further odour modelling by Australian Paper. This may result in future minor amendments to the boundary of the proposed urban amenity buffer map that would potentially release the land for some rural living opportunities</p>	
			<p>Opposes development of new sensitive uses including residential uses, hospitals and education facilities within the proposed amenity buffer in line with EPA recommendations. Commercial or industrial uses or continued farming and agricultural uses would be appropriate within the buffer</p>	<p>The submitter's comments are noted. However, the submitter is in support of changing the TGAR proposed urban amenity buffer to acknowledge that there may be potential (subject to planning permit application assessment) to honour the limited subdivision potential in the existing Rural Living Zone within the proposed urban amenity buffer that existed in the Latrobe Planning Scheme prior to Australian Paper odour modelling being undertaken</p>	
			<p>With advances in emissions control technology the buffer may be further refined over time and Australian Paper and EPA will update the buffer requirement consistent with the requirements of their licence in the future</p>	<p>Potential changes to the proposed urban amenity buffer as a result of technological advances is identified in the TGAR reports and plans</p>	
31	Joey Whitehead JW Planning Services	Objection	<p>The submitter states that part of a property situated south of area 7 in the Traralgon Structure Plan is no longer suitable for agricultural production (due to the bypass alignment dissecting the land, encroachment of residential development and the coal buffer being reduced in the future) and for the land to be included within the Traralgon Structure Plan settlement boundary as future residential</p>	<p>It is noted that the northern portion of the farming land (i.e. 59 hectares) to which the submission relates is outside the existing Traralgon Structure Plan settlement boundary and is affected by PAO1 VicRoads Roads Acquisition, DDO3 Princes Freeway – Traralgon Bypass and the ESO1 Urban Buffer. While the submission identifies that verbal agreement has been provided by Clean Coal Victoria that the ESO may no longer be relevant, until such time as the overlay is removed from the land it is inappropriate to support any change to the Traralgon Structure Plan settlement boundary and subsequent rezoning in this area. Should CCV or Department of Primary Industries (DPI) support the removal of the ESO in writing, north of the proposed bypass alignment, it may be that other areas affected by the revised ESO would be more appropriate for development than the identified parcel. Therefore a more holistic approach may be required to be considered when CCV and DPI release updated coal and urban buffer mapping</p>	Yes
			<p>The request is also made on the basis that the existing land supply outlined in TGAR is understated due to out-dated ABS figures being relied on</p>	<p>The TGAR reports have been updated to reflect the new data available from the 2011 census and 2012 VIF population projections. However, it is noted that the additional</p>	

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submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
				land currently identified in TGAR constitutes a much longer term supply of land than is required under current planning policy and that residential living patterns over the next 40 years are likely to change which would impact on the amount of necessary land needed. As such, careful monitoring of land development and appropriate forms of medium and higher density development should be encouraged over this period	
32	Mr C Vacca and others	Objection	<p>Concern over the application the proposed Australian Paper Urban Amenity Buffer</p> <p>Questions why the 5km radius buffer is represented differently in the diagram on page14 of Traralgon West Structure Plan</p> <p>Concern as to why residents have not been notified if there is a potential health risk by being situated in the buffer</p> <p>Concern over the impact of the buffer on land values</p> <p>Strongly objects to the Hollydale site being medium density as it will adversely affect liveability</p>	<p>It is acknowledged that the application of an urban amenity buffer around the APM site which may affect the Traralgon West area is an important issue. Under the Victorian Planning System, there is a legal requirement for a buffer to be established. While it appears that this has not been acknowledged previously it does not give reason to exclude this current TGAR work from reflecting any buffer and there appears to be general acknowledgement of the need for such a buffer, although many residents within the buffer area advise that they have not experienced any odour impacts</p> <p>The buffer is recommended to reflect the best available expert opinion. In this case, consultancy odour modelling work prepared by CHD regarding the buffer has been accepted by the EPA and Council. They identified that a standard 5km buffer would be impractical and have too great an impact and that a better outcome would be to map and use the 10 odour unit extent, which is what the initial exhibited TGAR buffer reflected. This was then adjusted to reflect a buffer which may be more easily applied through the planning scheme, aligning along roadways, title boundaries and the like</p> <p>The Australian Paper odour amenity buffer follows the same alignment within the Traralgon West Structure Plan on page 14 and within the Traralgon Growth Area Framework Plan on page 39 of the corresponding draft documents</p> <p>The TGAR reports do not in themselves generate or result in any health risks. Direct health risks (if any) associated with the odour from the Australian Paper site are outside the scope of the TGAR reports and are a matter for Australian Paper and the Environment Protection Authority</p> <p>The recommendations of a proposed broad land-use strategy that may be perceived to contribute to decreasing or increasing land values on specific properties is not a matter that is given significant weight in determining the adoption or abandonment of a proposed land-use strategy (see various Victorian Panel and VCAT cases) because it is often difficult to estimate the impact (if any) of land-use decisions on land values. It is important to recognise that there are numerous reasons why property prices go up and down: location, size, amenity, the state of neighbouring properties, building use, rental return, current socio economic conditions, quality of buildings etc. Furthermore, the TGAR reports in themselves do not introduce any new zones or overlays into the Latrobe Planning Scheme. This may be done as part of future planning scheme amendments and at different stages over a long term period that may or may not be approved by the Minister for Planning</p> <p>The identification of the Hollydale site for medium density housing is not considered to affect the liveability of the area where planned appropriately. The presence of additional residents within the areas provides additional support for the provision of services and local shops etc</p>	Yes in part

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submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
			Support the adjusted buffer proposed by TGAR Community Working Group	<p>Council officers have consulted with Environment Protection Authority, Australian Paper, community groups and individuals in an effort to finalise any required adjustments to the proposed urban amenity buffer. After considering alternative urban amenity buffer mapping proposals, the exhibited draft TGAR proposed urban amenity buffer map has been retained in principle but changed in the following way:</p> <ul style="list-style-type: none"> Existing Low Density Residential Zone land immediately west of Traralgon has been excluded from the proposed urban amenity buffer map to reflect subdivision opportunities that existed in the Latrobe Planning Scheme prior to Australian Paper odour modelling being undertaken Minor amendment to the boundary of the proposed urban amenity buffer map to better reflect title boundaries and road reserve alignments, particularly in the south eastern section of the proposed urban amenity buffer Acknowledgement that there may be potential (subject to planning permit application assessment) to honour the limited subdivision potential in the existing Rural Living Zone within the proposed urban amenity buffer that existed in the Latrobe Planning Scheme prior to Australian Paper odour modelling being undertaken 	
33	Mr Ian Whitehead Traralgon Golf Club Inc	Objection	<p>Objects to any further proposals to increase residential development adjacent to the golf course</p> <p>Opposes the strategic development sites at Hollydale and the golf course for residential development</p> <p>Concerns that the rezoning of land to the north and west boundary of the golf club has not included requirements for building set-backs, appropriate buffer zones or screen fencing</p> <p>Concerns about the lack of consultation with the club on the rezoning of land in Alamere Drive, Traralgon West to allow higher density residential development</p>	<p>The identification of Hollydale and the golf club as potential sites for medium density development does not mean that the club <i>must</i> develop their land. It allows for that opportunity in the longer term should the club management decide this is appropriate, either as a replacement for the club or part of a redevelopment to include housing (as has occurred on many other sites). Also refer to submission 32.</p> <p>The development of land to the north of the club at higher densities has been a long standing strategic aim, as identified through the adopted Traralgon Structure Plan (at Clause 21.05 of the Latrobe Planning Scheme) and reflected in the inclusion of the land under DPCD's land supply calculations as 'future residential'. The land was originally proposed for rezoning under Amendment C58 but this rezoning did not proceed</p> <p>This framework supports the rezoning of the land to Residential 1 Zone or an appropriate residential type zone. However, any rezoning will need to be accompanied by a Development Plan which would need to address the interface with the golf course and ensure that appropriate setbacks or other measures are included. There may be merit in considering any future development of the golf course as part of this Development Plan to ensure both interim and potential long term interfaces are considered</p> <p>The Traralgon Structure Plan identifies Alamere Drive as potential Future Residential land however, it is currently zoned Low Density Residential and an exact timeframe for rezoning, if this were to occur, is yet to be determined</p>	No
34	Mr I Keith Beveridge Williams & Co Pty Ltd	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Requests an adjustment of the buffer boundary to align with the existing title boundaries of the Brownlee property at Alamere Drive, Traralgon West. Currently the buffer boundary passes through the north western corner of the property (map</p>	<p>Refer submission 32 response</p> <p>The existing Low Density Residential Zone land immediately west of Traralgon has been excluded from the proposed urban amenity buffer map to reflect subdivision opportunities that existed in the Latrobe Planning Scheme prior to Australian Paper</p>	Yes

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submission no.	name/organisation (on behalf of R & F Brownlee)	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
			attached with submission)	odour modelling being undertaken. Therefore, the Brownlee property is no longer situated within the proposed urban amenity buffer.	
35	Mr Ian McGown (six submissions)	Objection	<p>Concern over the application of a buffer from the APM site and that the modelling undertaken by GHD to justify the buffer is unscientific and unreliable</p> <p>Concern that the buffer denies property owners in the Rural Living Zone in the west of Traralgon further subdivision opportunities</p> <p>Concern as to why residents have not been notified if there is a potential health risk by being situated in the buffer</p>	<p>Refer submission 32 response</p> <p>Most of the Rural Living Zone (RLZ) land affected by the exhibited draft TGAR proposed urban amenity buffer is already at the minimum subdivision allotment size and these allotments do not have potential development subdivision opportunities. There are only 8 additional allotments able to be applied for and assessed under the existing RLZ in the area. The exhibited draft TGAR proposed urban amenity buffer map has been retained in-principle but discussion within the TGAR reports now acknowledge that there may be potential (subject to planning permit application assessment) to honour the limited subdivision potential in the existing RLZ within the proposed urban amenity buffer that existed in the Latrobe Planning Scheme prior to the Australian Paper odour modelling being undertaken. Any RLZ land outside the proposed urban amenity buffer that was proposed for residential type subdivision density in the future would need to be justified as part of a separate planning scheme amendment process that would need to be approved by the Minister for Planning.</p> <p>Refer submission 32 response</p>	Yes in part
36	Mr B & Mrs B Riddle	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Questions why residential development has already occurred within the buffer</p> <p>Concern regarding lack of consultation with landowners</p> <p>Suggests the LDRZ land in Traralgon West be excluded from the buffer</p>	<p>Refer submission 32 response</p> <p>Some residential development has already occurred within the proposed urban amenity buffer. This development occurred prior to Australian Paper's detailed urban amenity buffer odour modelling. The modelling has helped to better define and map the extent of odour from the site. Now that Australian Paper, Environment Protection Authority and Council have new odour modelling information, they must have regard to the appropriateness of existing and proposed sensitive uses close to the Australian Paper site. This is particularly pertinent when considering and preparing new land use strategies in the area</p> <p>The draft TGAR Background Report, draft TGAR Framework Plan and draft Traralgon West Structure Plan were placed on public exhibition for a period of 32 weeks from 9 April 2012 until 16 November 2012. As part of the community consultation process Council officers held 7 information sessions, numerous one-on-one meetings, posted letters to affected landowners and key stakeholders, published 2 public notices in the Latrobe Valley Express and placed project information at the Council service centres and on the Latrobe City Council website</p> <p>The exhibited draft TGAR proposed urban amenity buffer map has been retained in principle but changed to exclude existing Low Density Residential Zone land immediately west of Traralgon to reflect subdivision opportunities that existed in the Latrobe Planning Scheme prior to Australian Paper odour modelling being undertaken. Therefore there is no loss of subdivision potential due to the proposed urban amenity</p>	Yes in part

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submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
			<p>Questions whether there will be financial compensation if the proposed buffer is adopted</p> <p>Supports the proposal for Old Melbourne Road and Coopers Road reserve to be developed as a key green movement corridor</p>	<p>buffer</p> <p>The principle of the proposed urban amenity buffer has been reflected in Environment Protection Authority and land use planning policy for some time. The issue of the applicability of financial compensation in this instance is not a matter that is given significant weight in determining the adoption or abandonment of a proposed land-use strategy (see various Victorian Panel and VCAT cases)</p> <p>Support acknowledged</p>	
37	Mr P Kobiela	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Requests a further 90 days for consultation so all residents can respond</p>	<p>Refer submission 32 response</p> <p>The community consultations for the TGAR project were extended several times in accordance with subsequent Council resolutions and the consultation period ran from 9 April 2012 until 16 November 2012. Therefore, the submitter and residents have been provided with sufficient time to make a written submission. It is noted that late submissions have also been considered by Council</p>	No
38	Ms L Rao	Objection	<p>Concern over the application of a buffer from the APM site and suggests a gradual buffer zone</p> <p>Mentions that the buffer was proposed in 1990 and it has not changed in 22 years despite APM lowering their emissions</p> <p>Concern regarding the impact of the buffer on Traralgon's economic growth</p>	<p>Refer submission 32 response</p> <p>The EPA publication <i>Recommended Buffer Distances For Industrial Air Emissions AQ 2/86 July 1990</i> (recently updated) and other guidelines (i.e. Clause 52.10 of the Latrobe Planning Scheme) have been in place for some time and have been used as a broad guide by Environment Protection Authority and Council in assisting consideration of the location of existing and proposed sensitive uses close to the Australian Paper site. Australian Paper recently prepared detailed urban amenity buffer odour modelling that helped to better define and map the extent of odour from the site. Now that Australian Paper, Environment Protection Authority and Council have new odour modelling information, they must have regard to the appropriateness of existing and proposed sensitive uses close to the Australian Paper site. This is particularly pertinent when considering and preparing new land use strategies in the area</p> <p>The proposed urban amenity buffer assists with providing information and clearer direction and confidence where future industrial investment can be directed either at the Australian Paper site or housing investment around the proposed buffer. This is not considered to adversely impact the future economic growth in Traralgon and the area</p>	Yes
39	Mr S Testa	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Has not detected any odour in the 16 years of living in the buffer. Suggests AP should continue to develop processes to minimise odours, EPA should review AP's odour management plans and Council should exclude the buffer from the TGAR project</p>	<p>Refer submission 32 response</p> <p>Australian Paper has undertaken significant upgrades to their facilities in recent years to reduce the impact of odour on the community and is continuing to do so. The EPA is responsible for ensuring Australian Paper adheres to the licensing requirements of odour emissions from paper manufacturing using sulphur containing materials. Under the Victorian Planning System, there is a legal requirement for a buffer to be established. The current TGAR work is required to reflect the buffer, although many residents within the buffer area advise that they have not experienced any odour impacts</p>	No

response to submissions

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submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
40	David & Jill Silvester	Objection	Concern over the application of a buffer from the APM site and the justification for areas to which the buffer has been applied Concern over the impact of the buffer on land values	Refer submission 32 response Refer submission 32 response	Yes
41	John & Jenny Wilkins	Objection	Concern over the application of a buffer from the APM site Concern over the impact of the buffer on land values	Refer submission 32 response Refer submission 32 response	No
42	Christine Smith & Nicholas Findlay	Objection	Concern over the application of a buffer from the APM site Concern over the impact of the buffer on land values	Refer submission 32 response Refer submission 32 response	No
43	Dr Barbara Panther	Objection	Concern over the application of a buffer from the APM site Concern over the impact of the buffer on land values Requests a copy of the GHD modelling report	Refer submission 32 response Refer submission 32 response Request for a copy of the GHD modelling report was forwarded to Australian Paper	Yes in part
44	Greg Thomas	Objection	Concern over the application of a buffer from the APM site Concern regarding the loss of potential development of their land	Refer submission 32 response Refer submission 36 response	Yes
45	David & Julie Linahan	Objection	Concern over the application of a buffer from the APM site Concern over the impact of the buffer on land values Concern regarding the loss of potential development of their land	Refer submission 32 response Refer submission 32 response Refer submission 36 response	Yes
46	Peter & Jenny Dal Pra	Objection	Concern over the application of a buffer from the APM site Concern over the impact of the buffer on land values Concern regarding the loss of potential development of their land	Refer submission 32 response Refer submission 32 response Refer submission 35 response	No
47	Rino Marino	Objection	Concern over the application of a buffer from the APM site Concern regarding the loss of potential development of their land. Seeks to realign the proposed buffer boundary in the Morwell North area	Refer submission 32 response Council officers have consulted with Environment Protection Authority, Australian Paper, community groups and individuals in an effort to finalise any required adjustments to the proposed urban amenity buffer. After considering alternative urban amenity buffer mapping proposals, the exhibited draft TGAR proposed urban amenity buffer map has been retained in-principle but discussion within the TGAR reports now acknowledge that an area in Morwell North around Paul Street and an area immediately south of Tyers township may require further odour modelling by Australian Paper that may result in future minor amendments to the boundary of the proposed urban amenity buffer map	Yes in part
48	Mr M L Ryan	Objection	Concern over the application of a buffer from the APM site	Refer submission 32 response	Yes in part

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submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
			Seeks to realign the proposed buffer boundary in the Morwell North area	Refer submission 47 response	
49	Dino, Nerina, John and Julie D'Angelo	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Concern over the impact of the buffer on land values</p> <p>Concern regarding the loss of potential development of their land</p> <p>Recommend Council appoint an independent consultant to review the proposed buffer</p> <p>Suggest Council keep landowners affected by proposed buffer updated on the progress of the project</p> <p>Support the adjusted buffer proposed by TGAR Community Working Group</p>	<p>Refer submission 32 response</p> <p>Refer submission 32 response</p> <p>Refer submission 36 response</p> <p>Council has undertaken an independent review by Aecom consultants of the proposed urban amenity buffer odour modelling and has also sought comments from Environment Protection Authority and Australian Paper. The review and specialist technical research and information has resulted in the need for a proposed urban amenity buffer around the Australian Paper site while activities at the site are in operation</p> <p>Council officers have met with stakeholders for one-on-one discussions at Latrobe City Council offices during and post the community consultation period. Further correspondence will be forwarded to submitters to the project to advise the details of the upcoming Council meeting where the TGAR documents will be referred to Council for their consideration</p> <p>Refer submission 32 response</p>	Yes
50	Bernardo & Mirella Alesi	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Concern over the impact of the buffer on land values</p> <p>Concern regarding increased rates in Low Density Residential Zone when subdivision potential may no longer be possible</p> <p>Concern regarding the loss of potential development of their land</p> <p>Recommend Council appoint an independent consultant to review the proposed buffer</p> <p>Support the adjusted buffer proposed by TGAR Community Working Group</p>	<p>Refer submission 32 response</p> <p>Refer submission 32 response</p> <p>Refer submission 10 response</p> <p>The subject property referred to in the submission is situated in the Rural Living Zone</p> <p>Refer submission 35 response</p> <p>Refer submission 49 response</p> <p>Refer submission 32 response</p>	No
51	Daryl & Christine Marks	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Concern over the impact of the buffer on land values</p> <p>Concern regarding the loss of potential development of their land</p> <p>Support the adjusted buffer proposed by TGAR Community Working Group</p>	<p>Refer submission 32 response</p> <p>Refer submission 32 response</p> <p>Refer submission 35 response</p> <p>Refer submission 32 response</p>	No
52	Julie Fleming	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Concern over the impact of the buffer on land values</p> <p>Concern regarding the loss of potential development of their land</p> <p>Support the adjusted buffer proposed by TGAR Community Working Group</p>	<p>Refer submission 32 response</p> <p>Refer submission 32 response</p> <p>Refer submission 35 response</p> <p>Refer submission 32 response</p>	No

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submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
53	Barry & Leanne Scott	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Concern over the impact of the buffer on land values</p> <p>Concern regarding the loss of potential development of their land</p> <p>Support the adjusted buffer proposed by TGAR Community Working Group</p>	<p>Refer submission 32 response</p> <p>Refer submission 32 response</p> <p>Refer submission 36 response</p> <p>Refer submission 32 response</p>	Yes
54	TGAR Community Working Group	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Propose an adjusted buffer utilising road alignments (Valley Drive, Airfield Road, Scubby Lane, Cemetery Drive, Tyers Road and Archibold's and Sawyers Lanes)</p> <p>Concern over the impact of the buffer on land values</p> <p>Concern regarding the loss of potential development of their land</p> <p>Mentions that the buffer was proposed in 1990 and it has not changed in 22 years despite APM lowering their emissions</p> <p>Suggests the proposed AP buffer represents considerable unfairness due to future development areas such as Crinigan Road Morwell and Tyers Road Traralgon having been excluded</p> <p>Suggest Council keep landowners affected by proposed buffer updated on the progress of the project</p>	<p>Refer submission 32 response</p> <p>Refer submission 32 response</p> <p>Refer submission 35 response regarding Rural Living Zone land and refer submission 44 response regarding the Low Density Residential Zone land</p> <p>Refer submission 38 response</p> <p>The proposed urban amenity buffer is based on odour modelling provided by Australian Paper and comments from the Environment Protection Authority. Existing Residential 1 Zone land or future Residential 1 Zone land in Morwell and Traralgon has been excluded from the proposed urban amenity buffer map to reflect subdivision opportunities that existed in the Latrobe Planning Scheme prior to Australian Paper odour modelling being undertaken</p> <p>Refer submission 49 response</p>	Yes in part
55	Robert & Rosemary Lorenz	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Concern over the impact of the buffer on land values</p> <p>Concern regarding the loss of potential development of their farming land</p> <p>Support the adjusted buffer proposed by TGAR Community Working Group</p>	<p>Refer submission 32 response</p> <p>Refer submission 32 response</p> <p>Refer submission 35 response</p> <p>Refer submission 32 response</p>	No
56	Ian & Glenda Baillie	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Concern over the impact of the buffer on land values</p> <p>Concern regarding the loss of potential development of their farming land</p>	<p>Refer submission 32 response</p> <p>Refer submission 32 response</p> <p>The submitter's land is zoned Farming and is affected by inundation in parts and the future subdivision of the land is subject to the existing provisions of the Latrobe Planning Scheme. Furthermore, the TGAR reports in themselves do not introduce any new zones or overlays into the Latrobe Planning Scheme and therefore do not prohibit certain types of development. New zones or overlays may be done as part of future planning scheme amendments and at different stages over a long term period that may or may not be approved by the Minister for Planning</p>	No

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submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
57	Kenneth & Lorraine Bartling	Objection	Concern over the application of a buffer from the APM site Concern regarding the loss of potential development of their land Recommend Council appoint an independent consultant to review the proposed buffer Suggests that the proposed buffer is applied to road boundaries	Refer submission 32 response Refer submission 35 response Refer submission 49 response Minor amendments to the boundary of the proposed urban amenity buffer map have been undertaken to better reflect title boundaries and road reserve alignments, particularly in the south eastern section of the proposed urban amenity buffer	Yes in part
58	Barry & Leanne White	Objection	Concern over the application of a buffer from the APM site Concern over the impact of the buffer on land values Concern regarding the loss of potential development of their land Suggests 1 or 5 acre lots be considered for future development at the Hollydale site	Refer submission 32 response Refer submission 32 response Refer submission 35 response Refer submission 32 response	No
59	John & Rosie Di Ciero	Objection	Concern over the application of a buffer from the APM site Suggests that Council have ignored the EPA guidelines since 1990 Support the adjusted buffer proposed by TGAR Community Working Group	Refer submission 32 response Refer submission 38 response Refer submission 32 response	No
60	Kerry & Lauris Watson	Objection	Concern over the application of a buffer from the APM site Suggests that Council have ignored the EPA guidelines since 1990 Support the adjusted buffer proposed by TGAR Community Working Group	Refer submission 32 response Refer submission 38 response Refer submission 32 response	Yes
61	Keith Walsingham Reality Christian Fellowship Inc	Objection	Concern over the application of a buffer from the APM site Concern over the impact of the buffer on land values Concern regarding the loss of potential development of their land Support the adjusted buffer proposed by TGAR Community Working Group	Refer submission 32 response Refer submission 32 response Refer submission 35 response Refer submission 32 response	No
62	KJ & JA Currie	Objection	Concern over the application of a buffer from the APM site Support the adjusted buffer proposed by TGAR Community Working Group	Refer submission 32 response Refer submission 32 response	Yes
63	Don & Bev Milner	Objection	Concern over the application of a buffer from the APM site Concern over the impact of the buffer on land values Concern regarding the loss of potential development of their land Concern they weren't notified of community engagement sessions held in May 2012 for the TGAR project	Refer submission 32 response Refer submission 32 response Refer submission 35 response Refer submission 36 response	No
64	Mr C Vacca	Objection	Concern over the application of a buffer from the APM site Strongly objects to the Hollydale site being medium density as it will adversely affect	Refer submission 32 response Refer submission 32 response	No

response to submissions

feedback following public exhibition of the Traralgon Growth Areas Review

submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
			liveability Concern over the impact of the buffer on land values Concern regarding the loss of potential development of their land Support the adjusted buffer proposed by TGAR Community Working Group	Refer submission 32 response Refer submission 35 response Refer submission 32 response	
65	Daniel Colonelli	Objection	Concern over the application of a buffer from the APM site Strongly objects to the Hollydale site being medium density as it will adversely affect liveability Concern regarding the loss of potential development of their land Suggests that Council have ignored the EPA guidelines since 1990 Support the adjusted buffer proposed by TGAR Community Working Group	Refer submission 32 response Refer submission 32 response Refer submission 35 response Refer submission 38 response Refer submission 32 response	No
66	Don Colantuono	Objection	Concern over the application of a buffer from the APM site Strongly objects to the Hollydale site being medium density as it will adversely affect liveability Concern regarding the loss of potential development of their land Suggests that Council have ignored the EPA guidelines since 1990 Support the adjusted buffer proposed by TGAR Community Working Group	Refer submission 32 response Refer submission 32 response Refer submission 35 response Refer submission 38 response Refer submission 32 response	No
67	A & L Charalambous	Objection	Concern over the application of a buffer from the APM site Concern over the impact of the buffer on land values Concern regarding the loss of potential development of their land Suggests that Council have ignored the EPA guidelines since 1990 Suggests that the buffer boundary should be re-aligned at Scrubby Lane, Traralgon	Refer submission 32 response Refer submission 32 response Refer submission 35 response Refer submission 38 response Refer submission 32 response	No
LATE SUBMISSIONS					
68	Mr Sam Dunbar	Support	Supports long term growth for the town out to the east	Support acknowledged	No
69	Mr K and Mrs J Durward	Objection	Concern over the application of a buffer from the APM site Concern over the impact of the buffer on land values	Refer submission 32 response Refer submission 32 response	No
70	Barbie Panther (on behalf of the Morwell North Residents Group) (two submissions)	Objection	Concern over the application of a buffer from the APM site Seeks to realign the proposed buffer boundary in the Morwell North area Requests a meeting between AP, Council planning department and the Morwell North Residents Group	Refer submission 32 response Refer submission 47 response A meeting was held post receipt of the submission between Morwell North Residents Group, Australian Paper, GHD and Council officers. It was agreed that Australian Paper and GHD would review the previous odour modelling and undertake a frequency impact	Yes in part

response to submissions

feedback following public exhibition of the Traralgon Growth Areas Review

submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
				analysis of odour within the Morwell North area. This area is still currently under investigation by Australian Paper	
71	Scott & Ruth McFarlane	Objection	<p>Concern over the application of a buffer from the APM site</p> <p>Currently have a planning permit application with Council to subdivide a 2ha portion of land off their 10ha property. They have rarely noticed an odour from Australian Paper and requests Council approve development within the buffer based on the extent of the current planning zone provisions</p>	<p>Refer submission 32 response</p> <p>The submitter's land is zoned Rural Living and is one of the allotments able to be applied for subdivision and assessed under the existing RLZ in the area. A planning permit application for subdivision has been lodged by the submitter and is yet to be determined by Council. The exhibited draft TGAR proposed urban amenity buffer map has been retained in-principle but discussion within the TGAR reports now acknowledge that there may be opportunity (subject to planning permit application assessment) to honour the limited subdivision potential in the existing RLZ within the proposed urban amenity buffer that existed in the Latrobe Planning Scheme prior to the Australian Paper odour modelling being undertaken. It should also be noted that the draft TGAR proposed urban amenity buffer is one of many planning issues that may need to be considered prior to a planning permit application for subdivision being determined for the submitter's land</p>	Yes
72	Ms Jennifer Jones SMEC Urban (on behalf of Sam Suleman)	Support in part Objection in part	<p>Supports the identification of the land as 'future investigation area' in Area 5 (now Area 4) of Traralgon West Structure Plan, but does not support the identification of Area 2 as 'future industrial use' due to a perceived oversupply of industrial land</p> <p>Proposes Area 2 be identified for future residential use instead of industrial use based on:</p> <ul style="list-style-type: none"> ■ A perceived surplus of available industrial land in the area <ul style="list-style-type: none"> • Residential land abuts the subject land to the west and there may be detrimental amenity impacts if the subject land was developed for heavy industrial uses ■ The proposed AP odour buffer is not yet determined, therefore future residential land on the subject land is still feasible • The existence of the Land Subject to Inundation Overlay (LSIO), Design and Development Overlay (DDO - Latrobe Regional Airport – Obstacle Height) over the subject land does not preclude future residential development 	<p>The use of Area 4 (i.e. formerly Area 5 in exhibited TGAR) for residential uses is not supported due to the large amount of constraints that affect the land (e.g. LSIO, DDO and AEO) and most importantly the need to protect the long term interests of the Latrobe Regional Airport and the Latrobe Regional Hospital. This land is ideally suited for employment uses and the Traralgon Growth Area Framework and Traralgon West Structure Plan continues to promote this given the importance of employment in promoting the growth of both Latrobe City and the wider Gippsland region. The completion of a municipal wide Industrial Land Study is required to inform industrial land supply and demand requirements and employment needs prior to making substantial reductions of Latrobe City's industrial zoned land, especially where these industrial areas are already identified within the Latrobe Planning Scheme</p> <p>While the need for additional land to meet residential supply requirements is acknowledged and the submitter proposes a new residential precinct in Area 2 and Area 4, the preferred residential areas are clearly identified in other more suitable areas in the TGAR plans. Furthermore, the presence of abutting residential land to Area 2 is not considered sufficient strategic justification for the use of the land for residential purposes. The proposed TGAR Australian Paper urban amenity buffer has been updated and reflects the most recent view of Australian Paper and Environment Protection Authority. New residential precincts that aren't already zoned for residential purposes or identified in the Latrobe Planning Scheme as such should be discouraged where they are affected by the proposed TGAR Australian Paper urban amenity buffer</p> <p>It is recommended that the landowner be involved in further discussions regarding the investigation of potential opportunities for the land but that residential uses and core commercial uses west of the airport abutting the Princes Highway not be supported. This is reflected in the updated Traralgon Growth Area Framework and Traralgon West Structure Plan, noting that a municipal wide Industrial Land Study and Retail Land</p>	No

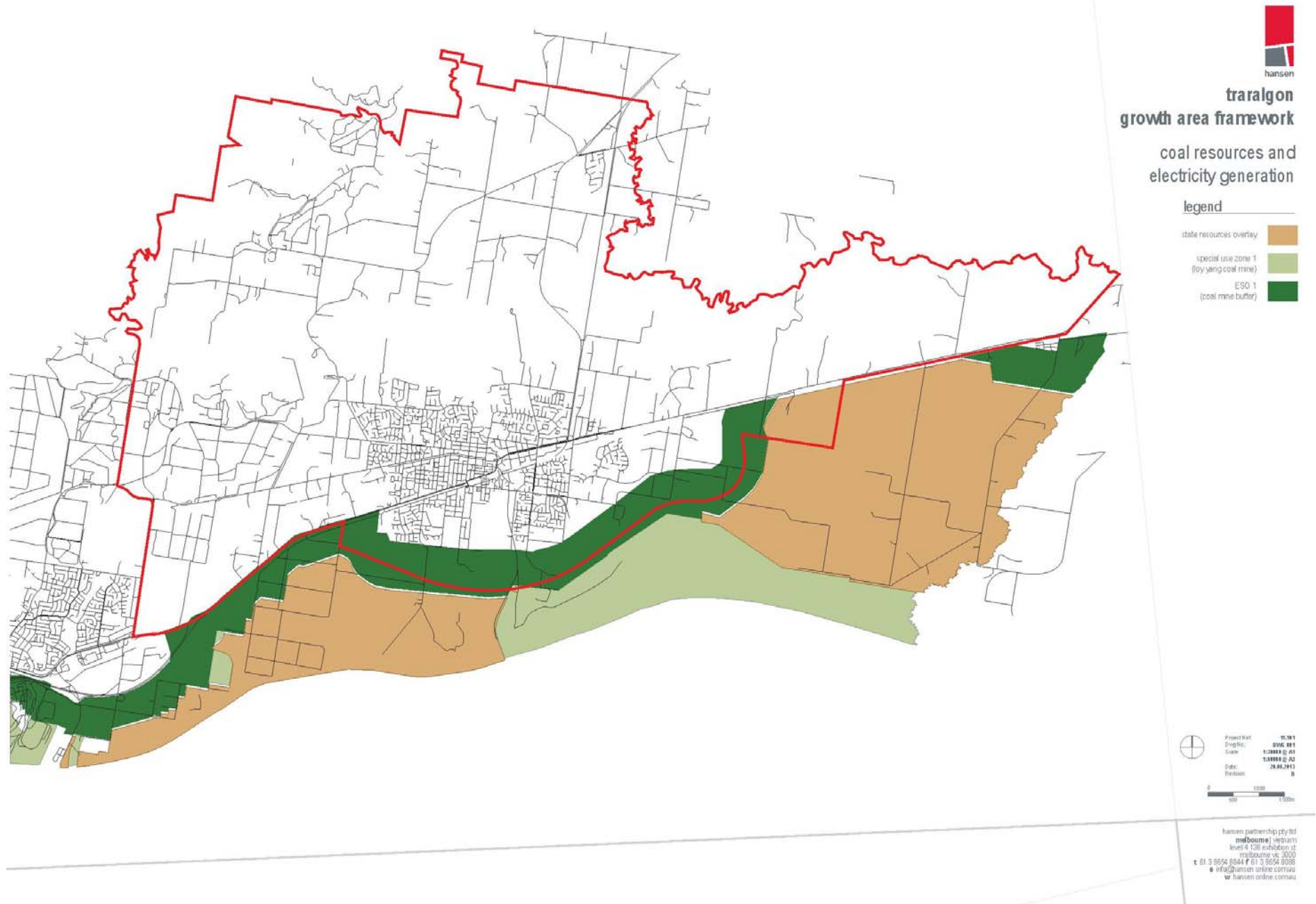
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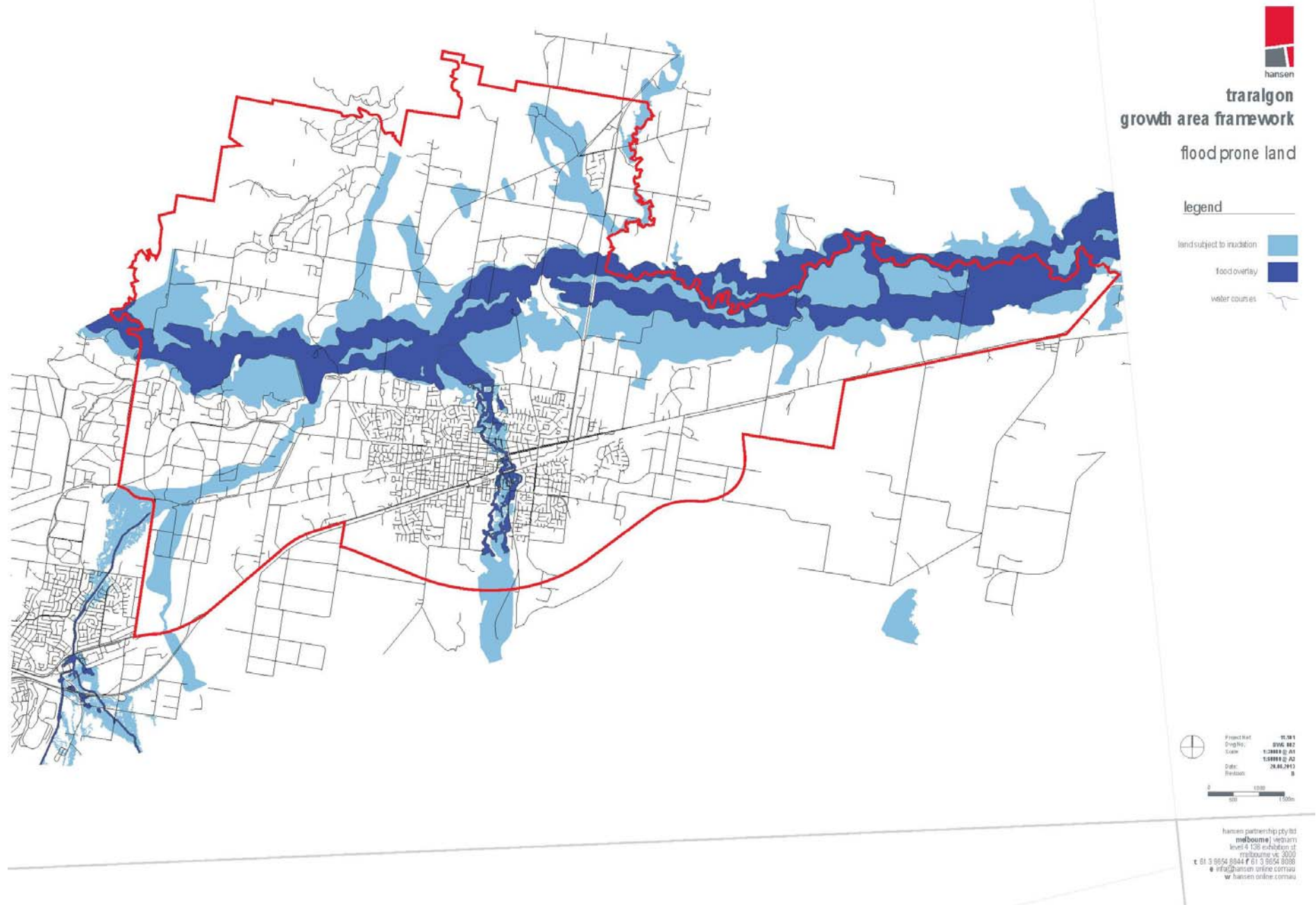
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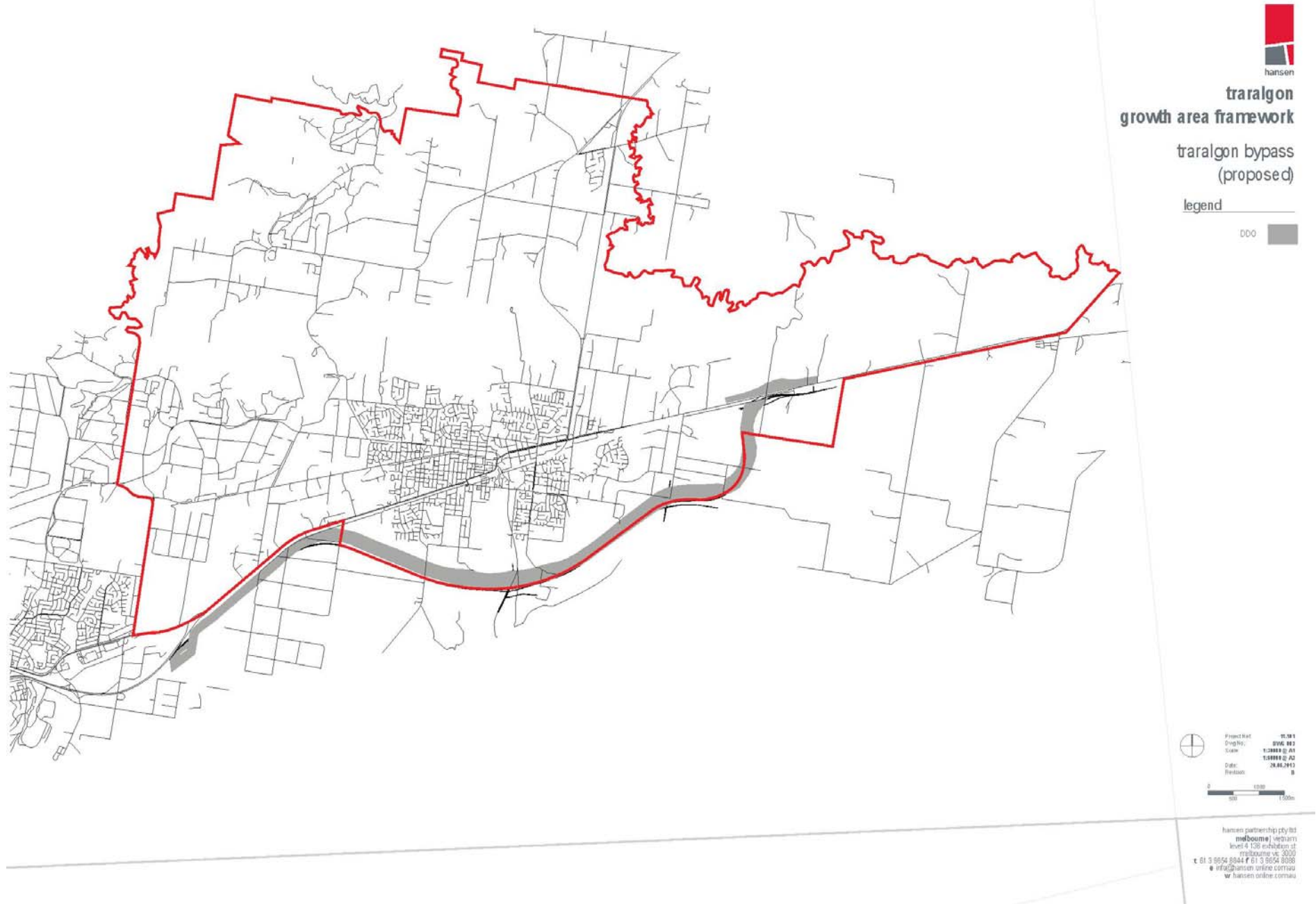
submission no.	name/organisation	support / objection	summary of points raised	planning comment	changes to exhibited reports required? yes/no
			<p>Promotes the development of land for various uses as per the submitter's concept plan. These uses include:</p> <ul style="list-style-type: none"> • Commercial uses along the Princess Highway frontage due to good exposure from passing traffic ■ Residential uses in areas 4 and 5 and larger residential lots along Alexander Road ■ Retirement village opportunities in close proximity to hospital • Open space areas that are affected by the Airport Environs Overlay (AEO) 	<p>Study is required which may influence future uses in Area 2 and Area 4</p> <p>The Traralgon Growth Area Framework and Traralgon West Structure Plan identify the submitter's land as 'future industrial' and 'employment investigation area'. The detailed planning of both of these areas are subject to a development plan/master plan being prepared to guide future use and development and therefore no appraisal of the submitter's concept plan has been undertaken. That being said, the following comments above do identify where the submitter's concept plan appears to be in conflict with the objectives and strategies of the Traralgon Growth Area Framework and Traralgon West Structure Plan</p>	

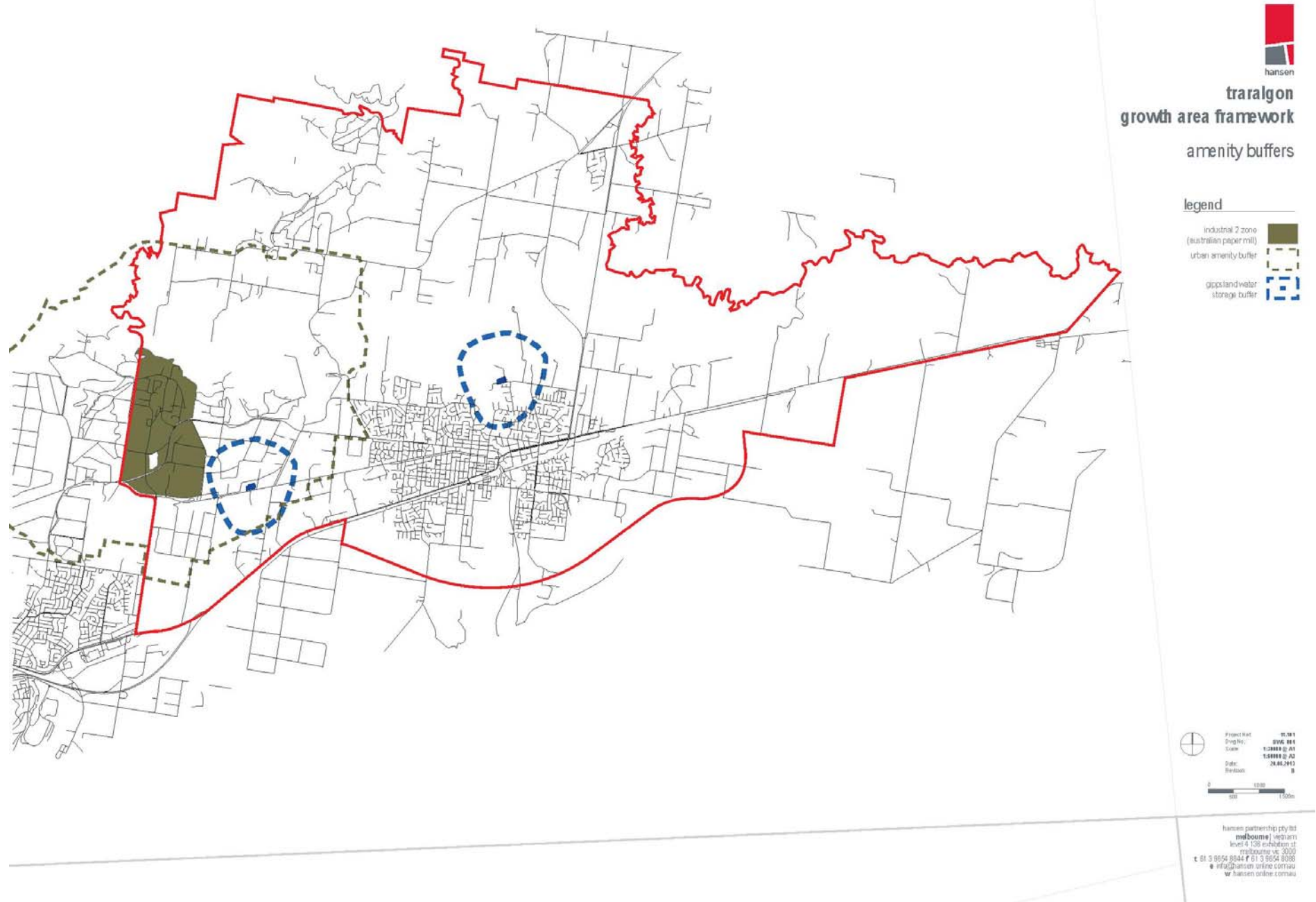


appendix 2
constraints

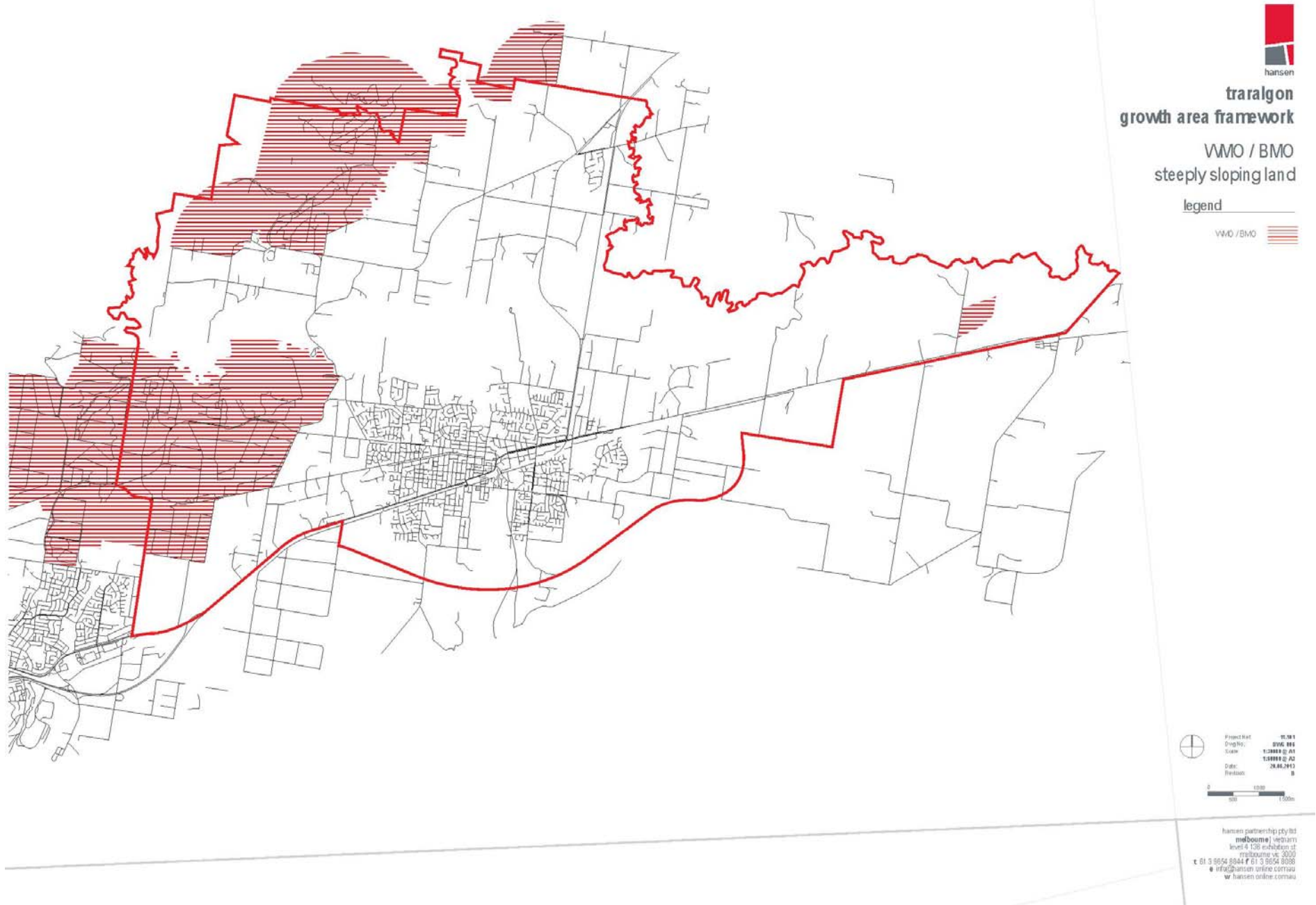


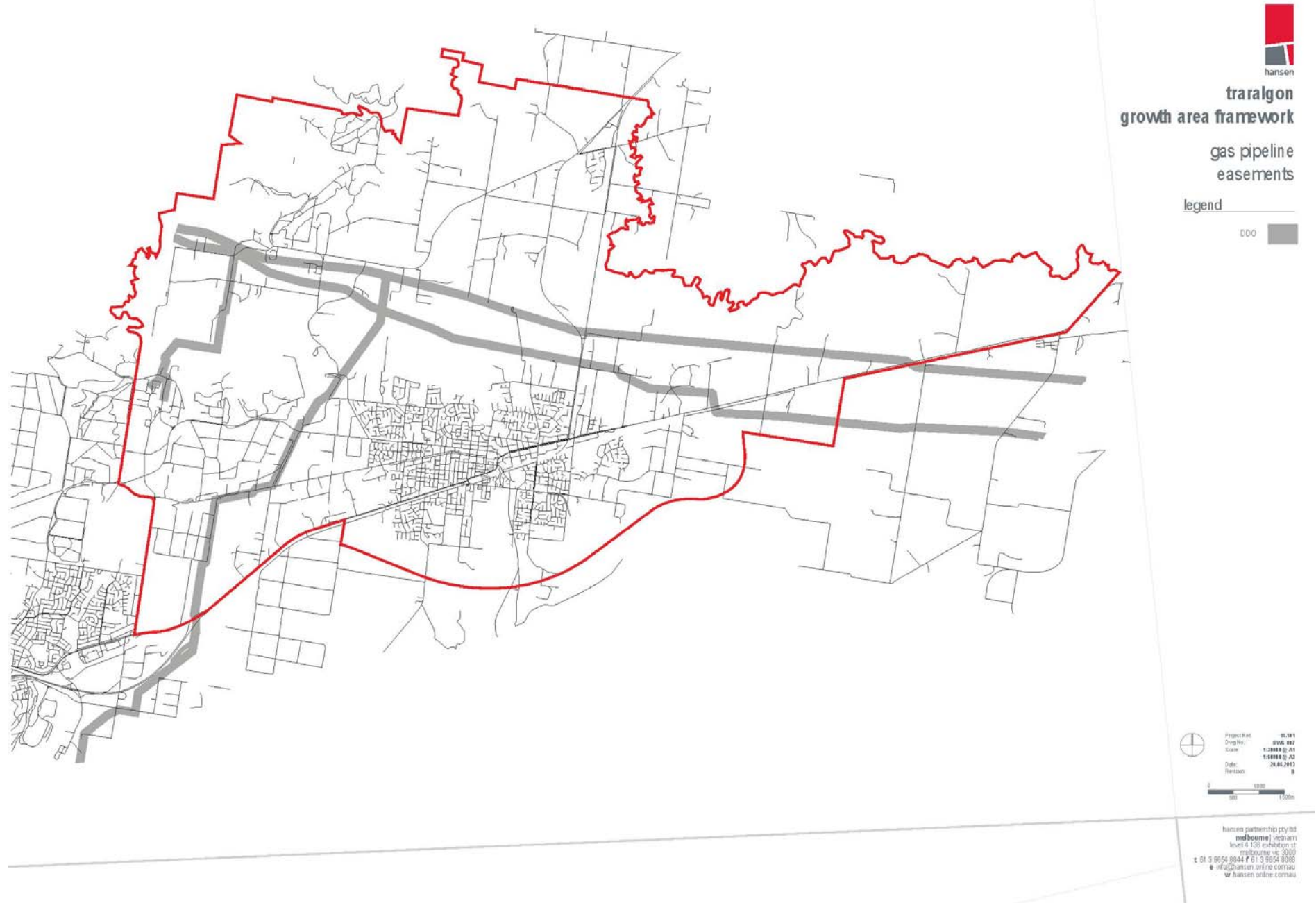


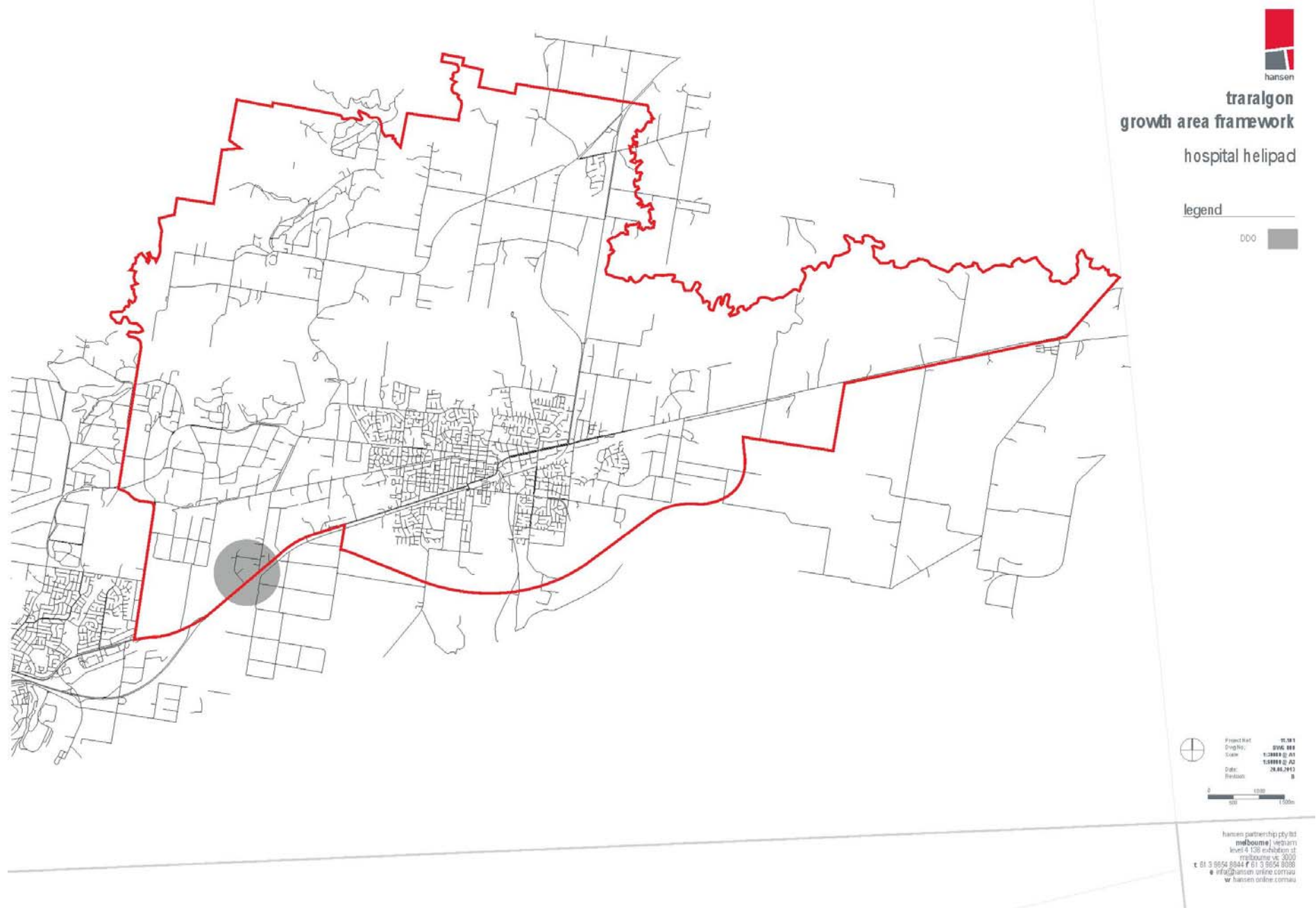


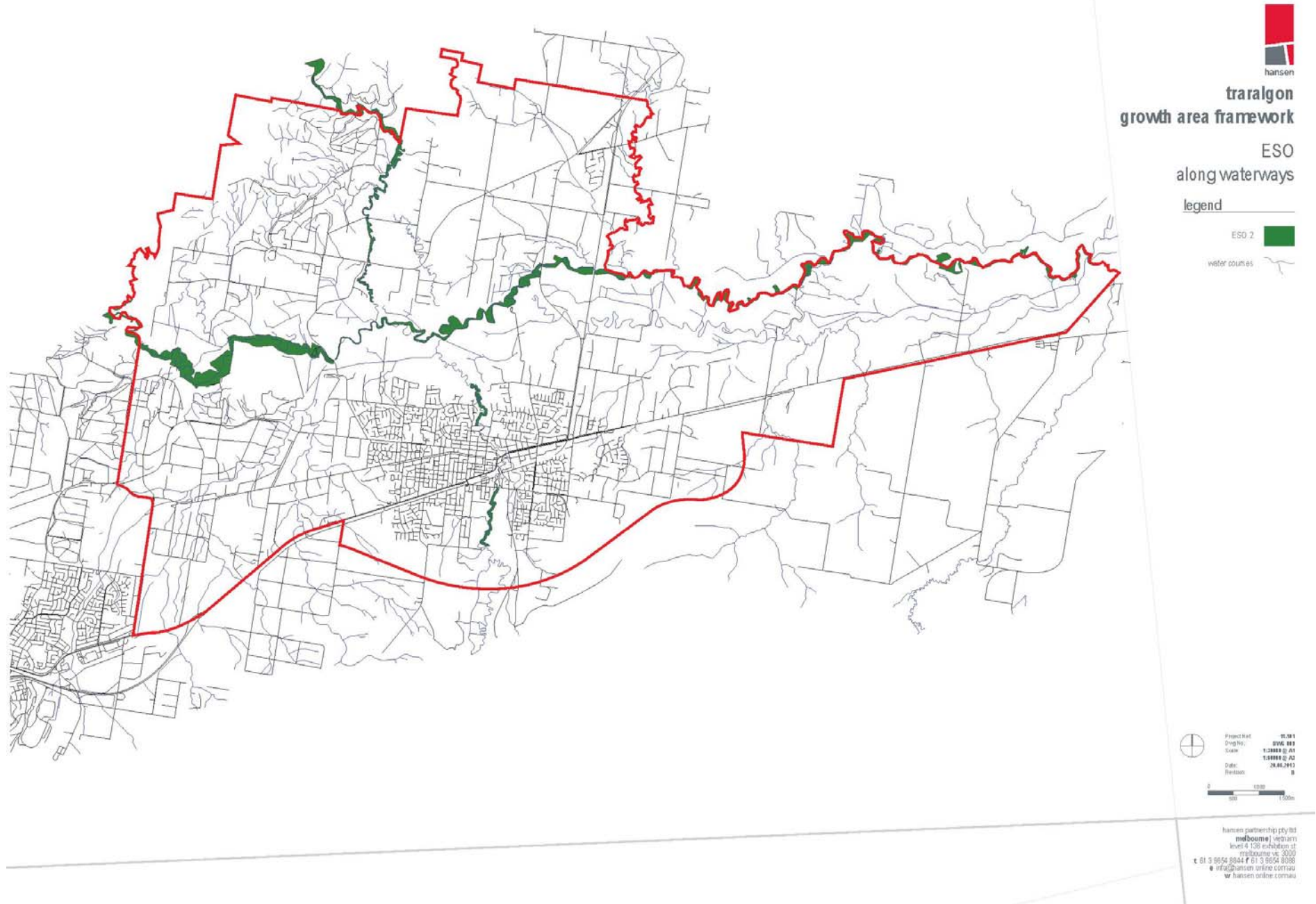


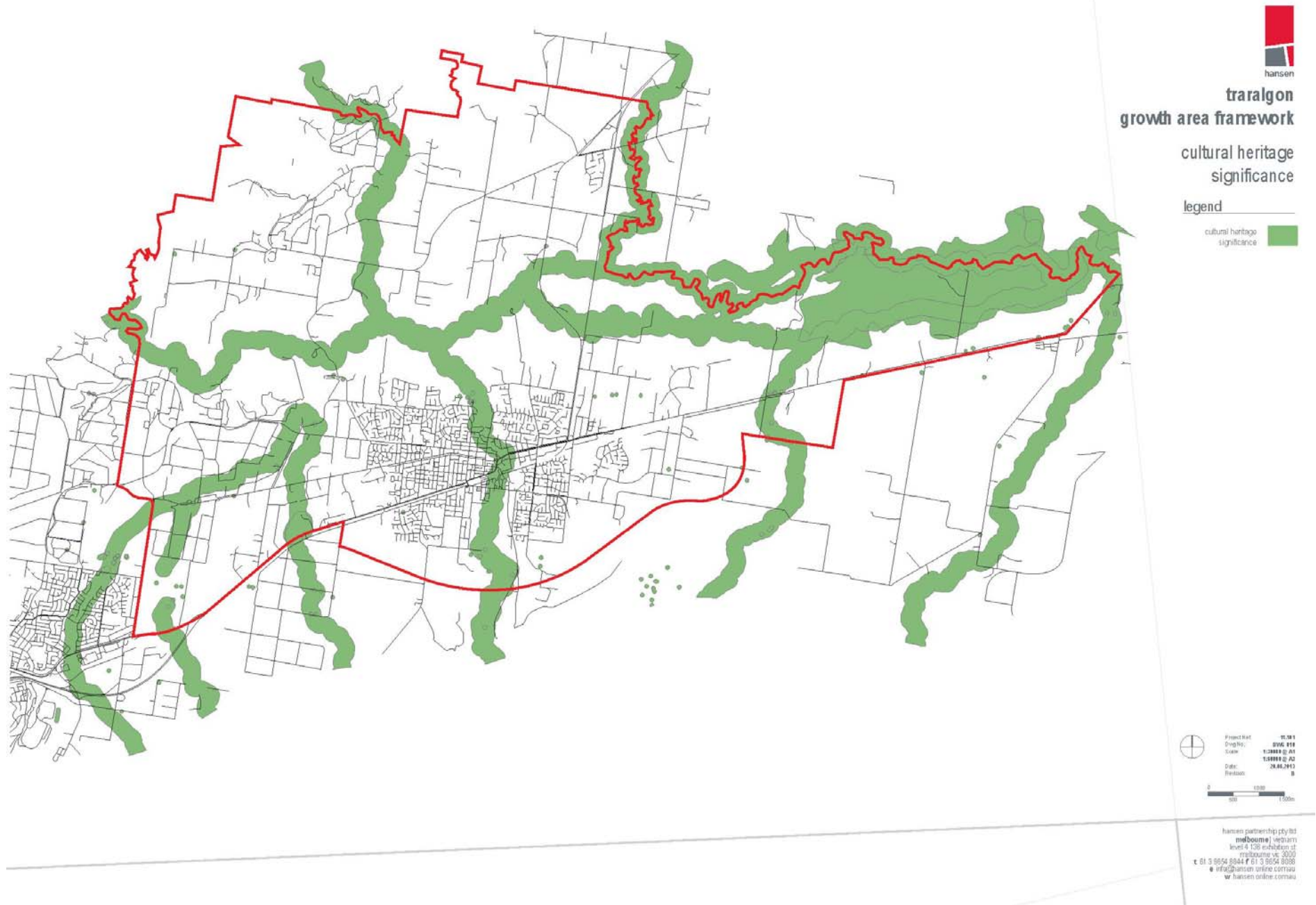












traralgon background report
traralgon growth areas review
august 2013





The Traralgon Growth Area Review: Background Report was undertaken by **hansen partnership** and **Parsons Brinkerhoff**.

The Traralgon Growth Areas Review is a shared initiative of the Victorian State Government and Latrobe City Council.

August 2013

traralgon growth areas review background report

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1 introduction

Traralgon is the largest urban area in the Gippsland region. In terms of population, residential development and commercial and industrial investment it is the fastest growing centre in the region. It had a population at the 2011 census of 26,038 (or 26,000 for the purposes of this study). The city forms part of a network of cities in the Latrobe Valley (Traralgon, Morwell, Moe and Churchill) with a total population of 54,699 which represent one of Victoria's major regional centres and is identified as such within the State Planning Policy Framework. The wider municipality of Latrobe City was home to 73,594 people at the time of the 2011 census. Traralgon is the major administrative and retail / commercial centre for the Gippsland region and contributes significantly to the strength of the regional economy. In addition to its regional level role, Traralgon is also the centre of a productive rural area with a local network of small towns and rural areas that depend on the services the city provides.

Current and projected population and residential development growth rates for Traralgon would require a substantial expansion in the existing urban area if past and current urban development and density practices were maintained. Combined with the fact that Traralgon's long term future urban expansion is constrained in a number of directions by areas subject to flooding, land set aside for future brown coal extraction, industrial land uses and the route of the future highway bypass, Council has identified that a long term plan is needed to ensure that future urban development can be accommodated.

The Traralgon Growth Areas Review (TGAR) informs this long term planning by providing the following final outputs:

- This Background Report which reviews the existing conditions which may influence future growth;
- A Traralgon Growth Area Framework; and
- A new Traralgon-Morwell Corridor Structure Plan (the Traralgon West Structure Plan).

1.1 why undertake the traralgon growth areas review?

Latrobe City Council is responsible for identifying, planning and setting aside land to accommodate long term residential, retail, industrial and employment requirements to meet anticipated demand for the development of Traralgon.

Council has decided to undertake this review due to a number of critical factors that have or will put pressure on the ability of Traralgon and surrounds to accommodate likely future development. Chief among these factors is the recent State government decision to nominate the northernmost alignment for the future Traralgon Bypass. This decision had a direct impact on the adopted *Traralgon-Morwell Corridor Concept Plan* 2007 which earmarked a large area of land (approximately 500 ha) for future urban growth south of the (now agreed) bypass alignment.

Latrobe City must therefore revise its current strategies to accommodate future urban growth as developing land south of the bypass area is no longer feasible nor is it a desirable settlement outcome. Strategic assessments (undertaken in 2009) of current land supply estimates in Traralgon and surrounds indicated that there was a substantial shortage of residential land earmarked for future urban needs. To avoid unnecessary constraints on the residential market within Traralgon, and in recognition that a number of possible areas have significant constraints that limit where urban growth can be located, it is important to ensure a long term plan is prepared.

Developing urban growth options for Traralgon and surrounds must also consider the supply of land for commercial and industrial activity. The current land use composition, particularly within the central area of urban Traralgon, needs to be reviewed in relation to the anticipated residential, commercial and industrial land use demands over the next 40 years up to the year 2051.

The purpose of the Traralgon Growth Areas Review (TGAR) is to:

- Identify all future urban development growth options in and around Traralgon and the surrounding area including Glengarry and Tyers to ensure that there is sufficient land set aside to accommodate long term residential, commercial, and industrial requirements as a result of future population, housing, retail and employment demands.
- Prepare a new structure plan for the Traralgon-Morwell Corridor (Traralgon West). The Corridor plan is only intended to be developed for the area north of the existing Princes Freeway.
- To identify future requirements for community infrastructure to support population growth.

1.2 how the tgar was undertaken

The initial stages of the Traralgon Growth Areas Review were undertaken by Parsons Brinkerhoff. The methodology used to produce part of the content of this Background Report was based on three key elements:

- Desktop research (including a literature review of relevant Council strategies and best practice in urban planning, urban design and sustainability);
- Site investigations throughout the study area; and
- Qualitative consultation activities.

Following this work, Hansen Partnership were engaged to undertake the *Traralgon Growth Areas Framework* and additional inputs were generated which have formed part of this Background Report, which is a Latrobe City document.

This background document provides both an overview of the existing conditions for the broad study area, but also identifies the opportunities and constraints which affect both the study area as a whole, and sets out some concepts which are associated with sustainable settlements and growth patterns.

traralgon growth areas review background report

The outputs associated with this project will be as follows:

- This *Traralgon Growth Areas Review Background Report* which provides context for the project;
- The *Traralgon Growth Areas Framework* which assesses in more detail the demand and land requirements for land uses and establishes a framework for long-term growth for Traralgon and its surrounds; and
- The *Traralgon West Structure Plan* which provides additional detail and directions regarding the future land use and planning of the important Traralgon-Morwell Corridor.

1.3 study area

The study area for the Traralgon Growth Areas Review comprises approximately 16,900 hectares (or 169 square kilometres) of land that includes the regional centre of Traralgon and its surrounds, primarily to the north. This study area also encompasses the Tyers and Glengary townships, the corridor between Traralgon – Morwell as well as the proposed Traralgon bypass (which forms the southern boundary of the study area). The extent of the study area is illustrated in Figure 1.

Figure 1 also identifies the outlines of the area covered by the following structure plans, for ease of reference:

- *Traralgon Structure Plan (2007)*
- *Morwell Structure Plan (2007)*
- *Small Town Structure Plans: Boolarra, Tyers and Glengary (2009)*
(note: Boolarra is not affected by this project)

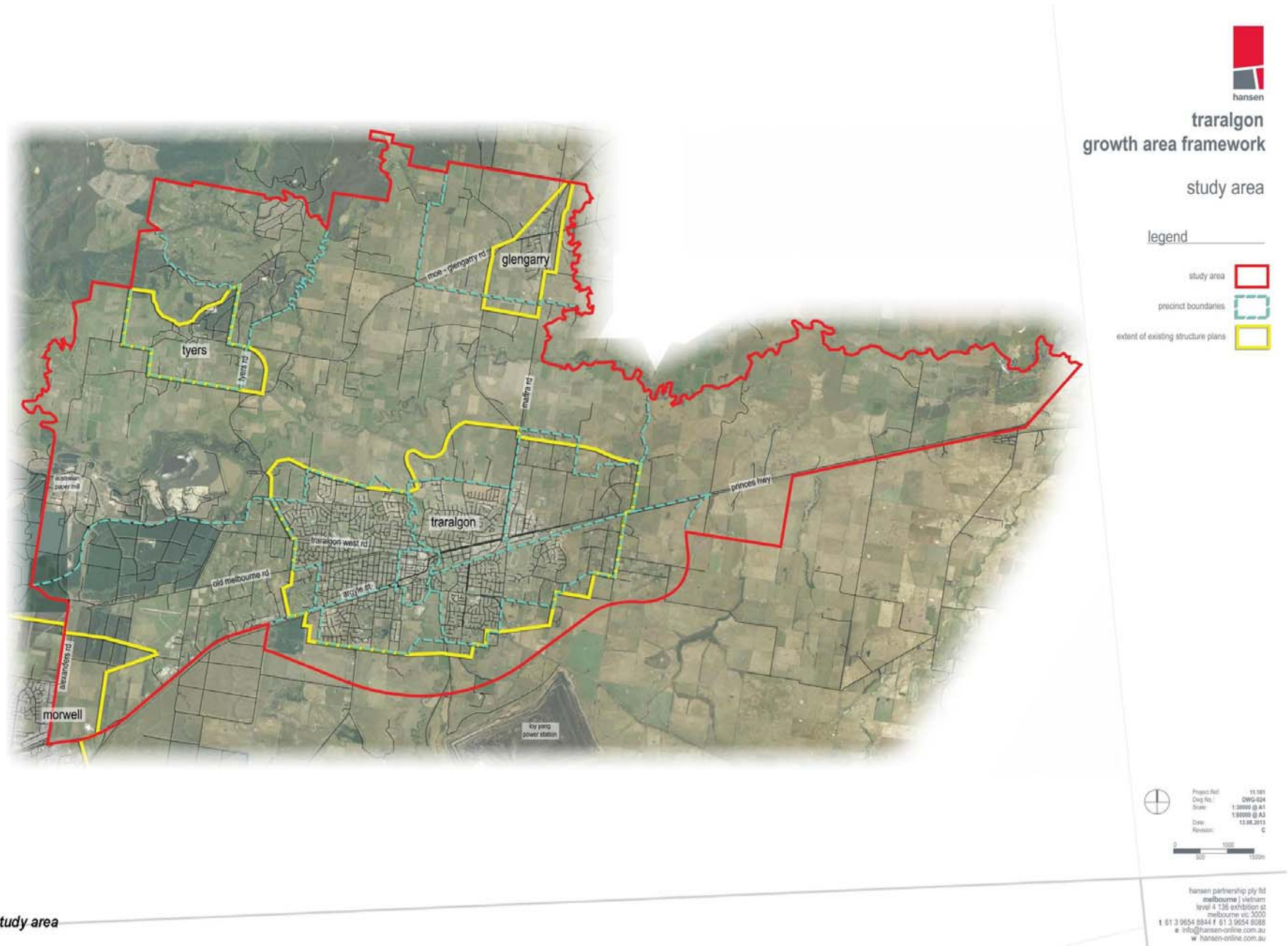


Figure 1: study area

traralgon growth areas review background report

2 existing conditions

This chapter documents the relevant existing conditions in relation to a variety of matters which need to be considered in the formulation of the review of growth areas for Traralgon. These include:

- Regional and municipal context;
- Transport;
- Infrastructure; and
- Land use and urban form.

2.1 regional and municipal context

Traralgon is one of the key regional centres in Victoria. It is located 164km to the east of Melbourne along the Princes Highway. It is the largest of a string of towns which stretch out towards Lakes Entrance on the coast which include Drouin, Warragul, Moe, Morwell, Traralgon, Sale and Bairnsdale.

The municipality of Latrobe City has previously adopted a model of development that establishes a hierarchy of townships comprising four main towns: Moe (9,448 persons), Morwell (14,205), Traralgon (26,038), and Churchill (5,008) which form what is known as a 'networked city'.

The population of Latrobe is also distributed across seven smaller settlements and a rural hinterland. The Municipal Strategic Statement recognises that while each town provides many of the services and facilities required by its residents, they are not separate, self contained entities which operate in isolation from each other. The towns and settlements interact, to varying degrees, to create what is, effectively, a 'networked city', highlighting the need for good inter-town connections.

Most of Victoria's electricity generation facilities are located in the Latrobe Valley and the region has Australia's largest reserves of brown coal. Power generation resources and facilities dominate the landscape of large

areas of the valley. To the immediate southwest of Traralgon is the Loy Yang Power Complex and open-cut coal mine. In addition, large areas of rural land to the south of Traralgon have been set aside as long term future coal reserves. As such, the land around Traralgon plays a role in the functioning of the whole state of Victoria, well beyond that which would otherwise be played by a regional area.

Traralgon's large commercial centre includes the Traralgon Shopping Centre, South Side Central, which incorporates the major regional railway station, and shops which line the attractive streets of Franklin Street, Seymour Street and Hotham Street. The landmark building in the town centre is the post office building built in 1887. Regional facilities include the Latrobe Regional Hospital, a purpose built 257-bed, fully integrated health service located at Traralgon West and a campus of the University of Ballarat at Churchill, 20 kilometres to the southwest of Traralgon. These services, facilities and retail offer serve a very large catchment. Anecdotal evidence suggests the retail opportunities of the town, as well as larger scale infrastructure such as the Latrobe Regional Hospital attracts people from the full extent of Gippsland. As such, Traralgon serves somewhat as the de facto 'capital' of Gippsland.



Figure 2: regional context

traralgon growth areas review background report

2.2 transport

This chapter seeks to establish both the existing policy context in which decisions on transport related matters are made, and to broadly define the existing conditions 'on the ground' in the study area.

2.2.1 policy and planning

integrated transport act (2010)

The Transport Integration Act was introduced in 2010 as Victoria's principal transport Act, bringing together all matters relevant to transport and linking them clearly to land use planning outcomes. The Act requires that all decisions affecting the transport system be made within the same integrated decision-making framework and support the same objectives (under a triple bottom line). Any rezoning of land, for example, now needs to demonstrate how it is consistent with the objectives of the Act, which are:

- Social and economic inclusion
- Economic prosperity
- Environmental sustainability
- Integration of transport and land use
- Efficiency, coordination and reliability
- Safety and health and wellbeing

victorian transport plan

The Victorian Transport Plan (2008) identifies the following priorities for improvements, which have relevance for the study area:

- New industries using brown coal from Gippsland are likely to come on stream from about 2015. This project provides for scoping, options analysis and pre-feasibility studies on transport infrastructure requirements to support development of these new industries and get value-added coal products to world markets.

- Better regional roads, including commencing the Princes Highway duplication between Traralgon and Sale to improve Gippsland's connection to Melbourne.
- Improved bus services – to better link regional communities. Bus services in the Latrobe Valley have been targeted as a priority.
- New train carriages and upgrades to regional train stations with better bus and taxi access and car parks (although no specific details were included regarding the Latrobe Valley).
- Regional airport upgrades (although no specific mention was made of Latrobe Regional Airport).
- Transport connections – funding to help local communities take local action, to better link their communities (although no specific details were included regarding the Latrobe Valley).

draft regional growth plan

The recently released draft *Gippsland Regional Growth Plan* also identifies some relevant existing key transport initiatives, as follows:

- Expanding road space such as the duplication of the Princes Highway between Traralgon and Sale, and a potential Princes Highway Traralgon bypass (land has been reserved in the Latrobe Planning Scheme through a public acquisition overlay)
- Improving and modifying the network of public transport services to better meet market needs
- Improving and modifying the network of cycling and walking tracks and trails
- Maximising use of existing infrastructure such as higher productivity freight vehicles on designated routes, encouraging road freight to operate in non-peak periods and timetabling enhancements on the rail network
- The proposed East West Link to improve access to the Port of Melbourne and Melbourne Airport, and support access for a growing population in Gippsland and Melbourne's south-east growth corridor

- Enhancing rail capacity via passing loops in conjunction with the Dandenong Rail Capacity Program and providing additional train paths to retain direct linkages to Melbourne's CBD through the Melbourne Metro project
- Developing the Port of Hastings and the Port of Melbourne to increase capacity to handle containerised and bulk trades
- Work to identify opportunities for rail and road reserves, including to and from the Port of Hastings and other intra and interstate freight and logistics precincts, in support of future industrial and natural resource based export opportunities.

Within the plan Morwell is identified as a key freight and logistics hub, meaning there are opportunities, particularly to the west of Traralgon to build on anticipated efficiencies in freight movement into the future.

transit cities

Transit Cities is a major Victorian Government program that focuses on creating opportunities for people to live and work in the same area. Transit City projects will fund mixed-use, higher-density development based around the key centres of Moe, Morwell, Traralgon and Warragul, which forms the Latrobe Warragul Transit City identified in Figure 2. As part of this initiative, the *Latrobe Transit Centred precincts - Traralgon Town Summary* (2006) was prepared. This document identifies that the aims of 'Transit Cities' are to:

- Create safe, vibrant and accessible communities that are centred on public transport.
- Link people to services, to opportunities and to each other by putting a seamless transport network at their doorstep.
- Encourage higher-density, mixed-use development (which) will cater for and stimulate urban growth.
- Maximise the Victorian Government's investment in Regional Fast Rail Links.
- Protect the local character from uncoordinated urban growth by concentrating development around railway stations.

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traralgon growth areas review background report

Based on Transit City objectives, the *Latrobe Transit Centred Precincts - Traralgon Town Summary* (2006) provided an initial Masterplan for the key public realm improvements and development opportunities identified in the precinct. It is notable that this Transit City document addressed much of the city centre of Traralgon, rather than the immediate surrounds of the station.

An additional, more detailed masterplan was recently adopted by Council for the Traralgon Station Precinct which addresses the area immediately surrounding the station. This document outlined the opportunity for the inclusion of additional medium or higher density development to be provided to the south of the railway line. The Traralgon Inner South Masterplan also aims to increase the residential population close to this key transport infrastructure.

latrobe planning scheme

Council objectives identified in the Latrobe Planning scheme, relating to transport and land use integration, include:

- General support for walking, cycling and public transport alternatives
- Encouragement of well-designed, infill residential development, services and facilities throughout the existing urban area and especially in locations with good public transport accessibility
- Encouragement of walkable neighbourhood centres and increased densities around Transit City areas
- To increase and maximise public transport opportunities between towns and within corridors to support the networked city
- To encourage a reduction in pollution from transport sources
- Strategic provision for road and rail freight

other adopted council transport strategies

The *Traralgon West Traffic Study Issues and Options Report* was undertaken in July 2002 by Arup. The Study concluded that an east-west

link providing a new high level crossing of Traralgon Creek is unlikely to ever be justified based on economic grounds and traffic volumes. Even constructing a low level structure across the creek would still incur considerable cost and provide little benefit due to the likely low cross-town demand around the CBD. Arup suggested that a link between Breed Street and Cross's Road could be aligned to allow for the potential for a future road to cross the creek. Since the completion of the study, the development of the Sherwood Park Estate has progressed relatively quickly and provision has been made in the Outline Development Plan for the development of the balance of the land between Sherwood Park and Traralgon Creek for a possible future crossing of Traralgon Creek.

Council confirmed in 2005 that they would not, at that time, construct an east-west link across Traralgon Creek, and that traffic management improvements continue to be implemented as appropriate measures are identified and funded. They also determined that Council would undertake appropriate planning for the east-west link across the northern boundary of the urban area of the township of Traralgon. Given the intervening time since that Arup assessment the need may be greater than identified in that report.

The *Latrobe Structure Plans – Traralgon* (2007) identified the following transport issues:

- Indirect public transport routes, particularly for growth areas
- A need for better design of new subdivisions for public transport
- A need for early provision of bus services to growth areas
- Limited east-west connections to the north and the south of the Traralgon city centre
- In order to service the new growth along the fringe areas Traralgon will also require significant extension of its pedestrian and cycling networks.

The *Latrobe Structure Plans – Traralgon* (2007) identified the following transport objectives:

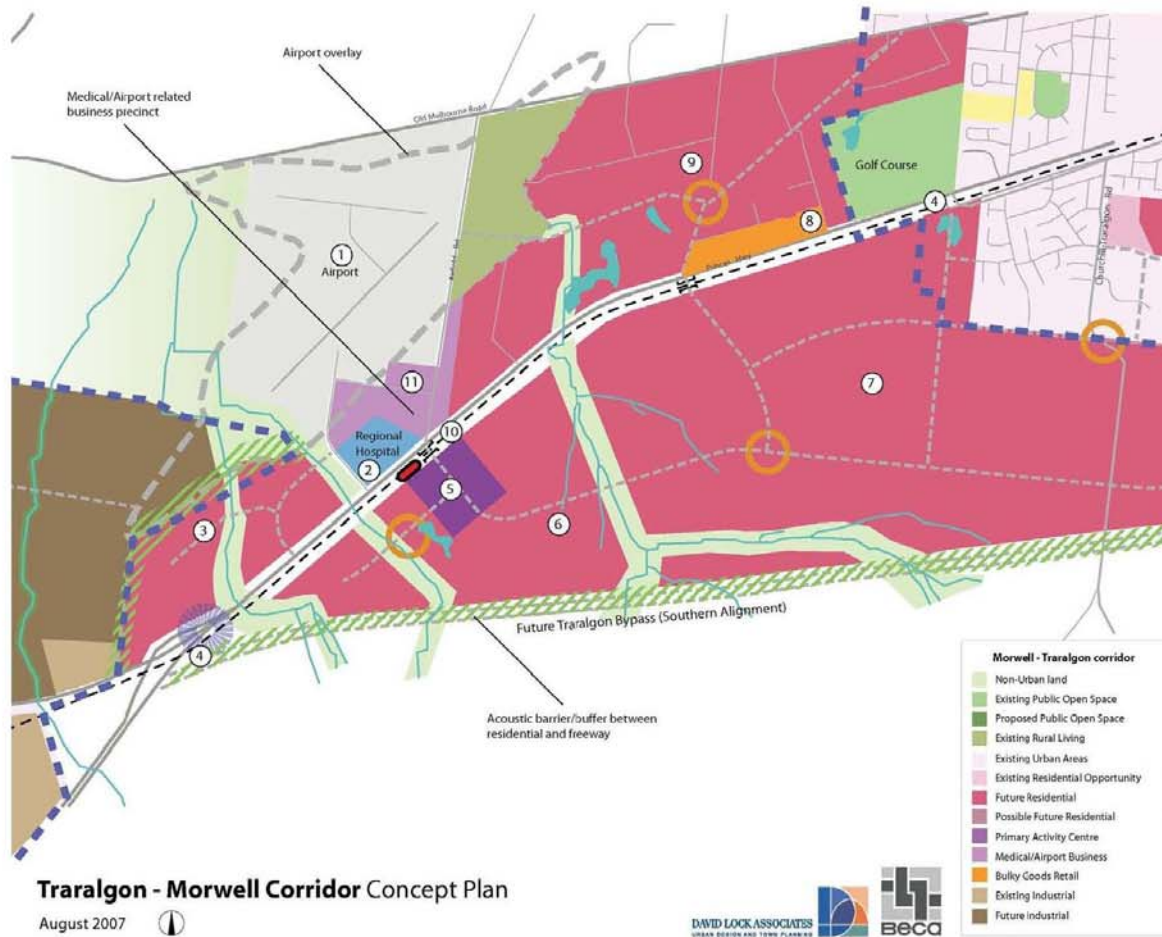
- Establish walkable neighbourhood centres in growth areas.
- Improve transport routes and ease of movement within existing and new areas, including:
 - Better bus coverage of industrial areas;
 - Early introduction of direct bus services for growth areas; and
 - Interconnect and expand on the existing network of bike routes.
- Improve visibility and accessibility of Traralgon train station, supporting pedestrian, bus and cycle access and facilities.
- Provide additional east-west route for all modes of transport and reduce the need for residents to cross the city centre to access community facilities, specifically travel between the northeast and northwest, and between the southeast and southwest.

In the *Small Town Structure Plans, Background Report – April 2009* the following transport issues and opportunities were identified, with regard to Tyers and Glengarry:

- New development proposals should consider and appropriately address impacts of additional traffic volumes on existing roads.
- Improve existing walking tracks.
- All new development proposals should provide appropriate pedestrian access and connections throughout the development as well as providing links with existing connections and the town centre;
- Improve bike and path trails and improve access throughout the township.
- Improve public transport.
- Management of safe vehicle access points on local roads.

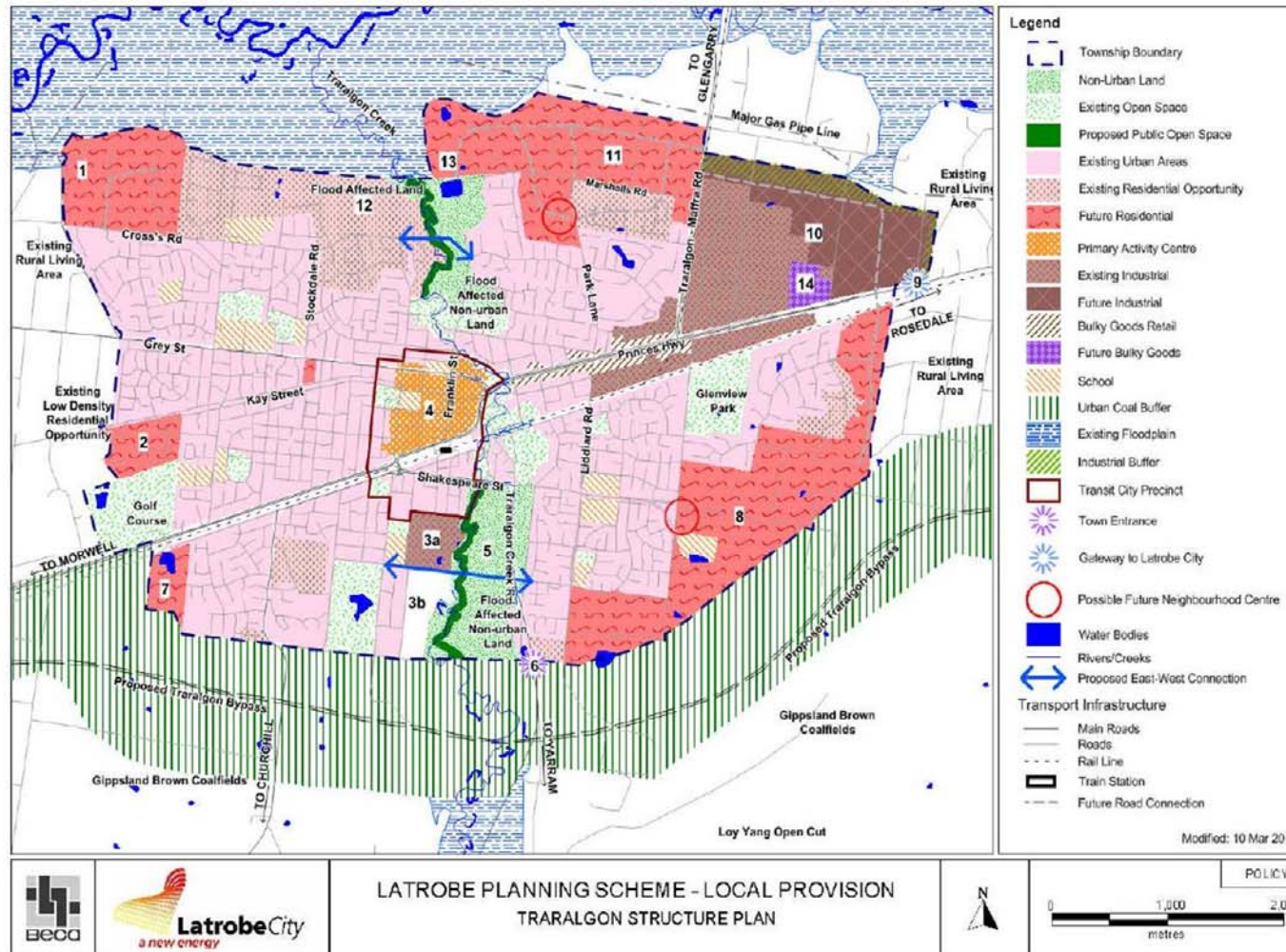
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Figure 3: existing traralgon-morwell corridor concept plan (2007)



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Figure 4: existing traralgon structure plan (2007)



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2.2.2 existing transport network

road

The Princes Highway is the principal route through the region and travels east-west. It is a focus for freight, tourist, local and coach traffic. This road runs right through the centre of Traralgon.

Tyers Road provides a link to the north-west which connects with Tyers and beyond. The Traralgon–Maffra Road provides the key link to Glengarry and then on to Toongabbie and Heyfield. To the south, the Hyland Highway runs down past Traralgon South and on to the Tarra Bulga National Park. Also providing access to the south west is the Churchill-Traralgon Road.

A network of local and arterial roads provide access to local towns and settlements within the area, with the Old Melbourne Road forming another key link to Morwell in the west through the suburban areas of Traralgon.

freight traffic

The Victorian Government has a freight and logistics plan called *Victoria - the Freight State* (2013). The document is consistent with both the *Gippsland Regional Plan (2010)* and the *Gippsland Freight Strategy (2013)*. It aligns to the sentiment in the *Gippsland Freight Strategy (2013)* that states that the growing population of Melbourne's south eastern suburbs will stretch the capacity of the existing road and rail network, and increase travel time for freight movements originating from Gippsland. The Gippsland Freight Strategy advocates that continuing to develop connection options, such as the East West and North East Links will be essential if the Gippsland corridor is to form an integral part of a national transport network. It also flags the need for a new airport to serve the south east of Melbourne and the Gippsland area. The document also supports proposed rail access to the Port of Hastings, the establishment of

the North East freeway link and construction of West Link as an alternative".

public transport

rail

V/Line operates regional rail services between Melbourne and Bairnsdale (with approximately three daily services operating each direction on weekdays). The majority of rail services however run between Melbourne and Traralgon (on weekdays approximately hourly). As part of the Regional Fast Rail Project rail services were upgraded on the Latrobe Valley Line in October 2006.

Within the vicinity of the study area, stations are located at Warragul, Yarragon, Trafalgar, Moe, Morwell, Traralgon, Rosedale and Sale. The Traralgon Station is separated from the main town centre by the Princes Highway. The *Traralgon Station Precinct Masterplan* addresses the issues created by this separation.

bus

In addition to V/line regional coaches, the study area is served by a Latrobe Valley inter town bus network, as well as a Traralgon town bus network. The *Latrobe Structure Plans-Traralgon (2007)* identified indirect bus services and poor coverage of the growth areas as issues that needed to be addressed.

In Traralgon a central bus interchange is located at Centre Plaza and bus stops are provided at the station. The Latrobe Transit centred precincts - *Traralgon Town Summary (2006)* commented that not all services stop at the station but identified plans to address this issue.

Future improvement of the bus network in the Latrobe Valley is identified as a priority in the *Victorian Transport Plan (2008)*. This follows a Bus Service Review for the Latrobe Valley carried out by the Department of

Transport (DOT) in 2008. A new bus service timetable for the Latrobe Valley was announced by the Department of Transport in January 2012.

bicycle

As is common in regional Victoria, private vehicles are the most common form of transport, in the study area, however, Council has identified a commitment to improving active modes, along with public transport.

The *Latrobe City Bicycle Plan (2007-2010)* identifies the local cycle network and proposed improvements in Traralgon and the wider area. The cycle network for Traralgon is shown in the figure on the following page.

Extension of the cycle network to cover existing and future growth areas is necessary to promote active transport. The establishment of walkable neighbourhoods, particularly in growth areas and improved pedestrian facilities in rural townships is also required.

In addition, the Gippsland Rail Trail extends to Glengarry and is proposed to then feed through into the centre of Traralgon.

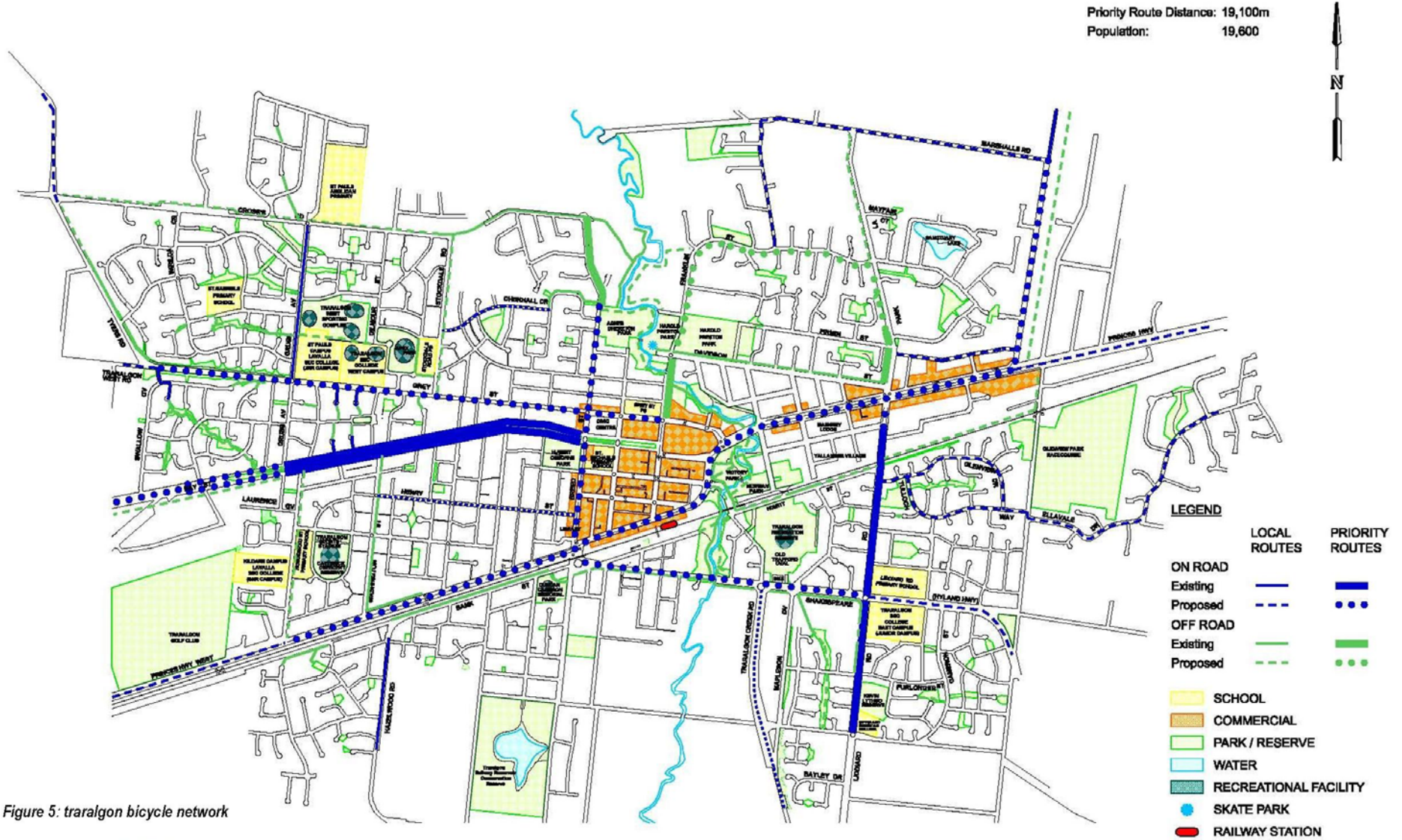


Figure 5: traralgon bicycle network



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LATROBE BICYCLE PLAN
 TRARALGON BICYCLE NETWORK

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2.2.3 traralgon bypass

An amendment to the Latrobe Planning Scheme (C42), identifying an alignment for the Princes Freeway – Traralgon Bypass to the south of Traralgon, was approved by the Minister in June 2009. This followed the northernmost of the proposed alignments.

The currently proposed alignment will follow that of the Princes Highway until it veers off to the south just beyond the Latrobe Regional Hospital. It re-joins the existing alignment of the Princes Highway around Kenyons Lane (see Figure 6). It is worth noting that the duplication of the highway at this eastern extent of the city has also proceeded. The location of off-ramps for the freeway is also an important consideration in planning future growth strategies or land uses. Bypass off ramps are currently proposed to be provided around National Road to the west, just beyond the existing urban extent of Morwell, centrally at the Hyland Highway and at the existing urban edge around Minnedale Road.

The timing for the construction of the Princes Freeway – Traralgon Bypass has not been determined at this stage. While it is not anticipated that this will occur in the short term, any long term plan for growth in Traralgon must take into account the anticipated alignment of this bypass. It is anticipated that this bypass will reduce the level of 'through' traffic in Traralgon to a degree. However, a substantial proportion of the traffic currently using the Princes Highway in proximity to Traralgon services areas within and around the city. As such, while it is anticipated that the bypass will lead to some reduction in traffic, the Princes Highway will remain an important thoroughfare.

It is noted that the alignment identified for the bypass was opposed by Latrobe City Council at the time given the implications for urban growth. Should any future reconsideration of the bypass alignment occur, opportunities would exist for any additional land to the north of the alignment to develop for residential purposes.

2.2.4 latrobe regional airport

Latrobe Regional Airport is located on the north side of the Princes Highway between Morwell and Traralgon, approximately 150 kilometres from Melbourne. It is owned by Latrobe City Council and managed by the Latrobe Regional Airport Board, which comprises representatives from local government, the aviation sector, related firms and the local community.

Aurecon undertook a review of the existing 2009 Master Plan for Latrobe Regional Airport and established a planning framework that will facilitate development at the airport site over the next 20 years.

Planning Scheme Amendment C26 included specific planning controls designed to protect the operations of the airport from the encroachment of sensitive land uses or inappropriate development. While that Amendment sought to remove the existing Airport Environs Overlay, this was recommended by the Panel for retention as well as the introduction of two new schedules to the Design and Development Overlay to provide guidance on the heights of buildings within flight paths. It is understood that further modelling regarding the noise impacts associated with the airport and longer term strategic opportunities may require further consideration.



The land designated as the Latrobe Regional Airport comprises 200 hectares of relatively flat, open land used for a variety of aviation and related uses, including:

- Movement area consisting of a main sealed runway, a secondary unsealed runway, a glider facility, taxiways, RPT Apron and a Southern Apron.
- Hangars including Latrobe Valley Aero Club hangars and Gippsland Aeronautics.
- Manufacturing Precinct, Glider facility and private hangars.
- Terminal area including the terminal building, roads and car parks and engineering services.
- Support facilities including aircraft fuelling, aircraft maintenance, airport maintenance and the Latrobe Valley Aero Club.
- Operational facilities including navigational aids and rescue and fire fighting services.

Key services and estimates of air traffic movements were identified by the *Latrobe Regional Airport Interim Planning Provisions 2008-09 Strategic Planning Background Report* (2008), as follows:

- Employment and business opportunities with approximately 150 staff engaged by the various businesses located at the Airport including Gippsland Aeronautics, East Coast Aviation, and the Latrobe Valley Aero Club;
- State emergency services including air charter, Helimed 1 air ambulance, regional State Emergency Service (SES), a permanent base for Country Fire Authority (CFA) and Department of Sustainability and Environment (DSE) fire fighting aircraft;
- Recreational and tourism facilities, including three flying schools, tandem skydiving, gliding, joy flights, aerobatic flights, air cadets and private hangars for recreational aviators;

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- Air traffic movements were estimated at approximately 25,000 per year in 2005, including charter flights, flight training, agricultural work, Helimed 1 operations, community service flying, private and business flights.

The Latrobe Regional Airport land contains significant biodiversity assets within the established conservation zones of the site. The land has native vegetation offsets that are managed for conservation purposes by Latrobe City Council.

The Latrobe Regional Airport represents a major regional asset with considerable existing investment. It is recommended that consideration be given to the long term needs and opportunities of the aerodrome in a broader strategic context, including the land requirements for the airport. If these cannot be accommodated in the existing location, it may be worth considering a more appropriate, alternate site in the medium to long term.

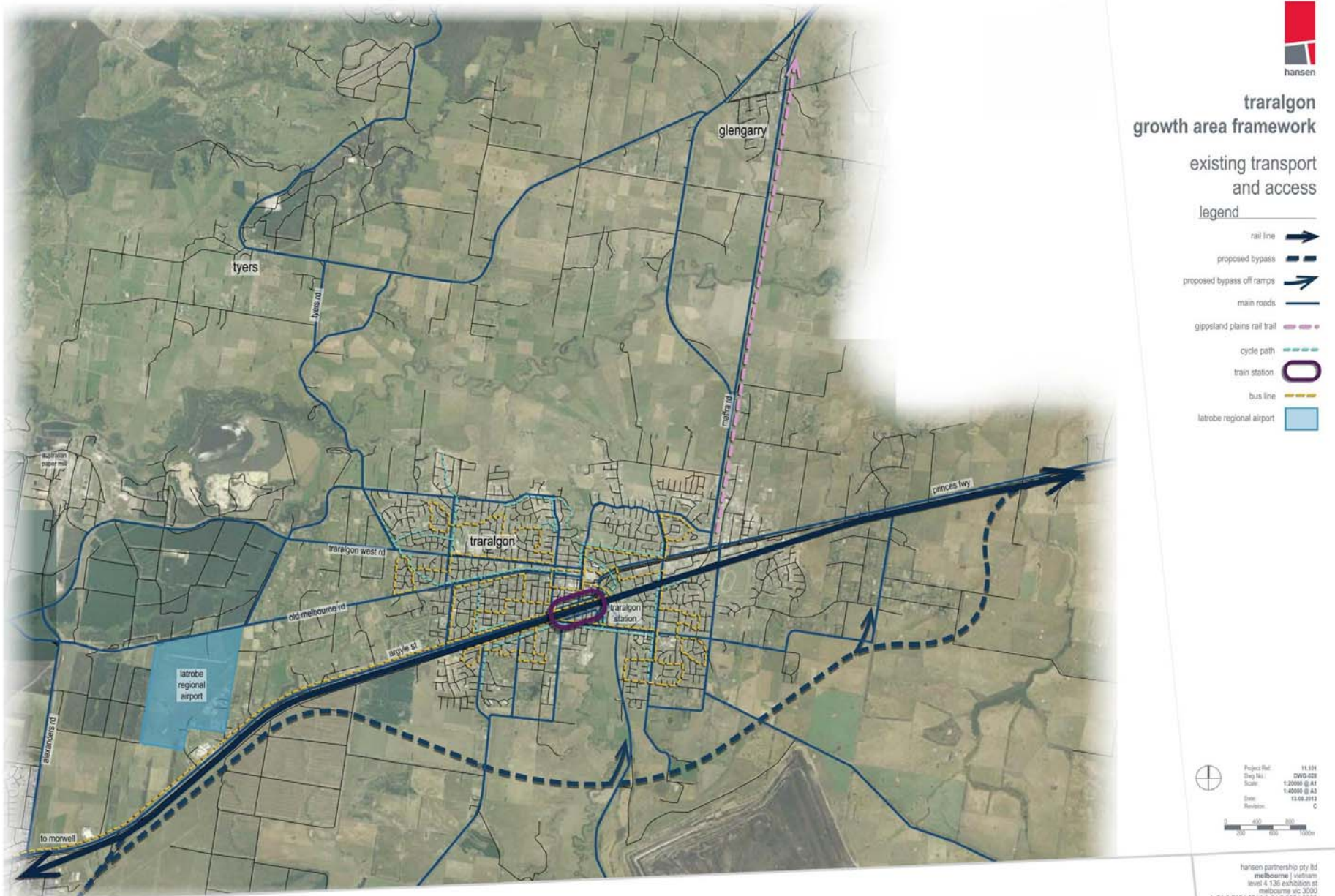


Figure 6: existing transport and access

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2.3 infrastructure

Issues, constraints and opportunities relating to the provision of infrastructure and servicing are important considerations in developing future urban development growth options within the study area. The likely capacity of existing infrastructure and services to cater for potential future development needs to be identified, along with any constraints to urban growth and opportunities for delivering more efficient or sustainable outcomes.

This report uses the findings from previous studies of development potential and constraint analysis for townships in the Latrobe Valley. Given the extent of the study area, infrastructure is considered at a high level and would require further detailed analysis on a precinct by precinct or site by site basis.

Infrastructure associated with urban growth is generally identified at the precinct level. While Council and other relevant State Government agencies undertakes the provision of higher level infrastructure, local infrastructure costs are shared between Council and any developer. This requires that relevant mechanisms (most commonly the Development Contributions Plan Overlay which is currently under review) be applied to the land at the time it is approved for development.

2.3.1 sewer

Sewage from the region is collected by Gippsland Water and discharges into the Regional Outfall Sewer (ROS). The ROS currently transports sewage to the Golden Beach ocean outfall, via the Dulson Downs wastewater treatment lagoons, however, the operation of the ROS has altered since completion of the Gippsland Water Factory. The Gippsland Water Factory treats up to 35 million litres of domestic and industrial wastewater daily. Significant scope exists to cater for future growth in terms of sewage treatment and accommodate future growth within Traralgon and surrounds, including Glengarry.

Reticulation mains (as well as external trunk mains) will need to be constructed as part of any proposed development to service new lots created.

The township of Tyers is not serviced by reticulated sewerage and is not intended to be reticulated in the immediate future. However, Latrobe City will continue to explore the feasibility of sewerage reticulation in the future, given existing public health issues with the treatment of wastewater on the townships smaller lots.

2.3.2 water

Gippsland Water is the responsible authority for the provision of water supply to the Gippsland region, including Traralgon, Tyers and Glengarry.

The Moondarra Reservoir currently supplies raw water to treatment plants in the region, including the Tyers Water Treatment Plant. It is anticipated that the Reservoir has sufficient capacity to cater for significant additional development within the study area, subject to necessary upgrades to existing treatment plants and supply mains.

Reticulation mains will need to be constructed internally within any proposed development, and a water supply service must be provided to all new lots created within a development.

recycled water

At present, there are no alternative options for reuse of treated effluent (third pipe supply schemes) within the region for use by the community. Completion of the Gippsland Water Factory provides significant community reuse opportunities.

The Gippsland Water Factory has capacity to produce around 8 million litres of high quality recycled water each day for use by local industry and deliver a range of benefits for the Gippsland region including addressing

the odour currently created by the open channel section of the system, as well as watering of open spaces, playing fields, etc.

drainage

A drainage scheme is recommended for large scale drainage of growth areas that would include retarding basins and designated flow paths. The drainage design should be undertaken prior to development of lots in order to minimise flooding impacts.

Water Sensitive Urban Design (WSUD) is required to manage increased runoff and degraded water quality as a result of urban development. Clause 56 of the Victorian Planning Provisions applies to new developments, and refers to the management of water quality and quantity that can be achieved through WSUD elements as part of the drainage system. It is noted that WSUD principles have been incorporated into recent development plans prepared in Latrobe.

The capacity of the existing traditional drainage network adjacent to the proposed growth areas should be determined, and be incorporated into new WSUD drainage design for Traralgon, Tyers and Glengarry. Management of increased runoff volumes and peak flows from new developments are important to maintain the existing drainage network capacity. There is an opportunity to establish public open space corridors along drainage lines within new developments. WSUD elements such as wetlands can provide valuable amenities to these public open spaces.

2.3.3 gas

Two organisations are responsible for the supply and distribution of natural gas to the Gippsland area: GasNet and Origin Energy. GasNet transmission lines run between Longford and Melbourne supplying natural gas to reticulation systems in the Gippsland area. Origin Energy reticulations connect to the GasNet transmission lines distributing gas to the respective communities.

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Origin Energy (OE) have some reticulation infrastructure in the vicinity of the study area. To service additional load, augmentation of the existing reticulation plus the upgrading of supply facilities would most likely be required. Origin Energy Asset Management (OEAM) have stated that wherever possible they prefer to utilise existing connections to GasNet transmission lines to avoid costs associated with establishing a new connection.

It is noted that all the urban areas within Traralgon are connected to reticulated gas, but that connections are not currently available in Tyers or Glengarry.

2.3.4 electricity

SP Ausnet is the responsible authority for the provision of electricity to any proposed development within the study area. Their distribution network in the area consists of electrical conductors to transport energy from one point to another and substations to convert electricity from one voltage level to another. SP Ausnet's system operates at 66,000 volts (66kV) for the sub transmission system, 22,000 volts (22kV) for general distribution and 240/415 volts for reticulation to urban and commercial consumers.

Substations converting from 66kV to 22kV, called zone substations, are placed generally in the centre of large electrical load areas. It is anticipated that a number of new 22kV feeders and associated distribution substations would need to be built throughout the study area to accommodate any new additional developments.

2.3.5 telecommunications

Telstra is the responsible authority for the provision of telecommunication facilities within the study area. Telstra states that regardless of the conditions of the development they are obliged under legislation to provide basic communication services. As is normally the case, developers will be required to provide all civil works associated with Telstra cabling works. Telstra cables are able to be placed within the same trenches as electrical utilities which can significantly reduce costs of installation.

In addition to basic communication infrastructure, Telstra are able to provide infrastructure for a "Smart Community" that utilises optic fibres.

2.3.6 key infrastructure issues

The following infrastructure issues in the study area need to be addressed:

- A drainage scheme is recommended for large scale drainage of development areas. The drainage design should be undertaken prior to development of lots in order to minimise flooding impacts. The capacity of the existing traditional drainage network adjacent to the proposed growth areas should be determined and be incorporated into new WSUD drainage design.
- Ensuring appropriate mechanisms to fund infrastructure is in place early is vital. Regard will need to be had to any changes to the development contributions process and the preferred method for obtaining this contribution will need to be established prior to the development of any new growth areas.
- Higher density growth of Tyers is limited based on lack of reticulated sewerage servicing.
- Significant scope exists to cater for future growth in terms of sewage treatment and accommodate future growth within Traralgon and surrounds.
- Augmentation of the existing gas reticulation plus the upgrading of supply facilities would most likely be required for future urban growth.
- The extent of existing infrastructure (particularly pipelines) may constrain development.

2.4 land use, density and urban form

The starting point when planning for growth in existing urban areas is to consider the existing landscape (including all existing land uses) and the current urban settlement patterns (including built form) and investigate whether or not there is the potential for the better utilisation of land.

2.4.1 population density

The main objective of this project is to deliver a strategy for accommodating urban growth to the year 2051. In 2006, the urban centre of Traralgon (i.e. the Traralgon Structure Plan extent) had an area of 24.1 square kilometres (km²) and a population of 28,259 persons, giving a density of 911 persons per km² (refer to Table 1).

There is a lack of metrics at a neighbourhood scale (i.e. population data) to allow detailed analysis on population density within the Traralgon CBD and the other precincts that have been defined for this project. However, it is possible to make some general comparisons against the Traralgon Structure Plan extent and other inner urban areas.

The table below illustrates a sample of densities for inner urban areas including both metropolitan Melbourne and regional Victoria. It demonstrates that the *Traralgon Structure Plan* area has a comparable population density to the central area of Geelong and other regional centres, and is therefore typical of a regional city. As can be expected, it is considerably lower than inner metropolitan areas such as St Kilda, the inner city bayside suburb in Port Phillip and Melbourne CBD.

Location	Total population (place of usual residence)	Total area (km ²)	Density persons per km ²
Melbourne Inner SLA (CBD)	11,591	1.9	6,101
St Kilda SLA	49,798	8.8	5659
Bendigo Central SLA	17,778	15.6	1,140
Ballarat Central SLA	32,887	34.1	964
Geelong SLA (central core)	11,896	12.7	936
Traralgon SLA	28,259	445.45	63
Traralgon Structure Plan area	21,961	24.1	911
Traralgon – Traralgon East	23,211	91	255
Glengarry UCL	678	1.3	522
Tyers UCL	242	2.2	110

Table 1: comparable population densities

2.4.2 housing mix

The study area provides for a range of residential areas, densities and a mix of housing stock. These include the provision of land zoned Residential 1 Zone (R1Z), Low Density Residential Zone (LDRZ), Rural Living Zone (RLZ) and Farming Zone (FZ). Many areas, particularly close to the Traralgon city centre, have significant architectural character and streetscape significance. There are also substantial residential areas that are comprised of government built housing, which are well maintained, and are well supported by community infrastructure. Again, these are in areas in close proximity to the Traralgon city centre.

It is noted that outside the areas with close proximity to the Traralgon city centre, there is a distinct lack of easily accessible community infrastructure.

2.4.3 impacts on settlement patterns

The impact of the railway, river and the highway is significant. The railway line has limited points or opportunities to cross which in turn causes poor

connectivity between north and south Traralgon. The river provides similar connectivity issues to accessing the Traralgon city centre from the east. Continuity of the urban area in either a north-south, or east-west, direction is, however, not overly compromised. The railway station is well located to allow effective connection with the main street spine.

2.4.4 highest and best use of land

Using land for its highest and best use also presents the opportunity for the revitalisation of the local environment for people who live and work in the area and helps identify areas for growth. Development will be required to make better use of the land to increase the number of jobs available to local people, provide a better range of shops and accommodate new homes and open spaces. In the study area there are a number of areas with potential redevelopment opportunities, in relation to intensification of existing land uses or the reallocation of uses to achieve 'highest and best' use of the land. The most pertinent of these are discussed below.

traralgon cbd

Within the Traralgon city centre, the spacious feel of the centre is due to the generous road widths, significant setbacks, and extensive open space and parkland areas. These elements support the significant scale of some of the commercial buildings, although it is noted that much of Traralgon is limited in its bulk and height. Franklin Street is an extremely well presented and impressive "main street" which is punctuated by boulevard scale east-west roads, Seymour Street and Hotham Street, which have some quality buildings marking the intersections. The generous nature of the Traralgon city layout has created opportunities in relation to the ability to develop mixed use and multi-story developments, particularly within the centre of the blocks and on clearly underdeveloped sites fronting the Princes Highway. However, there are also constraints in terms of the need to respect the existing form and character, but also in relation to the economic feasibility of developing remaining sites within the CBD, often referred to as the Traralgon Activity Centre.

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Investigations into the future of the Traralgon Activity Centre (TAC) will be part of a separate study commissioned by the Latrobe City Council (The *Traralgon Activity Centre Plan* project commenced late 2009). There is the opportunity to increase the current residential densities within the existing TAC area to accommodate future residential growth whilst still maintaining the area as the key commercial centre. The existing urban scale of the TAC, including elements such as wide streets and low density (including areas of underutilised space like grade car parks) can justify the potential increase in scale and density.

It is acknowledged that the ability to see continued growth within Traralgon and Latrobe City, will also require sufficient employment and retail service bases. Included in the current composition of the TAC area is the largest retailing offer in Latrobe City with approximately 75,000sqm of land development for retail use with an approximate 10% vacancy rate. The TAC also has the largest non-retail floorspace (business services such as solicitors, accountants, banks etc.) in Latrobe City with approximately 44,700sqm.

It is further acknowledged that in developing the TAC, integration is required with its surroundings by connecting existing communities, future development sites, public transport nodes and local amenities. The TAC is bounded by roads, a railway and waterways, which raise both constraints and opportunities for the successful integration of the TAC with its surroundings. New development will be required to adopt an urban design approach that achieves successful integration of new and existing land use and improved pedestrian movement and public transport access.

The draft *Gippsland Regional Growth Plan* identified that success in growing Latrobe City as a single urban system will support growth within the Princes Highway corridor, including in the regional centres of Bairnsdale and Sale and that accessibility to employment opportunities and higher order services in Latrobe City will enhance the broader region. The 'knowledge' economy identified as driving much of this growth benefits from clustering within a central location.

underutilised land

More efficient use of existing sites will be an important consideration. A lot of sites within the study area are vacant or only occupy a proportion of the site. These are generally located on the fringe of the urban areas. An approach to developing sites that intensifies development, guided by the land use, density and design guidelines, will enable the study area's development potential to be realised.

The relocation and rezoning of existing land use areas within the study area to allow for the growth of existing urban form is another option to explore. For example, after the relocation and remediation of the industrial area in Inner South Traralgon (as proposed by the *Traralgon Inner South Masterplan*), there would be the potential for the expansion of the adjacent existing residential area. This cannot occur however, until an Industrial Study has considered the broader implications of such a transition in land use. This location is appropriate for residential development as it is well located in terms of the TAC, including the Traralgon train station.

rural living and low density residential areas

There is the opportunity to incorporate innovative strategies to include redevelopment of these areas on the outskirts of Traralgon. This can be undertaken by utilising planning tools such as the Development Plan and the Development Contributions Plan Overlay.

2.4.5 small towns, glengarry and tyers

The opportunity to develop other established urban areas exists within the study area context. Whilst the majority of development should be centred around the Traralgon Activity Centre, to take advantage of existing infrastructure, there is also the opportunity to investigate the development potential around other towns in proximity to Traralgon. These areas include Glengarry, Tyers, Churchill and the Traralgon-Morwell corridor. These areas could then be integrated appropriately with infrastructure including public transport.

Glengarry is a small town situated approximately 11 kilometres north of Traralgon. Glengarry was established after the railway arrived from Traralgon in 1883. Glengarry had a population of 1361 residents in 20011. The Glengarry township comprises a primary school, a pre-school, local shops and businesses, public bar and restaurant and sporting and recreation facilities. Glengarry has a reticulated sewerage system.

Tyers is a small settlement located approximately 10 kilometres north-west of Traralgon. It was known as 'Boola Boola' until 1852 when it was named after the surveyor and explorer Charles Tyers. Tyers had a population of 821 residents in 2011. Tyers has limited town centre services and facilities, including a pre-school, primary school, convenience store and service station, public hall and recreation reserves. Tyers does not have a reticulated sewerage system.

2.4.6 character, form and setting

The current composition of Traralgon, including its landscape setting, residential community, town centre, pedestrian and vehicular system and recreational facilities and environmental assets, are important factors in establishing a framework for future growth. The existing urban framework of Traralgon is well defined, legible, generously proportioned and extremely well presented. The streetscape is characterised by wide tree-lined streets, attractive gardens, and a thriving commercial centre.

The definition of Traralgon's existing urban boundary is particularly clear in relation to its northern and southern boundaries. The relationship of the southern residential boundary to the immediately adjacent rural interface is extremely positive, and protects the continued agricultural and environmental value of the Traralgon Creek. East and west of the city, the effects of the Princes Highway, and the competition for exposure and proximity has created a focus for industrial, commercial and outdoors display business uses. For the residential context, lower density residential development occurs on the fringes of Traralgon to the west and east.

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The landscape setting of the urban area, including the nearby ranges, rivers and the operating Loy Yang Power Complex are defining elements of Traralgon. Much of the study area enjoys significant views to many of these landscape elements.

2.4.7 built form

In order to take advantage of the opportunities presented by the proposed freeway bypass, one of the key actions under this strategy will inevitably be the need to significantly increase expenditure on civic improvements, particularly in the Traralgon Activity Centre. This expenditure will have flow-on effects for broader townscape improvements and improved quality of the natural and built environments. This is an important element in revitalisation of existing urban areas within Traralgon. The *Traralgon Activity Centre Plan* will be important in driving the appropriate change for this area.

The scale and intensification of land use will be informed by the study area's development constraints and opportunities; including proximity to public transport, and the need to manage the impacts of the surrounding infrastructure. New development will be expected to adopt flexible building types that enable different land uses to coexist. Residential accommodation can sit above retail or office uses located at street level. However, some larger-scale commercial activity will require greater floorspace precluding the development of mixed use buildings.

The improved integration between the built form and relationship to open spaces, streets and roofs should also be investigated further.

As building form becomes denser and the population increases, there will be a greater need for consideration of building quality, particularly as perceived from public spaces. To achieve community support for intensification this is vital and it is worth considering the appointment of dedicated urban designer to provide internal advice about the contribution that will be made to the public realm by proposed built form.

Traralgon is beginning to see some higher quality design outcomes, particularly in relation to medium density development such as the recent award winning community building at The Heights retirement village in the south-west of the town.

2.4.8 heritage

Traralgon and surrounds has a rich and diverse cultural heritage that reflects Indigenous and non-Indigenous settlement in the area. The most evident in the present day landscape is the twentieth century development related to brown coal reserves.

Buildings of note include the Traralgon Post Office and Court House, church buildings and a number of houses in the existing urban area. These tend to be covered by heritage overlays. The presence of heritage does not necessarily constrain development, particularly given the heritage assets are generally central and apply primarily to individual buildings. While some residential precincts are affected by overlays the number is not significant in the broader context.



Figure 7: existing urban structure

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2.5 community infrastructure

2.5.1 open space

Parkland areas and sports facilities are well located, and contribute to the "garden city" feel of Traralgon. The treatment of pedestrian routes is generally to a high standard and contributes to the high amenity for users of the town centre. Kay Street running east-west on the northern boundary of the Traralgon city centre is a tree lined boulevard 60m in width that is a fine example of the 'garden city' character of Traralgon.

Latrobe City Open Space Plan (213) has recently been adopted by Council and identifies that a major theme to emerge from the research has been a desire to improve open space linkages and connections and that additional strategic planning may be required in order to fully scope and plan for these connections, and hence development of a Municipal Pathways Strategy is recommended. The Strategy also identified that the majority of existing residential areas are generally well serviced and have adequate access to open space facilities. However, consistent with the community identified priorities, the quality and appeal of many of the existing sites could be significantly improved.

Key suggestions, themes and characteristics of the visioning included:

- Establishment / improvement of environmental corridors.
- Enhance linkages and connections.
- Enhance tree planting, habitat and food sources for wildlife.
- Effective / attractive signage (way finding and interpretive).
- Improve urban design outcomes in new residential areas (i.e. casual surveillance).
- Improve the quality and appeal of existing parks, including lighting.
- Preserve and enhance existing parks.
- Welcoming spaces for young people.
- Attractive places for family gatherings.

- Selection of higher quality parks and reserves – destinations.
- Embrace water ways as open space corridors.
- Township linkages.
- Synthetic soccer pitch / multi use synthetic training facility for use by all sports.
- Expansion / enhancement of 'Sports Precincts' .
- Continuous improvements.
- Access for all.
- No dog litter.

In addition to the general themes, there were also specific suggestions for Traralgon, as follows:

- Refocus the Traralgon CBD to embrace the creek and open space corridor through town. Consider development of the opposite bank for mixed residential / commercial developments.
- Establish a new park corridor in Traralgon from the freeway by-pass to (northwestern) flood plain. Incorporate way finding, rest stops, places of interest, botanical gardens, wetlands, educational garden zone, linkages, community gardens, partnerships etc.

It also seeks to establish and promote a Glengarry Heritage Walk.

2.5.2 schools

There are a number of schools within the Traralgon urban area. Primary Schools include:

- Grey Street Primary School (formerly Traralgon Primary School),
- Kosciuszko Street Primary School,
- Liddiard Road Primary School,
- Stockdale Road Primary School,
- St Michaels Primary School,

- St Gabriels Primary School,

There is a secondary school, Traralgon College, which has two campuses, the junior campus (years 7–9) located on Liddiard Road in Traralgon's east, with the senior campus (years 10–12) on Grey St in Traralgon's west. The Catholic secondary school, Lavalla Catholic College also has two campuses, while St Paul's Anglican Grammar School has one campus. Flinders Christian Community College (FCCC) on Liddiard Road is a Prep – Year 12 school (noting this school is soon to relocate). Traralgon also has the Latrobe Special Developmental School catering for students from 5 to 18 years of age with an intellectual disability.

There is also a primary school at both Glengarry and Tyers and a TAFE located next to the Traralgon railway station.

2.5.3 other community facilities

Traralgon has a number of other community facilities. The majority of these are located in the centre of the city including:

- The Performing Arts Centre;
- Traralgon Library;
- Kath Teychenne Community Centre; and
- Traralgon Court House.

There are also a number of other facilities throughout the urban area such as:

- Racecourse, used primarily for greyhound racing, to the south east.
- Elderly citizen centres (which are located primarily centre and north west)
- Child care and kindergartens (well distributed to the west, and to the south east but not to the north east).

Glengarry has a pre-school and community hall, while Tyers has both a kindergarten and community hall.

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Figure 8: existing community infrastructure

2.6 biodiversity

2.6.1 flora and fauna

In a planning context, native vegetation is specifically defined as 'plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses'. *Victoria's Native Vegetation Management – A Framework for Action* establishes the strategic direction for the protection, enhancement and revegetation of native vegetation across Victoria. The main goal of 'the Framework' is to achieve a Net Gain in the extent and quality of native vegetation.

The subject site occurs entirely within the bioregion known as Gippsland Plain which runs from Melbourne in the west through to East Gippsland.

Ecological Vegetation Classes (EVCs) are the basic mapping units used for biodiversity planning and are defined by a combination of floristics, lifeform, position in the landscape, and an inferred fidelity to particular environments. There are limitations with using EVC mapping as the sole tool for identifying areas of native vegetation because some forms of native vegetation, particularly native grasslands and woodlands are often not mapped. Due to widespread clearing in the past, there is very little in the way of remnant native vegetation patches in and around Traralgon. The remaining vegetation mainly occurs on roadsides such as Old Melbourne Road and along the various waterways such as Traralgon Creek and Loy Yang Creek. The dominant EVCs of the area are Plains Grassy Woodland, Swampy Riparian Woodland and Floodplain Riparian Woodland, all of which are classified as endangered within the Gippsland Plain bioregion. An EVC map of the study area is included in Section 6.1.5 native vegetation.

Under the State government *Planning and Environment Act* (1987) and *Victoria's Native Vegetation Management: A Framework for Action* (2002) if native vegetation is required to be removed for development or construction, the permit applicant must demonstrate efforts to avoid, minimise and offset such removal. A native vegetation offset is any works

or other actions to make reparation for the loss of native vegetation arising from the removal of native vegetation allowed as part of a planning permit. An offset may be an area of existing remnant vegetation that is protected and managed; an area that is revegetated and protected; an area that is set aside for regeneration or restoration, or any combination of the above.

Within the study area there are a number of offset sites, the most extensive of which occurs along Old Melbourne Road between Traralgon and Morwell and another in the property occupied by the Latrobe Regional Airport along Airfield Road. Both areas are of very high conservation significance and any development that may affect these remnant patches of native vegetation should be avoided.

DSE databases indicate the presence of a number of rare and threatened species and a listed floristic community within the study area, including (but not exclusive of) the following:

- *Litoria raniformis* (Growling Grass Frog)
- *Pseudophryne dendyi* (Dendy's Toadlet)
- *Pseudophryne semiamorata* (Southern Toadlet)
- *Dasyurus maculatus maculatus* (Spotted-tail Quoll)
- *Anthochaera phrygia* (Regent Honeyeater)
- *Varanus varius* (Lace Monitor)
- *Cinclosoma punctatum* (Spotted Quail-thrush)
- *Prototroctes maraena* (Australian Grayling)
- *Macquaria australasica* (Macquarie Perch)
- *Galaxiella pusilla* (Dwarf Galaxias)
- *Eucalyptus yarraensis* (Yarra Gum)
- *Hypsela tridens* (Hypsela)
- *Dianella amoena* (Matted flax-lily)
- *Xanthosia leiophylla* (Parsley Xanthosia)
- *Pomadernis vacciniifolia* (Round-lead Pomadernis)

- *Craspedia canens* (Grey Billy-buttons)
- *Ranunculus papulentus* (Large River Buttercup)
- *Euchiton umbricola* (Cliff Cudweed)
- *Lachnagrostis punicea ssp. punicea* (Purple Blown-grass)
- *Amphibromus fluitans* (River Swamp Wallaby-grass)
- Central Gippsland Plains Grassland community (FFG)

Gippsland Red Gum (*Eucalyptus tereticomis subsp. mediana*), Grassy Woodland and Associated Native Grassland is a critically endangered ecological community listed under the Federal *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act). As can be seen on the map below, there is potential for this community to be present throughout the study area and fine scale assessments should be undertaken for any large developments in order to determine this. Remnant large old Gippsland Red Gum (*Eucalyptus tereticomis subsp. mediana*) and River Red Gum (*E. camaldulensis*) are scattered throughout the area and all effort should be made to protect these biodiversity assets.

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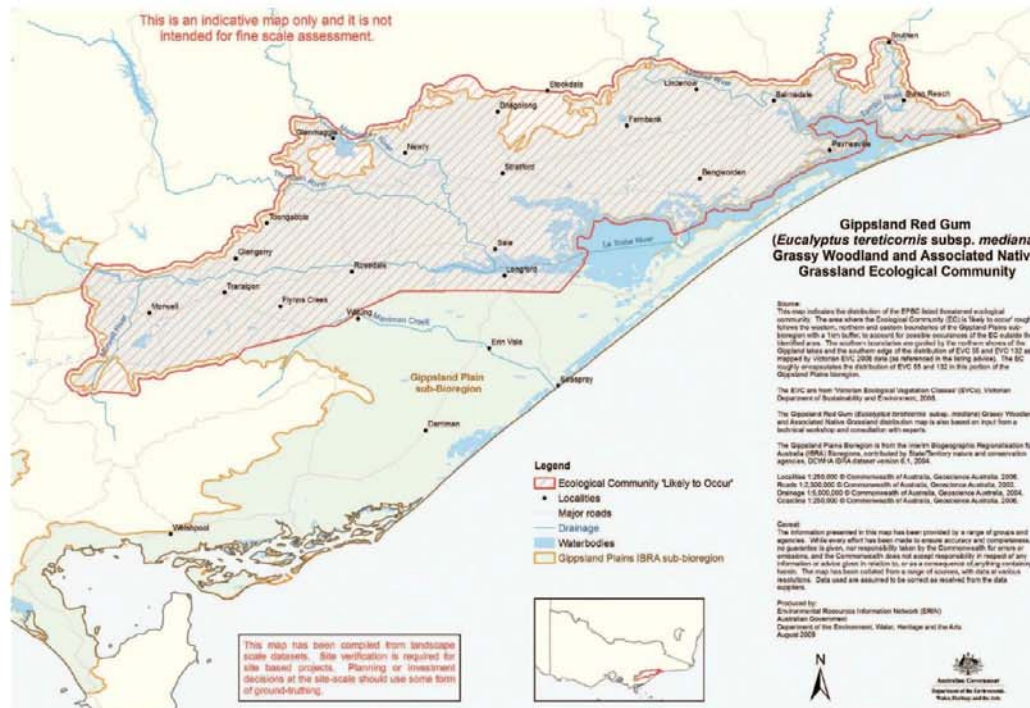


Figure 9: gippsland ecological communities

NOTE: This map was sourced from

<http://www.environment.gov.au/epbc/publications/pubs/gippsland-red-gum.pdf>

Biological significance is a rating of the contribution that biological assets of a site make towards the conservation of Victoria's native biodiversity. The assessment and classification of biological significance is one aspect of the assessment of conservation values. Sites of biological significance are areas that should be encouraged to be identified for conservation management action and reservation. Sites of biological significance that

exist within the study area include but are not limited to a section of Wade Creek off Scrubby Lane, Traralgon West Rail Reserve (at the top end of Bank Street) and Traralgon Racecourse East Rail Reserve.

Subject to a detailed assessment, it will be important to continue to encourage protection and management of rare and threatened species and sites of biological significance. The Biodiversity Precinct Structure Planning Kit is encouraged to be used when preparing new development

plans and when assessing planning permits for new urban estates in the study area.

2.6.2 bushland reserves

Bushland often refers to land 'which has vegetation that is either a remnant of the natural vegetation on the land or, if altered, is still representative of the structure and floristics of the native vegetation'. Bushland reserves can have areas of native vegetation, vegetated or open wetlands or waterways (rivers, streams, and creeks), rock outcrops and bare ground (generally sand or mud).

The primary value of Council's bushland reserves is for the conservation of natural values and many of Council's bushland reserves support threatened or endangered vegetation communities, as well as providing habitat for rare or threatened species. Many of Council's bushland reserves also support recreation and are highly valued by the community, with some being actively cared for by Committees of Management and Friends Groups. The reserves also have aesthetic and scientific/educational value, as well as both European and Indigenous cultural heritage values. One particular area of significance within the study area is the Traralgon Railway Reservoir Conservation Reserve located on the southern edge of the township.

2.6.3 waterways and wetlands

Waterways are diverse and complex ecosystems and sustain diverse species of native plants, fish and animals; all of which play a vital part in maintaining environmental balance. Healthy waterway systems also contribute to water for homes, farms and businesses; an attractive and enjoyable recreation destination for tourists, families and industries; and natural processes for breaking down sewage and agricultural runoff. Important waterways in the study area include the Latrobe River, Traralgon Creek, Rintoul Creek and Eaglehawk Creek.

A wetland is an area of land covered either permanently or occasionally by water. Wetlands can either be natural or constructed and the water in

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them can be still or flowing. The large permanent pools and ponds of constructed wetlands are an excellent method of treating stormwater for a number of reasons. Wetlands have a high aesthetics appeal, they can remove pollutants and sediment from stormwater, they can create habitat and are relatively easy to maintain. Natural and constructed wetlands can provide diverse habitat for aquatic and terrestrial species. Often wetlands are home to a wide range of animals such as water birds, frogs and fish. Significant wetlands in the study area include those occurring at the eastern end of Australian Paper's aeration ponds south of the Latrobe River and within property owned by St Pauls Anglican Grammar School north of Cross's Road.

2.6.4 linear corridors

Important remnant vegetation (particularly Gippsland Plains Grassland Community, Forest Redgum Grassy Woodland Community, Wet Grassland and Sedge Grassland) containing habitat for wildlife occurs in current and disused rail and road corridors.

Important linear rail corridors in the study area include:

- A section of the Gippsland Rail Trail from Traralgon to Maffra.
- Traralgon West—4000m of railway corridor extending onto Bank Street with Gippsland Plains Grassland of state significance in good condition with the rare Grey Billy Buttons *Craspedia canens* and Spur Velleia *Velleia paradoxa*.
- East of Traralgon Racecourse—130m of railway corridor of national significance in moderate condition, with the nationally rare Matted Flax Lily *Dianella amoena*.
- West of Minnedale North Road—130m of railway corridor of regional significance in poor condition.
- West of Sheepwash Creek—1005m of railway corridor of national significance in moderate condition with Matted Flax Lily *Dianella amoena*, Stream Sedge *Carex brownii*, and Broad-leaved Stinkweed *Ovaria ovata*.

Significant linear road corridors in the study area include:

- Old Melbourne Road, Morwell / Traralgon West (from Latrobe Road east for 1 km, north side) with native grasses and sedges, also containing several species of orchids and other grassland species including lilies and 79 native plant species have been recorded.
- Tyers/Glengarry Road, Glengarry (600m west of Traralgon/Glengarry Rd, west for 100m, southside) containing a stand of rare Yarra Gums.

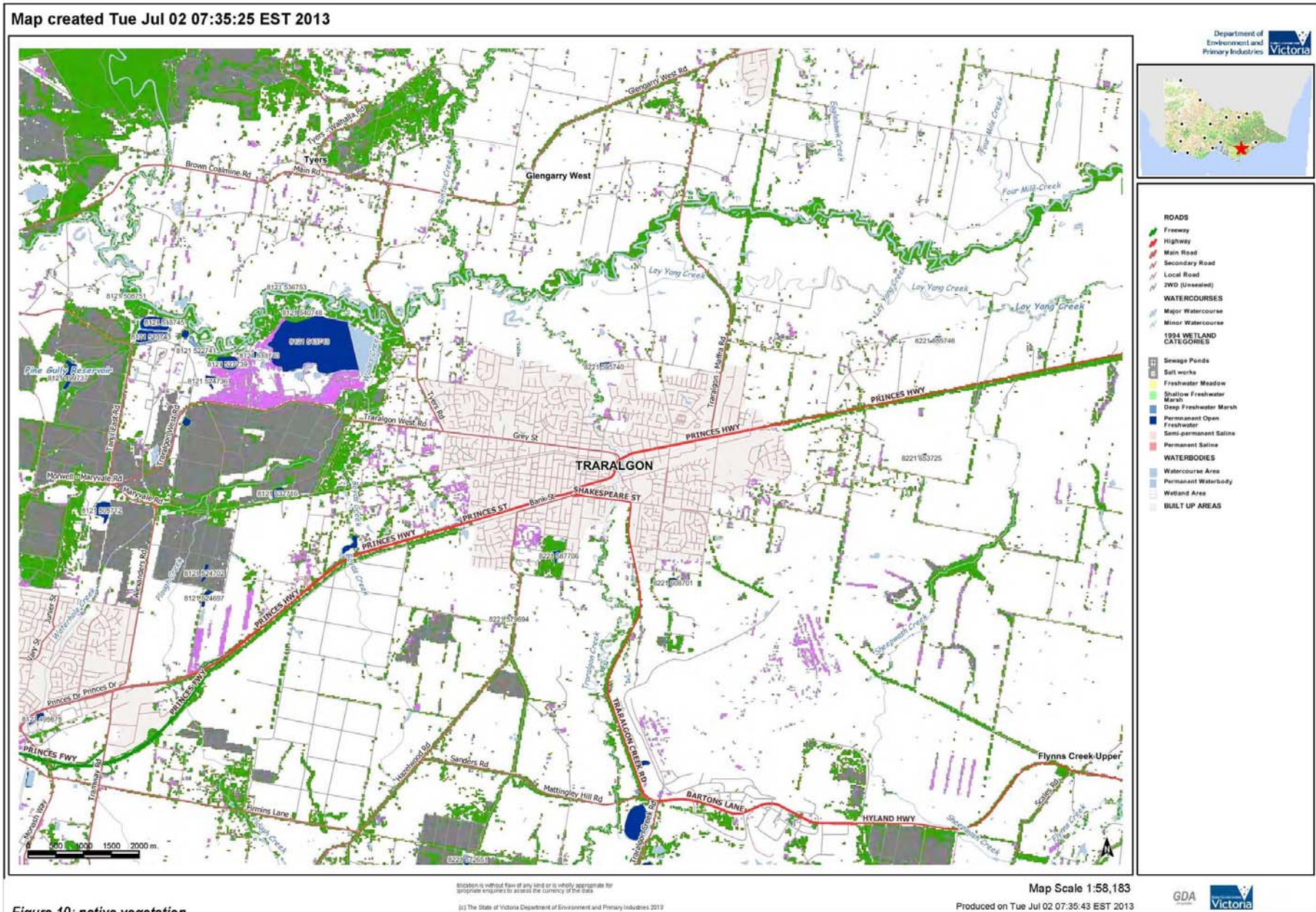


Figure 10: native vegetation

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2.7 economic conditions

The existing economic environment, particularly in relation to the commercial and industry structure of Traralgon and surrounding localities of Morwell and Moe, is an important consideration in forward planning for urban growth. Understanding the general economic overview provides a basis to better inform future urban development growth options within the study area that has regard for the structural characteristics of the regional economy. In particular, the combined data for these localities provides an understanding of the wider economic values in the study area, and highlights the drivers of economic activity in the region.

Key economic strengths other than power supply in the Latrobe valley include timber processing, paper product manufacturing, agriculture, horticulture and tourism. The region also has one of Australia's strongest dairy industries due to rich soil and dependable rainfall however, dairy farms and industries are not located in and around the Traralgon environs and study area.

2.7.1 key economic generators

As shown in Table 2 and Table 3, the largest number of businesses in the Traralgon region was classified as property and business services (21%), followed by construction (20%), and retail trade (14%). This trend in the top three industries in Traralgon is consistent with those recorded for Morwell, Moe, Latrobe Valley and Victoria as a whole. Agriculture, forestry and fishing are also significant components of the local economy comprising 12% of the local economic base.

Industry	Traralgon (C)	Morwell (C)	Moe (C)	Latrobe Valley	Victoria
Agriculture, forestry and fishing	240	156	108	750	49 990
Mining	6	3	0	9	726
Manufacturing	75	75	60	222	28 944
Electricity, gas and water supply	0	3	0	3	489
Construction	402	204	153	637	74 769
Wholesale trade	51	42	12	129	22 971
Retail trade	292	240	196	765	54 909
Accommodation, cafes and restaurants	57	45	18	126	13 446
Transport and storage	123	123	51	339	29 629
Communication services	15	12	6	42	5 994
Finance and insurance	96	72	33	207	33 474
Property and business services	417	285	138	924	124 729
Education	15	21	6	45	3 829
Health and community services	126	63	39	243	21 783
Cultural and recreational services	45	39	15	111	11 652
Personal and other services	63	49	33	153	13 519
Total	2 613	1 431	858	4 965	490 836

source: ABS (2009)

Table 2: industry distribution (numbers)

Industry	Traralgon (C)	Morwell (C)	Moe (C)	Latrobe Valley	Victoria
Agriculture, forestry and fishing	12%	11%	13%	15%	10%
Mining	0%	0%	0%	0%	0%
Manufacturing	4%	5%	7%	5%	6%
Electricity, gas and water supply	<1%	<1%	<1%	<1%	<1%
Construction	20%	14%	18%	17%	15%
Wholesale trade	3%	3%	1%	3%	5%
Retail trade	14%	17%	22%	16%	11%
Accommodation, cafes and restaurants	3%	3%	2%	3%	3%
Transport and storage	6%	9%	6%	7%	6%
Communication services	1%	1%	1%	1%	1%
Finance and insurance	5%	5%	4%	4%	7%
Property and business services	21%	20%	16%	19%	25%
Education	1%	1%	1%	1%	1%
Health and community services	6%	4%	5%	5%	4%
Cultural and recreational services	2%	3%	2%	2%	2%
Personal and other services	3%	3%	4%	3%	3%
Total	100%	100%	100%	100%	100%

Source: ABS (2009)

Table 3: industry distribution (percentage)

However, the composition of businesses is not reflected in gross revenue generated by businesses and organisations in each of the industry sectors

within Latrobe City. As shown, electricity, gas and water supply industry accounted for the largest share of economic output, despite accounting for less than 1% of businesses in the region.

Other industries accounting for large shares of economic output include manufacturing (17.8%), retail trade (7.41%), and mining (7.15%) (Latrobe City Council, 2007). Thus, energy and manufacturing are the dominant sectors in the regional economy. Taken together across all sectors, Latrobe City is estimated to have an annual economic output of \$4.7 billion, with an annual value of exports of \$1.9 billion and imports of less than \$1 billion (Latrobe City Council, 2007).

2.7.2 employment

Although employment in the region is dominated by the energy and manufacturing sector, employment is more widespread within the tertiary and services industries. Based on the 2011 Census, the top three industries of employment for Traralgon were health care and social assistance (13.3%), followed by retail trade (12.5%), followed by manufacturing (9.8%).

2.7.3 future investments in coal

A major strength of the region is the extraction of coal resources for the generation of electricity, with four major power generators in the Latrobe Valley representing 85% of all electricity generated in the State of Victoria.

Technological advances will improve emissions in coal mining/production which will assist in securing this industry in Latrobe Valley over the long term. A study undertaken by GHD in 2005 on the future of coal mining in the Latrobe Valley identified a production capacity of approximately 500 years, with 53,000 Mt of 'economic' coal reserves and an annual extraction of approximately 65 Mt of coal for the generation of electrical power. Of particular significance south east of Traralgon township is Loy Yang's power station (the largest in Victoria), and adjacent open cut brown coal mine (the largest in Australia) (Loy Yang Power 2009). The Loy Yang

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mine is anticipated to expand east then south in the future and will double in size over time.

The GHD study recommends that mining areas likely to proceed should be protected by land zoning to prevent alternative incompatible land uses. Two locations were identified in Traralgon for potential future mine development. However, the identified possible future mining areas appear to be outside the defined study area for the TGAR.

Mining activities are closely related with electricity generation and/or electricity, gas and water supply industry, providing a source of competitive advantage to the region due to the close proximity between natural resource supply and downstream energy activities. Indeed a review of major developments and investment in Latrobe region indicates that the bulk of major projects are energy related.

2.7.4 industrial land availability

Latrobe Valley contains some of the largest areas of zoned industrial land in Victoria. Six major regional centres (Ballarat, Bendigo, Latrobe Valley, Shepparton, Warrambool and Wodonga) comprise approximately 20% of the total supply of industrial land in provincial Victoria (excluding Geelong). Latrobe City is the location of a number of significant manufacturing facilities many of which are associated with the electricity generation industry and other ancillary coal mining activities. The timber industry is also a significant industry and employer. Industrial areas in the municipality are focused on the four main urban areas with Morwell being the dominant area of industrial activity, even when the Morwell Specialised Industrial Area (the areas of industrial land to the south-east of Morwell also affected by the State Resource Overlay) is not included in consideration. The land in the Morwell Specialised Industrial Area has restricted uses which must have an association with the coal resources of the area.

Parsons Brinkerhoff undertook an audit of industrial land in provincial Victoria (2008), which indicated that the vacancy rate for industrial land in

Latrobe was relatively low. The vacancy rate is lowest in Morwell Statistical Local Area (SLA) at 12%, with the other two SLA's with less industrial land having vacancy rates of about 25%. Nonetheless, Morwell has about three times as much vacant industrial land as the rest of Latrobe City combined. At the time of the initial audit, the proportion of vacant industrial land for Latrobe City Council was around 210ha. This represented approximately 14% of the overall supply of industrial land.

Latrobe City requires a clear understanding of industrial land requirements (which was also highlighted in the Panel report to Amendment C62 to the Latrobe Planning Scheme) as it is difficult to allocate land without knowing forecast demand.

The 2009 Urban Development Program (UDP) for Regional Victoria provides an analysis of supply and demand for residential and industrial land across parts of regional Victoria. This study found that there were approximately 1,180 hectares of zoned industrial land in Latrobe City which can be regarded as conventional industrial land. Of that total, 281 hectares was identified as supply (or vacant) and of that, 179 hectares has been identified as developable. The study found that there was 22 hectares of net developable land at Traralgon.

The UDP found that based on analysis of aerial photography and stakeholder consultation, the consumption of land in the Latrobe Urban Area Total for industrial purposes has averaged 3.1 hectares per annum between 2006 and 2009. The majority of consumption has occurred in Morwell and Traralgon. Over the same period consumption in the Morwell Specialised Industrial Area was 2.6 hectares per annum. In total, there is in excess of 15 years of industrial zoned land within the municipality based on the average annual rate of land consumption in the period 2006 to 2009. However, this is not evenly distributed across the urban areas; with supply in Traralgon currently estimated at around 12 years

That assessment was qualified as follows:

Firstly, identifying the future location and amount of consumption of industrial land is an uncertain task. Current levels of consumption are used as an indication of the adequacy of industrial land supply. However, the level and location of future consumption may change due to:

- The investment and business activity behaviour of the private sector
- Trends in the global economy
- Propensity for certain activities to agglomerate
- Directions in technology
- Population trends
- Environmental impacts and adaptation
- Social attitudes.

Secondly, that further large scale industrial investment, particularly with those associated with the coal mining, electricity generation and timber industries may result in a higher average rate of consumption in the longer term.

2.7.5 land for bulky goods retailing

MacroPlan was engaged by Latrobe City Council in 2009 to undertake an updated bulky goods needs assessment within Moe, Morwell and Traralgon. The previous 2007 review of need for bulky goods floorspace undertaken by the same consultants had confirmed that there was a market gap of around 25,000sqm in floorspace, representing a need for an additional 8 to 10 hectares of land.

That report claimed that a significant market gap exists between the supply of, and demand for, bulky goods retail floorspace within the main trade area of approximately 28,000sqm. Furthermore, the report identified that this market gap is expected to increase to 73,000sqm by the year 2023. In order to close this market gap, two dedicated bulky goods retail centres of approximately 15,000sqm–20,000sqm each are required.

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The report then analysed a number of locations for the siting of these centres. Four sites were then identified as displaying the highest likelihood of supporting a successful and sustainable dedicated bulky goods retail precinct. Three of those sites sit within the Morwell-Traralgon Corridor. Council, therefore, needed to consider their policy position in relation to the development opportunities within this corridor.

Council has recently rezoned a portion of land previously identified for industrial expansion near Stammers Road to the east of Traralgon (about 11h) through Amendment C39 part 1 and has further rezoned an additional parcel at the western edge of Morwell (approx 13h) through Amendment C39 Part 2. These two parcels were those recommended within the MacroPlan analysis and meet the identified needs for the short-medium term.

An additional assessment of bulky goods needs was provided by proponents of a development seeking to utilise a site in Traralgon West for such purposes. This report (*Latrobe Bulky Goods Retail Need Analysis Traralgon West*, MacroPlan Dimasi 2012) identified that there was a need to provide land above and beyond that identified in the original MacroPlan report. However, a peer review of that assessment (*Review of economic support for the Masters development proposal in Traralgon West*, Tim Nott 2012) identified:

- There is no need to rezone any additional land to accommodate bulky goods uses and the two recently rezoned sites can easily accommodate demand to 2026.
- Both the original MacroPlan report and the more recent development justification are based on a significant underestimate of existing bulky goods retail space.

2.7.6 agricultural land

A mapping exercise of agricultural land was undertaken for Gippsland in 1984 by Ian Swan and Andrew Volum for the then Department of Agriculture. The underlying land quality should not have altered significantly in the intervening years and the report is therefore still a

relevant consideration. Agricultural land was sorted into 6 classes of agricultural land.

- Class 1: is the most versatile with the highest inherent productivity. It is capable of the majority of agricultural uses or is very highly productive pasture land under flood irrigation. The growing season is 12 months or 11 months with readily utilised underground water.
- Class 2: class 2 land is highly versatile but has a lower level of inherent productivity than class 1. It is capable of the majority of agricultural uses but requires greater inputs than class 1 to achieve high production. The growing season is at least 11 months or 10 months with readily utilised underground water.
- Class 3: land generally of limited versatility but is very good dairying and grazing land. It is sometimes suitable for orchards and extensive area cropping but not suitable for intensive uses such as vegetable growing.
- Class 3a: sub class 3a is suitable for more intensive uses providing particular care is taken to prevent soil erosion, or supplementary irrigation overcomes moisture limitation in the summer. The growing season is at least 10 months or 9 months with readily utilised underground water.

A large swath of land in proximity to Traralgon was identified as being class 2 agricultural land, as can be seen on the excerpt from the mapping shown below.

On the plan the areas identified in yellow are Class 3 agricultural land which has limited versatility but is very good dairying and sometimes suitable for orchards and broadacre cropping and the green areas are Class 2 agricultural land which is highly versatile land with a growing season of 10-11 months. The blue areas are forested land and the grey area represents the urban areas of Traralgon.

Figure 11: agricultural land classes (excerpt)



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3 community feedback

The Traralgon Growth Areas Review (TGAR) project undertook a number of targeted consultation activities during the background stages (late 2009 and early 2010) to seek feedback on matters which could and / or should influence the future growth patterns of the study area. These activities included:

- Three community workshops;
- Council officer and Councillor workshops;
- Internal briefings to Councillors and Council Executive Team;
- Written requests to key government agencies and local industry to provide a response to questions and ideas; and
- Follow up phone calls and meetings with respondents.

It is important to note that these consultation events documented above relate only to the background stage of the work and there was additional consultation undertaken during the later stages of the TGAR project. The feedback garnered from the consultation activities provided a clear understanding of the existing situation and preferred approaches to planning in Traralgon. The project team found that:

- People generally accepted the need for change in the current land use composition and planning policy in order to achieve desired liveability outcomes and cater for a growing population.
- There was a consistent understanding of the physical land use constraints that Traralgon is faced with in terms of its future expansion.
- There were a number of ideas suggested and general support for the possible long term relocation of some land uses that may be more suitable in alternative locations. Such strategies need to recognise potential concerns about the detrimental impact of any relocations on those existing activities.

- Higher density residential living was generally supported, provided the amenity of places was not detrimentally impacted upon (e.g. the existing character of Traralgon's CBD or rural character of Glengarry township).

The community's vision for the future development of Traralgon and surrounds continues to build on its strength as one of Victoria's key regional economies and its position as the commercial centre of Gippsland, with a focus on education, health and community services and facilities.

The community aspires to a liveable and sustainable community with a continued focus on healthy lifestyles, supported by high quality recreational and cultural facilities and a natural environment that is nurtured and respected.

The community has expressed its desire for a future in which people are united in a common purpose whilst respecting the diversity of their heritage and cultures. To enable the vision to become reality the community has identified the need for effective and proactive leadership at all levels, and has expressed a willingness to connect with community leaders to enrich local decision making.

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4 policy context

4.1 national urban policy developments

The Commonwealth released a National Urban Policy Agenda in 2010 which link to and drive future infrastructure funding and which identified five core elements:

- Maintaining our egalitarian way of life

We have to design our cities in a way that ensures distance does not exclude people from full social and economic participation in our society.

- Beating the problem of traffic congestion

Low-density urban development is placing a heavy reliance on private vehicle use – something made worse by a corresponding under-investment in public transport.

These facts make cutting congestion not just a quality of life issue but also something of huge relevance to national productivity.

- City affordability

Affordability of our cities. Badly designed cities are pushing up the cost of living. Burdening many Australian families with inefficient assets that may decline in value.

- Housing design

The obvious “un-sustainability” of the types of housing we are constructing. Questions over the suitability of housing being constructed in catering for an ageing population. This mismatch between demographic trends and housing stock is unsustainable.

- Public health

Urban issues of poor air quality, heat stress, lack of quality green space and physical inactivity result in obesity, respiratory, mental and other public health problems.

These will be exacerbated by climate change and the growth of cities – especially car dependence and the resultant physical inactivity. There are three overall conclusions that can be drawn from this, which are:

- The price Australia’s communities pay for this poor planning is high.
- In the future (a carbon constrained world, with higher energy prices and increasing urban populations) the cost of urban short-termism will increase.
- The asset base and value of poorly-planned and unsustainable urban development will decline.

4.2 victorian urban design charter

The Victorian Government announced the Urban Design Charter in 2009. The Urban Design Charter is a commitment by the Victorian Government and other signatories to make cities and towns in Victoria more liveable through good urban design. The Charter identifies 12 key principles:

- Structure: organise places so their parts relate well to each other;
- Accessibility: provide ease, safety and choice of access for all people;
- Legibility: help people to understand how places work and to find their way around;
- Animation: stimulate activity and a sense of vitality in public places;
- Fit and function: support the intended uses of spaces while also allowing for their adaptability;
- Complementary mixed uses: integrate complementary activities to promote synergies between them;
- Sense of place: recognise and enhance the qualities that give places a valued identity;
- Consistency and variety: balance order and diversity in the interests of appreciating both;

- Continuity and change: maintain a sense of place and time by embracing change yet respecting heritage values;
- Safety: design spaces that minimise risks of personal harm and support safe behaviour;
- Sensory pleasure: create spaces that engage the senses and delight the mind; and
- Inclusiveness and interaction: create places where all people are free to encounter each other as equals.

4.3 regional strategic planning initiatives

The Victorian Government (and specifically Regional Development Victoria) is developing a long-term, state-wide blueprint for the future of liveable, productive and sustainable communities in provincial Victoria. This plan will support the continued prosperity of provincial Victoria in a time of rapid growth and complex change. For the Gippsland region a leadership group comprising the six local governments and the Gippsland Regional Management Forum has been formed which will guide development of an integrated regional plan. Key issues, influences and actions that have been identified for the Gippsland region include:

- Minerals, resources, and energy sectors (due to the presence of coal, oil and gas) underpin the regional economy. This is supported by significant dairy and tourism sectors and growing lifestyle destinations.
- Adverse climate change impacts are anticipated including opportunities for land suitable for temperate intensive agriculture.
- The Carbon Pollution Reduction Scheme (CPRS) presents major challenges to the traditional strengths of the region but also opportunities for potential investment in new energy technologies.
- Competing land use pressures create an opportunity to develop a long term growth strategy that is founded on economic and social forward planning.

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- Connectivity in the region for high speed optical fibre broadband and public transport improvements are key initiatives to pursue (particularly in relation to servicing ageing populations in small towns).
- Potential to enhance nature based tourism opportunities through infrastructure investment and appropriate planning structures.

Furthermore, the State Government is also currently exhibiting the draft *Gippsland Regional Growth Plan* which clearly identifies the role of Traralgon as the main growth centre within Latrobe City and the role of Latrobe City within the broader context as the Regional City of Gippsland. It identifies some significant growth opportunities for the whole region associated with the sustained development of Traralgon with the networked city.

4.4 latrobe city council policy

4.4.1 adopted council strategies

The Latrobe City Council has undertaken a number of comprehensive strategic assessments that inform forward planning for urban and rural land use and development in Latrobe and directly inform the Traralgon Growth Areas Review. The key adopted strategies that directly inform this review are:

- Residential and Rural Residential Land Assessment (2009)
- Latrobe Structure Plans Report (2007)
- Small Town Structure Plan – Boolarra, Glengarry and Tyers (2009)
- Traralgon Bypass Supplementary Inquiry (2007) and Latrobe City Response (2008)
- Traralgon Inner South Precinct (2011)
- Traralgon Station Precinct (2010)
- Approved Traralgon Development Plans (2012/2013)
- Open Space Strategy (2013)
- Latrobe Planning Scheme.

4.4.2 municipal strategic statement (mss) and local planning policy

Council's current strategy and vision is incorporated in the Municipal Strategic Statement (MSS) under the Municipal Vision (amended January 2010).

Clause 21.01 Municipal Profile

The population of Latrobe City is the third largest municipality outside of the Melbourne metropolitan and Geelong areas and is the regional centre for Gippsland. The municipality does not have a single dominant urban settlement, rather four main urban settlements comprising of Moe, Morwell and Traralgon, and Churchill in which 75% of the population live. The three larger settlements are in a linear form along the transport corridors formed by the Princes Freeway and the Melbourne railway line. This contributes to the networked city concept connecting Moe-Morwell, Traralgon-Churchill, Morwell-Churchill, and Morwell-Traralgon providing the efficient movement of people and goods.

The region is characterised by the Strzelecki Ranges to the south, with the catchments of Traralgon Creek, Bennett's Creek and the Morwell River which drain to the Latrobe River. The Latrobe River flows from west to east within the Latrobe valley, bordered by the Highlands to the north.

Latrobe has one of Victoria's strongest regional economies, contributing 3% of Australia's Gross Domestic Product. The main industries are in electricity, gas and water (26%), and manufacturing (18%, largely in coal and timber). Latrobe produces around 85% of Victoria's base load electricity.

The municipality is well served by road infrastructure due to its location to the Princes Highway, which provides excellent access to Melbourne to the west, and to East Gippsland and New South Wales to the east. The region is well served by the Regional Fast Rail service between Latrobe Valley and Melbourne, and new and expanded infrastructure including the

Latrobe Regional Airport, the Gippsland Water Factory as well as various medical and educational services and facilities.

Structure Plans

Structure plans for Churchill, Moe/Newborough, Morwell and Traralgon were undertaken as part of the Main Town Structure Plans and were gazetted in the Planning Scheme in early 2010 to provide for residential and industrial land uses over the next 30 years. The *Traralgon Structure Plan* strategised for the redevelopment and relocation of ageing industrial sites, identifying new areas for residential development, and improving visual amenity and walkability.

Latrobe City Council adopted small town structure plans in 2009, including for the townships of Glengarry, Tyers and Boolarra, which have subsequently been included in the Latrobe Planning Scheme. These structure plans considered the need to provide clear direction and ensure land supply for land use and development opportunities, and to facilitate diversity in housing types and allotment sizes.

4.4.3 the latrobe vision

Latrobe City Council recently released the Council Plan for the period 2013-2017. This identified the overall direction for the Council, including the following 'mission':

"To provide the best possible facilities, services, advocacy and leadership for Latrobe City, one of Victoria's four major regional cities."

It also identifies a number of key values, as follows:

- Providing affordable people focused community services
- Planning strategically and acting responsibly, in the best interests of the whole community
- Accountability, transparency and honesty
- Listening to and working with the community

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- Respect, fairness and equity
- Open to and embracing new opportunities

It is focussed around five key themes.

Job creation & economic sustainability

- Actively pursue long term economic prosperity for Latrobe City, one of Victoria's four major regional cities
- Actively pursue further diversification of business and industry in the municipality
- Actively pursue and support long term job security and the creation of new employment opportunities in Latrobe City

Appropriate, affordable & sustainable facilities, services & recreation

- To promote and support a healthy, active and connected community
- To provide facilities and services that are accessible and meet the needs of our diverse community
- To enhance the visual attractiveness and liveability of Latrobe City

Efficient, effective & accountable governance

- To achieve the highest standards of financial probity and meet all statutory obligations
- To provide open, transparent and accountable governance
- Work to minimise rate increases for our community
- Effectively manage Council debt to minimise long term cost

Advocacy for & consultation with our community

- Strengthen the profile of Latrobe City as one of Victoria's four major regional cities
- Work in partnerships with all levels of governments to ensure Latrobe City is well supported, resourced and recognised as one of Victoria's four major regional cities

- To advocate for and support cooperative relationships between business, industry and the community
- To ensure effective two-way communication and consultation processes with the community

Planning for the future

- To provide a well planned, connected and liveable community
- To provide clear and concise policies and directions in all aspects of planning
- Advocate for planning changes at the state level to reflect regional needs and aspirations
- To reduce the time taken to process land use and development planning applications

4.4.4 other plans

The structure plans for the main towns and also for Boolarra, Glengarry and Tyers were incorporated into the planning scheme in 2010.

Local structure plans will be prepared for Toongabbie, Traralgon South, Yalloom North, and Yinnar in the coming years. They will guide future land use decisions in these settlements. Commercial and community facilities and services for the townships and surrounding hinterlands should continue to be centralised to provide a focus for each town centre. This development pattern, and the social community it engenders, are qualities to be pursued and reinforced.

In addition, a number of Development Plans have been approved for recently rezoned areas around the periphery of Traralgon's urban areas. The most significant of these is the Traralgon North Development Plan which addresses land north of Marshall Road and identifies the land being used for conventional density on slightly larger lots (11 dwellings / ha), with some areas for public open space and community facilities provided. A potential supermarket site is identified on the Traralgon-Maffra Road

4.4.5 zoning and overlays

The existing zoning of the study area can be seen on the figure below. Of note is the following:

- The majority of the study area is zoned for Farming;
- Traralgon itself is dominated by Residential 1 zoning, with large areas of Low Density Residential and Rural Living zoned land on the urban fringe;
- Large areas of Special Use Zone are located to the south and west of Traralgon, affecting the Loy Yang Power station and the Latrobe Regional Airport;
- Additional areas of Rural Living Zone are located to the north of the study area;
- Tyers and the centre of Glengarry are zoned Township Zone; and
- A large area of Industrial 2 zoned land to the west indicates the location of the Maryvale Paper Mill.

There are a number of overlays which also affect the study area. These can be divided into a number of categories which are outlined below and shown on the following pages:

- Environmental (relating to flooding, fire risk etc) (Figure 13)
- Built form (heritage, design and development) ((Figure 14)
- Strategic (public acquisition, state resources etc) (Figure 15)

Of note is the large amount of planning overlays which cover areas beyond the existing urban area of Traralgon. Many of these identify constraints to development and are discussed further later in the report.

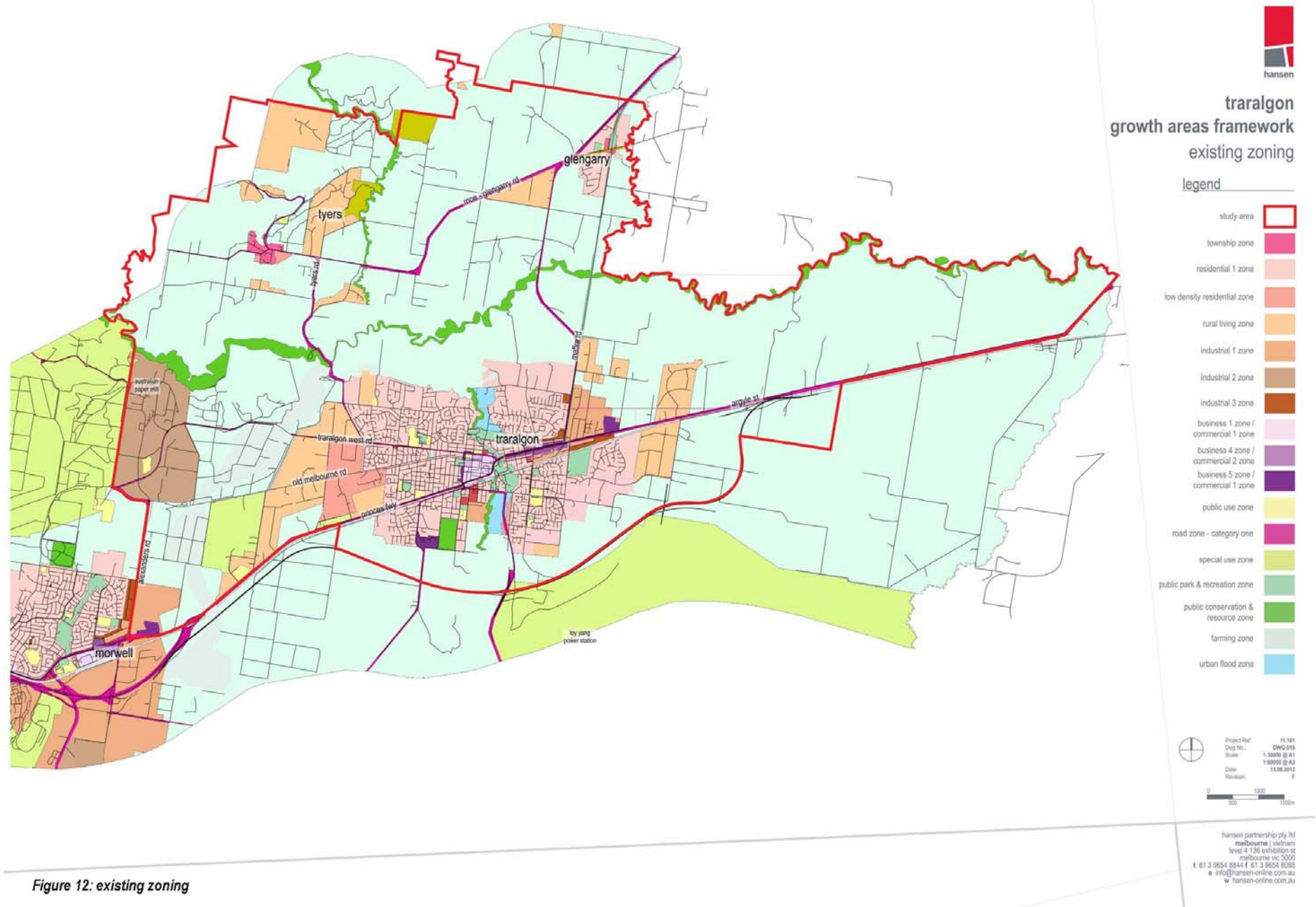


Figure 12: existing zoning

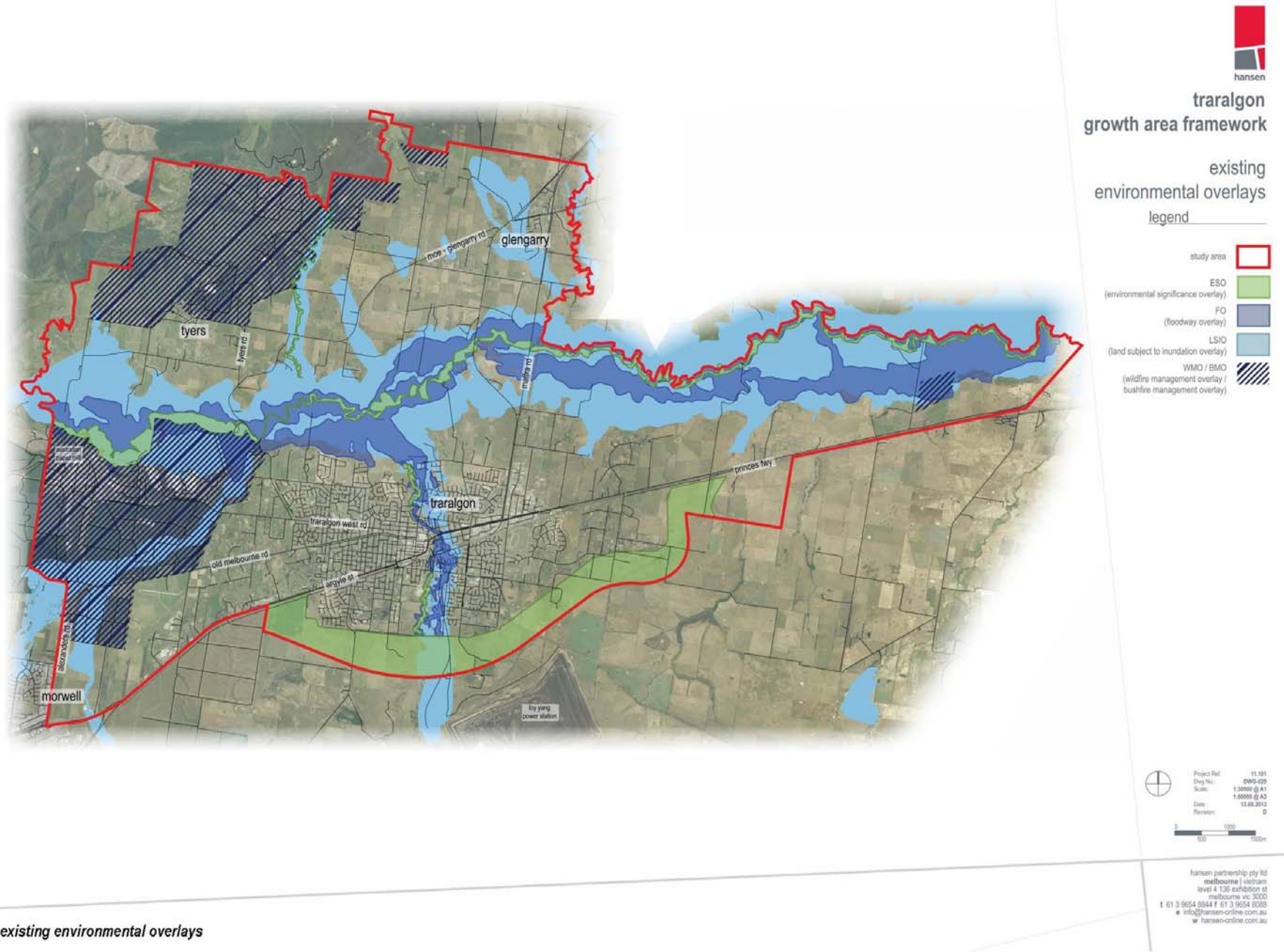


Figure 13: existing environmental overlays

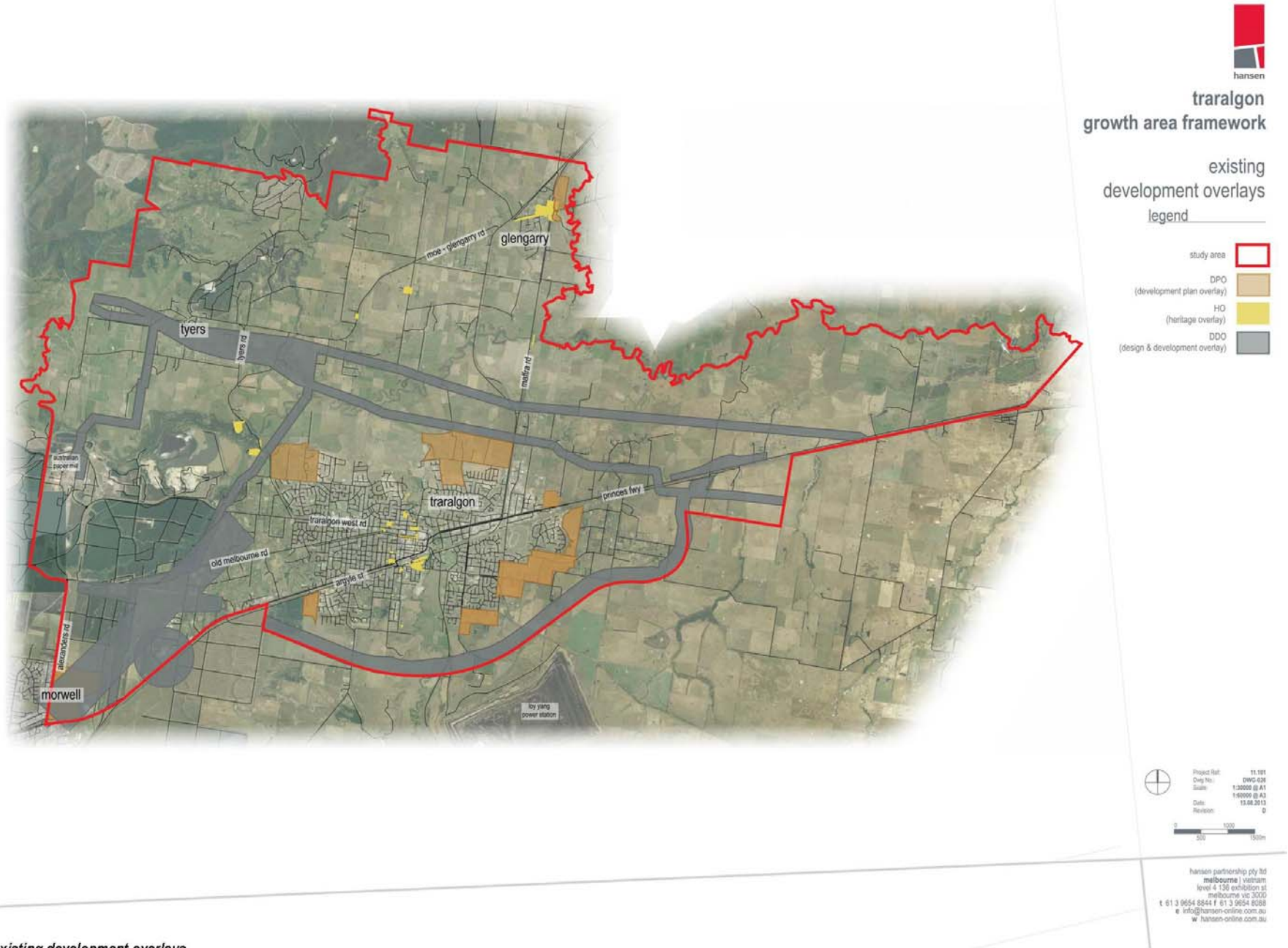


Figure 14: existing development overlays

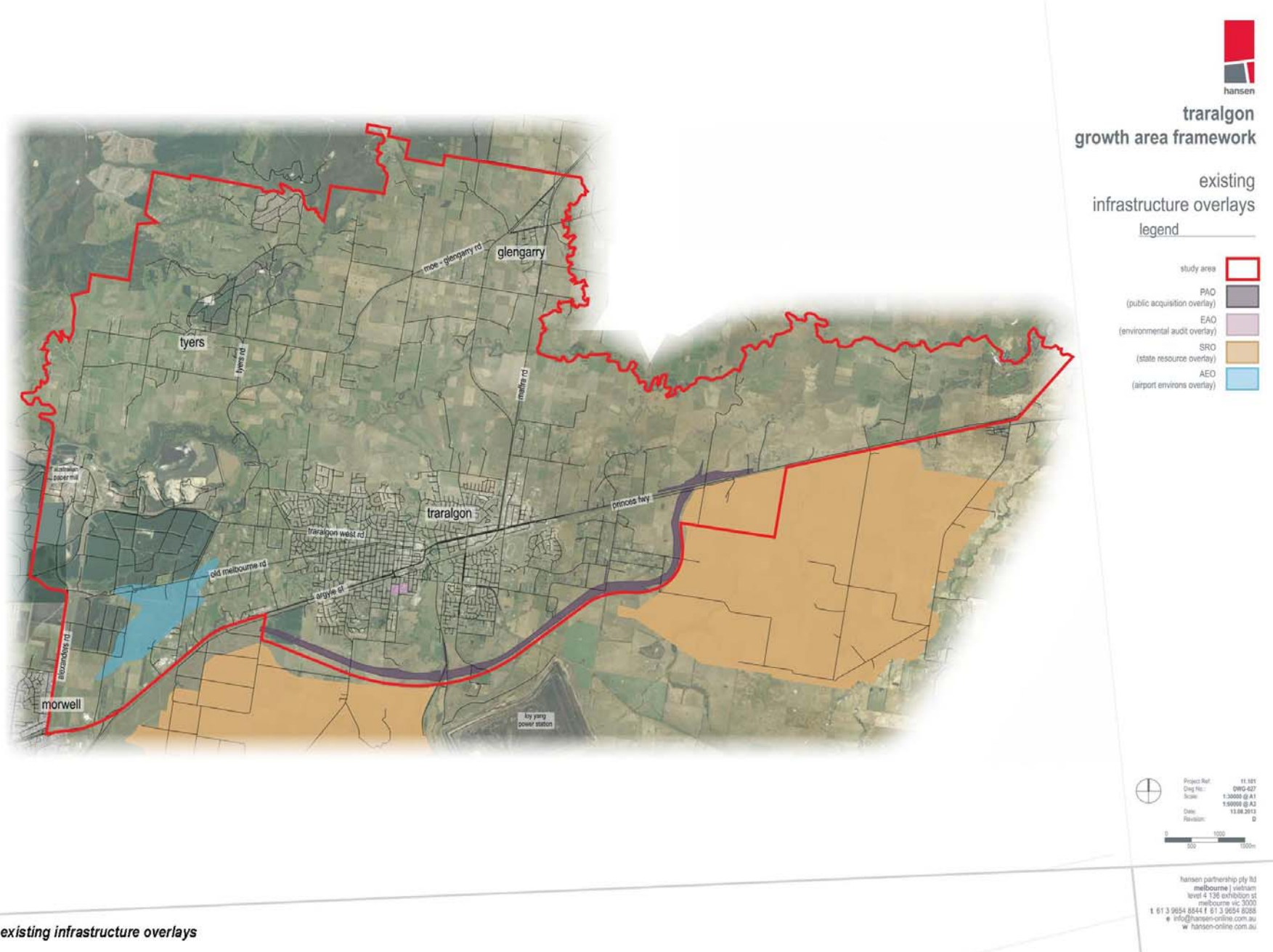


Figure 15: existing infrastructure overlays

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5 demographic trends

5.1 population forecasts

A number of different population growth forecasts have been prepared for Latrobe City and Traralgon over the past few years. Each of these is based on slightly different assumptions, geographical areas and timeframes. To understand the population outlook for Traralgon it is necessary to understand the differences between each of these forecasts and to extrapolate them to a common timeframe. This has been done by continuing the annual growth rates inherent in each forecast from their start to end date, out to 2051. The year 2051 is adopted as the planning horizon for this project, given the need to examine the availability of land around Traralgon for future urban expansion in the long term. The following provides a summary of population growth forecasts which have been prepared for Latrobe City and Traralgon:

victoria in future 2012

- Victoria in Future (VF) provides population forecasts to 2031, for both the municipality of Latrobe and the Traralgon SLA, which includes rural areas and smaller settlements to the north and south of Traralgon.
- Based on estimated resident population.

forecast id

- Provides forecasts to 2031.
- Relates to what appears to be the Statistical Local Area (SLA) of Traralgon.
- Based on estimated residential population.

essential economics

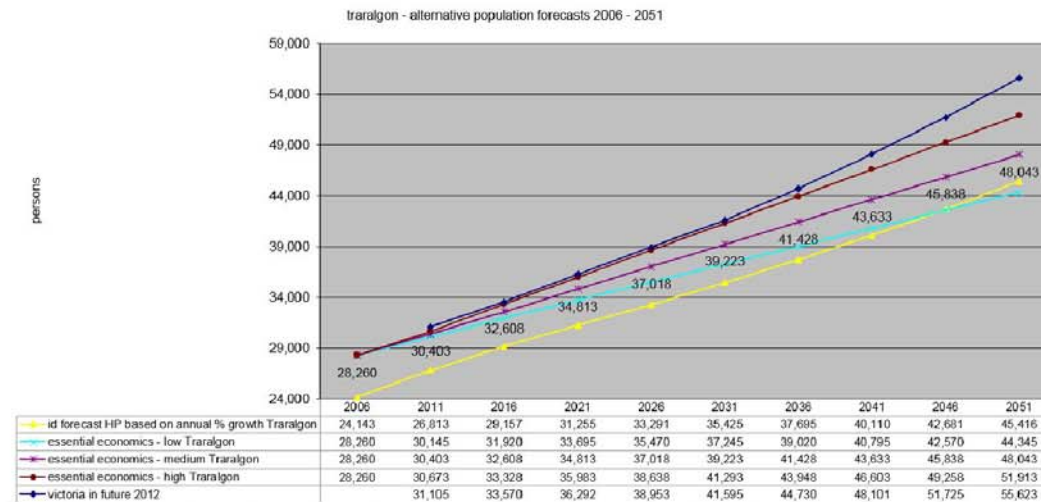
- Provides forecasts as part of the Residential and Rural Residential Land Assessment Project undertaken for Council in 2009.

- Figures relate to the Traralgon SLA.
- Provides forecasts to 2023.
- Presents three scenarios: high, medium and low growth.

parsons brinckerhoff

- Adopted the high growth scenario from the Essential Economics report, and extrapolated to 2051.

Figure 16: traralgon - alternative population forecasts to 2051



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council adopted population forecast for traralgon – 2011 to 2051					
scenario	2011 (persons)	2051 (persons)	additional (people)	ave. annual change (persons)	ave. annual % change
Low	30,145	44,345	14,200	355	0.97%
medium	30,403	48,043	17,640	441	1.15%
High	30,673	51,913	21,240	531	1.32%

Table 4: council adopted population forecast for traralgon – 2011 to 2051

Figure 16 (on the previous page) illustrates the difference between each forecast once they have been adjusted to extend to 2051. The following observations can be made:

- The forecast id, and the Essential Economics High Growth forecasts, assume a similar rate of growth, but have a different starting population for 2006.
- The Victoria in Future 2012 forecast has an average annual growth rate (1.46%), which is the highest of all growth rates. The VIF2012 forecasts are based on 2011 census and are based on a 2011 population of 31,105 which approximates the 2011 population of the Essential Economics forecast, even though they were prepared a number of years ago.

For the purposes of this report the Essential Economics forecasts are proposed to be used. The growth rate for the high growth forecast is consistent with the forecast ID forecast. The low growth scenario provides a moderating forecast, approximating the VIF 2012 forecast.

As a consequence the additional population that might be expected in Traralgon between 2011 and 2051 is shown in the Table 4. It should be noted that the additional population increase between 2011 and 2051, if based on VIF 2012 forecast the estimated population in 2051 would be some 55,623 people, around 3,700 persons more than the Essential Economics high growth scenario. +

It is noted that recent population estimates identified in the draft Regional Growth Plan identifies that beyond existing anticipated growth in Traralgon:

“Significant new investment in the region, particularly efforts to develop clean and renewable energy, and to foster supporting research and advanced manufacturing sectors could help attract a higher population of up to 465,000 by 2041. This upper range figure envisages that Latrobe City, as the regional city, comprising Moe, Morwell, Traralgon and Churchill, will experience significant population and economic growth.”
This higher figure is almost 80,000 people higher than the baseline projection.

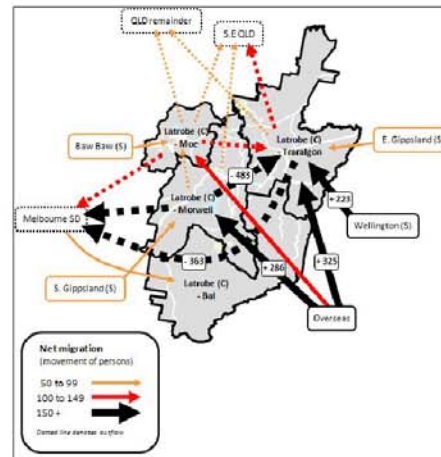


Figure 17: latrobe city migration

5.2 household composition

An understanding of the existing types of housing stock and the impact that this might have on the future land requirements to accommodate the population must also be considered. The predominant housing stock in Traralgon is a separate house (88.3%). In the past few years the greatest

percentage of residential development has been of separate homes on large blocks on the periphery of the existing urban area of Traralgon.

There were only 4 additional flats and apartments built (a 0.6% decrease) between 2006 and 2011 whilst there were 828 additional separate houses (which represent an increase of 1.6%) in the same period of time. In comparison, the number of semi-detached houses and townhouses reduced by 144 from 2006 to 2011 (a decrease of 1.5%). This is despite the housing demand for flats and smaller dwellings, which is anticipated to continue to increase in line with the projected population growth of Traralgon.

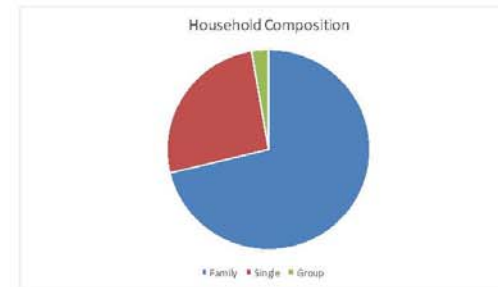


Figure 18: household composition % 2011, Traralgon SLA
Source: ABS census data 2011

5.3 household growth rates

The expected household growth rate is greater than the population growth rates. This is due to an increasing population, yet the number of people residing in households is expected to decrease resulting in more dwellings required in Traralgon.

Traralgon’s average household size has remained stable at 2.5 persons in 2006 and 2011, reflecting National trends. However, the number of single person households is growing, with an increase from 24% in 2006 to 26.1% in 2011. The number of single person households is a rising trend that is attributed to other influencing trends such as increasing number of

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divorces, an ageing population and widowers and also factors such as a more upwardly mobile younger demographic.

The population increase experienced in Traralgon over the past decade has resulted in Traralgon – Traralgon East providing the majority of all dwelling gain. In 2011 Traralgon had an annual development rate of 11,540 dwellings, which was the highest rate of development in Latrobe City. Traralgon is forecast to have the greatest increase in the number of dwellings and development in Latrobe City, with 39% expected for 2036. Traralgon has a high demand for residential development and has been the most popular location in the past decade largely because it is the regional and business centre of the Latrobe Valley, with greater choice in employment, education, health and housing options. A significant amount of residential land has been released to the market on the outskirts of Traralgon. Traralgon is not considered to be as impacted upon by perceived negative issues around local image and socioeconomic disadvantage and therefore has not been affected to the same extent as other towns in Latrobe City.

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6 constraints

There are a number of constraints which influence the type and nature of development that Traralgon could accommodate.

The Victorian Government selected the northern most alignment option for the Traralgon bypass. This has essentially driven the need to undertake the Traralgon Growth Area Review, as it impacts on land originally flagged as potential urban growth within the Traralgon-Morwell Corridor Concept Plan (2007) and the Traralgon Structure Plan (2007). Consequentially, substantial replanning of the urban and rural strategies is required to identify areas where urban growth is most appropriate. In this regard, it would be necessary for Council and the community to reconsider the most appropriate land-use mix for these areas.

Many of the constraints are indicated in the Latrobe Planning Scheme. They are often indicated by Overlay controls and serve to establish an area that addresses distinguishing circumstances or landscape features, and is superimposed over existing municipal zoning. Overlay controls do not replace existing municipal zoning, but rather build upon base zoning by establishing additional provisions and standards. These are intended to provide a means to address issues of special significance (e.g. flooding, coal resources, gas pipelines, etc.) that the underlying base zoning may not otherwise take into consideration.

The constraints outlined in this section are key considerations when identifying and developing key areas to accommodate Traralgon's growth in the future.

6.1 physical

6.1.1 traralgon bypass

The selection of the Traralgon bypass route partially affects land already identified as urban release / investigation area south-west of Traralgon CBD. Council estimates that approximately 500 hectares of land that could

have potentially been developed for residential use has now been lost. This could have produced an estimate yield of approximately 600 new dwellings based on an 800sqm average lot size.

Where practicable, land-use options adjacent to the new bypass need to be developed so that they are compatible. Construction of the new bypass would introduce traffic noise impacts and visual impacts into a rural / urban fringe environment whilst at the same time reducing noise and traffic impacts within the CBD area of Traralgon. The bypass will also provide improved accessibility by car.

The bypass will form a clear barrier to the extent of additional development, particularly residential development to the south of Traralgon. There is some potential however, that some additional uses that are not sensitive, such as industrial uses, may be possible within this area. However, if the alignment of the proposed bypass should change in the future, there would be a corresponding change to the suitable land uses within that area.

6.1.2 coal resources

There is an estimated potential economically extractable resource of 33 billion tonnes in the Latrobe Valley (Gippsland Regional Plan 2010). The land around Traralgon contains large reserves of brown coal which contribute to the Latrobe Valley supply, which is amongst the biggest reserves of brown coal in the world. These are mainly to the south of the Traralgon urban area in the land and can be identified by the State Resource Overlay which is identified in the earlier figure. The planning scheme has two overlays which seek to protect these assets, including the State Resources Overlay (SRO) and an Environmental Significance Overlay (ESO). The objective of the ESO is:

- To ensure that development in the Gippsland Coalfields Policy Area provides mutual protection of urban amenity and coal resource

development and the continued social and economic productive use of land.

- 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.

This means that a large area to the south of Traralgon is unavailable for development.

Further to this, there are other potential areas where coal resources may be located as identified in a 2005 GHD report, Latrobe Valley 2100 Coal Resources Project shown below. Areas rated 1 and 2 are anticipated to be developed at some point in the future.

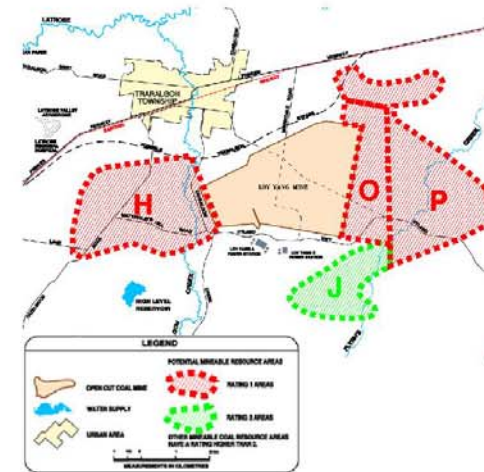


Figure 19: map of highly rated coal areas

Source: GHD, 2005, Latrobe Valley 2100

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There has been some discussion recently about potential changes to the wording of the ESO to allow no coal related uses within the 'buffer' that was established for the development of the Traralgon Bypass. The bypass project has necessitated the application of both a Public Acquisition Overlay but also a Design and Development Overlay to ensure that sensitive uses developed proximate to the bypass take appropriate remedial actions (as indicated by DDO3). Given the separation that is likely to occur as a result of the bypass, it is considered that some additional flexibility in the uses allowed in the ESO to the north of the bypass alignment may be possible in the future.

The future of coal resources within this area remain the subject of further discussion and investigation by Clean Coal Victoria and it is understood a new Coal Resource Strategy will be released in the near future. Any change to the constraints affecting Traralgon will need to be further considered at that point.

6.1.3 flooding

There are a number of defined water courses within the study area, notably the Latrobe River, Traralgon Creek and the Rintoul Creek. There are also several unnamed watercourses identified within this area.

The main urban area of Traralgon is greatly affected by areas subject to flooding, mainly in the north and through the centre of Traralgon. These areas significantly restrict Traralgon's urban growth. The susceptibility of land to flooding and disposal of surface water are a material planning consideration in order to minimise flood risk, damage and hazards. Access to properties during flood events is also a very significant issue. It may be possible to elevate new and existing dwellings in flood prone areas to levels that will not be at high risk, but if access is hazardous during flood events it creates a very real danger to the life, health and safety of residents, their families and emergency services. The potential of adverse impacts associated with development is therefore an important constraint on how land might be used, developed or managed. The extent of existing land affected by flooding is shown in Figure 13.

In regards to Glengarry, it is noted that there are areas within the township that are affected by potential flooding events. These are primarily in relation to areas adjacent to Eaglehawk Creek and low lying areas around Rifle Range Road. There are limited areas affected by potential flooding in Tyers.

The accuracy of VicMap flood planning maps has been assessed as being low to medium by the Department of Natural Resources and Environment (DNRE). Further investigation and confirmation of the extent of flood boundaries within Flood Planning Maps is required to provide confidence in use for planning purposes.

Improved flood mapping data was provided to Latrobe Council in 2000 through the Flood Data Transfer Project. A Planning Scheme amendment (Amendment C9) was introduced to ensure this new data is reflected in the Latrobe Planning Scheme.

Existing land subject to flooding is identified through the application of either a Floodway (rural or urban) Overlay or a Land Subject to Inundation Overlay. Generally, greater flexibility for development is given to land identified as subject to inundation (with most development prohibited under the Floodway Overlay).

6.1.4 gas pipeline

Another potential constraint to the growth of Traralgon's urban areas is the major gas and oil pipelines that wrap around Traralgon, predominately to the north. Approximately 130 kilometres of high pressure pipelines that traverse Latrobe City within the Traralgon Growth Areas Review study area. This affects most of the Tyers urban area, has limited impacts on the Traralgon urban area and has little effect on Glengarry. A Design and Development Overlay – Schedule 1 (DDO1) in the Latrobe Planning Scheme contains provisions that control levels of development within these areas to ensure there is an adequate buffer between people and the high pressure pipelines.

The objective of DDO:

- To ensure that all buildings and works and in particular buildings designed to accommodate people are sufficiently separated from high pressure pipelines to avoid a safety hazard.

The DDO1 prescribes a buffer width of 200 metres to ensure that all buildings and works; in particular buildings designed to accommodate people, are sufficiently separated from high pressure pipelines to avoid potential safety hazards. It is important to note that the DDO1 extends beyond the extent of the established easement for the gas pipeline which ranges between 20 metres and 25 metres in places. The 200m DDO potentially provides further unnecessary restrictions to development in these areas.

It is also noted that Latrobe City Council has consulted with the Department of Primary Industries (DPI) requesting the deletion of the DDO1 from the Latrobe Planning Scheme. The reasons they state for this deletion include:

- Of the Municipalities which high pressure pipelines pass through, Latrobe's is the only planning scheme that contains the DDO1 and associated buffer width. In other Municipalities, easements of between 20-25 metres provide for separation to avoid potential safety hazards.
- The high pressure pipelines within Latrobe City are also covered by easements ranging from 20-25 metres.
- In addition to the DDO1, the high pressure pipelines are covered by Clause 66 of the Latrobe Planning Scheme. Clause 66 of the Latrobe Planning Scheme requires a planning permit for the subdivision of land crossed by gas transmission pipelines or gas transmission pipeline easements. In addition, Section 310 of the Building Regulations requires a report and consent from the relevant service authority prior to any approval being granted to build over the easement.

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- Planning Permit referrals triggered by the provision of the DDO1 will create unnecessary delays which will prevent Council from the prompt processing of planning permit applications that have no impact on the high pressure pipeline.

It is important to note that the intention of DDO1 is not to sterilise development but to rather monitor development in the locality of the gas pipeline. The DDO1 triggers the requirement for a planning permit for essentially all buildings and works and subdivision applications.

A DPI response to this inquiry by the Council established the following:

- The buffers established in other areas are considered to be insufficient and are being reviewed.
- DDO1 does not affect the ability of the land to be subdivided and developed provided that appropriate buffers and safety measures are in place.
- The DDO will not be supported to be removed or modified, however there may be some flexibility established to reduce the amount of referrals necessary and to better facilitate development in these areas.
- There is however, ongoing discussion regarding the potential for a Memorandum of Understanding to outline potential streamlining of assessment of proposals within the DDO.

6.1.5 biodiversity values

The presence of EVCs (native vegetation) important biodiversity assets within and adjacent to Traralgon provides both a constraint and opportunity for development. Further discussion regarding existing biodiversity assets is provided in 2.6 biodiversity values section.

The native vegetation requires consideration in terms of how it can be avoided in accordance with *Victoria's Native Vegetation – A Framework for Action*. Where avoidance of this native vegetation is not possible, then consideration of minimising impact on native vegetation and, lastly,

offsetting the impacts are required. Where native vegetation is proposed to be removed this generally requires a planning permit under Clause 52.17 under the Latrobe Planning Scheme.

Biodiversity mapping indicates that there are a number of important flora and fauna; bushland reserves; waterways and wetlands; and linear railway and road corridor assets in the study area (see Figure 20 following).

Biodiversity assets within and surrounding Traralgon may provide an opportunity to explore how these assets can be used for green wedge zones, urban space, rehabilitation areas and future offset sites. Assessments of the quality and extent of the biodiversity assets should be undertaken to allow for prioritisation of resources to protect and enhance areas.

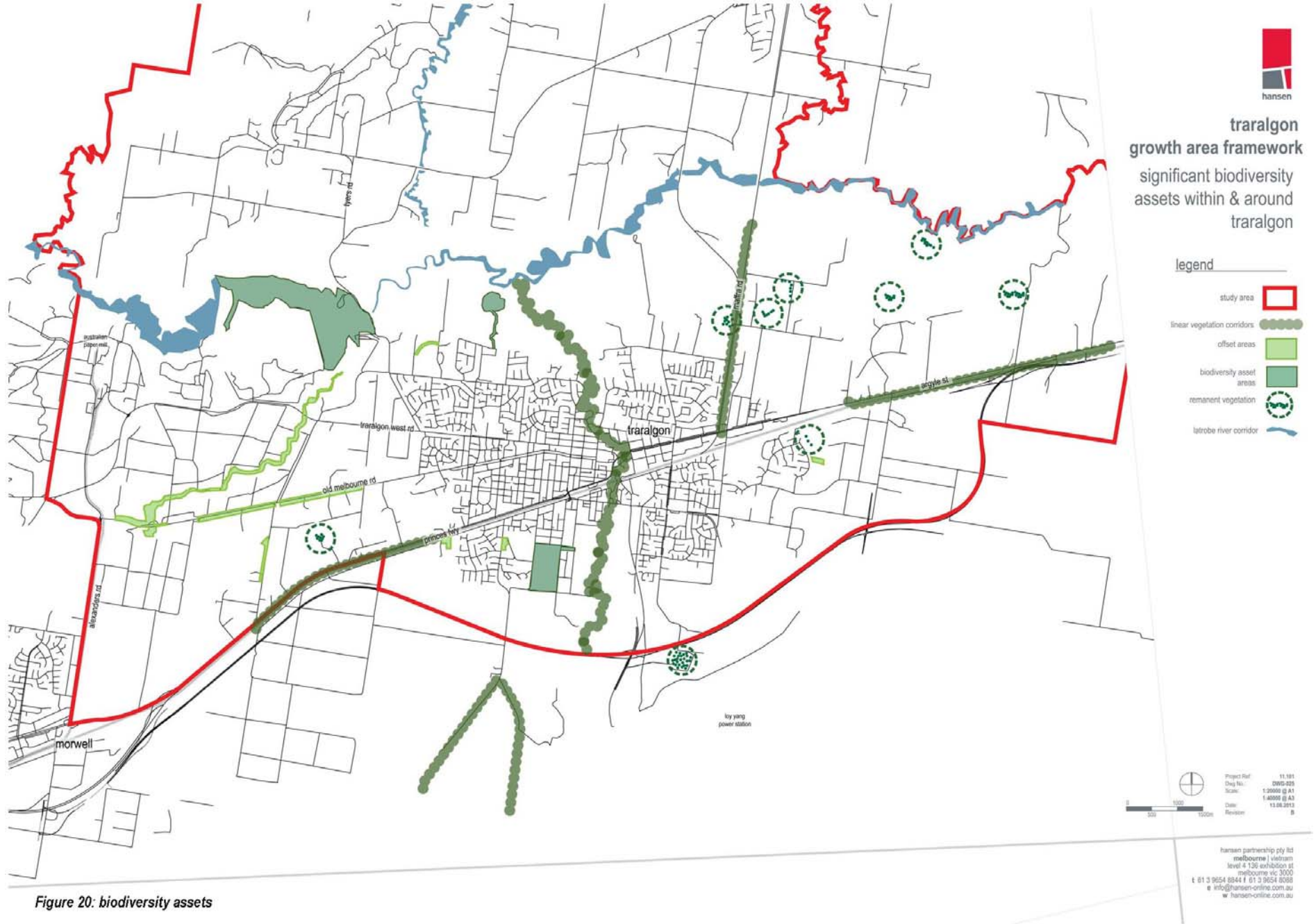


Figure 20: biodiversity assets

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6.1.6 cultural heritage

Areas of cultural heritage sensitivity are generally located within 200m of waterways and within 50m of a registered cultural heritage site. The Traralgon Growth Areas Review study area contains numerous areas of cultural heritage sensitivity associated within waterways, including the Latrobe River and Traralgon Creek. In addition there are a number of registered cultural heritage locations both within these waterway zones and throughout the area that contain aboriginal artefact scatters and scarred trees (refer to Figure 11 for locations of cultural heritage sensitivity).

While the identification of an area as culturally sensitive does not preclude development, it does mean that any areas of cultural heritage sensitivity that do not have significant disturbed subsoils require a Cultural Heritage Management Plan (CHMP) for specified works under the *Aboriginal Heritage Act 2006*. Depending on the findings of this plan, development may be constrained.

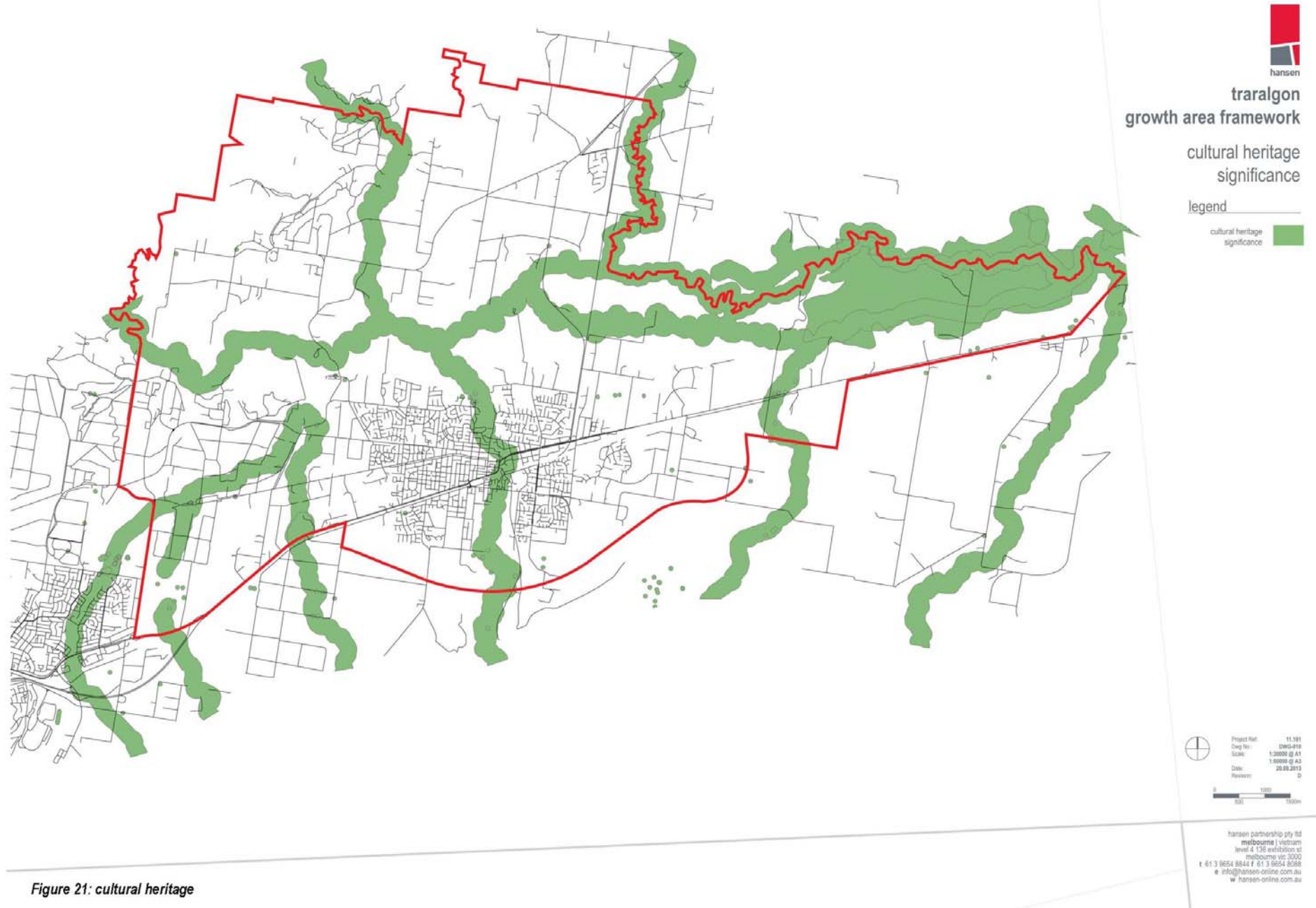


Figure 21: cultural heritage

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6.2 land use

With respect to land use constraints, the objective is to locate potential new growth within areas of planned growth while at the same time minimising direct impacts to established communities and adjacent land use zonings within the study area.

6.2.1 existing residential zoned land

A significant area within the study area on the north side of Princes Highway, west of the Traralgon town centre is zoned as Low Density Residential Zone (LDRZ) and Rural Living Zone (RLZ). Whilst this type of zoned land adds to the different types of housing stock available in Traralgon, it can be seen as an impediment to the intensification of residential development in the study area due to difficulty in reorganising developed areas for more intensive development. Retrofitting infrastructure in such areas can prove difficult and community expectations need to be consistent to amend the planning framework across significant parts of the area.

The Residential and Rural Residential Land Supply Assessment (2009) (undertaken by Essential Economics) highlighted the potential land use constraints associated with residential supply relative to demand within the Traralgon precinct. Based on estimates compiled in April 2008, low, medium and high forecast growth scenarios to 2023 were projected to outline the adequacy of residential land; Residential 1 Zone (R1Z) and Low Density Residential Zone, and rural land; Rural Living Zone supply available for development (see Table opposite).

Additional work will need to be undertaken as part of the Growth Area Framework to determine the land requirements on the basis of existing scenarios and trends.

Zone	Low Growth Scenario	Medium Growth Scenario	High Growth Scenario
Supply of Lots Available for Development (lots that can be developed in near future)			
R1Z land	3.9 years	3.4 years	3.0 years
LDRZ land	15.4 years	13.3 years	11.6 years
RLZ land	8.6 years	7.4 years	6.4 years
Supply of Total Vacant Lot Potential (vacant lots that have potential to be developed)			
R1Z land	6.7 years	5.8 years	5.0 years
LDRZ land	24.4 years	21.0 years	18.3 years
RLZ land	18.0 years	15.5 years	13.5 years

Figure 22: Adequacy of residential land supply – Traralgon precinct, April 2008

Source: Essential Economics, 2009, Residential and Rural Residential Land Supply Assessment p. 67

This assessment by Essential Economics in the Residential and Rural Residential Land Supply Assessment 2009 demonstrated that there will be insufficient supply of R1Z land available to meet forecast demand over the next 10 years for low, medium and high growth scenarios. However, there is potential to expand capacity of R1Z land by 2 to 3 years. In contrast, it is expected that the supply of LDRZ land available for development is relatively higher, ranging from 11 to 15 years with further potential for an increase in capacity of approximately 18 to 24 years. Available capacity for RLZ rural land is also expected to be adequate for approximately 6 to 8 years, with vacant lot potential of between 13 to 18 years.

From this basis, the 2009 report expected that there would be a shortfall in supply of approximately 1,140 R1Z lots, or 114 ha under a medium growth scenario. The shortage in supply would increase to 2,460 lots or 246 ha over a fifteen year period (2008-2023) under a medium growth scenario.

The *Traralgon Growth Areas Framework* (2013) provides an update on the available land for residential development and considers new land made

available for development through Amendments C47, C56 and C58 to the Latrobe Planning Scheme.

6.2.2 existing industrial zoned land

There are three areas of industrial zoned land in the study area. Retail trade and manufacturing are the dominant industries in the regional centre and account for almost 1 in every 3 jobs. The two primary areas of industrial land with the potential for growth are to the northwest of Traralgon where there is a large area of industrially zoned land, some of which remains vacant and some of which appears to be underutilised. This area is identified as expanding to the west and north in the Traralgon Structure Plan (2007).

In addition, there is a large area of mostly vacant industrial land to the immediate east of Monwell's existing urban area which is considered as part of this study.

There are also areas within the study area, to the south of the Traralgon town centre and railway line, which are zoned industrial and offer significant challenges to future urban development within these areas. This land is presently bounded by residential land uses and abuts the Transit Cities Precinct. Currently, these areas have existing industries that have adverse amenity potential to sensitive uses, attract significant buffer distances and consequently reduce the ability for residential intensification. In particular, the Sibilco Lime Processing Plant (UALLPP) in Jeanette Street requires a 500-metre buffer and may be an impediment to the redevelopment of greenfield opportunities to the south. These areas will need to be reviewed to determine the most appropriate or optimal use for this land south of the train station in order to provide certainty for development potential in the future. If it is to be used for residential development, the land currently occupied by industry would require comprehensive rehabilitation. This matter was explored in the *Traralgon Inner South Precinct Masterplan* which was adopted by Council on the 11 July 2011.

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6.2.3 existing retail zoned land

The Traralgon Activity Centre has approximately 179,000m² of land zoned for business use. Approximately 58% or 103,820m² of the Activity Centre has been developed for non-retail uses. Nonetheless the Activity Centre remains one of the largest and most important commercial centres in the Gippsland region accommodating retail, office, government, education and other community services.

The combination of retail and non-retail floorspace in Traralgon produces an activity centre in excess of 108,000sqm. This places Traralgon amongst the largest activity centres in Victoria with the likes of Geelong, Bendigo, Ballarat and Frankston.

According to the *MacroPlan Retail Strategy* (2009) Glengarry has approximately 456sqm of retail floorspace and Tyers was not included within the report. However, Tyers does have a service station and convenience store.

6.2.4 other significant land uses

Other areas within the study area that have significant existing land uses also need to be considered. The Latrobe Regional Airport and the Traralgon Regional Hospital are both located between Morwell and Traralgon, west of the Traralgon town centre.

latrobe regional airport

The Latrobe Regional Airport, located on land leased from the Crown by Latrobe City Council, was initially established in 1958 as the permanent home of the Latrobe Valley Aero Club. It is located approximately 150km east-south-east of Melbourne, between Morwell and Traralgon. It is essentially a major regional asset, with considerable investment, providing important air transport links to the broader Gippsland region, in particular the four main Gippsland towns of Moe, Morwell, Traralgon and Churchill. It also supports Australia's only aircraft manufacturing industry, air charter operations, general aviation, sport aviation, medical response facilities,

tourism services and a Department of Sustainability and Environment permanent fire fighting base.

The Latrobe Regional Airport Master Plan (2009) provides for a capital expenditure program of around \$1M per annum, jointly funded by Regional Development Victoria and the Latrobe Council.

Projects currently in progress include:

- Development of 19 lots for private hangarage; and
- Improvement of emergency access arrangements;

Projects completed within the last 5 years include:

- Taxiway extension to the western end of the 03/21 Runway;
- Extension of the same taxiway to provide runway access to lots in Industrial Precinct 1;
- Improvements to apron and parking areas; and
- Development of commercial lots for aviation related businesses with direct runway access.

The protection of the immediate surrounds from incompatible development is an integral component in maintaining a safe operating environment, while ensuring the amenity of future residents. This includes the intensification of higher density urban development surrounding the airport environs in the future.

In this regard, Amendment C26 to the Latrobe Planning Scheme introduced a Design and Development Overlay (DDO7 and DDO8) to implement controls to ensure that sensitive land uses and inappropriate development under the approach and take-off flight paths do not prejudice or restrict the operation of the airport.

DDO7 required a permit for a building and works which exceed 55m Australian Height Datum (AHD), (in most instances this will trigger a permit for buildings and works above 5m of the natural ground surface level). DDO8 required a permit for building and works which exceed 65m

AHD, (in most instances this will trigger a permit for buildings and works above 10m from the natural ground surface level). The DDO's address the critical runway approach areas and take into account existing topography of the land.

In the long term future it is considered that an investigation should be conducted into the long term needs and opportunities of for the Latrobe Regional Airport and a feasibility study completed for its potential relocation or retention. The airport encompasses approximately 200 hectares, and comprises two runways, a number of taxiways and aprons, a terminal building, hangars and other support buildings. If the relocation were to prove feasible, it would allow urban redevelopment opportunities on the airport site and intensification in the airport environs. At an average lot size of 4000 sqm this site could accommodate approximately 500 new dwellings or at an average lot size of 2000 sqm there could be a potential for 1000 new dwellings.

latrobe regional hospital

Latrobe Regional Hospital provides a regional public health service for the whole of Gippsland. The hospital is part of Gippsland Health, and is a purpose built 257-bed, fully integrated health service. The hospital services an immediate population of nearly 70,000 in the Latrobe Valley and, in conjunction with the region's other healthcare providers, over 240,000 across Gippsland. Services at the hospital include:

- aged care
- cancer care
- elective surgery
- maternity
- mental health
- pharmacy
- rehabilitation
- acute health

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The hospital also has a 'Community Residential Care Unit' that provides residential rehabilitation for people with prolonged severe mental illness and associated disability.

In addition, the hospital functions as a teaching hospital and is affiliated with the University of Ballarat School of Rural Health.

It is understood that the hospital has a number of longer term needs in terms of expansion which affect land use planning as there is a need for additional land for both the hospital itself and also the accommodation for staff and visitors. In particular, this is a concern given the wide area that the hospital services, as well as other associated uses. A masterplan has been prepared for the hospital site which outlines some of these requirements.

There are also other significant land uses, in the form of large sporting and recreation areas, such as the Traralgon Golf Course, Glenview Park and the old psychiatric hospital to the south west.

6.2.5 land fragmentation

The development of Rural Living and Low Density Residential Zoned lots in the past has created a fragmented settlement pattern. This comprises multiple owners and varied lot sizes, making it difficult to assemble and facilitate for future urban redevelopment. Land fragmentation, particularly on the urban fringe, is another key issue. Land readjustment and sometimes rezoning is often required to supply land for urban development. Sites after readjustment are often of a better size to produce a more effective density for the area, with clearly defined provisions for infrastructure and equipped with satisfactory public facilities. Therefore sites in a readjustment area are often prime areas for redevelopment. It's often easier to readjust and rezone large parcels of land with limited ownership. Retaining large lots and avoiding subdivision will provide maximum opportunity for residential development.

It is considered that sites suitable for re-adjustment are typically located in the inner precincts, along the highway frontages, and on the fringe of the urban areas. Larger lots needing to be retained are in areas generally located in the Farming Zone, in the study area, that have not been identified for rezoning and/or intensification.

6.3 local property market

When developing land for growth, it is often the land or areas that are cheapest and easiest to develop that get developed first. This is due to this land being able to provide the developer with the highest possible return on investment. Other land comes 'online' and only becomes feasible because the price people are willing to pay for residential lots increases in times of property booms, thus allowing the very high development costs to be absorbed, with little or no reduction in the developer's margin.

The balance of zoned land, identified for development, can often be generally small and fragmented and have substantial development constraints. The increased cost of development cannot be passed onto the consumer, as the price would be unacceptable in a market that provides choice. This explains why some residentially zoned land has remained undeveloped and why it will not come onto the market in, at least, the short term.

In order to fully understand the development potential of Traralgon, the influence of the market needs to be considered, in terms of determining the locations of residential land, to establish if in fact it is commercially viable to develop. There is no point designating new land for development if the market does not drive it.

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7 implications and opportunities

There are a number of other matters which need to be considered when establishing the framework for long term growth in Traralgon. These matters relate to both opportunities that need to be considered in relation to proposing a future growth strategy, but also other matters which may constrain or otherwise influence development in Traralgon. These include the following:

- wider global trends and outlooks;
- impact of growth planning on the community; and
- increased urban sustainability.

7.1 wider global trends and outlooks

On a wider outlook, there are various 'future shapers' which may influence the way our communities function in the future. Some wider global or regional future shapers that may change Traralgon and surrounds are:

accelerated global warming (impacts on rainfall, climate, agriculture)

There will be increased demand for structural changes in the economy of energy production that will alter the employment resource requirements for the Latrobe Valley, projected economic development, and social and community needs. With future development of clean coal utilisation and industrial processes that benefit from proximity to sources to improved efficiency in energy production, both positive and negative impacts on the local economy may alter the demand for urban growth. The establishment of new industries may offer increased employment opportunities or require different land use areas or conditions. The area may also see increases in population growth as people seek more tolerant climates following accelerated global warming impacts. Adverse climatic changes in northern parts of Australia will favour more comfortable living environments for an increasingly ageing population. Progressive increases in temperature in what are currently considered to be temperate climates, and the variable

nature of available rainfall of these areas may increase the attractiveness of southern Victoria.

peak oil and impacts on transport and industry/commerce

The need for improved efficiency of transportation services will favour the use of natural gas, hydrogen and electric powered vehicles. This will assist in improvements in air quality. It is likely there will also be a significant increase the patronage of public transport services should they be provided in a functional manner. There is also likely to be an increase in pedestrian and cyclist movement as the health and environmental benefits become more widely accepted. This may lead to a reduction in the extent of parking required within Traralgon. Regional goods movement will benefit by the proximity of rail services, and local-regional industry and commerce may become more important. Export goods and services are most likely to be higher order technological industries, such as the existing manufacturing of commercial aircraft at Latrobe Regional Airport.

water scarcity (based on accelerated global warming or population increase)

The twin pressures of more people needing to access shrinking water resources will mean a necessary shift in the way urbanisation occurs. The need for continued maximisation of utility of available water resources will be a prerequisite for future urban development. Projects, such as the recent Kogarah Town Square Project in Sydney, or Melbourne Water initiatives for inner metro areas, which seek to capture and utilise all rainwater, stormwater and greywater, will become the norm rather than the exception in new urban areas. Increased integration of existing drainage lines and creeks within the urban areas with traditional 'hard infrastructure' will provide for more integrated communities.

technology advances (impacts on transport, liveability, built form, environment)

Innovation in the design, lifecycle, and in the energy management of new urban developments will again alter the future form and character of Traralgon. Buildings will necessarily achieve increased levels of energy conservation. The required star ratings for energy saving will only increase over time and consumer demand for efficiency in their buildings will increase as the price of energy increases and more awareness of the financial benefits of energy conservation is gained. Increased locally responsive climatic design will be mandatory. Roof gardens, wall gardens, community gardens and streetscapes will inevitably become the future resources for food production, energy management and local microclimate management.

changes to coal industry and moving towards a low emission economy

The improvements in the quality of coal production, and of the standards of air emission management generally will undoubtedly increase the liveability of Traralgon. This will reduce the required extent of buffers, and the opportunities for employment within the residual, but lessened buffer areas. Depending on the future energy needs and/or alternative uses there may be some reduction in the identified coal resource areas. The ambient sulphur odour from the Australian Paper Mill, which is intermittently but noticeably present within Traralgon, may also be reduced in the future.

7.2 community impacts

If urban growth is not planned and facilitated in a sustainable manner the community can experience adverse impacts including:

- Loss of productive farming land and other natural resources;

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- Lack of affordable housing;
- Lack of housing choices (i.e. diversity in housing stock);
- Reduced sense of place;
- Higher car ownership and increased car dependency; and
- Marginalised communities with increasing health problems (such as obesity, through lack of active recreation, or illness through lack of access to health services).

An important consideration in planning urban growth in Traralgon is the ability to grow whilst still maintaining liveability elements and providing critical community needs to service a growing population, such as health care and education. Some of these factors are outside the scope of local government responsibility. However, planning for urban growth should take account of these needs for community infrastructure and the need to create places that people desire to live in because they provide all the necessary services and liveability factors, such as safety, landscaping and walking or cycling to work or school.

It is also important for the community that they see benefits associated with increased population densities (such as increased provision of public transport and more viable businesses) rather than just negatives, such as longer child care waiting lists or increased congestion of roads. As such, any long term plan for urban growth needs to 'think big' in relation to the provision of services and facilities, as well as other 'landmark' projects that can alter the urban structure of the city and improve linkages etc.

The proposed Traralgon bypass also has the potential to impact on the community. Key socio-economic issues in terms of advantages and disadvantages of the bypass can be determined against the following issues:

- Community cohesion;
- Amenity effects;
- Access and movement patterns;
- Land use and property;

- Effect on business activity; and
- Tourism.

It is recognised that with the introduction of the bypass there will be a number of adverse impacts in some locations but beneficial impacts at others. It is anticipated, however, that the new Traralgon bypass will have little impact in terms of community cohesion due to the low population concentration adjacent the bypass alignment, given the existing ESO which prevents development in the area where the bypass is proposed.

7.3 increased urban sustainability

A sustainable community is one in which a range of services and facilities such as shops, schools, some places of work, parks, community uses (e.g. church or community centre) are within 10 minutes walking distance from home. This is characteristic of the original centre of Traralgon, and similar to regional centres of places such as Bendigo, Ballarat, and Castlemaine, prior to the post war suburban expansion. Sustainable communities have high levels of connectivity, and the layout of streets and allotments, and the form of development is designed to promote convenient pedestrian access. A further distinguishing feature of these areas is the mix of land uses. Shops, offices, apartments and homes are provided within streets, allotments, and individual buildings.

The quality of design of these areas is recognised as a positive feature which encourages community pride and the use of the public environment. The extent to which community interaction is promoted within the street system and in public spaces is again a positive feature of community health. Again this is a recognised feature of the traditional "country town", and is an often sought feature of the new urban villages. Compact forms of living are more effective for the delivery of transport, and particularly public transport services. They can also achieve increased energy efficiency, and are able to more effectively protect natural resource areas, by concentrating development where impacts are less significant or can be mitigated.

The street systems within sustainable communities promote pedestrian and cycle movement and the management of vehicles and parking is designed to limit its impact on the public environment.

An integrated management system for water is also a feature of a sustainable community. All elements of the water cycle, such as water supply, sewerage and stormwater need to be considered as part of an integrated system. The objectives of this approach are to encourage reduced water consumption, ensure high quality urban stormwater runoff, maintain downstream water flows at pre-development levels, integrate stormwater management with landscape and open space design and development, and minimise waste-water output and encourage recycling of treated water. Multi-purpose drainage corridors which include stormwater management systems such as filtration and detention basins with recreational facilities are to be provided in these developments.

Within a sustainable subdivision, to achieve the best value from solar design, the lots need to be orientated to achieve optimum solar gain. Where this cannot be achieved, or solar access is poor, larger allotments and non-residential uses should be located in these areas.

7.3.1 networked city: transport efficiencies

Similar to the 'network city' model for Latrobe, an ideal Traralgon would comprise a network of activity centres of varying sizes that would be independent in their own right and connected to each other through a well planned road network that incorporated public transport linkages as well as cycle and walking pathways. This would involve the division and subdivision of space into a vast mosaic of small places rather than the one large homogenous urban centre. As such, any plan for growth should investigate opportunities for both increased public transport access, for instance, access by train to the Latrobe Regional Hospital, and also a distribution of local centres to promote walking, and clear and regular bus access to larger centres. In addition, networking towns through clear cycle paths is another way to increase efficient transport. There will be a number of amenity and community benefits by removing the through traffic

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from the city centre, ranging from safer journeys for all road users, including motor vehicle, bicycle and pedestrians, to health benefits from the reduction of vehicle trips and associated engine emissions. There is also the opportunity to develop partnerships within the community to help facilitate the growth and development in the future.

7.3.2 urban consolidation

Urban consolidation of the established urban core is critical to Traralgon being able to accommodate its projected population in a sustainable manner, particularly given the physical constraints that limit Traralgon's urban growth. This would involve infill of underutilised land and higher residential density targets coupled with improved pedestrian pathways and overall streetscape amenity (e.g. tree planting) as mentioned above. "Before and after" imagery shown below can show what could be achieved with urban consolidation of established urban areas. The development of the Traralgon bypass will present a number of opportunities to the study area and help ensure the predicted growth over the next 40-50 years can be accommodated in a sustainable manner.



Partnerships between State and Local Government (and their respective agencies, for example, the Department of Education, VicRoads etc.) and developers, land owners, and community or recreational organisations will be paramount to ensure the most effective and planned growth takes place. It is important to recognise these when planning for the future of

Traralgon to ensure that the growth can capitalise on the benefits that exist to the present and future populations of Traralgon.

7.3.3 water sensitive urban design (wsud)

It is anticipated that stormwater treatment, using WSUD techniques such as wetlands and bioretention swales, will be considered within the study area (subject to Council approval of these measures). Wetlands use enhanced sedimentation, fine filtration and pollutant uptake processes to remove pollutants from stormwater. As an alternative to wetlands, vegetated swales provide removal of coarse and medium sediment and reduce the impact of increased catchment imperviousness on peak flow rates using overland flow and mild slopes. A bioretention system can be installed in the base of the swale, forcing runoff to percolate through prescribed filtration media providing treatment through fine filtration, extended detention and some biological uptake. Bioretention swales also provide increased flow retardation and nutrient removal.

Other stormwater treatment systems, such as buffers or ponds, may be considered for the study area.

7.3.4 'an ideal traralgon'

Key drivers for future urban development within Traralgon will not be the latest fad in housing estates on the fringe of Melbourne, but rather more fundamental issues such as the availability and therefore, the price of oil and energy; the needs of community health and welfare; changes in family size that will continue to fundamentally change the demand for specific types of housing; ageing of the current and additional population; and a revolution in transport needs and services. We know that this future urban environment will be more compact, with increased access to a wider range of services and facilities. The value of property will not be as strongly determined by the size of the allotment or the floor area of the accommodation, but rather the proximity to the core area, facilities, parks, schools and long term affordability of accommodation (not just the initial purchase price). Traralgon, like the other key regional centres of Victoria will continue to be a grand and gracious city, with wide and attractive

boulevards flanked by a mix of developments, and a vibrant pedestrian orientated environment. This is not an unrealistic expectation and the essence of the truly great cities of the world. To achieve this almost utopian city, there will need to be a fundamental shift in the priority given to certain forms of land use, such as roads principally for private cars, and areas of homogenous forms of land use. The future Traralgon will have a number of distinguishing features such as:

- A range of housing options, including apartments, hostels, affordable housing, backpackers accommodation, increased aged care facilities, but with employment uses co-located within these areas;
- Increased focus of development around existing and proposed key public transport facilities;
- Full utilisation of vacant land within the core and inner areas of Traralgon;
- Resiting of non-residential land use to a location and in a form that provides for more efficient use of available land; and
- More highly integrated business and employment areas.

7.3.5 principles for sustainable urban growth

The sustainability objectives that should be pursued, if the future urban growth of Traralgon is to occur in a sustainable manner, are as follows:

- Reduced energy consumption;
- Increased walkability;
- Improved community health;
- Reduced motor vehicle reliance;
- Improved water management; and
- Increased community cohesion.

In terms of increased walkability, appropriate walkable catchments for people to access community services or facilities from a certain location are widely considered to be:

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- 400 m – 5min
- 800 m – 10min
- 1,600 m – 20min.

Contributing to the ongoing sustainability of Traralgon will be the following:

- Higher residential densities (number of dwellings per hectare) in appropriate areas
- Increased housing stock within the CBD
- Rezoning/redevelopment of land to reflect more optimal use of land (residential, commercial, industrial)
- Focusing of medium density housing opportunities along major transport spines to facilitate an expanded public transport system and the provision of walking and cycling corridors
- Raising the bar on sustainability initiatives relating to urban growth

The following represents some of the matters which should be considered in relation to sustainable growth planning:

1. Accessibility

Does the location have, or will have in the future, capability for public transport access? Similarly the combined effect of these development areas may create a network of activity areas "string of pearls" that can support improved public transport delivery.

2. Interface

How appropriate are the land uses which surround these areas for intensification? (e.g. the area is bounded by low density residential development and do the owners have expectations regarding this context?). There may also be instances where the adjacent form of land use is non-residential.

3. Site scale

Is the site of sufficient size to permit comprehensive infill and with a range of densities and dwelling types? Will it be able to achieve its own critical mass and provide a stimulus to development within adjacent areas?

4. Access to facilities and services

What facilities are within the walkable catchment of the proposed development area? What is the delivery of open space areas and recreational areas near to the site? Is there a need to provide supplementary facilities on the subject site?

5. Sustainability targets

How can the use of the site contribute to sustainability objectives of the Traralgon centre and Latrobe Region?

6. Availability

Is the site available to the market? This approach has been adopted by the Victorian Growth Areas Authority, in assessing the potential to achieve immediate growth targets.

7. Facility focus

Within these more intensive residential areas, which will have a range of associated employment opportunities, the population threshold may be reached for supplementary facilities and services. Do these users themselves provide a focus for activity, and contribute to the place-making and the character of the development area?

7.4 multi-faceted approach to the management of growth

While urban growth has currently been focused on providing one or more 'greenfield' locations where very similar types of detached single storey dwellings following similar templates has been provided, there have been few options in terms of diversity of growth options. There is an opportunity for a multi-faceted approach to the delivery of new residential areas within Traralgon which is flexible and adaptable to the changes which occur in demand and supply of new residential project sites.

There are a number of candidate projects that can collectively deliver all the residential growth requirements of the city. Depending on the relative activity within these potential development areas, the trigger points for

initiatives such as relocation of existing uses (e.g. golf course, redundant industrial areas) will be progressively activated.

Thus if there is substantial inner city intensification, and concentrated development within the planned growth areas at the periphery of Traralgon, there will be an opportunity to delay or, if preferred, accelerate redevelopment of non-residential sites.

In this way a more flexible and dynamic model can be used to accommodate the anticipated growth. By avoiding the tendency to deliver all growth within a standardised form of delivery, such as utilisation of all parcels of land that is unconstrained, and supported by willing developers, there is scope to improve the diversity of form, location, and cost of housing options as well as the overall quality and liveability of Traralgon and surrounds. Depending on the level of success of this multi-faceted approach there may be increased capability to accommodate most of the anticipated growth for residential, commercial and industrial within the existing Traralgon urban area, whilst also allowing some moderate growth in other areas.

To facilitate the delivery of development opportunities with the existing township area there is a need to continue to promote and foster the principles of sustainability, and to provide clear strategic direction for redevelopment areas, in the form of precinct structure plans and urban design frameworks. Some of this work has been completed to the south of the Traralgon Railway Station (i.e. Traralgon Inner South Precinct - Draft Master Plan Report 2009) and this can inform the preparation of revised plans for this area, and other inner city locations. At present there is a genuine willingness by the key stakeholders to support more sustainable outcomes for the city, however there is also a need to see this manifest in future projects.

7.5 density targets and development triggers

The challenges Traralgon faces with its future urban growth options being severely constrained means that it will be forced to make hard decisions about urban form and targeted redevelopment of strategic areas in

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conjunction with new urban growth in 'greenfield' areas. Traralgon is projected to have a population of over 40,000 persons by the year 2030. It is difficult to predict accurately long term population growth figures; however should this projected growth rate continue at the same rate beyond 2030 then Traralgon could expect to have a population upwards of 45,000 persons by the year 2050. Due to the difficulties of long term accurate population forecasts, the development triggers will be activated once a population level has been achieved. The recent draft Gippsland Regional Growth Plan flags potential for even greater growth to occur within Traralgon and Latrobe City as a whole, should the City develop to its full potential as a Regional City.

The total study area is approximately 16,354.36 hectares in size and is much larger than required to accommodate anticipated future urban growth. It is estimated that there is 253.6ha of vacant land within the five existing urban precincts of Traralgon, including Transit Cities, Inner South, North West, North East and Inner South East precincts. Through amendment of current planning mechanisms, to achieve higher density living and redevelopment of strategic sites, much of the anticipated future growth can be accommodated within these five existing precincts.

There are also options for growth within Glengarry and Tyers and potentially within the Traralgon-Morwell corridor which will further increase the timeframes before new 'greenfield' areas need to be released.

Housing densities within new 'greenfield' areas also have a strong role to play. The current standard for average housing density is 15 dwellings per hectare (as detailed in the Victorian Government Precinct Structure Planning Guidelines). This equates to an average lot size of 667m². A recent Council resolution seeking a density of 11 dwellings per hectare will need to be investigated further through a future Housing Strategy as this density will have consequences for the ability of Traralgon to grow in the longer term. However, it is acknowledged that, within a regional context, seeks a density of 15 dwellings per hectare in all areas may not be responding to the market demand and some further investigations to the appropriate densities for particular areas, rather than overall standards is

supported. The Traralgon Activity Centre precinct, for example, should achieve a much higher density of dwellings per hectare than the standard, as should be expected when the majority of accommodation within this area will be in the form of apartments.

For the townships of Glengarry and Tyers and outer areas of Traralgon (low density areas), a smaller target should be applied to maintain the rural township character, provide diversity in housing choice and due to physical constraints such as sewerage infrastructure and bushfire threat.

There are a number of options available to Council in relation to planning mechanisms, particularly through the use of zoning and amendments to the zonings schedule, which allow for minimum subdivision sizes to be adjusted. Currently within the Latrobe Planning Scheme the following zones are in use:

- The Rural Living Zone; this has a default minimum subdivision of 8h. Within the Latrobe Planning Scheme there are a number of schedules to the Rural Living Zone allowing subdivision down to 0.4, 1, 2, 4, 5 and 8 hectares.
- The Low Density Residential Zone, with a default minimum lot size of 0.4h
- The Residential 1 Zone / General Residential Zone, which does not set a minimum, but nor does it set a maximum subdivision size.

If pursued, higher housing density outcomes can be achieved through intervention in current planning mechanisms such as smaller lot sizes (i.e. higher targets for housing density per hectare) and the potential redevelopment of a number of strategic sites to facilitate urban development within the existing urban extent or the use of zones such as the Residential 2 Zone / Residential Growth Zone.

It is important to recognise that density targets apply across large areas and thus do not require all dwellings within an area to be developed at the same 'average' lot sizes but encourage a diversity of lots sizes, with some

smaller townhouse or medium density development in areas, and other areas potentially accommodating more standard or larger lot sizes.

The redevelopment of strategic sites within Traralgon plays an important role in this aim and any redevelopment of strategic sites within the urban area should aim for higher densities. It should be noted that in some cases, such as the racecourse, the redevelopment of these sites does not necessarily require that removal of the exiting uses. Decisions about each site need to be made in association with the landowners or site managers. Some sites may be ruled out for the foreseeable future. Decisions that effectively lock these sites into long term fixed uses that perpetuate current inefficiencies in the urban form should be avoided.

Potential strategic redevelopment sites in Traralgon's existing urban area include:

- The Golf Course north of the Princes Highway;
- At-grade car parks and vacant lots in Traralgon's Activity Centre;
- Older industrial areas within the existing urban areas, where longer term relocation would be advantageous; and
- Large and underutilised recreation areas.

These and other opportunities will be identified through the *Traralgon Growth Areas Framework*.



traralgon west structure plan
traralgon growth areas review
august 2013





The Traralgon West Structure Plan was undertaken by **hansen partnership** as part of the Traralgon Growth Areas Review.

The Traralgon Growth Areas Review is a shared initiative of the Victorian State Government and Latrobe City Council.

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1 introduction

The *Traralgon West Structure Plan* will become a key guiding document designed to shape the future development of a significant area of land strategically located between the Latrobe City towns of Morwell and Traralgon. The structure plan was commissioned by Latrobe City Council in 2010 as part of a broader long term growth strategy known as the *Traralgon Growth Areas Review* and was undertaken by hansen partnership pty ltd (urban planning, urban design and landscape architecture), in association with Cardno Grogan Richards (traffic and engineering) and Tim Nott (economics).

Latrobe City Council has a responsibility under the State Planning Policy Framework to ensure that sufficient land is available for urban growth within the municipality. The *Traralgon Growth Areas Review* was undertaken due to a number of critical factors that have, or will, put pressure on the ability of Traralgon and surrounds to accommodate likely future development. Among these factors is the State Government decision to nominate the northernmost alignment for the future *Traralgon Bypass*. That decision had a direct impact on the adopted *Traralgon-Morwell Corridor Concept Plan* (2007) which earmarked a large area of land (approximately 500 ha) for future urban growth, south of the confirmed highway bypass alignment.

Latrobe City has therefore needed to revise its current strategies to accommodate future urban growth, as land to the south of the proposed bypass is no longer feasible nor is it a desirable settlement outcome. In addition to this, recent strategic assessments (undertaken in 2009) of current land supply estimates in Traralgon and surrounds indicated there was a substantial shortage of residential land earmarked for future urban needs and that a number of possible areas had significant constraints that limit where urban growth can be located. While recent rezonings (Amendments C47, 56 and 58) may have alleviated some of the short term pressures, these pressures will remain in the longer term.

The *Traralgon Growth Areas Review* comprises three separate documents:

- A *Background Report*, which investigated both the existing situation on the ground in relation to the location of land uses but also constraints to development in the wider Traralgon area.
- The *Traralgon Growth Areas Framework*, which looks longer term at the identification of sustainable directions for growth and the policy and strategies which may be required to achieve this.
- The *Traralgon West Structure Plan* (this document) which is designed to provide guidance in relation to a strategically important area of land currently experiencing ad-hoc or inefficient development and facing increasing development pressures.

These reports form the collective findings of the *Traralgon Growth Areas Review*, although each document, including this Structure Plan, can be read as individual parts.

This document seeks to establish an agreed vision for the *Traralgon West* area (which extends through to Morwell) to be realised over a period of up to 20 years. The Structure Plan is intended to establish a number of principles to guide future development of the area. It will also lay the foundation for amendments to the Latrobe Planning Scheme to facilitate significant changes in the land uses and structure of the area, in view of broader strategic issues facing Latrobe City.

1.1 project brief

The project brief set out the primary objectives of this project as follows:

- Recommend an equivalent or if possible superior long term outcome to the redundant *Traralgon-Morwell Corridor Concept Plan*;
- Identify and map appropriate residential urban densities in existing and future urban areas;
- Include structure plan maps that designate key land uses, in terms of precincts, zonings and linkages;
- Recommend appropriate changes to the Latrobe Planning Scheme (zone, overlay & ordinance) to facilitate the future use and development of land; and
- Respond to the outcomes of the stakeholder engagement process.

1.2 land affected by the project

The study area for the *Traralgon West Structure Plan*, shown in Figure 1 on the following page, is an irregular shaped area which extends along the north side of the Princes Highway between the existing urban extents of Traralgon and Morwell. It extends north towards the plantations associated with the Australian Paper Mill and existing parcels of land occupied by rural residential dwellings.

The study area covers approximately 1,150 hectares of land, of which around 550ha is currently used for low density residential development (in either a Low Density Residential or a Rural Living Zone) and around 200ha is occupied by the Latrobe Regional Airport. Other significant parcels of land in the area include the National Foods manufacturing site, the Latrobe Regional Hospital, the currently undeveloped 'Hollydale' site and the Traralgon Golf Course.

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1.3 preparing the structure plan

A number of studies have been undertaken to guide the development of Traralgon over the last two decades. These documents have shaped the growth and development of Traralgon West (or Traralgon-Morwell Corridor) in particular, including the *Traralgon-Morwell Corridor Concept Plan* prepared by Beca Consultants in 2007. The current study builds upon the base established by earlier documents, but also responds to the broader strategic objectives outlined in the *Traralgon Growth Areas Framework*. Consultation with stakeholders and the community further informs this document.



Figure 1: study area aerial

2 background

In order to establish a plan for the future development of the Traralgon West area, it is necessary to understand elements of the context that are likely to exert an influence on this precinct. These include the policy context of the area, the current land uses and planning controls, constraints to development within the precinct and existing development pressures.

2.1 regional context

The Moe, Morwell, Churchill and Traralgon network of towns is one of the key regional centres in Victoria. It is located 164km to the east of Melbourne along the Princes Highway. Traralgon is the largest of a string of towns which stretch out towards Lakes Entrance on the Victorian coast which include Drouin, Warragul, Moe, Morwell, Traralgon, Sale and Bairnsdale.

The municipality of Latrobe City has previously adopted a model of development that establishes a hierarchy of townships comprising four main towns: Moe (approximately 15,300 persons), Morwell (13,700) and Traralgon (21,700), and the satellite town of Churchill (4,600) which form what is known as a 'networked city' with the remaining settlements within the municipality being identified as 'small towns'.

The population of Latrobe that does not reside in the 'networked city' is distributed across seven smaller settlements and a rural hinterland. The Municipal Strategic Statement recognises that while each town within the 'network' provides many of the services and facilities required by its residents, they are not separate, self contained entities which operate in isolation from each other. The towns interact, to varying degrees, to create what is effectively a 'networked city', highlighting the need for good inter-town connections.

Most of Victoria's electricity generation facilities are located in the Latrobe Valley and the region has Australia's largest reserves of brown coal. Power generation resources and facilities, and open cut mines associated with them, dominate the landscape of large areas of the Latrobe Valley. This can be seen clearly on Figure 2.

To the immediate southwest of Traralgon is the Loy Yang Power Complex and open-cut coal mine. In addition, large areas of rural land to the south of Traralgon have been set aside as long term future coal reserves. As such, the land around Traralgon plays a role in the functioning of the whole state of Victoria, well beyond that which would otherwise be the case in a regional area.

Traralgon's large commercial centre includes the Stockland Shopping Centre, South Side Central (which incorporates the major regional railway station) and shops which line the attractive Franklin, Seymour and Hotham Streets. The landmark building in the town centre is the elegant post office building built in 1887.

To the immediate west of the study area is the Mid Valley Shopping Centre which provides a range of large format retail uses such as Bunnings, Target and Big W as well as supermarket and specialist retail stores. Cinema and other entertainment options not available elsewhere mean this centre attracts residents from a wide catchment.

Regional facilities include the Latrobe Regional Hospital, a purpose built 257-bed, fully integrated health service located at Traralgon West, and a University of Ballarat campus at Churchill, 10 kilometres to the southwest of Traralgon.

These services, facilities and retail offering serve a very large catchment. Anecdotal evidence suggests the retail opportunities of the town, as well as larger scale infrastructure such as the Latrobe Regional Hospital, and entertainment such as nightclubs attract people from the full extent of Gippsland. As such, Latrobe City plays a role as the 'capital' of Gippsland.

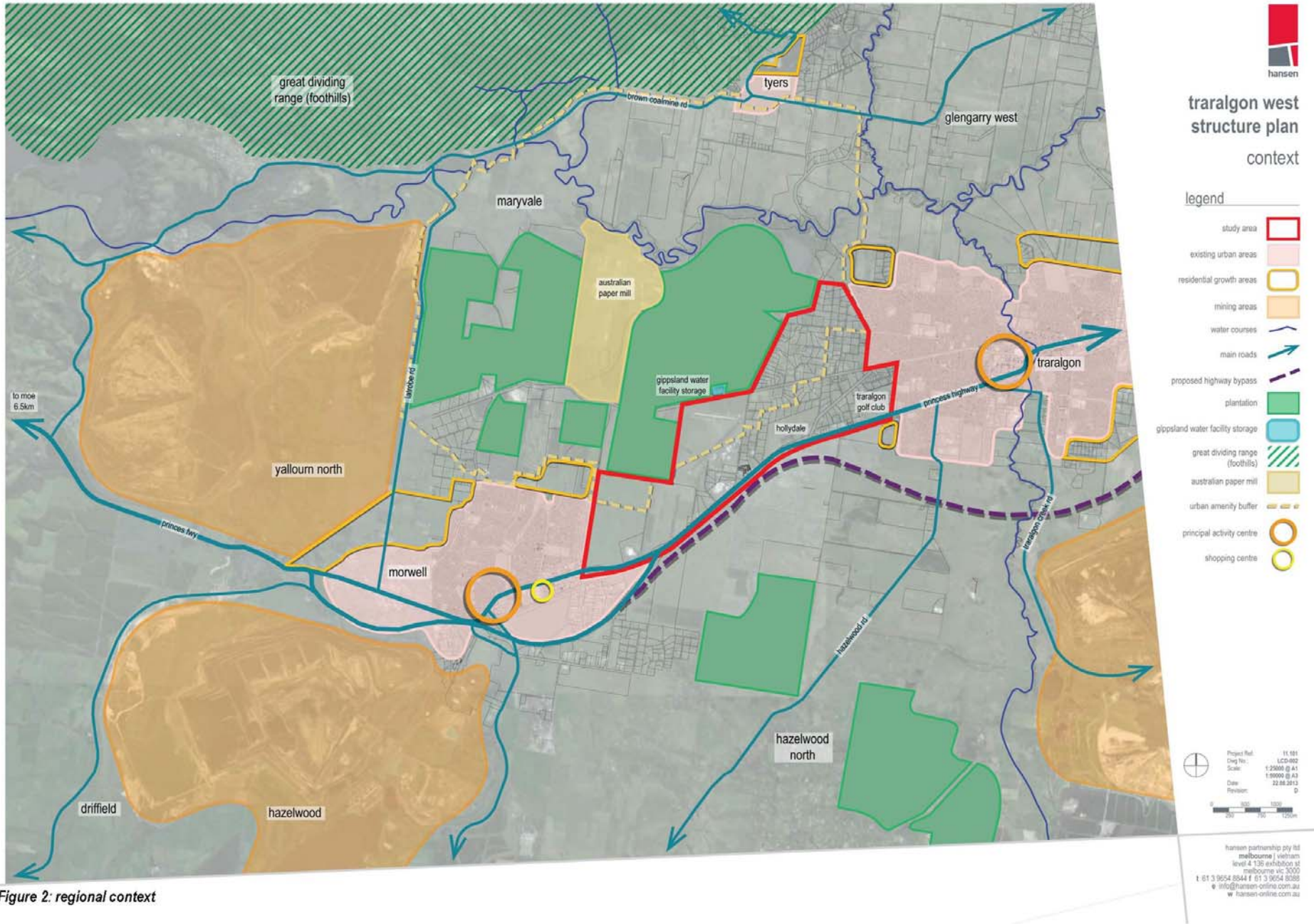


Figure 2: regional context

2.2 current land use and development

The Traralgon West Precinct is more accurately described as the Traralgon-Morwell Corridor and encompasses land uses which occur in the existing 'urban break' between the developed urban areas of Morwell and Traralgon. The land is currently used for the following purposes:

- The Traralgon Golf Course is located on the Princes Highway at the eastern edge of the precinct.
- Large areas of the precinct are used for low density residential uses. While some sections of the land are zoned Low Density Residential and others are zoned Rural Living, both areas are developed with similar lot sizes of between 1.5 and 3.5ha. Limited lots within the LDRZ land have been subdivided down to the allowed minimum lot size of 0.4ha. Conversely, while the RLZ has a default minimum lot size of 8ha, within the study area the schedule to the zone allows subdivision down to 2ha. The majority of these lots have been developed with one dwelling.
- A strip of around 10 lots zoned Special Use along the Princes Highway are designated as an 'Urban Gateway' under the Latrobe Planning Scheme. These lots accommodate almost exclusively car and caravan yards and associated businesses.
- A very large site located centrally within the precinct's Princes Highway frontage is known as 'Hollydale'. While this land is currently mostly undeveloped (with one dwelling located on the site) there have been a number of concepts suggested for the land, including higher density residential development and bulky goods retailing.
- A number of sites within the precinct are used for accommodation purposes within the Rural Living Zone, including sites used for retirement living, hotels and caravan parks. These uses are primarily clustered around the Latrobe Regional Hospital.
- The Latrobe Regional Hospital is located on the Princes Highway at the intersection with Airfield Road. The hospital also supports a number of associated uses such as consulting suites. A masterplan has been prepared by Latrobe Regional Hospital to guide the future development of the site.
- Large portions of the land are also currently used for non-intensive, non-residential uses or are not currently developed. The majority of such land is zoned for farming. A portion of this land was also set aside for many years for the diversion of the Morwell River. The Special Use Zone which protected this corridor has recently been removed and there are various other potential uses for the area that are subject to further investigation.
- The Latrobe Regional Airport occupies a large (approx 200ha) site central within the precinct. The airport has two runways, with the main runway aligned on a south-west / north-east alignment and a smaller runway running east / west. A number of buildings associated with the airport are located in the south-east corner of the site, where access is provided off Airfield Road. The adopted masterplan for the site seeks to intensify development on the site and was partially implemented through Amendment C26, noting that the masterplan is proposed to be revised and updated. The airport has been identified as one of three "concentrated employment zones" in Latrobe City (*Latrobe Economic Sustainability Strategy 2011*). The employment zones have an emphasis on job creation, industry diversification and the ability to offer opportunities to prospective investors.
- To the immediate north and west of this site are plantations associated with the Australian Paper Mill which are unlikely to see change.
- Towards the Morwell end of the precinct there is a large parcel which accommodates the National Foods / Lion major processing site.

- The remainder of the land between National Foods / Lion and the existing urban edge of Morwell is currently vacant. However this land has been rezoned to allow for industrial development. It is also expected to accommodate a substantial bulky goods retail cluster through rezoning approved under Amendment C39 part 2.

2.3 current land use planning controls

Existing zoning controls for the precinct are outlined below and illustrated on the following plans:

- Land adjoining Morwell within the study area is zoned Industrial 1, Business 4 or Farming Zone;
- The airport, hospital site and strip of car yards are zoned Special Use;
- Land at the western edge of Traralgon and the Traralgon Golf Course are all zoned Rural Living, while the Hollydale site remains in a Farming Zone; and
- Land immediately contiguous to the Residential 1 Zone of Traralgon is zoned Low Density Residential.

A number of overlays also apply to the area, in particular the western end of the precinct, as follows:

- A Development Plan Overlay applies to the Industrial 1 zoned land adjacent to Morwell.
- A Design and Development Overlay acts as a permit trigger where a major gas pipeline runs through the site and where the helipad associated with the hospital is located.
- There is currently an Airport Environs Overlay which affects land around the airport and a Design and Development Overlay was applied through Amendment C26, which has implications for the allowable height of buildings in proximity to the airport.
- Floodway and Land Subject to Inundation Overlays affecting land along waterways, have been implemented through Amendment C9).

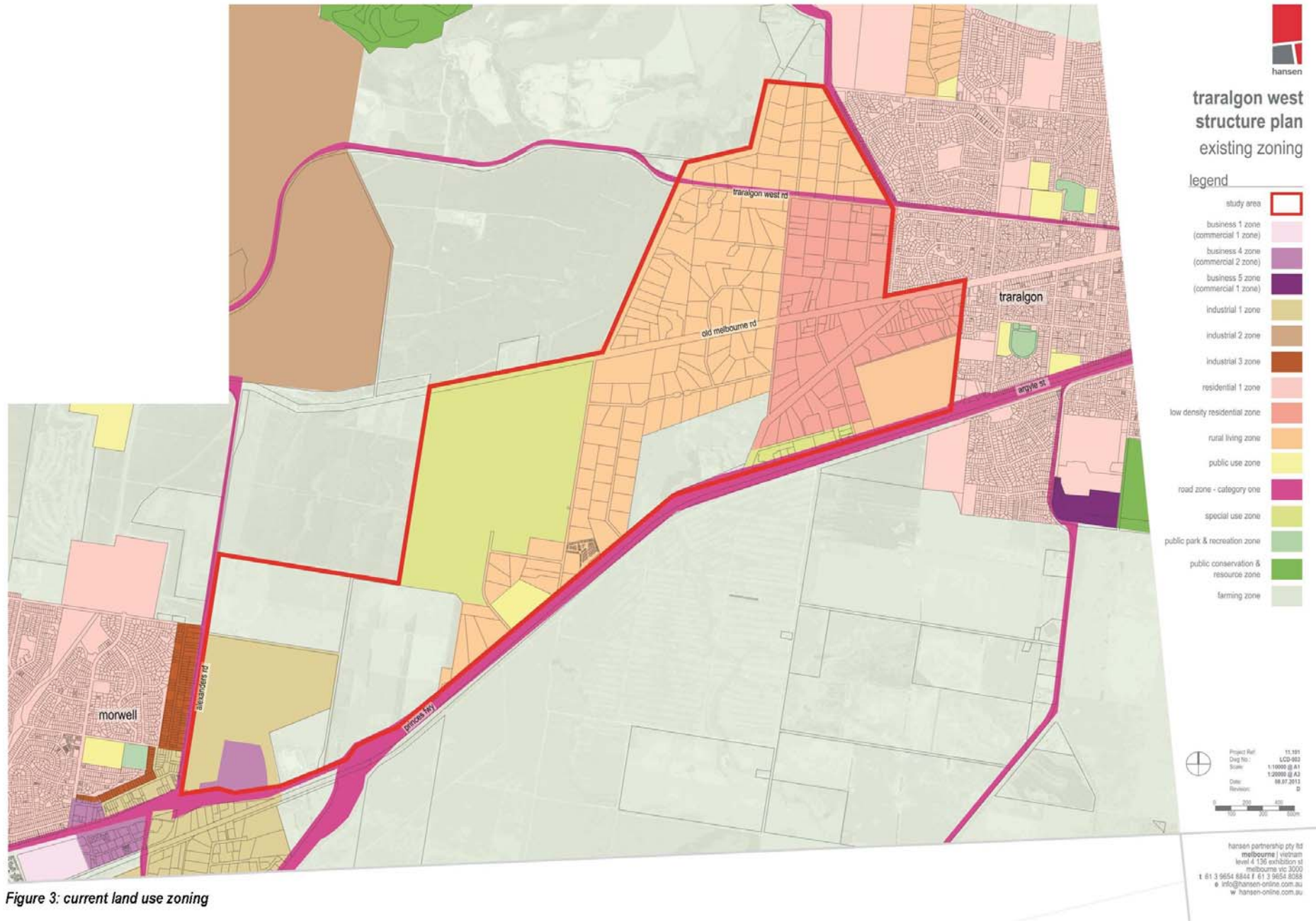


Figure 3: current land use zoning

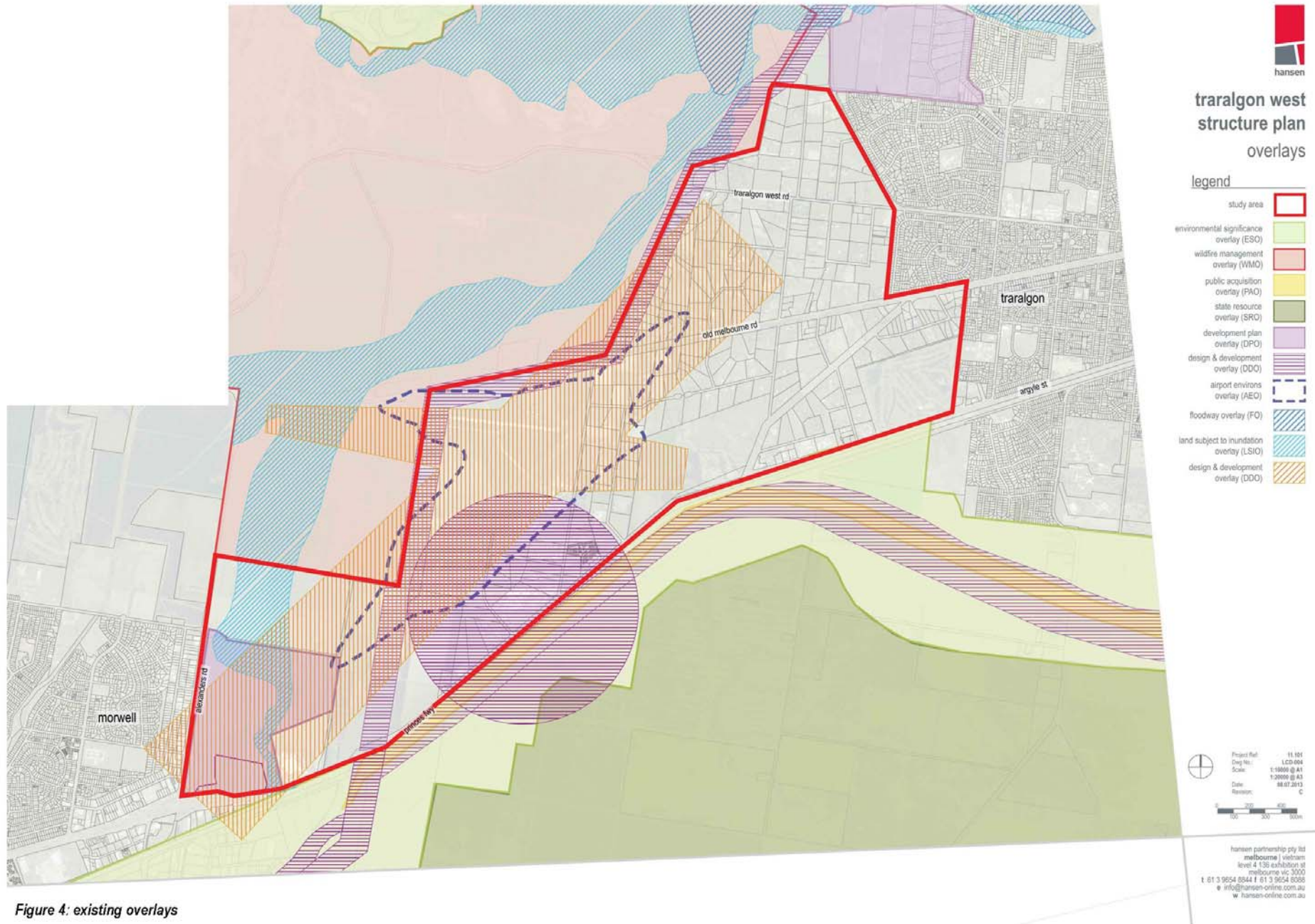


Figure 4: existing overlays

2.4 constraints within traralgon west

There are some significant constraints to the development of this precinct. Development to date has been relatively ad-hoc and until recently, local planning policy has encouraged the retention of a 'non urban' break between Traralgon and Morwell. This 'break' was compromised by incremental development of motels, caravan parks, car yards and the presence of the Latrobe Regional Hospital. Much of the land within the study area, where it adjoins the existing urban area of Traralgon, is already developed with low density or rural living uses as a result of previous policy positions. In seeking to reposition this corridor and promote more sustainable development of the City as a whole, some of the important constraints which must be considered include:

- The existing fragmentation of the land, where landowners may have differing aspirations for their land and coordination of development may be difficult.
- Flooding associated with drainage lines which run through the precinct.
- Lack of existing connectivity through the study area.
- Potential impacts from noise / odour associated with the Australian Paper Mill and the extent of any urban amenity buffer to residential development that would be required to manage this to avoid conflict.
- Impacts in terms of safety or noise buffers to protect long term uses that may be required in relation to the Latrobe Regional Airport, including the existing Airport Environs Overlay.
- Lack of public transport or cycle lanes within the precinct.
- Potential bushfire impacts due to the proximity of plantations to the northwest of the precinct.
- Buffer requirements associated with the Gippsland Water storage lagoon located to the immediate north of the airport.

The extent of some of these constraints is identified on the following page.

2.5 opportunities for traralgon west

There are also a number of clear opportunities available which can be maximised to obtain benefit not just for new and existing residents in the immediate area but also for the broader Latrobe community as a whole.

These include:

- Maximisation of the opportunities to develop employment generating uses supported by the airport and hospital.
- Improvements to public transport potential due to proximity to the Princes Highway.
- Locational advantage for residents between two Principal Activity Centres (Morwell and Traralgon).
- Proximity to Mid Valley Shopping Centre.
- Potential to provide interesting and diverse areas of public open space that can provide links to the wider open space network of Traralgon.
- Clear opportunities for excellent cycle and pedestrian linkages.
- The presence of two large strategic redevelopment sites that could act as catalysts for development.
- Highly amenable landscape setting.
- Opportunities to provide additional land for long term industrial or other employment uses contiguous with existing identified areas.

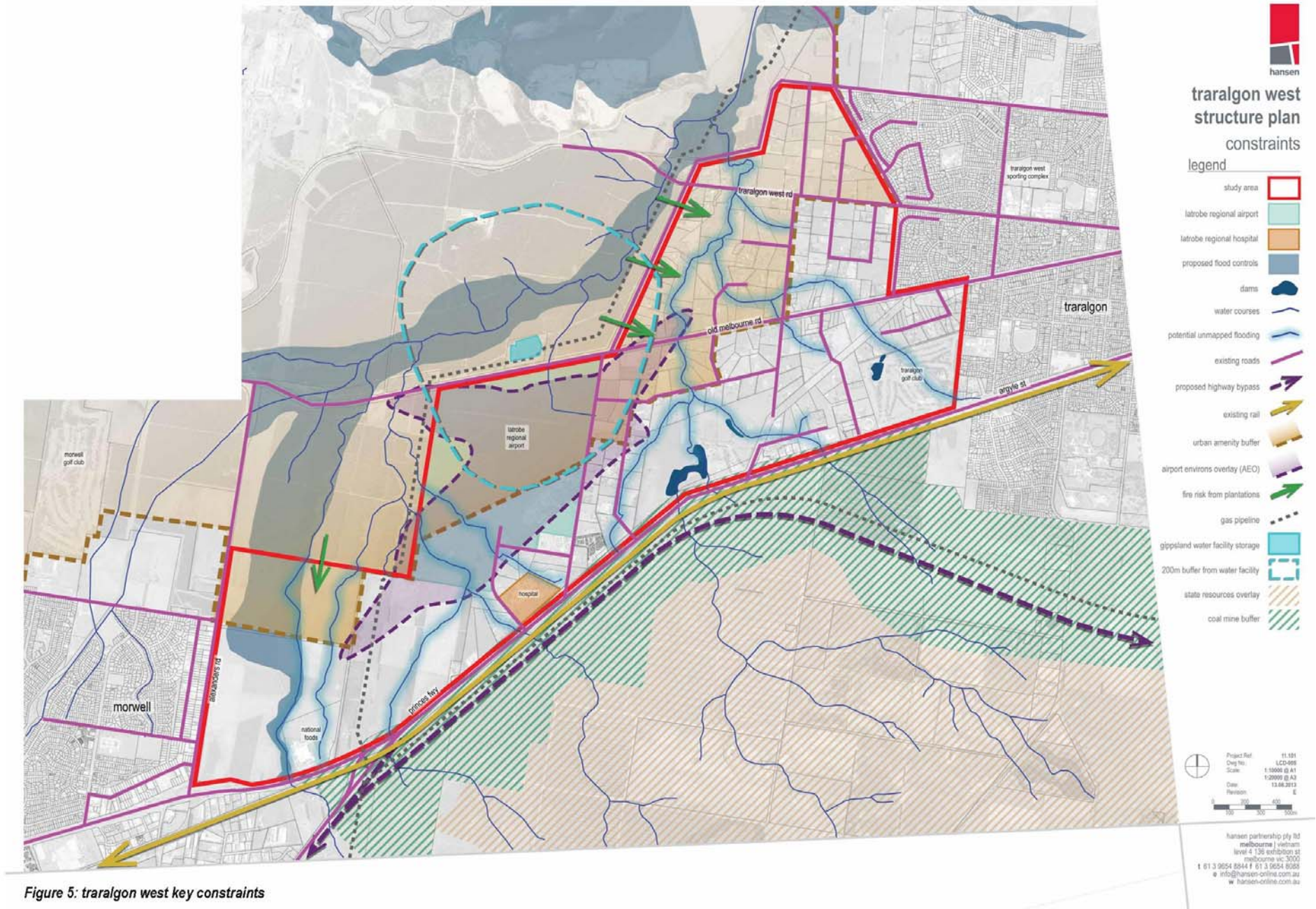


Figure 5: traralgon west key constraints

3 traralgon west structure plan

The long term strategic future of Traralgon West will evolve over time. However, this structure plan seeks to facilitate the transition of this important corridor to an area which better reflects the opportunities available within the precinct, while responding appropriately to the constraints which exist within the area. The precinct will develop over time into a higher density residential corridor in the areas closest to the Princes Highway. The northern areas will remain as lower density residential in order to respond to the position of this land both at the 'urban edge' and also in proximity to the Australian Paper Mill. Residential areas along the corridor will be strongly connected to the urban areas of both Morwell and Traralgon by sustainable transport options. While the corridor will primarily accommodate residential uses to the east of Airfield Road, there are opportunities for the development of employment generating uses on the land between the Latrobe Regional Airport and the Princes Highway which is more constrained for residential development but which offers exciting opportunities to support the growth and development of new and existing industries.

3.1 key precinct principles

Key principles which should guide the development of this corridor include:

- The identification of the Princes Highway as a high frequency multi nodal public transport corridor. This should include rapid local bus services and on-road commuter cycle paths as well as rail services.
- The development of a Neighbourhood Activity Centre around the Latrobe Regional Hospital to provide services and facilities, both for residents of the higher density accommodation which exists in this area but also to provide for employees and users of both the hospital and the airport. This NAC should not compromise development in either the Morwell or Traralgon PACs.
- Consideration of the establishment of an additional train station to service the Latrobe Regional Hospital (allowing better access to regional users) and the residents and employees of this area.

- The development of the Old Melbourne Road and the existing Coopers Road road reserve leading to the 'Hollydale' site as key green links, providing not only vehicular access but priority cycle paths and landscaped pedestrian pathways (in addition to considerations of the Traralgon-Morwell shared path).
- The creation of a key corridor of open space leading from the large waterbody central on the 'Hollydale' site, along the creekline to connect with a broader system of new open space to be established to the north of Traralgon.
- Development of both the 'Hollydale' site and the Traralgon Golf Course in the longer term as medium density 'villages' in landscaped settings.
- Re-subdivision of identified low density and rural living land not affected by the urban amenity buffer for conventional residential development.
- Retention of lower residential densities in the northern areas of the precinct where there may be odour impacts arising from the presence of the paper mill. These areas may be able to redevelop over time as improvements to the management of emissions could reduce the extent of buffer requirements and should be reviewed periodically.
- Exploration of employment generating uses which may be suitable for land immediately adjoining the hospital and south of the airport identified as an 'employment investigation area' to support the Regional City role of Latrobe.
- Retention and potential long term expansion of the eastern industrial (and bulky goods) precinct of Morwell, to the north of existing zoned land.
- Clear policy to avoid 'strip' retail development fronting the Princes Highway in the study area.
- Clear movement networks and appropriate levels of highly accessible public open spaces, community infrastructure and local shopping opportunities.

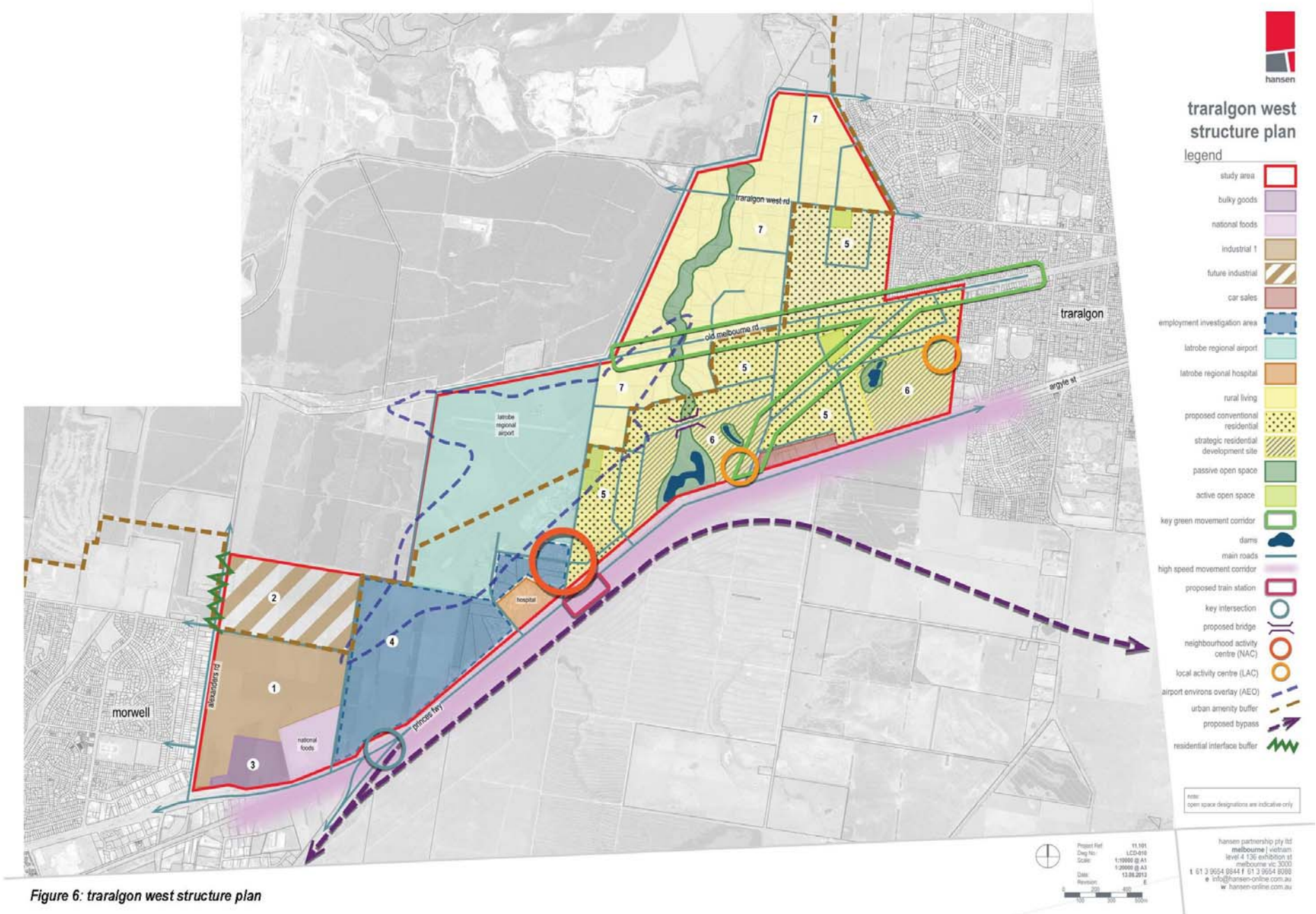


Figure 6: traralgon west structure plan

3.2 land use

Land uses proposed within the precinct are identified on the following land use plan as follows:

- **AREAS 1 & 3:** The existing areas of industrial and Business 4 (bulky goods) zoned land to the immediate east of Morwell are retained.
- **AREA 2:** Land to the north and east of the industrial area is retained as farming zoned land to protect longer term opportunities for the expansion of the industrial precinct. The need to maintain areas to accommodate additional industrial development in the longer term to protect the economic sustainability of the city is recognised by the identification of this land. Any development in this area will need to take into account appropriate buffers to the identified residential growth area on the western side of Alexanders Road.
- **AREA 4:** The hospital should be retained and expansion or intensification of health related uses should be encouraged. This may occur either through intensification of the existing area shown on the plan or through expansion into the 'employment investigation area'.
- The development of higher densities of residential development, including retirement villages and aged care, proximate to the hospital on otherwise unconstrained land (as is currently occurring) should continue on unconstrained land, preferably to the east of Airfield Road in order to not preclude development of employment generating uses.
- Land to the immediate west and north of the hospital should be retained as an 'employment investigation area' to be developed with either employment generating uses which are directly related to the hospital or airport. Regard should be had to the masterplans undertaken for both those key facilities and appropriate zoning should be considered once further detail regarding these land uses is determined.
- The airport should continue to be developed to make better use of the opportunities for more integrated development on the site. The existing masterplan for the site is currently being reviewed to ensure consistency with the Australian Paper Mill urban amenity buffer and as part of an assessment of economic development opportunities within the area.
- A Neighbourhood Activity Centre should be developed adjoining the hospital to provide service facilities and local shopping opportunities to both users and employees of the hospital and airport, and also to residents of medium density residential development in the area. This centre will provide a clear focal point for the "concentrated employment zone" (*Latrobe Economic Sustainability Strategy*) to be developed in relation to the airport as well as facilitating health related development. This centre should have strong connections to sustainable transport options, as well as pedestrian pathways. The centre should not compete with the larger activity centres of Morwell, Traralgon or Mid Valley, but may contain a small supermarket. A specific site has not been identified for this centre as the appropriate extent of this centre will need to be determined prior to an area being identified. This should be further explored at a broader level through an Activity Centre Strategy. However, the centre should be located close to the intersection of the Princes Highway and Airfield Road close to the Latrobe Regional Hospital.
- **AREA 5:** Existing Low Density Residential and Rural Living zoned land in the south of the precinct (as identified on the following plan) 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 are established as densities increase. Appropriate mechanisms to ensure developer contributions to fund infrastructure will also need to be considered.
- **AREA 6:** The 'Hollydale' site and Traralgon Golf Course should be developed with medium density urban 'villages' within a landscape context. This will diversify the housing offer within Traralgon as a whole and should be designed as 'sustainable' housing.
- Large waterbodies on those sites should be retained to provide areas of public open space, with the central waterbody on the 'Hollydale' site to be designed as a 'focal' area of open space with an important interface with the Princes Highway. These areas could connect through to an open space corridor to be established along the main drainage line through the area and to the broader new area of open space recommended to be established to the north of Traralgon in the *Traralgon Growth Areas Framework*.
- **AREA 7:** The remainder of existing Rural Living zoned land in the precinct should be retained as such, to respond to the potential impacts of odour associated with the Australian Paper Mill. Opportunities for new development in line with the potential allowable under existing zoning are supported where they are supported by the EPA and Australian Paper.
- The existing strip of car sales within the precinct is identified as remaining; however the extent of that area along the highway should not be increased and further retail activities should be discouraged in this precinct.
- Two smaller Local Activity Centres have been identified within the precinct. These have been located within the 'urban village' strategic sites. While their locations are indicative only, the relationship between the eastern centre and Lavalla College is to be pursued to ensure that co-location of any community facilities is possible. The proposed Local Activity Centre on the 'Hollydale' site is identified as being located on the Princes Highway, adjacent to the existing car yards. This location ensures that the centres are distributed in a way what provides equitable access to residents within the precinct. These centres are identified as playing a local 'convenience' role only, and are not identified as providing supermarket or bulky goods retailing. The size of these centres will need to be confirmed as part of an Activity Centre Strategy or similar study that considers this area as part of the broader Traralgon or Latrobe City context.

3.2.1 bulky goods and medium density development on the 'Hollydale' site.

It is understood that there are a number of options which have been put forward for the future development of the large site within Traralgon West known as 'Hollydale'. There is some pressure to allow development of this site for the purpose of bulky goods development. There is a clear strategic rationale for encouraging the uses of the land as identified above, which is elaborated further below.

The site is one of two large 'strategic' sites within the Traralgon-Morwell Corridor which are relatively unconstrained. The other site is the Traralgon Golf Course discussed in the following section. As such, the 'Hollydale' site represents the most likely site for development within the precinct.

It is acknowledged that the site was identified as the third option for the identified bulky goods requirements of Latrobe City in the adopted *Bulky Goods Retail Sustainability Assessment* (March 2009). It is noted that this was identified as having advantages due to the low density nature of residential development around the site and the potential for co-location with other trade supplies or light industrial uses. Should the corridor be developed for primarily residential purposes, then the suitability of this site for bulky goods development would be subsequently reduced.

That report identified that around 5-7 ha of B4Z land was required in the short term (to 2013), another 5-7 ha in the medium term (to 2018) and that longer term needs (beyond 2021) be assessed at a later date to ensure that decisions responded to changes in the retail environment or context. Subsequent to that report being issued, Council has rezoned land in the east of Morwell and the east of Traralgon for bulky goods uses (as part of Amendment C39). Those parcels were the top two ranked parcels in the bulky good assessment and combined provide over 20 ha. This is well in excess of the 10 – 14 ha identified as required to 2018.

It is not considered appropriate to allow for the establishment of a third area of bulky goods retailing until such a time as the existing available land has been utilised, particularly given those parcels were identified as more suitable than the 'Hollydale' site. At such a time as the available land is diminished, providing additional land that is proximate to the existing bulky goods centre, rather than dispersing the use is recommended (and is supported by the existing assessment which recommends the establishment of defined precincts rather than standalone sites).

An additional assessment of bulky goods needs was provided by proponents of a development seeking to utilise the Hollydale sites for such purposes. This report (*Latrobe Bulky Goods Retail Need Analysis Traralgon West, MacroPlan Dimasi 2012*) identified that there was a need to provide land above and beyond that identified in the original MacroPlan report. However, a peer review of that assessment (*Review of economic support for the Masters development proposal in Traralgon West, Tim Nott 2012*) identified:

- There is no need to rezone any additional land to accommodate bulky goods uses and the two recently rezoned sites can easily accommodate demand to 2026.
- Both the original MacroPlan report and the more recent development justification are based on a significant underestimate of existing bulky goods retail space.
- The development of the Hollydale site would be unlikely to result in any net increase in economic activity or employment as the development would be balanced by losses by existing businesses. As such there would not be sufficient overall community benefit to strategically justify (on the basis of economic development) an additional rezoning given existing available land.
- In addition, the assessment found that while the reduction in housing potential within Traralgon West would be modest, the impact on the development of a Neighbourhood Activity Centre at the hospital site would be compromised.

- Development of bulky goods on the relatively restricted Hollydale site may also compromise the ability for a more extensive precinct to develop. This may compromise the ability of independent bulky goods development to maximise benefits from co-location with an anchor tenant such as Masters in the longer term.

Furthermore it is considered that, due to the topographical and landscape characteristics of this parcel (including the presence of two large dams), there are clear opportunities for development of a more intensive residential use on the site. A medium density development on this site, within a landscape context, could go some way to offsetting the loss of land earmarked for residential development south of the Princes Highway. As such, the development of an integrated medium density residential development on the site is of strategic benefit to the broader area. Should the Princes Highway be established as a high frequency transit corridor, then residents in this precinct would have a high level of accessibility which is not found in all of the urban areas of Traralgon. While the use of the land for this purpose cannot be forced, there is considered enough justification to pursue this as a strategic objective through the *Traralgon West Structure Plan*.

3.2.2 traralgon golf course

The other large strategic development site within the Traralgon West area is the Traralgon Golf Course. However, although the golf club has the potential for medium density development, it does not mean that the club must develop their land. It allows for that opportunity in the longer term should the club management decide this is appropriate, either as a replacement for the club or part of a redevelopment of the course to include a housing component (as has occurred on many other sites).

The development of land to the north of the club at higher densities has been a long standing strategic aim, as identified through the Traralgon Structure Plan (at Clause 21.05 of the Latrobe Planning Scheme) and reflected in the inclusion of the land under DPCD's land supply calculations as 'future residential'. The land was originally proposed for rezoning under Amendment C58 but this rezoning did not proceed.

This Traralgon Growth Areas framework supports the rezoning of both the golf course itself, and the Low Density Residential land to the north land to the General Residential Zone. However, any rezoning of both areas of land would need to be accompanied by a Development Plan which addressed the interface with the golf course and ensure that appropriate setbacks or other measures are included. There may be merit in considering any future development of the golf course as part of this Development Plan to ensure both interim and potential long term interfaces are considered, as well as setting in place mechanisms for any required financial contributions towards necessary infrastructure.

3.2.3 neighbourhood activity centre

The identification of a Neighbourhood Activity Centre (NAC) is intended to support a network of activity centres in line with Clause 11.01 of the planning scheme. It is considered that the potential location of a train station in the area due to the regional nature of the hospital as well as the needs of hospital and airport workers means a high level of activity within this area is inevitable, particularly in the longer term given the aspirations of the draft *Gippsland Regional Growth Plan* which see Latrobe City growing substantially in reflection of its role as the 'capital city' of Gippsland. When this is considered in line with the existing and future residential populations in the area, the identification of a NAC in this area will allow this to be planned and considered strategically.

Under the *Melbourne 2030* definition, NACs have a limited mix of uses meeting local needs and are dominated by small businesses and shops and limited community services. They offer some local convenience services and some public transport provision. Their key features are:

- generally, a limited mix of uses meeting local convenience needs
- generally less than 10,000 square metres of retail floor space
- accessible to a viable user population by walking/cycling
- accessibility by local bus services, and public transport links to one or more Principal or Major Activity Centres
- their role as important community focal points, ideally close to schools, libraries, child care, health services, police stations and other facilities that benefit from good public transport.

It is noted that this definition relates to a metropolitan context and within the Latrobe context (where there are no Major Activity Centres), one of the key characteristics of a Neighbourhood Activity Centres should be a higher level of connectivity through public transport, which it is considered this centre can achieve. There is also more likelihood and strategic justification in improving connections to this area given the presence of the hospital. The issues with the application of a metropolitan hierarchy to a regional city is reflected in the recommendations as part of the Traralgon Growth Areas Review for an Activity Centre Strategy to be undertaken to ensure that the land use mix, level of transport connections and relevant floorspace targets at various level of the activity centre hierarchy are locally responsive. This is particularly the case given the ability of regional Councils to retain floorspace caps under recent changes to the Victorian Planning Provisions.

A single Neighbourhood Activity Centre (NAC) has been identified as establishing around the Latrobe Regional Hospital (LRH). This is considered a suitable site for a Neighbourhood Activity Centre for a number of reasons, including:

- Large number of people employed at the airport and hospital who would be able to access the centre.
- Availability of services and facilities within the NAC to users of the LRH.

- Recommended establishment of an additional rail station at this location would ensure improved and sustainable access.
- Existing higher density residential development in the form of retirement villages and a caravan park, as well as the accommodation options such as motels, in the area.

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

The establishment of a supermarket in this area could be supported due to the increased residential population identified for the catchment and the siting of the centre where it is easily accessible by employees, patients and visitors to the hospital and to residents of retirement villages or aged care facilities which may be attracted to the Airfield Road area given proximity to the hospital.

3.2.4 local activity centre

While two Local Activity Centres (LACs) have been identified in the plan, these locations are indicative. Their identification is intended to highlight the need for locally accessible convenience retailing to be available to residents should the population density in this area increase. This principle is in line with established growth area planning principles which have been established through State Planning Policy. The definition of a local centre varies and is one of the reasons an Activity Centre Strategy has been suggested, however in this case the definition identified as part of the Growth Area Authority's (GAA) *Precinct Structure Planning Guidelines* has been adopted, as follows:

traralgon west structure plan | hansen partnership pty ltd

"An activity centre smaller than a neighbourhood activity centre which may include a small limited line supermarket or convenience store of between 500sqm and 1500sqm plus non-retail uses."

As identified, further consideration will need to be given to the most appropriate size for any retail uses rather than convenience store in the Traralgon West context once an understanding of the population and densities in the area are further tested through a development plan process (understanding that the GAA's definitions as developed in a metropolitan context). While Section 3.2.6 identifies an indicative population, it is important to recognise that this is very much a high level assessment based on the theoretical capacity. The Traralgon West area is relatively unusual in that, while significant increases in population are expected, the area that will accommodate these new communities represents intensification of existing residential areas rather than being greenfield land. A more detailed assessment of the development capacity of the area once landowner expectations are better understood will provide a more accurate prediction. This understanding should not unduly influence the hierarchy of centres identified in this plan.

The locations shown on the plan have been identified where it has appeared logical. Establishing a LAC in proximity to the existing school site (Lavalla) allows the centre to be accessed not only by local residents but also by those accessing the school, increasing the catchment of the centre. This also offers the potential of the use of the activity centre to co-locate other educational or early years' facilities. The location of the other centre adjacent to the car yards, means that the centre will be accessible to those working in that precinct and its position on the highway offers potentially greater economic viability of any retail uses.

In addition, for practical reasons these have been identified on sites identified as being developed for medium density 'urban villages'. Establishing a new commercial centre as part of an integrated redevelopment of large parcels of land in single ownership allows for better outcomes to be pursued and more straightforward establishment of the centres. In addition, these areas are likely to see the greatest potential

increases in density and therefore the location of centres within these sites would provide the greatest access to large residential catchments.

3.2.5 employment investigation area

Land to the immediate north and west of the Latrobe Regional Hospital (Area 4) is identified as an 'employment investigation area'. This report identifies it should be developed for either employment generating uses preferably associated with the airport or hospital.

The Latrobe Regional Airport is identified as one of three areas of "significant commercial importance" to Latrobe City and as such this document has sought to provide an outcome which supports the areas identified role as a "concentrated employment zone" by providing the following:

- The potential for expansion to the south if required through this identification of an 'investigation area' and the avoidance of rezoning to residential uses which may conflict with future uses
- Identification of the area as a Neighbourhood Activity Centre, supporting a range of commercial and retail activities associated with the two facilities and providing facilities and services for employees in the area.
- The identification of an additional train station to provide sustainable transport access to the area for employees.

A priority of this investigation area is the protection of the long term economic opportunities associated with the two key sites. Latrobe City has enormous potential to grow as a key regional city but this will largely be driven by employment opportunities. Protecting a substantial area of land to allow exploration and establishment of innovative economic generators or land uses which benefit from synergies with the airport or hospital will support the long term growth of the municipality.

Given the proposed establishment of a Neighbourhood Activity Centre (discussed above) and the recommended establishment of an additional

hansen

train station to provide increased access to the LRH facilities across the region, as well as the employment opportunities provided by the hospital, airport and associated businesses, the establishment of additional residential development in the area would also provide a good planning outcome. Given existing constraints, residential development should generally only be provided to the east of Airfield Road. However, a residential component as part of a mixed use development on unconstrained land (where it will not compromise airport or hospital uses) could be supported.

The land has not been identified for retail uses with the exception of land that may form part of the NAC or be directly associated with the airport or hospital as dispersal of retail development is to be avoided without strong justification. This area lacks strategic justification for retail uses other than those outlined above.

3.2.6 anticipated traralgon west population

Given the existing development of much of the land within the Traralgon West area, an understanding of the likely population and dwelling numbers is difficult to predict without further assessment. A Development Plan process that establishes the desire for change among landowners and more clearly articulates how the residential areas are likely to develop will provide a greater level of understanding of the likely population that can be accommodated in these areas. This process will also allow further consideration of the appropriate densities for this area noting the figures used below are indicative only.

In the interim, in order to provide a broad understanding of the likely residential population, a series of nominal figures have been developed. It is important to note that these figures are preliminary and should not be used to guide decision making. This is particularly the case when assessing the establishment of activity centres, given the role that non-residential and worker populations will play in supporting identified centres.

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urban planning | urban design | landscape architecture

In relation to the calculations, the following informed the relevant figures:

- Areas of potential residential land were identified and areas calculated using GIS mapping on the basis of the Traralgon West Structure Plan.
- A figure of 75% of land was presumed to be developable. This is lower than the 85% figure used within the Traralgon Growth Areas framework in light of the drainage lines which affect the Traralgon West area and the extent of existing development within the area.
- Differing development densities were used for calculating dwelling numbers within the area, with a gross figure of 8.5 lots/ha used for the conventional residential areas and a higher figure of 20 lots/ha used for strategic sites in light of the integrated and masterplanned development anticipated for those sites.
- In areas proposed for intensification a nominal 900sqm lot was deducted from the total in recognition of each existing dwelling within these established areas.
- Once the number of dwellings was identified, the average household size figures for Traralgon were applied to generate an indicative population figure.

Strategic Development Sites

site	total area	developable area	potential dwelling numbers
Hollydale	57ha	42.75ha	855
Golf Course	41ha	30.75	615

Residential areas

areas	total area	existing dwelling numbers	potential dwelling numbers
intensifying	235ha	29 + 55 (7.56ha)	1933
existing	n/a	61	n/a

Given the identification of potential for 3,403 new dwellings in the precinct and 61 existing dwellings in the precinct, and the average household size in Traralgon of 2.46 persons per dwelling (2011 census figures), the preliminary residential population anticipated in the Traralgon West area is estimated at close to 8,500. As identified, these figures are very high level and are subject to further investigation and refinement through the recommended implementation actions outlined in Section 4 of this report.

It is also noted that the population within this area has the potential to increase should any reconsideration of the alignment of the Traralgon bypass and coal resource needs by the State Government occur. Should the identified alignment be revised to a more southerly position, additional land would become available within the Traralgon West area and this plan should be revised on that basis.

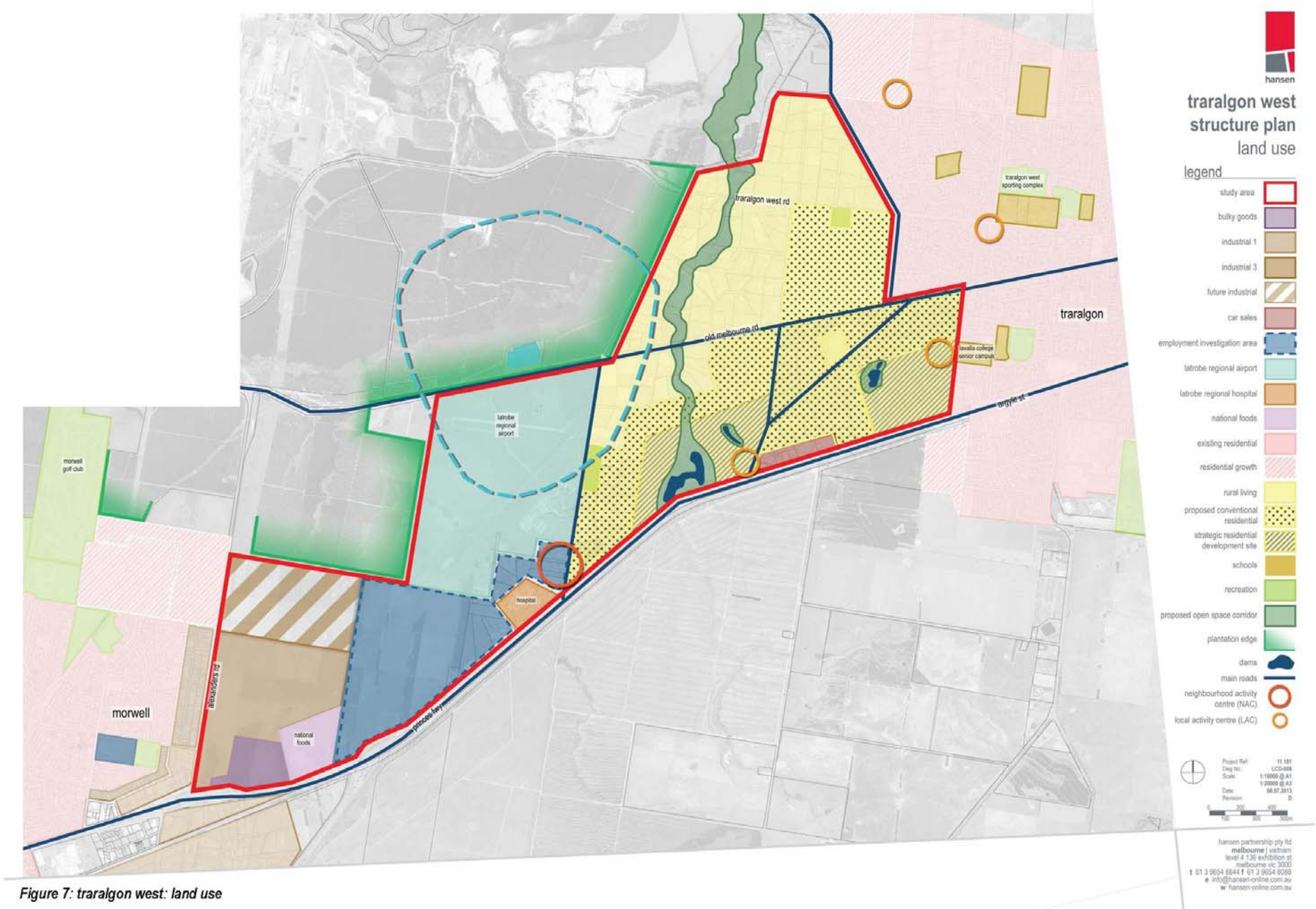


Figure 7: traralgon west: land use

3.3 movement and access

The structure plan seeks to provide clear and logical routes through the area, and to increase opportunities to access more sustainable modes of transport both to, and within, Traralgon West. The plan identifies only key roads within the precinct and principles for future networks of local roads. The layout of the network of local roads will need to be determined as part of any future development plan for both the strategic development sites and the area that is to transition in dwelling intensity (i.e. existing low density and rural living land). Any development plan should have regard to the contents of this document. Movement and access within the precinct is proposed as follows:

- The Princes Highway will continue to develop as a key transport corridor. As identified in the *Traralgon Growth Areas Framework*, a high frequency bus service should be established along this corridor, in addition to cycle lanes and existing vehicular movement.
- A new train station should be provided adjacent to the hospital and near the proposed Neighbourhood Activity Centre.
- Old Melbourne Road and the existing Coopers Road road reserve within the precinct (which should be constructed to form a road) will be developed as key green movement corridors, having regard to the need to protect any important areas of native vegetation. Old Melbourne Road and Coopers Road should provide a high amenity pedestrian pathway, which may be used as part of a broader network of jogging/ walking tracks. The alignments of these green movement corridors should be further refined both through the Development Plan process, but also through the upcoming *Pathways, Tracks and Trails Strategy* which should have regard to this Structure Plan
- Another new shared path will be established along the key drainage line which is identified as an open space corridor providing a connection through to a broader area of open space proposed to the north of Traralgon as part of the *Traralgon Growth Areas Framework*.
- Bus services should be extended from the existing urban area into the southern portion of the precinct proposed for increased development and intensity of residential use. Bus stops should be provided within a 400m distance of dwellings as identified on the plan and stops should be provided at key areas of open space and activity centres.
- Apart from the construction of the existing road reserve (Coopers Road) which angles through the precinct, a number of other key road connections have been identified on the following plan, including along the boundaries of the 'Hollydale' and Traralgon Golf Club sites to provide east-west access across the centre of the precinct to Airfield Road.
- Careful consideration will need to be given to the most appropriate configuration of the bridge that will be required to cross the main drainage line (between Areas 5 and 6), to ensure that it is complementary to the proposed open space corridor.
- The remainder of the local road network must provide clear, permeable and legible connections through the precinct to key locations such as public open space, schools and activity centres, in line with relevant subdivision design standards.
- Cul-de-sacs should be avoided where possible and when provided must integrate pedestrian connections to avoid restrictions on movement.
- Roads should follow existing boundary alignments where possible to integrate and preserve existing canopy vegetation.
- Car parking provided in association with any commercial development in activity centres should be provided to the rear of buildings to ensure activated frontages are achieved and car parking does not dominate.

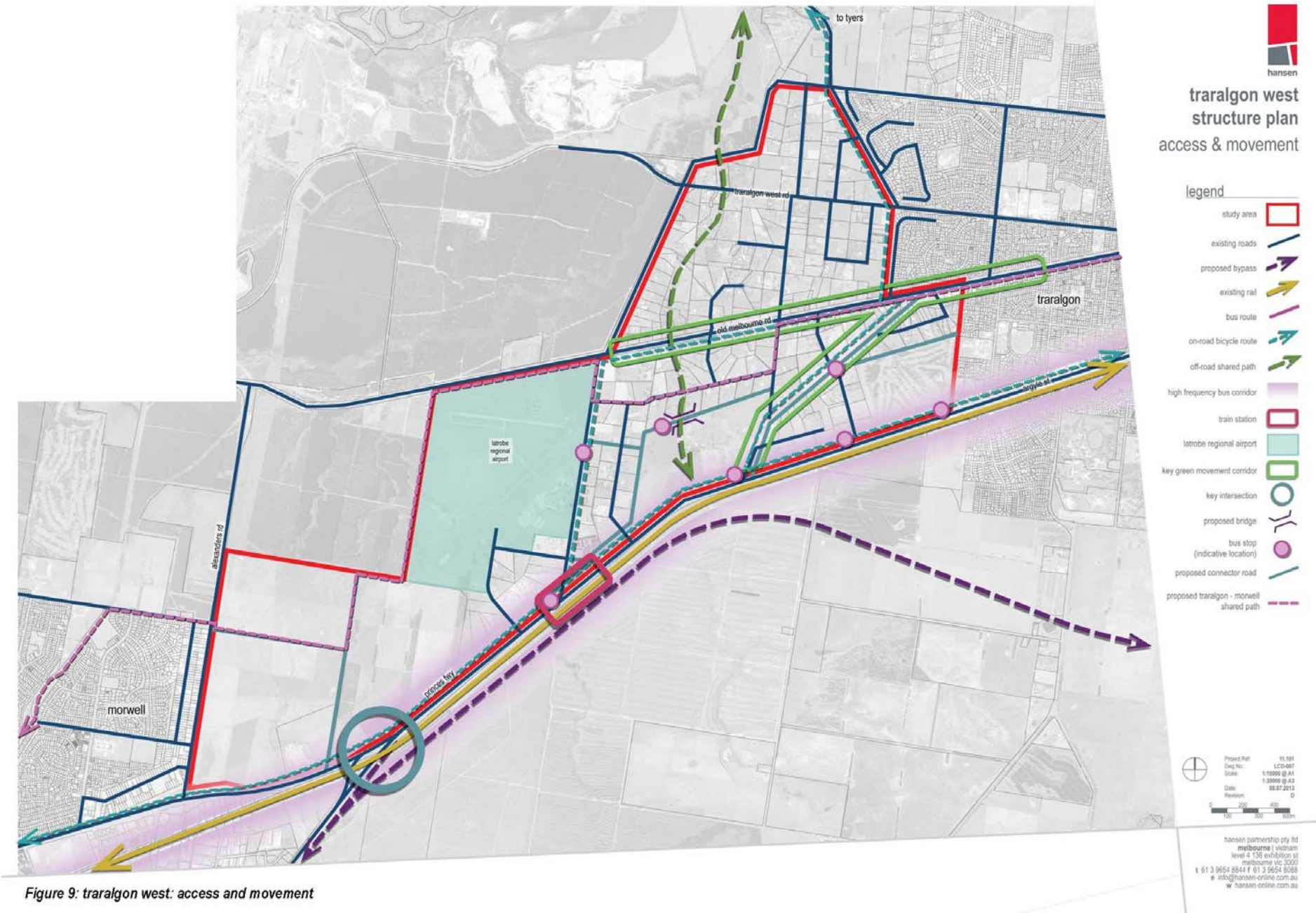


Figure 9: traralgon west: access and movement

3.4 community and open space

The structure plan details the distribution of proposed public open space and location of key community facilities within the precinct. The particular requirements for community infrastructure have not been identified at this time and will be subject to more detailed assessment over time, given the dependence on the rate of transition of previously developed land. Key elements of community infrastructure and open space are identified on the following plan, including:

- Ongoing development and expansion of health facilities and services associated with the Latrobe Regional Hospital.
- Development of aged care facilities and services in proximity to the hospital.
- Development of one Neighbourhood and two Local Activity Centres which should include community infrastructure such as kindergartens, child care, and community meeting rooms as required.
- Given there is no current school within the area, a preferred area for development of a new public primary school (if required) has been identified. While an indicative location has been identified proximate to the Neighbourhood Activity Centre, whether a school is required will need to be considered further once a Development Plan has been prepared for the residential areas as this will provide a more accurate indication of the likely local population. The location of any new school will need to be subject to further detailed analysis and the requirements of the relevant department for site location.
- A key green corridor of public open space has been identified along the drainage line which runs north south through the precinct, which will connect to a broader network of open space around Traralgon. A large area of public open space on the 'Hollydale' site will provide an 'end' or 'entry' point for this broader open space network and will be highly visible from the Princes Highway.
- Existing drainage basins and waterbodies have been utilised to provide areas of interest and focal points for areas of local open space. Open space has been identified in locations that ensure the majority of residents within the areas have access to open space not further than 400m distance from their dwelling.
- An area of public open space should also be developed within the Neighbourhood Activity Centre, although this is not specifically identified in the plan. Providing this open space close to the hospital site provides opportunity for users of the hospital to access quality open space and consideration should be given to working with the hospital to achieve this outcome
- Three indicative locations have been identified for the development of additional active open spaces, in line with the recommended GAA *Precinct Structure Planning Guidelines* which seek to have active open space provided within 1km of new residences.
- Residential areas adjoining areas of open space should all be developed with an active or attractive frontage and increase passive surveillance of these areas. In particular 'back fence' interfaces to public parkland should be avoided.
- Key green movement corridors link many of these open spaces and community facilities increasing access for residents via cycle and high amenity pedestrian pathways. The upcoming Pathways, Tracks and Trails Strategy should consider the growth patterns outlined in this framework and provide additional detail about how these linear connections might be achieved.
- The proposed Morwell-Traralgon Shared Path offers another opportunity for the development of a key linear open space that provides opportunities for both informal recreation and active connections and should be pursued.
- Other areas of public open space should be provided in line with any adopted Public Open Space Strategy prepared by Council.

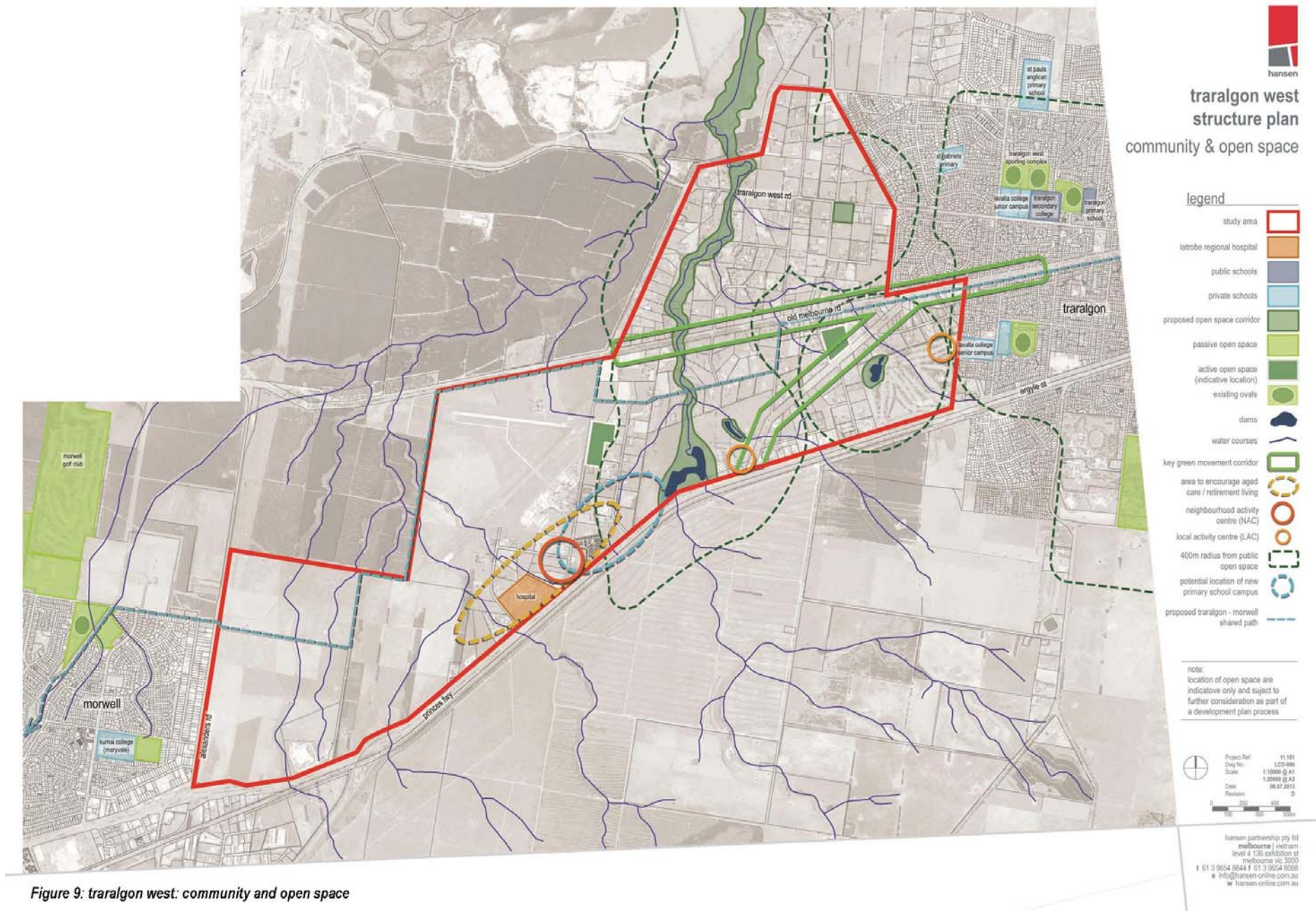


Figure 9: traralgon west: community and open space

4 implementation

The implementation of this structure plan is unlikely to be achieved in the short term, and will require careful on-going management due to the large number of landowners within the precinct and the existing nature of development. Nonetheless, it is important that a clear strategic direction be established for the precinct in order to guide development as it occurs and to provide landowners with an understanding of the potential of their holdings.

New commercial and residential zones being introduced to the Latrobe Planning Scheme should not have a significant impact on the area, given existing minimum lot sizes and sewerage connections. However, following the release of the new Rural zones there may be a need for consideration of additional policy in order to protect the 'employment investigation area' from uses which may become 'as-of-right' and potentially compromise the longer term development of this area.

4.1 development plans

It is important that Council continues to work pro-actively with both the owners of identified strategic sites and also with groups or individual landowners of existing Low Density Residential or Rural Living zoned land. The preparation of this structure plan is the first step in the process. However, a more detailed development plan will need to be prepared for particular areas and will need to be undertaken in close consultation with landowners. A development plan (or plans) will be particularly important for the areas proposed for redevelopment within this area.

Importantly, a Development Plan will also allow the identification of appropriate funding mechanisms to ensure that contributions from developers to the required infrastructure in the area is provided in a timely manner.

A Development Plan Overlay (and potential Development Contribution Plan Overlay) will ensure that development on the two large single landholdings in the area will need to be in accordance with the strategic aims of the precinct before any rezoning occurs. In relation to area 5, given the large number of landowners within the affected land, a development plan will be needed to ensure appropriate staging and provision of infrastructure is incorporated through and as part of any rezoning and subsequent development. The development plan process will allow a more site specific assessment of the relevant biodiversity, cultural heritage, servicing and other matters prior to the approval of any more intensive development of the land.

In particular it will be important to identify which landowners are interested in maximising the development potential of their land in the short to medium term to ensure orderly development is possible. In addition to the consultation held as part of TGAR, further contact should be made with landowners to ascertain level of interest in development and use this feedback to inform areas of change and staging of development as required. Any interest in commercial development of those landowners close to the intersection of Airfield Road and the Princes Freeway could also be ascertained through this process, noting that further investigations would be required prior to any of this land being identified for commercial use.

Council will also need to work closely with the owners of the 'Hollydale' site to ensure that a Development Plan is prepared for that area which accords with broader strategic objectives for Latrobe City.

Discussions should also be held with owners of the Traralgon Golf Course in relation to the possible relocation or redevelopment of the course to allow the site to be utilised for residential purposes. Relocation of this facility should be driven by the club, rather than Council.

4.2 further work

A number of other matters and / or further work will need to be considered or undertaken in order to implement the plan as outlined in the previous sections, as follows:

- The agreed urban amenity buffer for the Australian Paper Mill will need to be translated into appropriate planning controls, noting the need for further modelling to be undertaken in two investigation areas (Morwell North and Tyers South) identified in the *Traralgon Growth Areas Framework* (outside the Traralgon West study area).
- Discussions with the Latrobe Regional Airport Board, Latrobe Regional Hospital and relevant landowners in relation to land identified as an 'employment investigation area', to clarify the best future use for the land, as well as finalisation of masterplans for both those key facilities.
- A detailed landscape masterplan for the open space corridor should be prepared. This may be prepared as part of a larger project for the broader area of open space identified in the *Traralgon Growth Areas Framework*, or it may be prepared independently and feed into that project.
- Masterplans should be prepared to identify the preferred configuration of the Key Green Movement Corridors. This should be integrated with work undertaken in relation to the Traralgon-Morwell shared path.
- A detailed drainage assessment should be prepared for the area in order to inform any development plan, including the likely extent of flooding associated with the existing drainage lines, given the extent of current flood mapping does not cover this area.

- As part of an Activity Centre Strategy for Traralgon (or the Latrobe Regional City), the preferred location, extent, indicative floorspace and potential community infrastructure to be located within different activity centres within the precinct should be confirmed. This recommendation has been included to allow Council to establish a robust strategic basis for decision making in relation to the location of activity centres and the anticipated size and needs of activity centre residential catchments. An Activity Centre Strategy will enable a defined hierarchy and role for each area of commercial activity to be established. While this work may be undertaken for Traralgon, given the Regional City context (and in particular the proximity of Traralgon and Morwell) it is considered it may be more useful to undertake a study on that basis (i.e. for the Regional City). An Activity Centre Strategy would also offer the opportunity to assess the establishment of areas of commercial activity in a holistic manner based on an understanding of where growth is likely to occur and thus to ensure orderly planning of these centres. While a 'retail strategy' assesses floorspace requirements, an Activity Centre Strategy should also consider the incorporation of community and social uses which better reflects the accepted definition of an 'activity centre'. In the context of the *Traralgon West Structure Plan*, an Activity Centre Strategy could also consider in greater depth the most appropriate location for the identified Local Activity Centres, based on further analysis of existing activity and anticipated residential densities. In addition, it could also provide greater detail, assessed in an holistic manner, of the optimal size of the proposed Neighbourhood Activity Centre. Recommendations in relation to any additional community facilities that may provide benefit for the community by being located in this centre should also be explored.
- As a broad guide, the Activity Centre Strategy should include the following:
 - Updates to existing floorspace demand across a range of sectors;
 - Identification of existing areas of commercial activity (within all zones);

- Establishment of a range of broad principles to underpin activity centre policy;
- Identification of an activity centre hierarchy and definitions (from Principal to Local centres) suitable for a regional context; and
- Identification of a new network of centres in line with the established hierarchy, this could include (indicative) floorspace targets and key actions for each centre.

4.3 planning controls

In order to implement the structure plan for Traralgon West, there will need to be a number of steps undertaken. As discussed previously the development of this area will be determined largely by the speed of redevelopment by individual landowners, given the existing fragmented land ownership within the precinct. In order to best facilitate this transition over time, the following actions in relation to the Latrobe Planning Scheme are recommended.

- Update Clause 21 of the Latrobe Planning Scheme to reflect the objectives of the Traralgon West Structure Plan. In particular, sections relating to Clauses 21.04-2 and 21.04-7, which deal with settlement, and Clause 21.05-6, which address Traralgon's growth and development, will need to be updated. A plan should also be included within that Clause to ensure development direction is clear. In addition, this document should be included as a reference document under Clause 21.04-8.
- Rezone land within the precinct as identified on the following plan (Figure 10).
- Rezone land identified as 'employment investigation area' around the Latrobe Regional Hospital from Rural Living to a more suitable zone, once the best use for this land has been identified. The current minimum subdivision size of 8ha is considered to be a sufficient size to function as a 'holding' zone as most lots within the area are already significantly smaller than that. Uses which may compromise

or 'lock-in' a future use of this land should be discouraged where possible until a clear set of objectives have been developed.

- Apply a Development Plan Overlay to the 'Hollydale' site and the Traralgon Golf Course site to ensure development of these key strategic sites is maximised and issues such as vehicular connections and public open space are considered in a broader, precinct wide context. Consider coordinating Development Plans for the golf course with the adjoining Low Density Residential area pending feedback from stakeholders.
- Apply a Development Plan Overlay to the areas currently zoned LDRZ and RLZ, which are proposed for rezoning to the General Residential Zone, in order to ensure that re-subdivision occurs in an orderly manner and that appropriate linkages, drainage management and open spaces are provided.
- Apply a Development Contribution Plan Overlay or other appropriate mechanism to the area to be rezoned to General Residential Zone, to ensure that key infrastructure is appropriately costed and costs are distributed equitable among landowners.

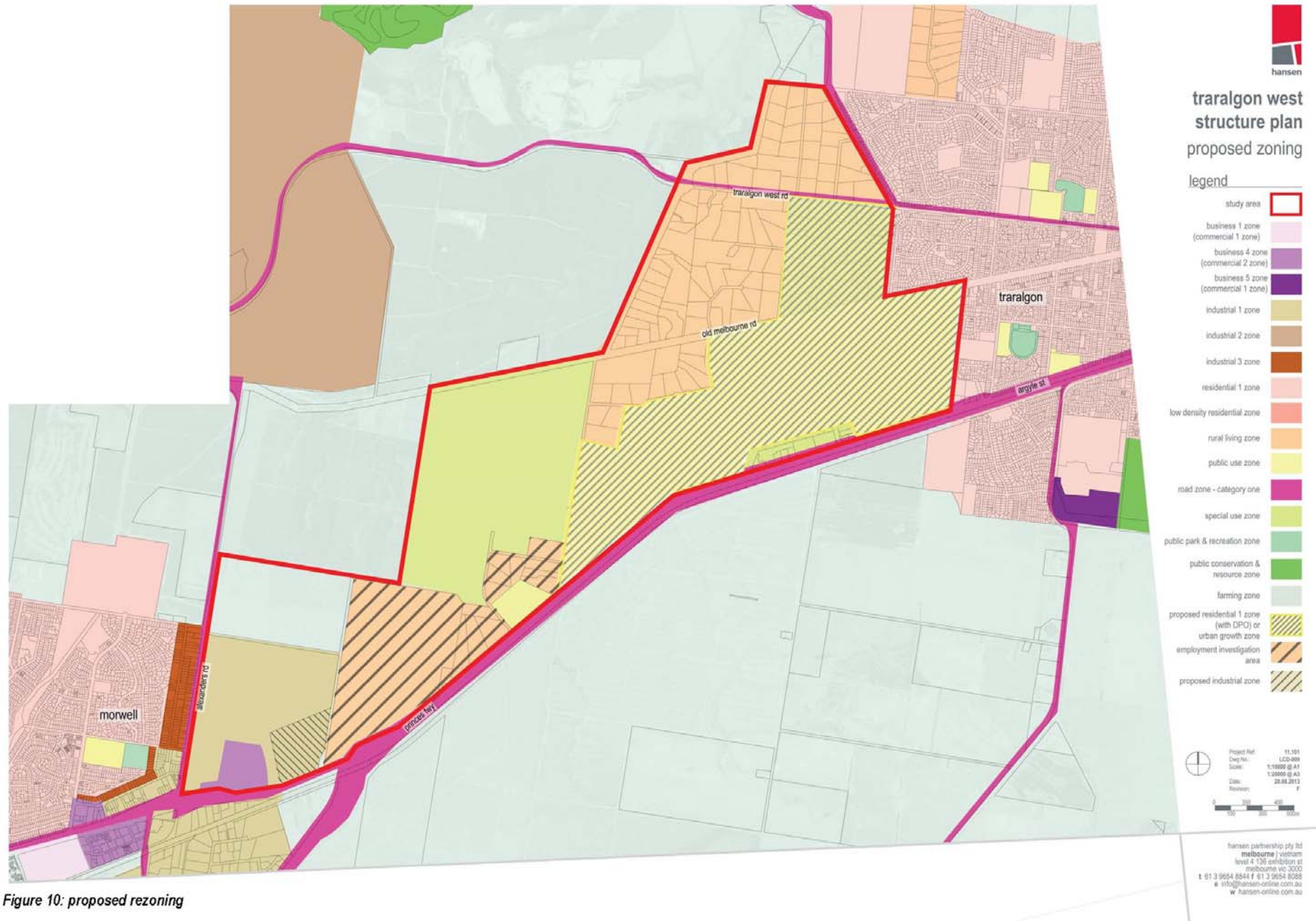


Figure 10: proposed rezoning

Submission 70a

Friday, 1 March 2013

Chief Executive Officer, Latrobe City Council

Attention:Grantley Switzer, General Manager, Recreation, Culture & Community Infrastructure,
Latrobe City Council.

Copy to: Councillor Middlemiss

Dear Sir,

As you are aware, the Traralgon Growth Areas Review (TGAR) includes the establishment of a 5 km odour buffer around the Maryvale Paper Mill. Our group, the "Morwell North Residents Group" represents the residents at the western end of the proposed odour buffer. We represent property owners on the northern edge of Morwell in Maryvale Road, Andrew Street and Paul Street who are affected by the location of the proposed buffer. A number of residents in our area made recent submissions to Council regarding this matter as part of the TGAR consultation process and one of our members spoke of our concerns at the special council meeting on the 11 February 2013.

We have been attempting to engage the APM in a discussion regarding the proposed location of the buffer, but have had no success. Firstly, we would like to see a map which clearly indicates the location of the western end of the buffer. The map shown in the TGAR documentation is of poor resolution and it is not clear which properties on Andrew Street and Paul Street are in or out of the proposed area. The buffer does not follow roads or boundaries and appears to cut through the middle of a number of properties in our area. We would like to propose moving the location of the proposed buffer in line with the roads and property boundaries in the area, but have been unable to put our solution to the APM. At the conclusion of the recent Council meeting (11 February 2013) Councillor Middlemiss suggested we should seek the assistance of yourself to facilitate a meeting between the relevant parties to discuss the location of the western end of the buffer further. We would appreciate if you could intercede with the APM on our behalf and organise a meeting of our group, a representative of the APM and the council planning department as soon as practicable. We look forward to being a part of a solution which is fair and reasonable for all involved.

Thanks for your time and we look forward to hearing from you in the near future.



Barbara Panther (for the Morwell North Residents Group)

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[The following text is extremely faint and illegible due to low contrast and blurring. It appears to be a multi-paragraph document, possibly a report or a set of submissions, but the specific content cannot be transcribed.]

Submission 70b

Chris Whiteman
Manager City Planning
Latrobe City Council

Copy: Graeme Middlemiss

6 April 2013

Submission Regarding the Proposed Australian Paper Mill Odour Buffer on behalf of the Morwell North Residents Group

Dear Chris,

The Morwell North Residents Group represents land owners living in the region between Andrew Street and Old Melbourne Road in Morwell who are impacted by the location of the proposed Australian Paper Mill odour buffer. We wish to make some recommendations regarding the location of the buffer boundary as part of the Traralgon Growth Areas Review. A number of individuals from our area made submissions in response to the public exhibition of the draft TGAR reports (Submissions 43, 47 and 48 as presented in the agenda of the Special Council Meeting of 11 February 2013 (SM398)). At this time we wish to make a recommendation to the council on behalf of the Morwell North Residents Group.

We have recently received the attached map from the council (Reference: DW993310, 15 March 2013) which shows in detail the location of the western end of the proposed buffer at a reasonable scale (shown in Figure 1). The proposed buffer (shown in purple on the map) passes through the middle of 13 separate properties in our region. There has clearly been no consideration of roads or property boundaries in the assignment of this end of the proposed buffer. There has also been no consideration for the naturally occurring ridge which traverses along Maryvale Road which, together with the usual wind direction, results in minimal odours from the mill reaching this region.

We recommend that the western end of the buffer be redrawn to take into account both roads and property boundaries and the location of this ridge. I have attached two diagrams of our proposal below. The schematic diagram in Figure 1 shows the current proposed buffer in purple and our groups' recommendation in orange. The same recommendation is shown on the satellite image in Figure 2. We recommend that the edge of the buffer travels northerly up Maryvale Road, then westerly along Old Melbourne Road to Latrobe Road. This will excise 24 properties from the buffer.

There is precedence in the setting of the original buffer for the exclusion of properties based on roads and property boundaries (eg. Maryvale Hospital has been excluded from the original buffer as have a number of properties on the Traralgon end of the proposed buffer as well as a parcel of land

located on the corner of Alexanders Road and Crinigan Road). We believe that this recommendation is in the best interest of land-owners in this region.

We look forward to meeting with council and the APM to discuss this matter further. We understand from Counsellor Middlemiss that a meeting with the planning department, a representative of the APM and our group is currently being scheduled.



Barbie Panther
on behalf of the Morwell North Residents Group

Figure 2: Map of the Morwell North Area. The purple hashed area indicates the proposed APM buffer location. The orange line indicates buffer location as proposed by the Morwell North Residents Group.

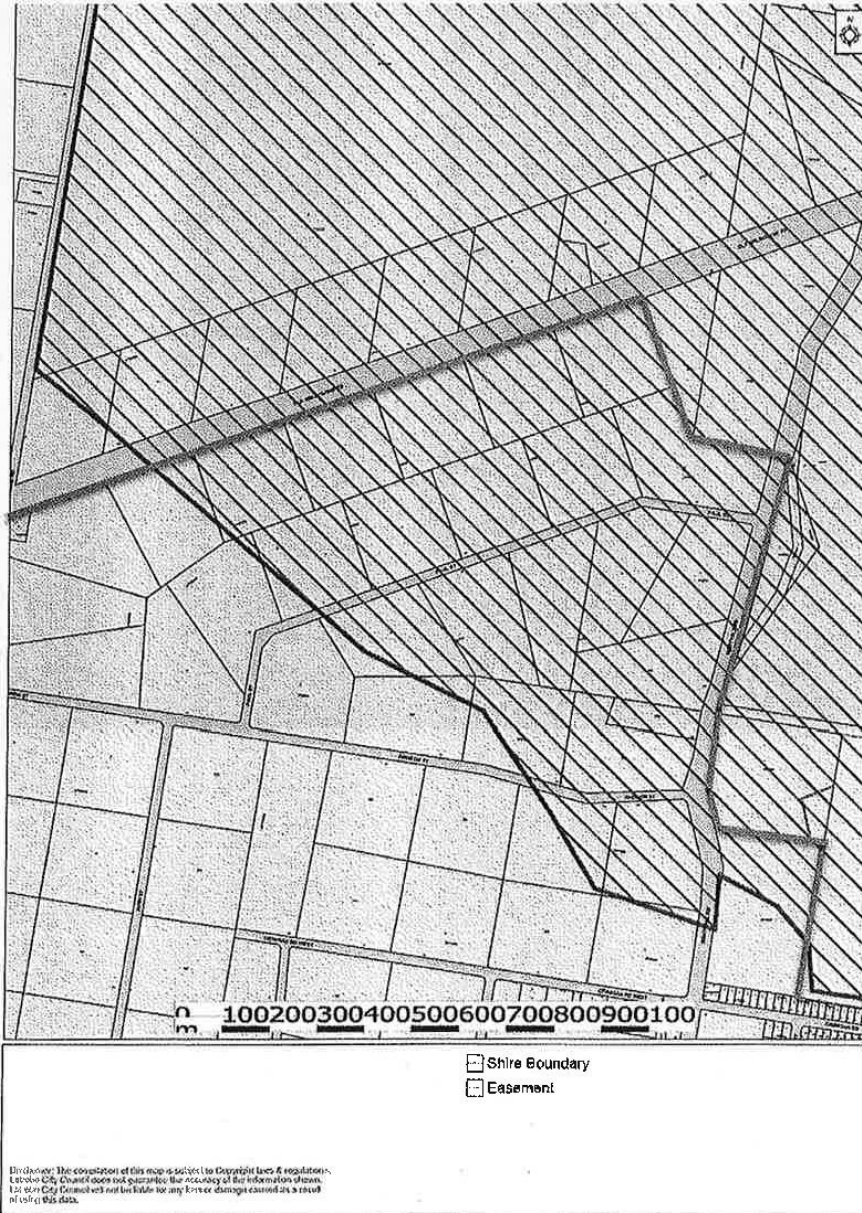


Figure 2: Satellite picture of Morwell North Area. Orange line indicates buffer location as proposed by the Morwell North Residents Group.



Submission 71

FROM: Scott & Ruth McFarlane,

EMAIL:

TO: Cr Sandy Kam (Mayor)
Latrobe City Council

EMAIL: sandy.kam@latrobe.vic.gov.au

DATE: 02/04/13

Dear Cr Sandy Kam,

RE: DEVELOPMENT WITHIN THE AUSTRALIAN PAPER ODOUR BUFFER ZONE

We live on the corner of Old Melbourne Road and Airfield Road and currently have a planning application before Council to subdivide a 2.0 Ha parcel of land off our 10.4 Ha property. Consequently, the success of this proposal is affected by Australian Paper's 5 Kilometre Odour Buffer Zone development restrictions that are currently being considered by Council.

We understand the wider implications and the reason for the Council's concern. We would however, like you to consider the following when coming to a decision on this matter:

1. We have lived at this location(3-4 Kilometres from the mill) for the past 13 years and have found that we rarely notice the smell. On the few occasions that we have noticed a really poor smell, we have complained to the EPA; though this has declined over the years. We assume the mill has improved its smell control measures as a result of public feedback. These rare smell events however havenotdissuaded us from wanting to live in this lovely locality.
2. We would like to suggest that the Council approve development within the odour buffer zone within the limits of the current planning zone. However we also recommend that any new development takes place with an open disclosure that that the development will take place within Australian Paper's smell buffer zone and the implications of this consequence.
3. Just because there is an approved odour buffer Zone, we do not want to see Australian Paper in any way relaxing their obligation towards smell abatement measures.

Yours faithfully,

Scott & Ruth McFarlane

Submission 72

From: Williams, Justine
To: Latrobe Central Email <LatrobeCity@latrobe.vic.gov.au>
CC: Sam Suleman (sam@sulemangroup.com.au) <sam@sulemangroup.com.au>
Jones, Jennifer <Jennifer.Jones@smec.com>
Griffin, Melissa <Melissa.Griffin@smec.com>
Mitchell, James <James.Mitchell@smec.com>
Date: 29/05/2013 12:03:43 PM
Subject: Attention: Michelle Kerry- Strategic Planning Dept

Michelle,

Please refer attached correspondence in relation to Traralgon West Structure Plan.

Regards,

Justine Williams | Senior Urban Planner

SMEC Urban

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Description: Description: Description: Description: Macintosh

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28 May 2013

Strategic Planning Department
 Latrobe City Council
 PO Box 264
 Morwell VIC 3840
 att Michelle Kerry

Dear Michelle

Submission to the draft Traralgon West Structure Plan

SMEC Urban represents Mr Sam Suleman, who is the owner of land at Alexanders Rd, Morwell East (formally known as Lot 1 TP173536; Allot 82 Parish of Maryvale; Lot 2 & 3 PS526913). As discussed with you, thank you for allowing a late submission to the draft Traralgon West Structure Plan (TWSP) for immediate consideration by Latrobe City Council.

To broadly summarise, the draft TWSP identifies the subject land for the following uses:

- Future Industrial (Area 2) is proposed to protect the longer term opportunities for the existing Industrial 1 zoned land to continue northward into the subject land.
- Special Use Zone investigation area (Area 4) - the SUZ is no longer required for the Morwell River diversion. The future uses for this section of land require further investigation.
- Future Investigation area (Area 5) - This land has been earmarked as an 'investigation area' to be developed with either employment generating uses which are directly related to the hospital, airport, institutional uses or residential uses.
- The western portion of the subject site is also affected by the 'indicative paper mill buffer'.

We support the nomination of the subject site for Areas 4 and 5. However, we **do not** support the nomination for Area 2, which is 'future industrial use' over the western portion of the subject site.

To summarise, it is submitted that there is an oversupply of industrial land within Morwell and that the inclusion of additional industrial land is unwarranted. The preferred outcome for the subject site is illustrated on the enclosed concept plan (reference 30041432P dated 29 May 2013 rev B). This concept plan is consistent with our client's previous approaches to Council since 2009 and has now been amended to show the western portion of the land for residential use, rather than industrial use because of the oversupply of industrial land.

We consider that there are a range of matters that are relevant when considering the western portion of the subject site being nominated for future residential use. This submission will discuss each of these matters below (but in no particular order):

Justification for proposed residential use

1. Land Supply

The draft Traralgon Growth Area Framework (TGAF) suggests that Traralgon has the future potential to have a population of approximately 51,000 by 2051, meaning a growth of 21,240.

Taking this into account Traralgon will need to provide an average of 257 houses per year to accommodate for this growth. Currently residential densities in newly developing areas for Traralgon are around 10-11 dwellings per hectare. The Latrobe Planning Scheme identifies a minimum net density of 15 lots per hectare. Currently there is approximately 1,180 hectares of



industrial zoned land, of which about 281 hectares is vacant and available for future development. An additional 190 hectares of land is identified for industrial purposes but not yet zoned. The TGAF states that there is a need to prepare a municipal wide industrial land use strategy and that this study should be finalised prior to confirming the recommendations made in the TGAF for industrial land.

Given the vast amount of available industrial land and the additional 190 hectares already nominated, we submit that the subject site would be better identified for future residential land, rather than industrial use.

We would welcome separate discussions with Council to ascertain the viability for additional residential land on the subject site. If required (and on request), separate land supply investigations could be commissioned to provide justification/investigation for additional residential supply.

2. Abutting residential land

To the immediate west of the subject site, on the opposite (west) side of Alexanders Road, there is land that has been identified for future residential development. Amendment C47 re-zoned part of this land to the Residential 1 Zone (whilst the remainder is subject to a separate planning scheme amendment, yet to be authorised). Furthermore, there is an approved Crinigan Road Development Plan for this land identifying the area for future residential development.

Given that this residential land abuts the subject site to the west, we consider that additional residential land on the subject site is supported and would avoid the amenity impacts that would be generated if the subject site was developed for heavy industrial land uses (from the proposed Industrial 1 Zone).

3. Indicative (odour) buffers to Paper Mill

The TWSP shows that there is an "indicative paper mill buffer" across the north-west portion of the subject site. We understand that this indicative odour buffer has been requested by APM and therefore it has been included in the strategic planning for Traralgon West. However, there has been no finalisation or agreement on the final extent of the buffer area. Given the uncertainty around the final extent of the odour buffer, we consider that future residential land use on the subject site is still feasible, until proven otherwise.

We wish to re-iterate that the abutting land on the north side of Crinigan Road/west side of Alexanders Road has been approved by Council for future residential development and that this land is a very similar distance to the subject site from the APM site. We question the arbitrary nature of the indicative buffer extent through the TWSP (running as a transect through the whole area) in comparison to how the buffer clearly follows property boundaries of current residentially zoned land to the west of Alexanders Road and northern edge of Morwell. This seems to be contradictory and we accept that further determination of the final buffer extent is required urgently.

If it is determined that the indicative odour buffer as drawn must be strictly adhered to, then there may be opportunity to reconsider the variation of residential densities on the subject site at slightly lower than conventional densities, similar to what is proposed within the Old Melbourne Road precinct (Area 8). We would welcome further discussion with Council on this matter, as part of the finalisation of the buffer extent.

4. Land Subject to Inundation Overlay (Amendment C9)

Recently gazetted Planning Scheme Amendment C9 introduced the LSIO to the western portion of the subject site. The LSIO triggers the need for a planning permit for all buildings and works, unless a permit exemption is listed in the schedule to the overlay. The existence of the LSIO over the subject land does not preclude future residential development. It requires consideration of future built form outcomes to ensure that there is adequate protection from any identified flood risk.

5. Design and Development Overlay (DDO1)

The subject site is partly within the DDO1 (for major pipeline infrastructure) which does not preclude the potential for future residential development. DDO1 triggers Council to consider the appropriateness of built form proposals within certain distances of the pipeline. DDO1 also triggers Council to consider the comments of the relevant Pipeline Authority.

6. Airport Environs Overlay (AEO) & Design and Development Overlay (DDO7&8)

Planning Scheme Amendment C26 introduced DDO7 and DDO8 to the western portion of the subject site. These overlays do not limit the residential development of land but has implications for the allowable height of future buildings. This introduces a level of design detail that will need to be addressed at planning permit application and built form/design stages.

Response to other identified site constraints

There are a range of other site constraints that may affect the future development of the subject site and we offer the following comments:

7. Special Use Zone (SUZ5)- Area 4 on TWSP

The TWSP indicates that the SUZ is no longer required for the Morwell River diversion and that further consideration of future uses is required in this location. The TWSP states that *'the development of higher densities of residential development, including retirement villages and aged care, proximate to the hospital on otherwise unconstrained land (as is currently occurring) should continue.'* We submit that the SUZ should be removed from the land in due course and an appropriate zone applied to facilitate subsequent applications for future uses.

8. Fire risk from plantations

It is submitted that the subject site is not within the Wildfire Management Overlay (WMO). The adjoining plantation manages their risk and has approved management plans for the site that address matters including fire management and maintenance to reduce fuel loads.

Other key observations in relation to proposed Concept Plan

The following additional comments are made in relation to the enclosed Concept Plan (reference 30041432P dated 29 May 2013 rev B):

- The subject site is situated on a key focal point on the approach to Traralgon from the Princes Hwy. In respect of this, we submit that the visual prominence of the site (as viewed from Princes Hwy) offers good exposure for future commercial uses along this main road frontage. Given the site's proximity to the hospital, there is additional opportunity for these commercial uses to indirectly support the hospital and associated services.
- Future residential development is supported within Areas 4 and 5 of the TWSP, which has been addressed by the enclosed proposed concept plan.
- As stated by the TWSP, the site is well positioned for future opportunities for retirement village or other, given its proximity to the Hospital. We have included the provision of these uses on our enclosed concept plan.
- The retention of natural drainage lines/waterways is supported in the design of the enclosed concept plan. These areas will generate passive open space opportunities and provide a convenient walking distance to these green spaces for the majority of the proposed development.
- A large public open space reserve is proposed in the north east corner of the site, which directly responds to the AEO in this area.
- Larger residential lots are proposed along Alexanders Road, due to the constraints imposed by the transmission easement and the railway line along this frontage.
- The existing connector road (National Road) that run along the boundary of the existing Industrial 1 zone land to the south west provide an excellent buffer for the subject land and give separation from these uses to the proposed future residential uses. Furthermore, a landscape buffer is proposed to provide additional buffering and separation of these uses.

Thank you for your consideration of this late submission to the Traralgon West Structure Plan.

In summary, we consider that there is an oversupply of industrial land within Morwell and that the inclusion of additional industrial land in the TWSP is unwarranted. The preferred outcome for the subject site is illustrated on the enclosed concept plan (reference 30041432P dated 29 May 2013 rev B). This concept plan is consistent with our client's previous approaches to Council since 2009 and has now

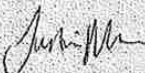
been amended to show the western portion of the land for future residential use, rather than industrial use because of the oversupply of industrial land.

As mentioned herein, we would welcome the opportunity to meet with Council to ascertain the viability for additional residential land on the subject site, rather than the identified industrial land.

If you have any queries in relation to this submission, please contact our office.

Yours faithfully

SMEC Urban


per Jennifer Jones

Strategic Business Development Manager

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cc	Sam Suleman
Enc	Proposed concept plan (ref 30041432P29/5/13, rev B)
Project No.	30041432P.00
Doc No.	130522_submission to twsp



- LEGEND**
- Subject Site
 - Major Road Network
 - Railway
 - Potential Future Wetlands
 - In Contaminated Area
 - Airport Envelope Overlay
 - Commercial
 - Landscape Buffer
 - Public Open Space
 - Pastoral Recreation
 - Special Residential (Residential Village or Other)
 - Potential Special Residential (Rural) Layout
 - Residential (Standard Density)
 - Residential (Larger Lots due to site constraints)
 - Area 'Z' - Proposed Industrial (MNSP)
 - Area 'S' - Future Investigation (MNSP)



Proposed Concept Plan
Princes Highway, Morwell East

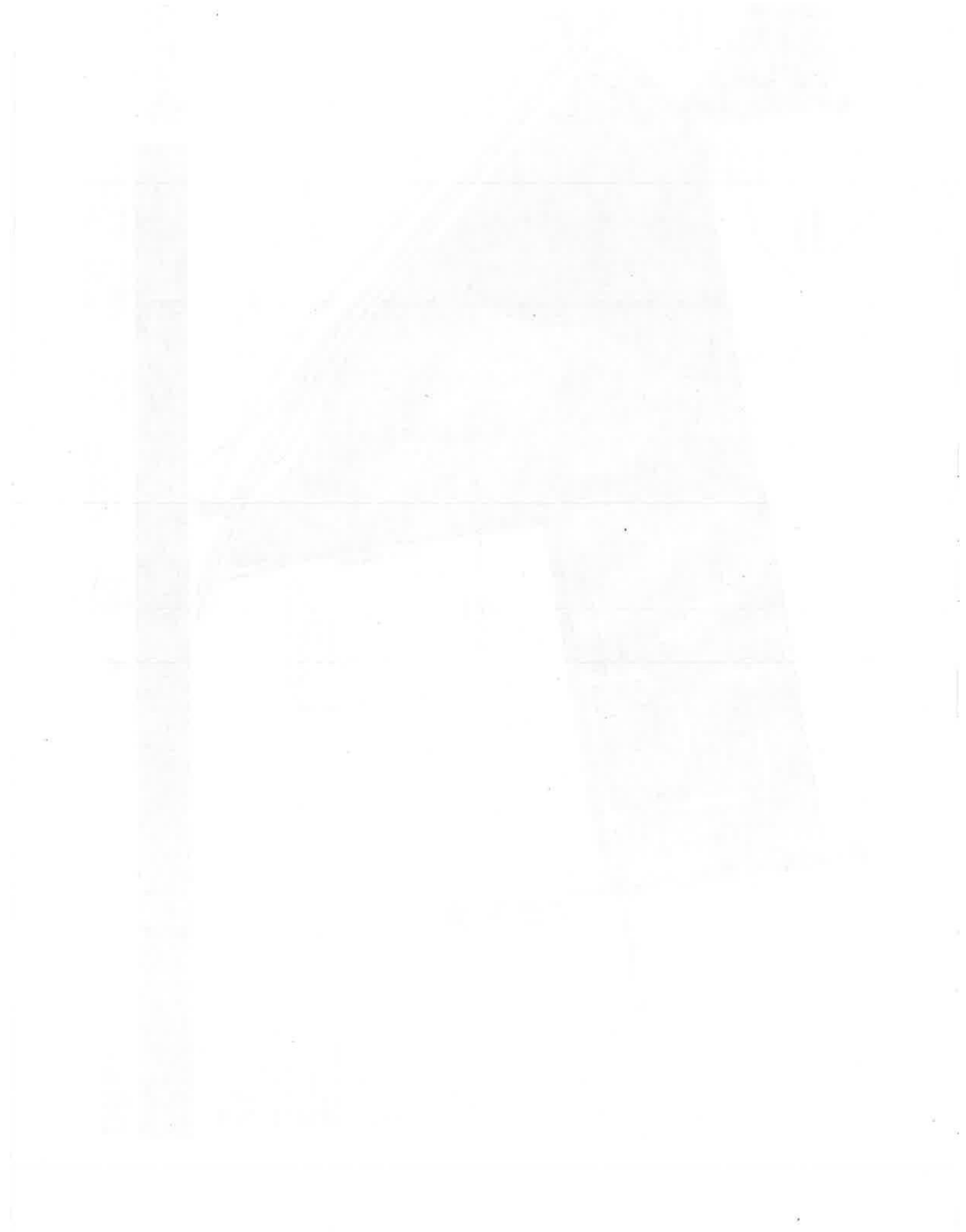
ref: 30041632P planning & urban design
date: 23 May 2013 melbourne - tel 9888 0800
rev: 0 sm urban Pty Ltd
drawn: j.p.p./j.d. 300 85 128 208 618
checked: p.h. training: c.s. smec urban

please note:
This plan is based on preliminary information only and is subject to change as a result of final investigations and confirmation by survey.

Scale: 1:600m @ A1
1:1800m @ A4
0 40 80 120m



DRAFT



**16.5 PLANNING PERMIT APPLICATION 2013/89 USE OF THE LAND
FOR TRANSFER STATION AND ANCILLARY WORKS, 32A
SWAN ROAD, MORWELL****General Manager****Governance****For Decision****PURPOSE**

The purpose of this report is to determine Planning Permit Application 2013/89 for the use of the land for a transfer station at 32A Swan Road being Lot 3 on PS 137451.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

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

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

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

Latrobe City Council Plan 2013 - 2017***Strategic Direction – Planning for the future***

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

Legislation

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

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

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BACKGROUND

During November 2012 Council was made aware of a materials recycling facility operating at the subject site. Following investigation an enforcement notice was served on 20 November 2012 which directed to the operator of 'materials recycling facility' at 32A Swan Road to cease operation. The activity occurring onsite was illegal pursuant to Section 126 of the Planning and Environment Act 1987 (the Act) as no permit had been granted for the use of the land occurring onsite.

Subsequent to this letter being sent, planning permit application 2012/303 for the 'Use of the land for a Materials Recycling Facility' was applied for on the subject property on the 22 November 2012.

At the Ordinary Council Meeting of 3 December 2012, the following urgent business item was adopted by Council:

'That Council investigate options available to Hughe's Plant to continue operating their industrial reclamation business in Swan Road, Morwell until such time as their permit is decided.'

Planning Permit 2012/303 lapsed on 24 January 2013, as further information had not been provided within the requested timeframe. The operation, as far as Council is aware has not operated since that date.

See attachment 1 for photos of the previous use of the site.

It is noted that the current planning application for consideration relates to a transfer station which is different from the previous use.

SUMMARY

Land:	32A Swan Road, Morwell known as Lot 3 on PS 137451
Proponent:	L V Recovery and Recycling and Recycling
Zoning:	Industrial 1 Zone
Overlay	None

A Planning Permit is required for the use of the land for a transfer station in accordance with Clause 33.01-1.

It is considered that any works required as part of this proposal are ancillary to the use and does not require a planning permit.

Council considered this matter at the Ordinary Council Meeting held on 2 September 2013. The recommendation to issue a Planning Permit was lost and this matter has been resubmitted to this Council meeting.

PROPOSAL

The application proposed is to use the existing shed at the rear of the land as a transfer station. This process involves the collection and sorting of waste material from various local sites in the region. The material proposed to be collected is general waste collected from industrial premises, power stations, buildings sites and demolition sites.

Typical materials that cannot be deposited onsite include (but are not limited to) asbestos, tyres, gas bottles, paint, liquid wastes, animal carcasses, chemicals and putrescibles waste.

Skip bin hire companies that will transfer material onsite will have a "standard" agreement which details the type of material that will be accepted. The proposed material to be sorted onsite is largely inert, dry material.

The applicant has indicated that whilst onsite management mechanisms and the aforementioned skip agreements will be applied to ensure that non approved products are not deposited in the bins and take onsite, intermittently offensive material may be taken to the site.

The contents of the skips are inspected by staff, emptied onto the floor of the shed and subsequently spread out to facilitate the sorting of material. If necessary the material is further spread out by an excavator which is the only machine operating on the site full time. The applicant has detailed material is generally tipped out slowly and staff from LV Resource and Recovery observe the material as it is tipped primarily to identify potential offensive material.

Recyclable material is then systematically placed in the excavator bucket which is then simply emptied into appropriate material recycling hoppers stored outside. The recycling hoppers are then removed when full and replaced with empty ones. Waste that cannot be recycled is then collected by the excavator and placed in a moving floor trailer which is then disposed of to landfill.

It is estimated that between 600 and 1000 tonnes of material would be delivered and sorted onsite in a month generating 26 truck vehicle trips a day to and from the site.

The proposed onsite management of the operation is discussed in greater detail in the issues section of the report.

Subject Land:

The subject land is located to the east of Swan Road and is located 80 metres south of junction of Jones Road and Swan Road and located 130 metres north of the junction of Kirwin Road and Swan Road.

The subject land has an area of 6040 square metres and is regular in shape and is flat. The land contains two industrial buildings and a brick office building.

The first industrial building onsite is 810 square metres in area and is situated towards the front of the land. Closer to the frontage of Swan Road is a brick office building with an area of 120 square metres.

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This shed and office are presently occupied by a freight courier company.

The second building (to be used in association with the proposed use of the land) has an area of 1100 square metres and is situated at the rear of the lot.

There is a large "common area" along the northern side of the property and between the two sheds. This area has a gravel surface and is used informally as a parking and turnaround area currently for the courier business trucks. The site has two existing access points to Swan Road. Landscaping is best described as minimal and comprises a few mature trees at the Swan Road Frontage.

Surrounding Land Use:

- North: There are a number of industrial uses including Graysons Australia (food ingredients) and ANC Forestry (forestry). There is also a logistics company and Veolia Environmental Services centre north of Jones Road.
- South: To the south business include Austimber (harvesting and haulage), Fishers (timber treatment and products) and Valley Windows
- East: Directly to the east HMA Diamond Power and businesses further to east include industrial steel manufacturing
- West: Directly to the west is Dyers Refrigerated Logistics. Further to the west includes a number of industrial manufacturing businesses.

HISTORY OF APPLICATION

A history of assessment of this application is set out in Attachment 3.

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

ASSESSMENT

State and Local Planning Policy Framework

The State and Local Planning Policy Framework (SPPF) seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development.

The following are the relevant clauses of the SPPF have been considered in the assessment of this proposal.

Clause 13.04-1 *Noise abatement* has an objective to '*To assist the control of noise effects on sensitive land uses*'.

Clause 13.04-2 *Air quality* has an outlined objective '*To assist the protection and improvement of air quality*'.

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Clause 17.02-1 *Industrial land development* has a stated objective 'To ensure availability of land for industry'.

Clause 17.02-2 *Design of industrial development* has a number of stated strategies to 'Minimise inter-industry conflict and encourage like industries to locate within the same area'.

Clause 19.03-5 *Waste and resource recovery* has the stated objective 'To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.'

Overall it is noted that the SPPF has strong support for establishment of new sites and facilities to safely and sustainably manage all waste and maximise opportunities for resource recovery provided a number of issues are addressed. Air quality in particular is a relevant consideration in this case. The subject site is located in an industrial zone and the nearest 'sensitive' receptors which are isolated located in the Farming Zone to the southeast at a distance of about 600m away from the subject site. The applicant has detailed that the majority of the material brought onsite will be dry, inert material. There is likely be a percentage of materials that will be inadvertently accepted onsite and that could possibly cause air quality and amenity issues but also possess harmful airborne emissions. If these concerns are not managed appropriately then there is possibility of inter industry conflict because as there is non-complementary industries in close proximity to the subject site.

Council be satisfied that suitable conditions could be attached to any permit issued.

The following sections of Local Planning Policy Framework are considered to be relevant to the proposal.

Clause 21.03-2 *Environmental Sustainability Overview* outlines 'Latrobe Valley will therefore strive to increase and maintain natural vegetation, improve air and water quality, reduce and reuse waste'

Clause 21.03-6 *Waste Management Overview* is of relevance to the assessment of this application. It has a number of stated objectives and strategies including advocating for waste avoidance or minimisation to ensure that waste management enhances the desirability for economic development within Latrobe City and increasing capacity to reuse and recycle waste.

Clause 21.07-7 *Industry Overview* that new industry that is managed effectively should be encouraged provided it is designed to minimise any potential detriment or loss of amenity to sensitive or non-complementary uses.

Similar to SPPF of the Latrobe Planning Scheme, the LPPF advocates generally in support of facilities that overall reduces the level of waste being deposited to Landfill that are managed to best practice standards.

Industrial 1 Zone

The site is located in the Industrial 1 Zone (IN1Z). Pursuant to Clause 33.01-1 of the Latrobe Planning Scheme, a planning permit is required to use the land for the purpose of a transfer station.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

It is considered that sensitive uses such as residential areas will not be impacted by the proposal given the separation distances involved as previously discussed. It is considered that even with best practice management procedures in place, material may be accepted onsite that may increase offensive odour especially if putrescible waste is received onsite. Similarly materials such as asbestos, airborne bacteria, leachate etc if not managed to best practice standards could have off site impacts especially to the properties and personnel along Jones Road, given that the dominant wind pattern in this geographical location is from the south west. Comments have also been received from the relevant referral authorities including the EPA and Gippsland Water.

The effect that nearby industries may have on the proposed use

The surrounding area contains industrial buildings and a mix of activities including timber yards, logistics firms, manufacturing and a food facility. These facilities are unlikely to impact the proposed use; however the proposed use could have a negative impact on the existing uses if not managed correctly.

The drainage of the land.

The Engineering department have stated that all run-off collected from the receipt, storage, unloading and processing areas be treated as leachate to the satisfaction of the Responsible Authority. Inclusion of standard drainage conditions in relation to any increase in sealed area will be applied.

The availability of and connection to services

The site is surrounded by the major road network and it is considered that any increase in traffic can be absorbed by the road network. The application will be requested to connect to the reticulated as any contaminated water, however small the volume, will not be allowed to be discharged into stormwater drainage system.

Particular Provisions

Clause 52.06 Car Parking

The applicant has detailed that there is no planning permit trigger for car parking, as the nature of the use as defined under Clause 52.06 has not changed. Having regard to the previous use of the land for Industry (building workshop) and the fact that a Transfer Station is contained within the definition of Industry and is not specifically listed in the Table 1 of Clause 56.06-5 means that for the purpose of car park and access there is no change of use to warrant variation of existing car parking provisions.

It is considered as a result there is no planning permit requirement to design and construct car parking as per the requirements of Clause 52.06.

Clause 52.45 Resource Recovery

The purpose of the clause is 'To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area'

The most relevant publications referred to in this clause is the *Guide to Best Practice at Resource Recovery Centres* (Sustainability Victoria, 2009) (the guide), which states *'The role of resource recovery centres is to receive used resources from a number of suppliers and separate it into constituent materials for recovery; any residual waste which is not recoverable is aggregated for appropriate disposal. The recovered materials may be processed on-site or transported to an alternative facility for further processing'*. It should be noted that this document is a guide but importantly it reflects a best practice approach.

Effectively, resource recovery is a wide ranging term that can capture a number of industrial type activities and uses.

A number of sections of this document have been included as part of the assessment:

Planning and siting

The applicant has provided justification for the proposed application based primarily on the Planning Scheme. No information has been provided that it has been made in consultation with the relevant waste management group. Similarly no detail has been provided about existing or planned facilities or broad economic impacts. Given the proposed facility will not be open to the public, this service level expectation has not been considered in this assessment.

The applicant has detailed how the majority of 'accepted' material is to be managed but only details that a moving floor trailer will be the mechanism

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to manage putrescible waste if received. Very limited detail is provided in terms of onsite safety mechanisms. Section 2.4 of the guide, *Site suitability*, details '*Potentially suitable sites should be identified taking into account the issues below. Some criteria may be weighted as more important than others; final site selection should be done in consultation with the local community and planning consent authority*'.

The issues that are to be considered in the planning and siting of proposals such as this include:

- *planning requirements;*
- *area required;*
- *buffer distances;*
- *site history;*
- *transport distances;*
- *natural conditions; and*
- *supporting infrastructure*

In this case consultation with the local community or appropriate authority did not take place prior to taking up a lease on the subject site. It also should be noted Section 2.5 of the guide states that '*The community should be involved as early as possible in the development process so that expectations and concerns can be identified and addressed*'. With exception of notification process requested by Council as part of the application assessment process, no other formal consultation took place.

As detailed previously there is support for this type of proposal in the SPPF and LPPF, although nothing specifically is detailed in the planning scheme outlining suitable precincts for such a proposal. It is noticed that the subject site could not be described as heavy industrial type precinct due to the mix and type of uses in the area. In this context it could be argued that there could be more suitable location for such a proposal. It is noted however that under the Industrial 1 Zone, the use of a transfer station is a section 2 discretionary use and buffer distances to sensitive type uses are appropriate.

The applicant has detailed that the site is suitable and has the necessary area to manage the proposed use. The material that will be accepted on site will be derived from local skip bin hirers who will service demolition sites, local factories and household clean ups. Given the location of the site and proximity to the Princes Highway, it is considered that the supporting road infrastructure is suitable to meet the needs of the proposal.

Design and construction

The building to be used for the proposed use is already constructed and ancillary works required in association with the use of the proposed transfer station technically do not have a planning permit trigger. It is

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considered that there are certain areas of the guide under this section that still need to be addressed in greater detail including:

- Section 3.5 *Design for environment protection*;
- Section 3.6 *Infrastructure and equipment*

Odour will be an issue if putrescible waste is brought onsite inadvertently or if contaminated water is not addressed appropriately. The applicant has detailed that by removing putrescible waste offsite within 24 hours and that by not accepting liquid waste that these issues can be addressed satisfactorily. The detection of an odour does not necessarily constitute 'offensive odour'. The location where the odour is detected should also be considered, as an industrial area should not expect the same amenity as a residential area. Having stated this, the area in question around Swan Road, Kirwin Road and Jones Road does not have any facility currently that could be considered a source of offensive odour. Suitable conditions will be attached to any of permit to ensure that if liquid waste or putrescible waste in particular is brought that it is managed as effectively as possible.

Contaminated stormwater, liquid trade waste and leachate are other concerns that have not been addressed effectively. The existing building is not connected to sewer but is connected to stormwater. The applicant believes that there is no requirement to connect to the sewerage system as the material proposed is largely dry inert material. While this may be the case, fail safe measures must be put in place to ensure that contaminated liquid substances are suitably managed in an appropriate manner and not be discharged to the drainage system. As a result a condition will be put in place to ensure that contaminated stormwater must not be discharged beyond the boundary of the premises and be collected and disposed of off-site by an EPA approved contractor or via an approved trade waste agreement. It is considered as a result that the applicant must connect to sewer to comply with any planning permit issued.

It is detailed in the guide '*Design of the facility should include the following to minimise dust*:

- > *paving of all operating, storage, unloading and loading areas*
- > *sealing of roads if dust is considered likely to be an issue*'.

In terms of the potential impact of the activities proposed on the amenity of the surrounding area, there is a concern that dust emissions from the site could potentially cause a problem. As a result it is considered that sealing a suitable access lane entering and exiting, the loading bay area in front of the shed and the storage areas should be all weather sealed. It should be noted that the applicant has requested that Council include a condition reasonably restricting the emission of dust but without detailing a particular method.

In terms of Section 3.6 of the guide the applicant has provided limited detail in terms of the infrastructure and equipment required onsite other than that an excavator and moving floor trailer will be the main equipment

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used onsite. The applicant has detailed whilst not permitted, non-approved materials are placed in the skips from time to time and deposited at the site. This traditionally involves household waste but can also include hazardous material such as asbestos. The Occupational Health and Safety Regulations 2007 cover the specific removal requirements (including licensing) relating to the removal of asbestos that is fixed or installed in a building, structure, ship or plant.

In addition to this, a Dangerous Goods Order was issued on 28 June 2007 prohibiting the removal of asbestos that is not fixed to or installed in a building, structure, ship or plant at any workplace, except under certain circumstances (this includes asbestos-contaminated dust). The applicant has stated the following '*Hazardous materials are immediately reported to the skip bin operator who is required to take the material away and dispose of it properly*'. This is not considered an appropriate response and will have to be addressed prior to commencement of the use if a permit is issued.

Section 4 of the guide *Operation and management* is mainly in regards to onsite management and identifying risk control process that should be established that encompasses risks to health and safety. There is no detail of OH & S requirements or fire fighting equipment. However this is managed through separate legislation and is not required to be assessed as part of a planning permit application under the Act.

SUBMISSIONS

The application received 3 submissions in the form of objections. The issues raised were:

- 1 Concerned about the risk of losing our HACCP accreditation and Food Safety Registration due to excessive pungent odour and an increase in pests influencing our facility.

Officer comment

HACCP, or the Hazard Analysis Critical Control Point system, is a process control system that identifies where food safety hazards may occur in a food production process and puts into place controls to prevent the hazards from occurring. This accreditation programme is not assessed under the requirements of the Act. It should be noted that the Health Services Team has also identified concerns regarding air borne particles and odour from the applicants proposed premises.

The applicant has detailed that putrescible waste will be removed onsite within 24hrs and an industrial deodoriser will also be used. The term "Offensive" will be subjective and takes into consideration the strength of the odour, the duration the odour is present and the nature of the odour. As result given that there is no scientific modelling available, enforcing a standard amenity condition in relation to offensive odour going beyond site boundaries will be difficult to enforce appropriately. Suitable management conditions of the proposal should reduce any offensive odour issues. These conditions will form part of an improved overall environmental

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

management plan for the proposed use. Please see condition 2 of the permit.

2. Pungent odour from the facility would not impress customers of our company or independent auditors visiting the site to conduct food safety audits.

Officer comment

As detailed previously suitable conditions will be put on any issue of a permit to ensure that offensive odour is managed onsite to the best possible degree. Given the nature of the proposal and lack of scientific modelling of the proposal, enforcing conditions based on a subjective sense would be difficult to enforce.

3. It is difficult to explain how a land transfer station can be located on the adjoining site to a food manufacturing plant that has been at 12 Jones Road

Officer comment

As detailed previously the use of land for a transfer station is discretionary use in an Industrial 1 Zone. While it noted that the guide details siting facilities within complementary precincts should be considered, in this case there is no identification of such a precinct with the Latrobe Planning Scheme and as a result the proposal has been assessed on its merits.

4. Skip bin agreements appear to be ineffective to preventing dumping of hazardous materials. There is also no detail of the volume of hazardous materials expected onsite and no detail on how hazardous or unwanted material will not be brought onsite

Officer Comment:

The applicant has detailed the material brought onsite will be largely dry, inert material. The applicant has detailed loads will be checked by staff as it is unloaded slowly. This is not considered appropriate as the guide details that Category 2 facilities should have a 'gatehouse' to allow for inspection of incoming waste and recording of waste types and quantities. Gatehouses should have facilities for viewing the waste load on incoming vehicles, such as an elevated mirror or platform, and appropriate control and supervision features. It is considered that a suitable condition regarding monitoring of incoming material will reduce concerns of the type of materials unloaded onsite but will not remove occasions where inappropriate or non-approved material is brought onsite.

5. Whether a full work cover audit has been conducted on this proposed site, taking into consideration all the known facts regarding dangerous and hazardous materials and EPA been approached regarding the successful control of unwanted odours.

Officer Comment:

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The issue of managing hazardous substances onsite has been detailed previously in the 'design and siting' section of this report. The application was referred to the EPA who have addressed a specific request from Council Officers regarding the management of odour onsite. Please see attachment 5 for the initial response from the EPA to the application, council's subsequent request for further clarification on a number of conditions and subsequent response from the EPA to this request.

As detailed previously OH & S regulations are considered under separate legislation and these concerns are not addressed under the remit of the assessment of an application under the Act. Worksafe were notified of the applicant but did place any conditions or notes on any issue of a permit.

6. Rubbish from the previous operation onsite was landing on our yard.

All applications have to be assessed on its merits and the previous operation of the site cannot be considered in the assessment of this proposal. It is considered that a suitable condition can be put in place ensuring that rubbish is maintained within the boundaries of the subject site

6. Council's Health Department had no input considering the close proximity of a waste transfer station to a registered food facility.

Officer Comment:

Comments were sought from Council's Health Services team in relation to the proposal. They identified concerns but had no objection to the proposal subject to suitable conditions being placed on any issue of a permit. This included a specific condition related to the control of vermin and that a provision of a management plan for the control of odours is submitted for approval.

7. That Latrobe City Council conduct via the Health Department a complete audit on the suitability of this proposed transfer station given the risks it poses in terms of airborne bacteria such as listeria and contamination that could introduce deadly bacteria strains such as E. coli, Salmonella and Campylobacter, all present on putrescible waste, food and animal carcasses.

Officer Comment:

A request for an audit has been put to the Health Services team. They have assessed the application and provided suggested conditions to be placed on any issue of a permit. The objector has been informed of this and is satisfied that due diligence has taken place.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

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

External:

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

- EPA

They gave consent to the granting of a planning permit for the proposal, subject to the inclusion of appropriate conditions.

Notification of the application was sent to the following agencies under Section 52(1)(d) of the Act to the following agencies :

- EPA;
- Gippsland Water;
- Worksafe; and
- CFA;

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team, Building Team and Health Team.

All the relevant Council's internal departments gave consent to the granting of a planning permit in relation to their area of expertise.

It is noted that their comments only relate to part of the assessment process and do not necessarily direct the final recommendation to Council.

Details of Community Consultation following Notification:

**ORDINARY COUNCIL MEETING MINUTES
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Following the referral and advertising of the application, 6 submissions in the form of objections were received.

A mediation meeting was held on 18 June 2013 which was attended by the applicant and his representatives, one of the objectors, the Ward Councillor and a council officer. The grounds of objection were discussed.

Subsequent correspondence was received from an objector which has not been addressed by the applicant.

Consensus was not reached between the parties.

It should be noted that 5 subsequent objections have been received. A copy of the outstanding submissions can be found at Attachment 6.

OPTIONS

Council has the following options in regard to this application:

1. Issue a Notice of Decision to Grant a Planning Permit; or
2. Issue a Refusal to Grant a Planning Permit.

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

CONCLUSION

It should be acknowledged that council has to consider whether the proposal is complementary with surrounding industrial uses, albeit uses that are classified as not being sensitive in nature under the Latrobe Planning Scheme.

Overall the proposal is generally considered to comply with the State and Local Policy Planning Provisions for industrial areas. The inclusion of increased monitoring of loads prior to unloading of skips onsite, sealing of access lanes and loading area, compliance with EPA conditions and ensuring that the facility is managed to best practice standards should ensure that facility will result in an orderly planning outcome.

Attachments

1. Photos of previous operation at 32A Swan Road, Morwell
2. Plans
3. History of the application
4. Latrobe Planning Scheme
5. EPA Correspondence
6. Outstanding submissions
7. 32a Swan Road, use of land for a Transfer Station

RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit for the use of the land for a transfer station and ancillary works at 32A Swan Road, Morwell known as Lot 3 on LP137541 with the following conditions:

Amended Plans

1. Before the use and ancillary development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application (received by Council on 10 May 2013) but modified to show:

- a) The site plan must nominate the largest vehicles likely to access the site and include vehicle swept path diagrams demonstrating how such vehicles will access the site and how these vehicles will safely exit the site. Loading, storage areas and access lanes must be finished with an all-weather sealed surface; drained; and clearly marked to show loading areas and the direction of traffic along access lanes and roadways.
- b) An Environmental Management Plan in accordance with Condition 2

Standard Conditions

2. Prior to the commencement of the use hereby permitted, an amended Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the Environmental Management Plan version 2 prepared by LV Resource and Recovery P/L but amended to address the following having due regard to Sustainability Victoria's "Guide to best practice at resource recovery centres":

- a) Maximum duration that recyclables will remain on site;
- b) That non-recyclable material will be removed off site daily;
- c) How hazardous wastes i.e. Asbestos, is dealt with through operational procedures;
- d) Monitoring systems of all incoming materials. The location of the monitoring system must be detailed on the amended site plan;

- e) Identification of possible risks or operational failure and response; measures to be implemented, emergency response and fire control measures and how the proposal is consistent with OH & S requirements;
- f) Methods to ensure that the facility will be totally vermin proof, including the engagement of the services of a pest control company to monitor vermin harbourage;
- g) Exact details of how offensive odours will be managed to be kept within the confines of the subject site boundaries;
- h) The provision of waste water traps in the floor of the building to sewer for cleaning and wash out areas;
- i) The following planning and siting assessment checklist items from Appendix A of Sustainability Victoria's "Guide to best practice at resource recovery centres":
 - (i) Ref 2.3. What other type of residual waste infrastructure is to be used.
 - (ii) Ref 2.5. Why no community consultation plan has been developed.

When approved, the plan will be endorsed and will then form part of the permit. The environmental management plan must be reviewed and submitted to the Responsible Authority annually. The use must at all times be conducted in accordance with the endorsed plan.

3. The use and ancillary works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4. Control measures in accordance with the approved Environmental Management Plan shall be employed throughout the permitted use of the land to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Environmental Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.

5. The use of the site must not commence until the required works are completed and required plans are approved to the satisfaction of the Responsible Authority.

6. The external appearance of the site must at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.

7. No materials may be stored within the site that exceeds the height of

the perimeter fence of the property, to the satisfaction of the Responsible Authority.

8. All vehicles removing materials to and from must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.

9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

10. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.

11. Upon completion of the required works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.

12. Wastes may be received, separated, crushed, baled and dispatched. Wastes must not be reprocessed without the specific written approval of the Responsible Authority.

13. Not more than 15,000 tonnes of waste per annum is to be brought onsite except with the written consent of the Responsible Authority. The volume of material delivered to the site is required to be recorded by the owner/operator.

14. The site is to be supervised at all times when open to the satisfaction of the Responsible Authority.

15. The existing building proposed to be used in association with use of the land for a transfer station must be connected to the sewerage systems to the satisfaction of the Responsible Authority.

16. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimize mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

Engineering Conditions

17. Before the use and ancillary works commence on site hereby permitted, a site drainage plan including levels or contours of the land and all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one copy and an electronic copy (PDF) must be provided. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:

- a) How the land including all buildings, open space and paved areas will be drained to the legal point of discharge for a 1 in 10 year ARI storm event.
- b) An underground pipe drainage system conveying stormwater discharge to the legal point of discharge by the existing underground drainage system within the property. No new connection to Latrobe City Council's stormwater drainage system or kerb and channel is permitted.

18. No solid putrescibles wastes must be received or processed on the land.

19. The amenity of the area must not be detrimentally affected by the use or development, through the:

- a) Transport of materials, goods or commodities to or from the land,
- b) The appearance of any building, works or materials,
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, windblown rubbish, grit or oil,
- d) Presence of vermin.

20. No loose material of any description must be stored outside the building other than in bins or hoppers or other enclosures to the satisfaction of the Responsible Authority.

21. A concrete paved area must be used for the washing of vehicles such that all water shall be drained to an outlet point in the concrete area at which an oil and silt interceptor trap shall be installed to receive all drainage from the paved area to the satisfaction of the Responsible Authority. All waste water from the oil and silt interceptor trap must be discharged to an approved sewer or other approved outlet.

EPA Condition

22. The use of the land must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Offensive odours must not be discharged beyond the boundaries of the premises.
- b) Nuisance dust must not be discharged beyond the boundaries of the premises.
- c) Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

boundary of the premises and be collected and disposed of off-site by an EPA approved contractor or via an approved trade waste agreement.

- d) The applicant may only accept recyclable wastes including metals, plastics, paper, cardboard and timber.
- e) Material processing of waste materials must not occur at the premises.
- f) All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled.

23. The operator of this permit must comply with the following requirements from the Gippsland Water:

- a) Any discharge of Trade Waste from the plant will require a Trade Waste Agreement with Gippsland Water. Gippsland Water will consider an application for Trade Waste discharge upon the submission of a Trade Waste application providing discharge details. One condition of any Trade Waste Agreement is that the discharge must meet Gippsland Waters Trade Waste quality limits. An application has been sent to the owner/developer with a copy of this response to Council.

Expiry Condition

24. This permit will expire if the use is not started within two years of the date of this permit, or if the use ceases for a period of two years or greater.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Note 1. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval

Note 2. Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

ALTERNATE MOTION

That Council issues a notice of Refusal to Grant a Planning Permit, for the use of the land for a transfer station and ancillary works at 32A Swan Road, Morwell known as Lot 3 on LP 137541 on the following grounds:

1. The proposal is not consistent with Clause 17.02-2 'Design of industrial development' as it will increase inter-industry conflict and the site is not located within a complementary precinct for the proposed use.
2. The proposal is not consistent with the decision guidelines of Clause 33.01-2 'Use of land'.
3. The proposal is not consistent with the decision guidelines of Clause 52.45 'Resource Recovery'.
4. The proposal is not consistent with Clause 65 'Decision Guidelines'.

Moved: Cr Middlemiss
Seconded: Cr White

That the Motion be adopted.

For the Motion

Councillor/s Gibbons, Middlemiss, Gibson, Sindt, O'Callaghan, White

Against the Motion

Councillor/s Rossiter, Harriman

The Acting Mayor confirmed that the Motion had been CARRIED

16.5

PLANNING PERMIT APPLICATION 2013/89 USE OF THE LAND FOR TRANSFER STATION AND ANCILLARY WORKS, 32A SWAN ROAD, MORWELL

- 1 **Photos of previous operation at 32A Swan Road, Morwell**Error! Bookmark not defined.
- 2 **Plans**.....Error! Bookmark not defined.
- 3 **History of the application**Error! Bookmark not defined.
- 4 **Latrobe Planning Scheme**.....Error! Bookmark not defined.
- 5 **EPA Correspondence**Error! Bookmark not defined.
- 6 **Outstanding submissions**.....Error! Bookmark not defined.
- 7 **32a Swan Road, use of land for a Transfer Station**Error! Bookmark not defined.































































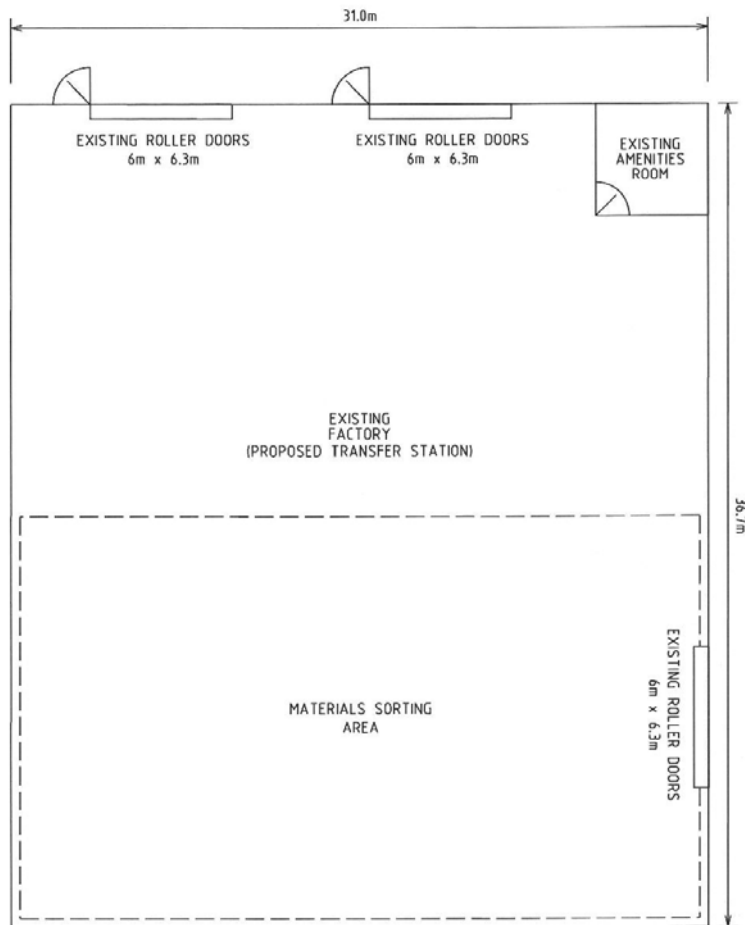








Notes
Title boundaries are indicative only and subject to verification by survey
Open space and drainage locations are indicative only and subject to Council approval



20/03/2012

Floor Plan - Existing Shed
32A Swan Road, Morwell
Latrobe Resource Recovery Pty Ltd

REF: 1300277



Beveridge Williams
development & environment consultants

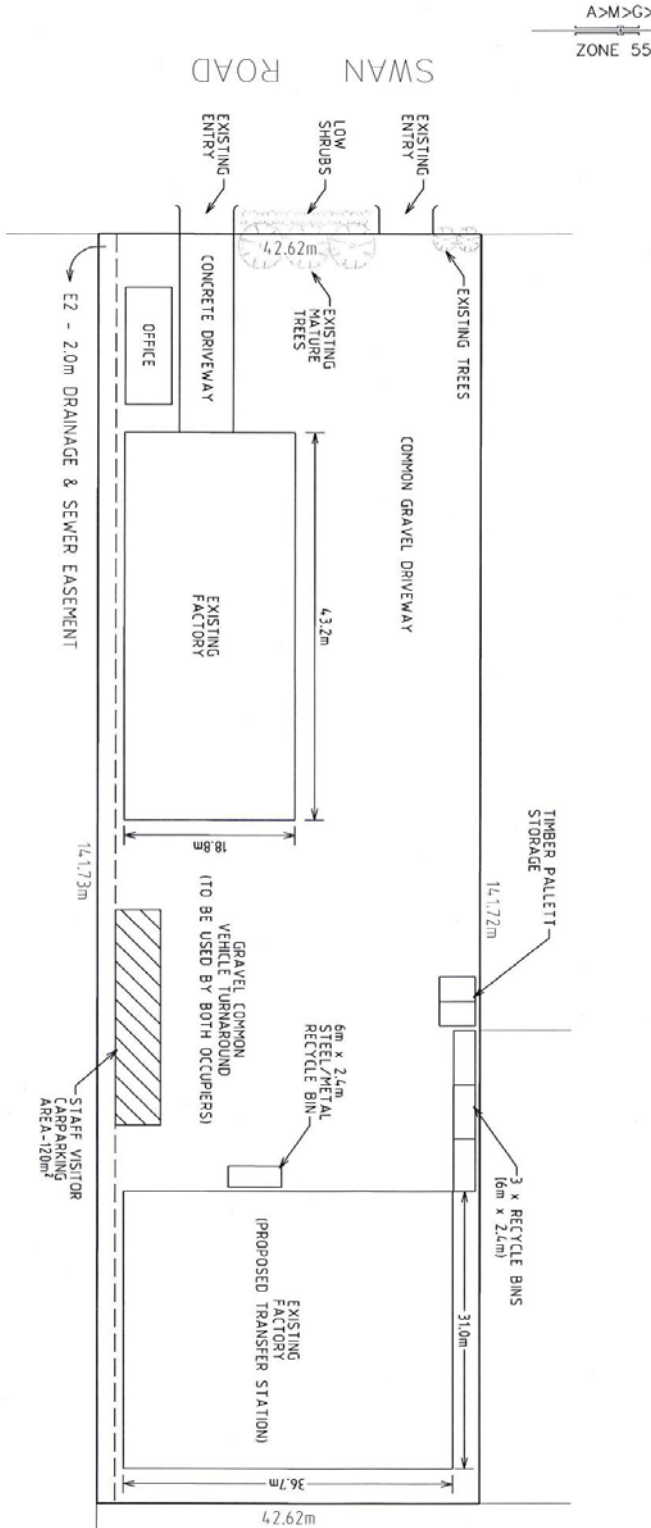
Leongatha ph: 03 5562 2630
www.beveridgewilliams.com.au

Proposed Waste Transfer Station
32A Swan Road, Morwell
Latrobe Resource Recovery Pty Ltd

REF: 1300277

BW Beveridge Williams
development & environment consultants
Longpointa Pty. (03) 5682 2650
www.beveridgewilliams.com.au

20/03/2012



Notes

The boundaries are indicative only and subject to verification by survey.
Open space and drainage locations are indicative only and subject to Council approval.

History of Application

2 April 2013	Planning Permit application received by Council.
21 April 2013	Further information requested from applicant. The purpose of this request was to obtain an assessment against the <i>Guide to Best Practice at Resource Recovery Centres</i> (2009), an amended EMP to be provided to detail the type and waste that will be accepted onsite, stormwater management measures and detailing that access lanes and car parking area should be all weather sealed due to dust concerns.
22 August 2013	Meeting with the applicant and his representatives to discuss the further information request.
10 & 17 May 2013	Further information received
17 May 2013	File note detailing that information provided does not satisfactorily address all requirements under the further information request. Conditional approval could be issued to address these concerns and could be enforced regularly if required.
22 May 2013	Application requested to be advertised pursuant to the requirements of Section 52 of the Act and referred under Section 55 of the Act as required.
18 June 2013	Mediation meeting held with no resolution to the issues achieved.
22 May 2013 – 24 July 2013	During this period a large level of electronic correspondence was sent from Council Officer and referral authorities, especially the EPA as their response was over a month late. Regular updates were provided to the applicant, staff members of the Department of State Development, Business & Innovation and other interest parties during this period.
9 August 2013	Met with EPA Team Leader to discuss their response in greater detail and a letter was also sent to the EPA requesting greater clarification in their conditions given the nature of the proposal is for a transfer station not a materials recycling facility.

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 13.04-1 Noise abatement
Clause 13.04-2 Air quality
Clause 17.02 Industry
Clause 17.02-1 Industrial land development
Clause 17.02-2 Design of industrial development
Clause 19.03-5 Waste and resource recovery

Local Planning Policy Framework

Clause 21.03-2 Environmental Sustainability Overview
Clause 21.03-6 Waste Management Overview
Clause 21.07-7 Industry Overview

Zoning – Industrial 1 Zone

The subject land is located within the Industrial 1 Zone at Clause 33.01.

Overlay

None

Particular Provisions

Clause 52.45 Resource Recovery

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

There are no relevant Incorporated Documents



Mr. Jody Riordan
Planning Officer
LATROBE CITY COUNCIL
PO BOX 264
MORWELL VIC 3840

Lvl 3, 200 Victoria Street
Carlton
Victoria 3053
GPO Box 4395
Melbourne, Victoria 3001
T: 1300 EPA VIC
DX 210082
www.epa.vic.gov.au

24/07/2013

Reference: 5003647

Dear Mr. Riordan

RE: PLANNING PERMIT APPLICATION: 2013/89
PROPOSAL: Use of land for a Transfer Station
PREMISES ADDRESS: 32A SWAN RD, MORWELL VIC 3840

Thank you for your correspondence in relation to the above planning scheme amendment, referred to EPA on 22/05/2013.

In January this year an EPA Officer inspected the premises and the observations included: "The pile contained a huge assortment of waste, however seemed to be primarily building waste. There was also kids toys, household garbage bags, plasterboard, metal, conduit, pallet's, a lot of wood which was not getting separated and a lot of cardboard, also not being separated." The description was very much commercial and industrial waste and construction waste being accepted and material recovered and recycling.

Section 52.10 of the planning scheme in the "Recycling and Resource Recovery" section has a "Note 1" for facilities that are Commercial and Industrial Materials Recycling and for Construction and Demolition Material Recycling. The nearest sensitive uses appear to be the Residential 1 Zone to the northwest at a distance of over 1.0 KM and isolated residences in the Farm Zone to the southeast at a distance of about 0.6 KM. These distances are considered adequate as it is unlikely there would be an adverse amenity impact from the proposed facility to a sensitive use in a residential area.

EPA is a statutory referral authority under Section 55 of the *Planning and Environment Act 1987*.

EPA has no objections to Council issuing a planning permit for the above application, subject to the following conditions being included:

- Offensive odours must not be discharged beyond the boundaries of the premises.
- Nuisance dust must not be discharged beyond the boundaries of the premises.



- Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises and be collected and disposed of off-site by an EPA approved contractor.
- The applicant may only accept recyclable wastes including metals, plastics, paper, cardboard and timber.
- Material processing of waste materials must not occur at the premises.
- All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled.

Whilst EPA considers any adverse amenity impact to the nearest residentially zone land is unlikely, Council must satisfy itself that the activity will not adversely impact on any adjacent Industrial and Commercial uses.

If you need additional information or assistance, please contact our Team Leader, Garry Kay on 1300 EPA VIC (1300 372 842).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dieter Melzer', written in a cursive style.

Dieter Melzer
Unit Manager
EPA Gippsland
EPA Victoria



Ref: 2013/89

9 August 2013

Garry Kay
EPA Gippsland
7 Church Street
Traralgon
Victoria 3844

Latrobe City ABN 92 472 314 133
Telephone 1300 367 700
Facsimile (03) 5128 5672
TTY (NRS) 133 677
Post to PO Box 264 Morwell 3840
Email Address latrobe@latrobe.vic.gov.au
Internet www.latrobe.vic.gov.au
AUSDOC DX217733 Morwell

Dear Garry

APPLICATION NO: 2013/89
PROPOSAL: USE OF THE LAND FOR A TRANSFER STATION
PROPERTY: 32A SWAN ROAD, MORWELL
DESCRIPTION: L 3 LP 137541

Thank you for your correspondence on 24 July 2013 and meeting with Council Officers on 9 August 2013.

As detailed in our meeting, Council would like the EPA to revisit their suggested conditions on this application given that the proposal is for a Waste Transfer Station as opposed to a Materials Recycling Facility as defined by Clause 74 of the Latrobe Planning Scheme.

Council requests the following conditions to be reconsidered and/or clarified and a response based upon our conversations:

'Offensive odours must not be discharged beyond the boundaries of the premises.'

Council requests clarification from the EPA regarding what is termed 'offensive', how such a term can be measured (scientifically if possible) and subsequently enforced if required.

'The applicant may only accept recyclable wastes including metals, plastics, paper, cardboard and timber.'

Council requests this condition to be reconsidered. The applicant has detailed in their draft Environmental Management Plan that the material collected 'is general waste collected from industrial premises, power stations, building site and demolition sites', that a skip bin hire agreement will be in place and that material accepted will be 'largely inert, dry material'.

They also detail however that 'Whilst all care is taken to ensure that non approved products are not deposited in the bins from time to time offensive material is taken to the site'

As a result Council considers that given the proposal is for a 'Transfer Station' not a 'Materials Recycling' facility, that placing such a condition is not appropriate and changes the nature of the use being applied for from a Transfer Station to a Materials Recycling Facility. As a result Council requests that the EPA revisit their response in relation to this condition.

'Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises and be collected and disposed of off-site by an EPA approved contractor.'

I have attached correspondence from Gippsland Water and their requested condition in relation to this proposal. They have requested the applicant to enter into a Trade Waste Agreement with Gippsland Water. The Gippsland Water condition and the EPA condition are in contradiction to each other. It is considered that Council does not have the necessary resources or expertise to enforce the current wording of this condition requested by the EPA. Council requests the EPA to consider whether this condition can be altered to reflect the requirements of Gippsland Water.

If the EPA are not willing to reconsider this condition and in the event that a planning permit is issued, as the EPA are a Section 55 Referral Authority in the assessment of this proposal, the Gippsland Water condition will have to be amended to remove this contradiction.

In summary Council are appreciative of your assistance and expertise in this matter. Given the level of interest in this application a prompt response to this letter would be appreciated.

If you require any further information in relation to this matter, please call Jody Riordan on 03 5128 5556 or Jodie Pitkin Acting Manager Statutory Planning 5128 5497.

Yours faithfully



JODY RIORDAN
Senior Statutory Planner

Our reference: 24078
Your reference:

14 June 2013

ATT: JODY RIORDAN
LATROBE CITY COUNCIL
PO BOX 264
MORWELL VIC 3840

Dear Jody

PLANNING PERMIT REFERRAL

YOUR REFERENCE : 2013/89
APPLICANT : Latrobe Resource Recovery Pty Ltd
LOCATION : 32A SWAN RD MORWELL

We refer to your letter dated 1 May 2013 made pursuant to Clause 52(1) (d) of the Planning and Environment Act and advise that Gippsland Water **consents** to the granting of the above planning permit subject to the following condition being noted on the issued planning permit:

- Any discharge of Trade Waste from the plant will require a Trade Waste Agreement with Gippsland Water. Gippsland Water will consider an application for Trade Waste discharge upon the submission of a Trade Waste application providing discharge details. One condition of any Trade Waste Agreement is that the discharge must meet Gippsland Water's Trade Waste quality limits. An application has been sent to the owner/developer with a copy of this response to Council.

If you have any queries in the matter please contact one of the Statutory Planning team on (03) 5175 7488.

Yours sincerely



Geoff Harris
PROPERTY SERVICES MANAGER

cc: Latrobe Resource Recovery P/L
c/- Beveridge Williams
PO BOX 161
LEONGATHA



Blazeview Road
PO Box 318
Stratford, Victoria 3640
Telephone: (03) 5172 4600
Facsimile: (03) 5174 6105
contact@ Gippslandwater.com.au
www.gippslandwater.com.au

EPA
VICTORIA

15 August 2013

Your Ref:2013/89

Mr Jody Riordan
Senior Statutory Planner
Latrobe City Council
PO Box 264
MORWELL VIC 3840

7 Church Street
Traralgon
Victoria 3844
PO Box 1337
Traralgon Victoria 3842
T: 1300 EPA VIC
F: 03 5174 2851
DX 299292
www.epa.vic.gov.au

Dear Jody

Application No. 2013/89
Proposal Use of land for a transfer station 23A Swan Road
Morwell

Thank you for your letter of 9 August 2013 following our meeting earlier on Friday, requesting that EPA reconsider some of the issues in our letter of 24 July 2013.

I offer the following comments on both the nature of our response and some of the specific requirements of recommendation in that letter.

EPA considered the facility was to be operated and a material recovery and recycling business, but Council continues to believe it will only be a transfer station. Provided that any wastes and other materials delivered are only sorted prior to removal from the site to another facility for reprocessing reuses, EPA will accept that site as a transfer station. The application indicates the facility intends to only accept solid inert waste type material and therefore may not fall into the Planning Scheme classification with a "note 1" in section 52.10 of the PS.

During our meeting the issue of odour assessment was discussed and I again advise that odour is generally an individual objective assessment. The term "Offensive" will be subjective and take into consideration the strength of the odour, the duration the odour is present and the nature of the odour. The detection of an odour does not necessarily constitute 'offensive odour'. The location where the odour is detected should also be considered, as an industrial area should not expect the same amenity as a residential area. I believe it is necessary that an amenity condition remain and would be happy to review an alternative condition proposed by Council.

With regard to the acceptance of waste, I suggest an additional condition could be included that specifically addresses the prompt removal of any putrescible waste that may inadvertently be placed in any bins or skips delivered to the site. I recall discussion at our meeting of a possible condition that any non recyclable material delivered to the site would be removed within 24 hours.

.../2.



2

The concern over conflict between the EPA stormwater discharge and the Gippsland Water trade waste agreement for discharge to sewer could be addressed through the inclusion or deletion of certain words.

The purpose of the condition is to ensure that stormwater contaminated by waste is not discharged from the premises. By adding the additional words the conflict should be overcome.

"Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises and be collected and disposed of off-site by an EPA approved contractor or via an approved trade waste agreement."

The same result may also be achieved by shortening the condition to: Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises.

I expect that Gippsland Water, through a trade waste agreement, will not accept oil, grease, chemicals, leachate or sediments into the sewer system, therefore any waste trapped in a sewer pre-treatment system will require off-site disposal at a facility able to accept the waste.

If you require further information and advice please call me on 1300 EPA VIC (1300 372 842).

Yours sincerely



Garry Kay
Gippsland Region

28th May 2013

Latrobe City Council
PO Box 264
Morwell VIC 3840

Re: Objection to Planning Permit 2013/89 LV Recovery and Recycling

Tecnica Pty Ltd trading as Grayson Australia would like to object the above mentioned application on the following grounds;

- Pungent odour which was present when the operation was running previously.
- Increase in rodents and other pests due to food scraps that have previously come in with building material scrap.

Reasons for objections are as follows;

- Tecnica Pty Ltd trading as Grayson Australia is a food manufacturing premise. We are concerned about the risk of losing our HACCP accreditation and Food Safety Registration due to excessive pungent odour and an increase in pests influencing our facility. We currently have a pest control program in place, however, a transfer station would increase the pressure on our current program. Pungent odour from the facility would not impress customer of our company or independent auditors visiting the site to conduct food safety audits.
- It is difficult to explain how a land transfer station can be located next to a food manufacturing plant. Tecnica Pty Ltd trading as Grayson Australia food manufacturing facility is located at 12 Jones Rd Morwell sharing a fence line with the proposed land transfer station. Grayson Australia is registered with the council as a food premise and has been manufacturing food products for a number of years at this address.

We hope for a speedy resolution to the matter.

Regards

Narelle Brown
General Manager
Grayson Australia

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GRAYSON AUSTRALIA

Tecnica Pty Ltd ABN 72 006 828 879
Postal Address: PO Box 134, Bayswater Vic 3153 Australia
Unit 4, 7-9 Newcastle Road, Bayswater Vic 3153 Australia
Tel: 03 8727 6900 Fax: 03 8727 6999
Email: info@graysonaustralia.com

June 24, 2013

Mr Jodi Riordan
Senior Statutory Planner
Latrobe City
PO Box 264
MORWELL VIC 3840

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED 25 JUN 2013	
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Dear Jodi,

Re: Application No: 2013/89
Proposal: Use of the Land for a Transfer Station
Property: 32A Swan Road, Morwell
Description: L 3 LP 137541

As suggested, I have taken the opportunity to read and review the Environmental Management Plan lodged by LV Resource and Recovery P/L's consultant during the mediation meeting on June 18th, 2013.

Keeping in mind the issue regarding the placement of a waste transfer station adjoining a registered food facility, Grayson Australia has some serious concerns regarding certain aspects of the Environmental Management Plan, and the overall ability of the facility to meet best practice to ensure all safety levels and concerns are met.

Grayson Australia would like to highlight some of the issues it views as possible areas of safety and risk to public and workplace health. We urge Council to review these items and request a written response from LV Resource and Recovery P/L on the action they would take to address our concerns.

In this day and age, the high cost of disposing of dangerous and hazardous materials has increased the level of unauthorized dumping of these items, with perpetrators seeking unsecured disposal bins as a means of disposing of this type of material. With an undisclosed number of bins and skips located at various sites (building, demolition, factories, power stations and households), what controls are in place to ensure this practice is curtailed. We appreciate that paper "standard agreements" and the cursory check by the contractor are in place; however, these measures would appear to be ineffective.

As mentioned on page 3, this problem already exists with no acceptable solution in place and does not define the volume and type of hazardous materials. Likewise, what is the definition or frequency of "time to time" and "occasional". With no control on what is placed in the bin or skip, does the proposed site start handling concentrated levels of hazardous and dangerous materials inadvertently or illegally dumped? Under the heading "Key Actions" it is stated "Every effort is made to ensure that inappropriate or non-approved material is not brought onto site". What are these efforts and controls?

GRAYSON AUSTRALIA

Tecnica Pty Ltd ABN 72 006 828 879
Postal Address: PO Box 134, Bayswater Vic 3153 Australia
Unit 4, 7-9 Newcastle Road, Bayswater Vic 3153 Australia
Tel: 03 8727 6900 Fax: 03 8727 6999
Email: info@graysonaustralia.com

The table clarifying the type of materials to be collected and activities on the site does not clearly state which materials it would handle, rather outlines what it will not be handling, even though the report indicates many of the excluded items will be present.

The safety and health of our staff is our concern and we would question the proposed methods of unloading and sorting bins and skips containing unconfirmed materials, some of which may be hazardous, e.g. asbestos. With no posted safety procedures or measures in place to ensure workplace safety, containment and accredited removal, we seek assurance of a safe environment for all concerned parties in the area.

We would raise the question of workplace safety compliance and would ask whether a full Work cover audit has been conducted on this proposed site, taking into consideration all the known facts regarding dangerous and hazardous materials. Likewise, has the EPA been approached regarding the successful control of unwanted odours?

During our meeting, I was surprised the Council's Health Department had no input considering the close proximity of a waste transfer station to a registered food facility.

The information submitted by Council at the Planning Mediation meeting as an overview of the proposal makes no reference to health and safety issues. Under the statutory requirements everything from car parking to resource recovery was covered, however, no requirements about possible bacterial contamination was made.

The policies that are viewed as relevant provisions of the Latrobe Planning Scheme are listed on the information which was handed out, and once again no mention of this proposed site meeting required health standards which would ensure no potential contamination of the food facility.

When you take into consideration the fact that over 5.4 million people suffer from food poisoning in Australia every year, maybe we need to be more vigilant in this area.

Under the Planning and Siting Assessment checklist submitted to Council by L V Resource and Recovery P/L, Ref 2.4 "Have local climatic conditions been considered (e.g. wind direction and strength) ", this has been marked "not applicable". As *Listeria* is an airborne bacteria which would be present on the type of waste proposed to be processed, this would constitute a serious health risk to our food facility. We would request an understanding as to how the applicant proposes to monitor and manage this situation and believe the "not applicable" statement as unacceptable.

Contamination via vermin must also be given due consideration, as this would introduce deadly bacteria strains such as E.coli, Salmonella and Campylobacter, all present on putrescible waste, food and animal carcasses. What course of action would Council implement to ensure that the applicant maintains a level of control that does not allow the introduction of this type of bacterial infestation?

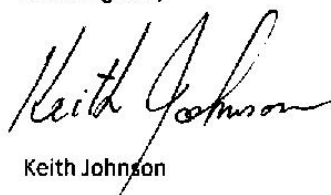
GRAYSON AUSTRALIA

Tecnica Pty Ltd ABN 72 006 828 879
Postal Address: PO Box 134, Bayswater Vic 3153 Australia
Unit 4, 7-9 Newcastle Road, Bayswater Vic 3153 Australia
Tel: 03 8727 6900 Fax: 03 8727 6999
Email: info@graysonaustralia.com

Grayson Australia would request the Latrobe City Council conduct via the Health Department a complete audit on the suitability of this proposed transfer station, considering the close proximity to an existing food facility and the impact it may have on our business. We would request a written report addressing our concerns as well as Council's recommendation and appraisal of the risk factor to the health of the general public and maintaining acceptable food safety levels, to be forwarded to our company office at the address shown on this correspondence.

We look forward to hearing from you in the near future and receiving the requested information.

Kind Regards,



Keith Johnson

Managing Director

GRAYSON AUSTRALIA

Tecnica Pty Ltd ABN 72 006 828 879

Postal Address: PO Box 134, Bayswater Vic 3153 Australia

Unit 4, 7-9 Newcastle Road, Bayswater Vic 3153 Australia

Tel: 03 8727 6900 Fax: 03 8727 6999

Email: info@graysonaustralia.com

ANC Forestry Group Pty Ltd

10 Jones Road
MOWELL VIC 3840
PO BOX 3404 GMC VIC 3841
Phone: 03 5134 4537 Fax: 03 5133 0647
Email: admin@ancforestry.com.au

ABN: 39 122 692 255

24 June, 2013

Jody Riordan
Senior Statutory Planner
Latrobe City Council

[mailto: Jody.Riordan@latrobe.vic.gov.au](mailto:Jody.Riordan@latrobe.vic.gov.au)

Application Number: 2013/89
Proposal: Transfer Station at 32 Swan Road, Morwell
Description: L 3 LP 137541

Dear Jody

I was pleased to receive and examine your proposal of: A Transfer Station at 32 Swan Road, Morwell.

As the managing director of ANC Forestry Group, we have serious concerns regarding certain aspects of the Environmental Management plan and regret that we are unable to accept your proposal of the land transfer station plan going ahead in Swan Road Morwell.

I have had numerous meetings with my employees in the work shop and office. My main issues are this property backs on to us. I have concerns regarding the Health and Safety of my employees.

- During strong winds that the valley is very prone to, the smell that was blowing our way from 32A Swan road previously when the transfer station was working was disgusting. We have concerns regarding the odour that the transfer station is going to produce even with the Industrial deodorising system in place.
- The rubbish that is not being contained in 32A Swan road was landing in our yard. As we have welders on site this could potentially be a disaster.
- We are cautious about Vermin and take precautions to prevent further infestations. Any rubbish brought onsite has the potential to bring more in with it plus the amount it will just naturally attract.
- We employ 50 people and at any time 10 of them can be working in our workshop and offices.

Signed:


Daryl Hutton
Managing Director

Date: 24-06-13

Jody Riordan

From: Marchesani, Nick <Nick.Marchesani@bluescopesteel.com>
Sent: Wednesday, 21 August 2013 2:17 PM
To: Jody Riordan
Cc: Jodie Pitkin
Subject: 32A Swan Road, MORWELL

Application # 2013/89

To whom it may Concern.

On behalf of BlueScope Distribution (Lot 4 Jones Road, Morwell) we are totally against the relocation of a waste transfer station to be located at:
32A Swan Road, Morwell

As we are in the steel distribution industry and have large sheds with easy access for rodents and insects to enter. This issue would definitely increase if the permit to move the "tip" was accepted because of the close proximity to our yard.

Please take this email as an official complaint to the proposed move.

Thanks

Nick

Nick Marchesani | Branch Manager

BlueScope Distribution Pty Ltd

Lot 4 Jones Road, Morwell. Vic 3840

Phone +61 3 5134 6266 | Fax +61 3 5133 7253 | 0408 105 828

E-mail: Nick.Marchesani@bluescopesteel.com

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From: [Bill Coulthard](#)
To: [Jody Riordan](#)
Subject: RE: 32a Swan Road, use of the land for a transfer station.
Date: Wednesday, 21 August 2013 4:53:18 PM

Jordy

I wish to object to the proposed Transfer station due to the nature of the surrounding business and the problem with vermin and loose waste being blown around due to the strong prevailing winds in the Swan /Jones rd areas most of the year I believe such a business should be carried out in a low density semi rural area such as the transfer station at Loy Yang .

Regards.

From: Jody Riordan [mailto:Jody.Riordan@latrobe.vic.gov.au]
Sent: Wednesday, 21 August 2013 2:59 PM
To: Bill Coulthard
Subject: 32a Swan Road, use of the land for a transfer station.

Hi Bill

Please see my contact details below. If you wish to lodge a submission you can do so via email.

Thanks

Jody Riordan

Senior Statutory Planner
Latrobe City Council

[mailto: Jody.Riordan@latrobe.vic.gov.au](mailto:Jody.Riordan@latrobe.vic.gov.au)

Direct: 03 5128 5556

Fax: (03) 5128 5672

Phone: 1300 367 700

PO Box 264, Morwell 3840

141 Commercial Rd, Morwell 3840



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From: [Gary Garth](mailto:Gary.Garth@valleywindows.com.au)
To: [Jody Riordan](mailto:Jody.Riordan@latrobe.vic.gov.au)
Subject: RE: Planning permit app. no. (2013/89), Use of the land for a Transfer Station 32a Swan Road, Morwell
Date: Monday, 26 August 2013 3:46:23 PM

Hi Jody,

I would be pleased if you would pass on our concerns to the proposed new transfer station being located at 32 A Swan Road Morwell.

Valley Windows has been located at 26 swan road Morwell for the past 13 years.

We are particularly concerned with the potential odours / smell and dust that may be discharged in to our working environment.

We currently employ approximately 25 staff at 26 Swan Road and are very concerned that if the planning permit is approved, the transfer station may create unwanted health and safety issues for the management and staff of Valley windows.

This may also have the potential to impact negatively on our ability to retain and attract the quality of staff that is crucial to our company's viability.

Should the planning project be approved we believe it is imperative that the site is managed strictly in accordance with all regulations and is not detrimental in any way to Valley Windows.

Gary Garth and Peter Garth
Valley Windows

From: Jody Riordan [<mailto:Jody.Riordan@latrobe.vic.gov.au>]
Sent: Monday, 19 August 2013 10:00 AM
To: Gary Garth
Subject: Planning permit app. no. (2013/89), Use of the land for a Transfer Station 32a Swan Road, Morwell

Hi Gary

As a decision has not been made on this planning permit yet, if you want to put your concerns in writing you are more than entitled to do so.

Thanks

Jody Riordan
Senior Statutory Planner
Latrobe City Council

[mailto: Jody.Riordan@latrobe.vic.gov.au](mailto:Jody.Riordan@latrobe.vic.gov.au)
Direct: 03 5128 5556
Fax: (03) 5128 5672
Phone: 1300 367 700
PO Box 264, Morwell 3840
141 Commercial Rd, Morwell 3840



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

From: Joanne Glendenning
Sent: Monday, 19 August 2013 9:45 AM
To: Jody Riordan
Subject: Re: Phone call from Mr Gary Garth who is the Managing Director of Valley Windows who operate from 26 Swan Rd, Morwell. Please ring him back on 5128 5872. He's wishing to object to planning permit app. no. (2013/89).

Hi Jody,

This man said that Valley Windows employ's around 30 people and he believes that this planning permit application will adversely affect his business. I urged him to put his concerns in in writing but he asked me if I would make his feelings known to yourself and Paul Buckley our CEO by way of cc'ing PB in on an email.

Please ring him back when you have a chance. I haven't passed anything on to PB at this stage.

Thanks Jo.

Joanne Glendenning
Planning Officer Customer Service
Latrobe City Council

mailto: Joanne.Glendenning@latrobe.vic.gov.au
Direct: 03 5128 5476
Fax: (03) 5128 5672
Phone: 1300 367 700
PO Box 264, Morwell 3840
141 Commercial Rd, Morwell 3840



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From: [Bill Coulthard](#)
To: [Jody Riordan](#)
Subject: RE: 32a Swan Road, use of the land for a transfer station.
Date: Wednesday, 21 August 2013 4:53:18 PM

Jordy

I wish to object to the proposed Transfer station due to the nature of the surrounding business and the problem with vermin and loose waste being blown around due to the strong prevailing winds in the Swan /Jones rd areas most of the year I believe such a business should be carried out in a low density semi rural area such as the transfer station at Loy Yang .

Regards.

From: Jody Riordan [mailto:Jody.Riordan@latrobe.vic.gov.au]
Sent: Wednesday, 21 August 2013 2:59 PM
To: Bill Coulthard
Subject: 32a Swan Road, use of the land for a transfer station.

Hi Bill

Please see my contact details below. If you wish to lodge a submission you can do so via email.

Thanks

Jody Riordan

Senior Statutory Planner
Latrobe City Council

[mailto: Jody.Riordan@latrobe.vic.gov.au](mailto:Jody.Riordan@latrobe.vic.gov.au)

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Thanks

Jody Riordan

Senior Statutory Planner
Latrobe City Council

[mailto: Jody.Riordan@latrobe.vic.gov.au](mailto:Jody.Riordan@latrobe.vic.gov.au)

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**16.6 PLANNING APPLICATION NO. 2013/9 VARIATION OF
RESTRICTIVE COVENANT, DEVELOPMENT OF TWO
DWELLINGS AND TWO LOT SUBDIVISION AT 15 BOWRAL
WAY, TRARALGON**

General Manager

**Governance
Community Liveability**

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2013/9 for the variation of a restrictive covenant, development of two dwellings and two lot subdivision at 15 Bowral Way, Traralgon.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 5: Planning for the future

- *To provide a well planned, connected and liveable community.*
- *To reduce the time taken to process land use and development planning applications.*

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

ORDINARY COUNCIL MEETING MINUTES 16 SEPTEMBER 2013 (CM420)

Latrobe Planning Scheme (the Scheme), which are relevant to this application.

SUMMARY

Land:	15 Bowral Way, Traralgon, known as Lot 13 on Plan of Subdivision 635554N
Proponent:	Michael Nicola
Zoning:	Residential 1
Overlay	Nil

A planning permit is required for the construction of two or more dwellings on a lot in accordance with Clause 32.01-4 Residential 1 Zone.

A planning permit is required to subdivide land pursuant to Clause 32.01-2 Residential 1 Zone.

A planning permit is required to vary a restriction in accordance with Clause 52.02 Easements, Restrictions and Reserves.

This application was previously considered at the Ordinary Council Meeting held on 19 August 2013 and Council resolved:

- That Council defer the item until the next ordinary Council meeting and ask officers to prepare draft conditions that might apply should a planning permit be issued.*

Draft conditions were prepared and presented to Council at the Ordinary Council meeting held on 02 September 2013 and Council resolved:

- That Council defers consideration of this matter until the next Ordinary Council meeting.*

PROPOSAL

It is proposed to construct two dwellings and undertake a two lot subdivision on the site. The dwellings would be two storey, would be attached, and have frontage to Bowral Way.

Each dwelling would comprise living areas on the ground floor, and three bedrooms and two bathrooms on the first floor. Both dwellings would be provided with single car garages which would be attached to the southern side of each dwelling with vehicle access to the site provided by two single crossovers from Bowral Way. Private open space would be located at the rear of each dwelling with access from the family room.

The dwellings would be contemporary in design with varied setbacks on both floors, a mix of materials and finishes, and use of parapets and pitched roofs. The dwellings would be constructed and finished with face brickwork, horizontal cement composite cladding, render and stacked stone.

It is proposed to subdivide the site into two lots. Lot 1 would be 244.67 square metres and would contain Dwelling 15A on the southern side of the

ORDINARY COUNCIL MEETING MINUTES 16 SEPTEMBER 2013 (CM420)

site, and Lot 2 would be 257.04 square metres and would contain Dwelling 15B on the northern side of the site.

It is also proposed to vary the restrictive covenant AK033782W which is registered on the title for the site. The covenant currently allows the development of a single detached dwelling on each lot, the intent of the covenant is to assist in the establishment and maintenance of the neighbourhood character. The applicant proposes to vary the restriction by removing the word 'detached'. This would allow the proposed dwellings to be constructed on the site as they are proposed to be attached.

A copy of the plans and covenant AK033782W can be found at Attachment 1.

Subject Land:

The subject site is regular in shape and is located on the western corner of Bowral Way and Kenilworth Drive in Traralgon. It forms part of the Sherwood Park Estate. It has a frontage to Bowral Way of 19.25 metres, a depth of 22.75 metres and an overall area of 502 square metres. There are no easements encumbering the site. The site is vacant and is relatively flat.

Land within the immediate vicinity of the site comprises largely vacant residential allotments with some lots being developed with detached single and two storey dwellings.

Surrounding Land Use:

North-east:	37 Kenilworth Drive – residential lot being developed with a two storey dwelling. Lot approximately 790 square metres.
North-west:	40 Kenilworth Drive – vacant residential land of approximately 500 square metres.
South-east:	26-46 Bradman Boulevard – Council reserve
South-west:	13 Bowral Way – residential lot developed with a single storey dwelling. Lot approximately 800 square metres.

A locality plan can be found at Attachment 2.

HISTORY OF APPLICATION

The history of the assessment of planning permit application 2013/9 can be found in Attachment 3.

The provisions of the Scheme relevant to this application are in Attachment 4.

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This matter was considered by Council at the Ordinary council Meeting held on 19 August 2013 where Council resolved:

1. That Council defer the item until the next ordinary Council meeting and ask officers to prepare draft conditions that might apply should a planning permit be issued.

In accordance with the resolution of Council a set of draft conditions that may apply should a planning permit be issued have been prepared by Council officers.

LATROBE PLANNING SCHEME

State Planning Policy Framework (SPPF)

The proposal has been considered against the relevant clauses under the SPPF.

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

Clause 16.01-1 'Integrated Housing' encourages an increase in the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Clause 16.01-2 Location of Residential Development states that new housing should be located in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

The objective of Clause 16.01-4 'Housing Diversity' is to provide for a range of housing types to meet increasingly diverse needs. Strategies to achieve this objective include ensuring planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres; and encouraging the development of well-designed medium-density housing which respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency.

The proposal is considered to be consistent in part with the policy outlined above. The application proposes medium density development in an area suitable for residential development, and the proposal is considered to be an appropriate response to the subject site and the emerging character of the area. However the proposed variation of the covenant may impact on the character of the neighbourhood in the future. As such the variation cannot be approved by Council in accordance with Clause 60(2) of the Act. This matter will be discussed further in the 'Issues' section of this report.

Local Planning Policy Framework (LPPF)

The proposal has been considered against the relevant clauses under the LPPF.

Within the LPPF Clause 21.04-2 'Settlement Overview' has objectives to contain urban development within distinct boundaries and to encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing housing needs of the community.

The site is identified in an "existing residential opportunity" area (Area 12) on the Traralgon Structure Plan in the Latrobe Planning Scheme. Clause 21.05 Main Towns encourages the consolidation of urban settlements within urban zoned boundaries in accordance with the adopted structure plan. Specific Main Town Strategies – Traralgon states that residential development in Area 12 is encouraged.

It is considered that the proposal satisfies this policy direction as the proposal is for residential development within an existing residential opportunity area.

Zoning – Residential 1

The site is located within a Residential 1 Zone and is not subject to any overlays. The purpose and decision guidelines of the Residential 1 Zone have been taken into account as part of the assessment of this application and it is considered that the application complies in part with the zoning provisions but does not respect the emerging neighbourhood character of the area.

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

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves:

The proposal has been assessed against the decision guidelines of Clause 52.02. It is considered that the variation of the restrictive covenant has the potential to detrimentally impact on neighbourhood character and is not appropriate in this instance. This will be discussed further in the 'Issues' section of this report.

Clause 52.06 Car Parking:

The proposal has been assessed against Clause 52.06. Two car parking spaces are required to be provided for a dwelling comprising three or more bedrooms. One garaged space and one tandem space would be provided for each dwelling in accordance with this clause.

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However the width of the garages does not satisfy this clause and a condition of any approval issued will require the garages to have a minimum width of 3.5 metres.

Clause 55 Two or More Dwellings on a Lot:

The application has been assessed against Clause 55 and is considered to be generally compliant with the applicable standards with some design modifications required. This will be discussed later in this report.

Clause 56 Residential Subdivision:

The application has been assessed against Clause 56 and found to comply with the applicable standards.

Decision Guidelines (Clause 65):

The application has been assessed against the relevant decision guidelines of Clause 65.

Incorporated Documents (Clause 81):

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

ISSUES

Neighbourhood Character

There are two parts to the proposal before Council.

The first relates to the proposed two dwellings and whether they are appropriate having regard to the relevant clauses of the planning scheme (e.g. neighbourhood character, on and off site amenity).

The second relates to the proposed variation of the covenant and whether it meets certain 'tests' or criteria under the Planning and Environment Act. The covenant restricts certain types of development, including the one under this proposal. Therefore, if the covenant variation is unable to be justified, the multi dwelling development proposed as part of this application also fails.

Neighbourhood character is a consideration under both aspects, however, there are different criteria that must be considered and met for each part of the proposal.

The criteria set out for the assessment of the covenant variation in relation to neighbourhood character are much more stringent than those for the multi dwelling development.

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Because the proposed multi unit development hinges on the covenant variation and because it is considered that the covenant variation is inappropriate, it is on this basis that officers are of the opinion that the application fails in totality.

Variation of Covenant

Restrictive covenant AK033782W on the title to the subject site states that the proprietor of the lot "...shall not at any time:

(b) allow or cause to be constructed on the Land:

(i) more than a single **detached** dwelling but, if the lot is subdivided into two allotments, more than a single **detached** dwelling on each allotment then created..."

The restriction was placed on all 38 lots on Plan of Subdivision 635554N by the original subdivider/developer.

See Attachment 5 for a copy of Plan of Subdivision 635554N.

In order for the proposed development of two attached dwellings to be approved, a planning permit to vary this restriction must be obtained. The applicant is seeking to have the word "detached" deleted from the covenant.

Council must consider Clause 52.02 Easements Restrictions and Reserves of the Planning Scheme and Clause 60(2) of the Planning and Environment Act 1987 in its assessment of the application.

Clause 52.02

Clause 52.02 requires a planning permit to be obtained for the variation of a restriction. The decision guidelines for this clause state that before deciding on an application, Council must consider the interests of affected people.

All beneficiaries of the covenant and adjoining owners and occupiers have been notified of the application as per the requirements of section 52(1)(c) of the Act and no objections have been received. It is noted that the beneficiaries of the covenant are the 37 other lots which are contained in Plan of Subdivision 635554N.

Clause 60(2)

Clause 60(2) of the Act states:

"The responsible authority must not grant a permit which allows the removal or variation of a restriction (within the meaning of the Subdivision Act 1988) unless it is satisfied that the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its

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making, has consented in writing to the grant of the permit) will be unlikely to suffer-

- (a) financial loss; or*
- (b) loss of amenity; or*
- (c) loss arising from change to the character of the neighbourhood; or*
- (d) any other material detriment-*

as a consequence of the removal or variation of the restriction.”

The proposed covenant variation would allow the proposed attached dwellings to be constructed on the site as well as any other potential form of attached dwelling that may be proposed for the site in the future.

Legal advice received by Council advised as follows:

“1. The key matters that Council must be satisfied of before it can grant a planning permit to vary the Restrictive Covenant registered on the title of the Land are:

- the matters set out in clause 52.02 of the Latrobe Planning Scheme, including the interests of affected persons; and*
- the matters listed in section 60(2) of the Planning and Environment Act 1987 (the Act).*

2 In addition to the above, Council should only consider granting a planning permit allowing the variation of the Restrictive Covenant if notice of the permit application has been given in accordance with the requirements of section 52 of the Act (i.e. to all beneficiaries of the Restrictive Covenant and any other persons whose interests may be affected by the grant of the permit, with both direct notice and public notice being required).

3. In this instance, there have been no objections to the grant of a planning permit, including from beneficiaries. Beneficiaries to the Restrictive Covenant appear to be all the owners of other lots within PS63554N (i.e. lots 1-12 and 14-38).

4. Whilst the lack of objection is relevant to Council’s assessment of the impact of the variation on persons whose interests may be affected by the grant of the permit, Council must still itself be satisfied that beneficiaries of the Restrictive Covenant are unlikely to suffer any of the detriments listed in section 60(2), namely:

- (a) financial loss; or*

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- (b) *loss of amenity; or*
- (c) *loss arising from change to the character of the neighbourhood;
or*
- (d) *any other material detriment.*

5. *Whilst the test set out in section 60(2) of the P& E Act is less onerous than the test for older covenants set out section 60(5) (which extends to perceived detriment) the “bar” remains high and it is not the usual planning tests of “unreasonable amenity impacts” which is relevant. Rather, a higher test of whether the relevant detriments are “unlikely” to be suffered to any degree must be applied.*

6. *The proposed variation of the Restrictive Covenant is unusual, as it does not seek to alter the two lot subdivision or single dwelling restrictions within the Restrictive Covenant. Rather, the proposed variation only seeks to remove the requirement that the single dwellings constructed on a 2 lot subdivision of the Land be “detached”.*

7. *As I understand it, the practical effect of this variation would be that the two dwellings allowed by the Restrictive Covenant would be attached and present as a single built form, rather than two separate built forms. As the variation simply proposes the removal of the word “attached” from the Restrictive Covenant, Council must consider all potential forms of attached dwellings, not just the dwellings proposed by the applicant.*

8. *There may be the potential for attached rather than detached dwellings to give rise to detriment to the beneficiaries of the Restrictive Covenant.*

9. *However, the test in section 60(2) is not whether the variation of the Restrictive Covenant “may” cause detriment, but whether such detriment would be “unlikely”. Therefore, Council needs to consider whether the possible detriments are “unlikely” to be suffered by beneficiaries to any degree (but not extending to perceived detriment).*

10. *Given that all potential forms of attached dwellings must be considered, it may be that some form of attached dwellings would give rise to the relevant detriments and as such it may be that Council is unable to conclude that detriment of the kind referred to in section 60(2) of the P&E Act is “unlikely” to occur in this instance.*

From the above advice, Council cannot unequivocally conclude that detriment as listed in section 60(2) of the Act is unlikely to occur as Council does not know if other forms of attached housing that may be built on the site in the future may cause detriment. As such, the application to vary the covenant must be refused as it fails the tests of section 60(2) of the Act.

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Multi Dwelling Development and Subdivision

Clause 55 and 56 assessments of the application have been undertaken and the proposal has been found to generally comply with the requirements of ResCode. The design of the dwellings is contemporary in nature and utilises varying roof pitches, external finishes comprising a combination of materials, balconies overlooking public open space across Bowral Way, and generous internal amenities. Private open space would be provided in accordance with the relevant clause. In order for the application to fully comply with the Scheme requirements, Dwelling 15B would be required to be set back a minimum of 2 metres from the Kenilworth Drive boundary of the site in accordance with Clause 55.03-1.

Whilst the development satisfies ResCode, it cannot be approved as the proposed dwellings would be attached. This is contrary to the restriction on the covenant on title which Council cannot vary as discussed. The application must therefore be refused.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised pursuant to Sections 52(1)(a), 1(cb) and (1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and to the owners and occupiers of land benefitted by the registered restrictive covenant. An A3 notice was displayed on the site frontage for 14 days. No objections to the application were received.

External:

There were no external referrals.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning Team who gave consent (to the extent of their areas of expertise) to the granting of a planning permit subject to appropriate conditions and notes.

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Council has the following options in regard to this application:

- 1 Issue a Planning Permit.
- 2 Issue a Notice of Refusal to Grant the variation to the restrictive covenant and Planning Permit.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme and the *Planning and Environment Act 1987*.

CONCLUSION

The proposed dwellings are considered to be consistent with the strategic direction of the State and Local Planning Policy Frameworks, and comply with the Residential 1 Zone purpose and decision guidelines, and Clauses 55 and 56. However as the proposal to vary the covenant to allow attached dwellings on the site does not satisfy the tests of section 60(2) of the Planning and Environment Act 1987, the application must be refused.

Attachments

1. ATTACHMENT 1 - DEVELOPMENT PLANS AND RESTRICTION
2. ATTACHMENT 2 - LOCALITY PLAN
3. ATTACHMENT 3 - HISTORY OF THE APPLICATION
4. ATTACHMENT 4 - LATROBE PLANNING SCHEME PROVISIONS
5. ATTACHMENT 5 - PLAN OF SUBDIVISION

RECOMMENDATION

- A. That Council decides to issue a Notice of Refusal to Grant a Planning Permit for the variation of a restrictive covenant, development of two dwellings and two lot subdivision at 15 Bowral Way, Traralgon known as Lot 13 on Plan of Subdivision 635554N, on the following grounds:
- a) Council is not satisfied that the owner of any land benefitted by the restriction will be unlikely to suffer financial loss, loss of amenity, loss arising from change to the character of the neighbourhood or any other material detriment as a consequence of the variation of the restriction.

ALTERNATE MOTION

That Council decides to issue a Planning Permit for the variation of a restrictive covenant, development of two dwellings and two lot subdivision at 15 Bowral Way, Traralgon known as Lot 13 on Plan of Subdivision 635554N, with the following conditions:

COVENANT CONDITION:

- a) Prior to the commencement of any buildings or works and prior to the Certification of the subdivision:

The covenant contained in Instrument AK033782W in the Register of Titles for the subject lot must be varied so as to read as follows:

“That they shall not at any time:

- (a) subdivide the Land into more than two allotments;
and

- (b) allow or cause to be constructed on the Land:

i. more than a single detached dwelling but, if the lot is subdivided into two allotments, more than a single dwelling on each allotment then created consistent with the endorsed plans of planning permit 2013/9; and

ii. any dwelling or other improvements using second hand materials”.

- b) The variation of the covenant must be registered at Land Victoria; and

c) A full copy of title and covenant instrument are supplied to Council demonstrating conditions 1a and 1b have been completed detailing compliance with the above condition.

all to the satisfaction of the Responsible Authority.

AMENDED PLANS:

1. Prior to the commencement of works, revised plans must be submitted to and approved by the Responsible Authority. The plans must be consistent with those provided but modified to show:
 - a) Proposed dwelling 15B is set back no less than 2 metres from the Kenilworth Drive boundary; and
 - b) The width of the garages for the dwellings must be extended to provide a minimum width of 3.50 metres.
2. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.
3. The layout of the development and subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

SECTION 173 CONDITION:

4. Prior to the issue of Statement of Compliance, the operator of this permit must:
 - a. Commence the development of the dwellings allowed by permit 2013/9 to the satisfaction of the Responsible Authority; or

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b. Enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 (the Act) that requires any future development of the land be in accordance with the plans endorsed as part of Planning Permit 2013/9; and

c. Make an application to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act; and

d. Pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement; and

e. Provide Council with a copy of the dealing number issued by the Titles Office.

Once titles are issued, Council requires that the operator of the permit provide either:

i. a current title search; or

ii. a photocopy of the duplicate certificate of Title

as evidence of registration of the Section 173 Agreement on the titles.

SUBDIVISION CONDITIONS:

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
7. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with section 8 of that Act.

MANDATORY CONDITION:

8. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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

- c) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- d) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set

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by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

ENGINEERING CONDITIONS:

9. Prior to the commencement of any works hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:
 - a) The vehicle crossing to access the dwelling on lot A shown on the plans, must at the property line, be located a minimum of one metre from the side boundary of the property. Note that vehicle crossings must also be located at least one (1) metre from all Latrobe City Council stormwater drainage side entry pits.
 - b) The total capacity of the proposed rain water tank to be provided for each dwelling must be altered to provide for a minimum 5,000 litres which has a minimum of 2,500 litres of tank storage above an unrestricted 52 mm diameter outlet in accordance with the section 173 agreement registered on the titles of the lots on which the dwellings are to be located and also provides for any additional on-site detention storage as determined in the preparation of a site drainage plan for the development.
10. Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), a site drainage plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:
 - a) How the land including all buildings, open space and paved areas will be drained for a 1 in 5 year ARI storm event.
 - b) An underground pipe drainage system conveying stormwater discharge from the legal point of discharge of each lot separately to Latrobe City Council's stormwater drainage system.
 - c) The provision of stormwater detention within the site and prior to the point of discharge into Latrobe City Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using a co-efficient of run-off of 0.6. Note that this requirement for on-site detention of stormwater is in addition to the requirements of a section 173 agreement lodged on the title for this land that requires that stormwater drainage provisions for every dwelling include a tank with "a minimum total capacity of 5,000 litres which has a minimum of 2,500 litres of tank storage above an unrestricted 52 mm diameter outlet".
11. The plan of subdivision submitted for certification under the Subdivision Act 1988 must show appropriate easements set aside for drainage purposes to the

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satisfaction of the Responsible Authority.

12. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.
13. Before an Occupancy Permit is issued for the dwellings hereby permitted or prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988 (whichever is earlier), the operator of this permit must complete the following works to the satisfaction of the Responsible Authority:
 - a) The construction of all new property stormwater drainage connections in accordance with the approved site drainage plan, so that each lot is separately drained from its legal point of discharge to Latrobe City Council's stormwater drainage system.
 - b) The construction of on-site stormwater detention works in accordance with the approved site drainage plan.
14. Before an Occupancy Permit is issued for the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
 - a) All stormwater discharging from the proposed dwellings and associated buildings and works must be conveyed to the property stormwater drainage connections in accordance with the approved site drainage plan.
 - b) The proposed vehicle crossings to provide access to the new dwellings must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307.

LANDSCAPING CONDITIONS:

15. Prior to the occupancy of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

GENERAL CONDITIONS:

17. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
18. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.

EXPIRY OF PERMIT:

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

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

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

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

Note 1: Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.

Note 2: This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Note 3: Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

Note 4: The location of the Legal Point of Discharge for any property and the connection point into Latrobe City Council's stormwater drainage system can be obtained by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au/Our_Services/Other_Services/Infrastructure/Work_Permits_and_Property_Information.

Note 5: A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.

Note 6: A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of all new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Latrobe City Council's Asset Protection Officer before any backfilling of the connection is undertaken.

Note 7: Vehicle crossings must be provided with minimum clearances to other infrastructure in accordance with Latrobe City Council's Vehicle Crossing Policy, including clearances to property boundaries, any adjacent side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.

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Moved: Cr Harriman
Seconded: Cr Rossiter

That the Motion be adopted.

For the Motion

Councillor/s Rossiter, Harriman

Against the Motion

Councillor/s Gibbons, Middlemiss, Gibson, Sindt, O'Callaghan, White

The Acting Mayor confirmed that the Motion had been LOST

ALTERNATE MOTION

That Council decides to issue a Planning Permit for the variation of a restrictive covenant, development of two dwellings and two lot subdivision at 15 Bowral Way, Traralgon known as Lot 13 on Plan of Subdivision 635554N, with the following conditions:

COVENANT CONDITION:

- a) **Prior to the commencement of any buildings or works and prior to the Certification of the subdivision:**

The covenant contained in Instrument AK033782W in the Register of Titles for the subject lot must be varied so as to read as follows:

“That they shall not at any time:

- (a) subdivide the Land into more than two allotments;**

and

- (b) allow or cause to be constructed on the Land:**

i. more than a single detached dwelling but, if the lot is subdivided into two allotments, more than a single dwelling on each allotment then created consistent with the endorsed plans of planning permit 2013/9; and

ii. any dwelling or other improvements using second hand materials”.

- b) The variation of the covenant must be registered at Land Victoria; and**

c) A full copy of title and covenant instrument are supplied to Council demonstrating conditions 1a and 1b have been completed detailing compliance with the above condition.

all to the satisfaction of the Responsible Authority.

AMENDED PLANS:

- 1. Prior to the commencement of works, revised plans must be**

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submitted to and approved by the Responsible Authority. The plans must be consistent with those provided but modified to show:

- a) Proposed dwelling 15B is set back no less than 2 metres from the Kenilworth Drive boundary; and
 - b) The width of the garages for the dwellings must be extended to provide a minimum width of 3.50 metres.
2. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.
 3. The layout of the development and subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

SECTION 173 CONDITION:

4. Prior to the issue of Statement of Compliance, the operator of this permit must:
 - a. Proposed dwelling 15B is setback no less than 1.75m from the Kenilworth Drive boundary;
 - or
 - b. Enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 (the Act) that requires any future development of the land be in accordance with the plans endorsed as part of Planning Permit 2013/9; and
 - c. Make an application to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act; and
 - d. Pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement; and
 - e. Provide Council with a copy of the dealing number issued by the Titles Office.

Once titles are issued, Council requires that the operator of the permit provide either:

- i. a current title search; or
- ii. a photocopy of the duplicate certificate of Title

as evidence of registration of the Section 173 Agreement on the titles.

SUBDIVISION CONDITIONS:

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
6. All existing and proposed easements and sites for existing or

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required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

7. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with section 8 of that Act.

MANDATORY CONDITION:

8. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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

- c) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- d) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

ENGINEERING CONDITIONS:

9. Prior to the commencement of any works hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:
 - a) The vehicle crossing to access the dwelling on lot A shown on the plans, must at the property line, be located a minimum of one metre from the side boundary of the property. Note that vehicle crossings must also be located at least one (1) metre from all Latrobe City Council stormwater drainage side entry pits.
 - b) The total capacity of the proposed rain water tank to be provided

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

for each dwelling must be altered to provide for a minimum 5,000 litres which has a minimum of 2,500 litres of tank storage above an unrestricted 52 mm diameter outlet in accordance with the section 173 agreement registered on the titles of the lots on which the dwellings are to be located and also provides for any additional on-site detention storage as determined in the preparation of a site drainage plan for the development.

10. Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), a site drainage plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:
 - a) How the land including all buildings, open space and paved areas will be drained for a 1 in 5 year ARI storm event.
 - b) An underground pipe drainage system conveying stormwater discharge from the legal point of discharge of each lot separately to Latrobe City Council's stormwater drainage system.
 - c) The provision of stormwater detention within the site and prior to the point of discharge into Latrobe City Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using a coefficient of run-off of 0.6. Note that this requirement for on-site detention of stormwater is in addition to the requirements of a section 173 agreement lodged on the title for this land that requires that stormwater drainage provisions for every dwelling include a tank with "a minimum total capacity of 5,000 litres which has a minimum of 2,500 litres of tank storage above an unrestricted 52 mm diameter outlet".
11. The plan of subdivision submitted for certification under the Subdivision Act 1988 must show appropriate easements set aside for drainage purposes to the satisfaction of the Responsible Authority.
12. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.
13. Before an Occupancy Permit is issued for the dwellings hereby permitted or prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988 (whichever is earlier), the operator of this permit must complete the following works to the satisfaction of the Responsible Authority:

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

a) The construction of all new property stormwater drainage connections in accordance with the approved site drainage plan, so that each lot is separately drained from its legal point of discharge to Latrobe City Council's stormwater drainage system.

b) The construction of on-site stormwater detention works in accordance with the approved site drainage plan.

14. Before an Occupancy Permit is issued for the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:

a) All stormwater discharging from the proposed dwellings and associated buildings and works must be conveyed to the property stormwater drainage connections in accordance with the approved site drainage plan.

b) The proposed vehicle crossings to provide access to the new dwellings must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307.

LANDSCAPING CONDITIONS:

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

16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

GENERAL CONDITIONS:

17. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.

18. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.

EXPIRY OF PERMIT:

19. This permit will expire if one of the following circumstances applies:

a) The development is not started within two years of the date of this permit; or

b) The development is not completed within four years of the date of this permit; or

c) The plan of subdivision is not certified within 2 years of the date of this permit; or

a) The registration of the subdivision is not completed within 5

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

years of certification.

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

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

Note 1: Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.

Note 2: This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Note 3: Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

Note 4: The location of the Legal Point of Discharge for any property and the connection point into Latrobe City Council's stormwater drainage system can be obtained by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au/Our_Services/Other_Services/Infrastructure/Work_Permits_and_Property_Information.

Note 5: A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.

Note 6: A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of all new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Latrobe City Council's Asset Protection Officer before any backfilling of the connection is undertaken.

Note 7: Vehicle crossings must be provided with minimum clearances to other infrastructure in accordance with Latrobe City Council's Vehicle Crossing Policy, including clearances to property boundaries, any adjacent side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

be at the applicant's expense.

Moved: Cr Harriman

Seconded: Cr Rossiter

That the Motion be adopted.

For the Motion

Councillor/s Gibbons, Rossiter, Harriman, Middlemiss, White, Gibson

Against the Motion

Councillor/s Sindt, O'Callaghan

The Acting Mayor confirmed that the Motion had been CARRIED

16.6

PLANNING APPLICATION NO. 2013/9 VARIATION OF RESTRICTIVE COVENANT, DEVELOPMENT OF TWO DWELLINGS AND TWO LOT SUBDIVISION AT 15 BOWRAL WAY, TRARALGON

- 1 ATTACHMENT 1 - DEVELOPMENT PLANS AND
RESTRICTIONError! Bookmark not defined.
- 2 ATTACHMENT 2 - LOCALITY PLANError! Bookmark not defined.
- 3 ATTACHMENT 3 - HISTORY OF THE APPLICATIONError! Bookmark not defined.
- 4 ATTACHMENT 4 - LATROBE PLANNING SCHEME
PROVISIONSError! Bookmark not defined.
- 5 ATTACHMENT 5 - PLAN OF SUBDIVISIONError! Bookmark not defined.



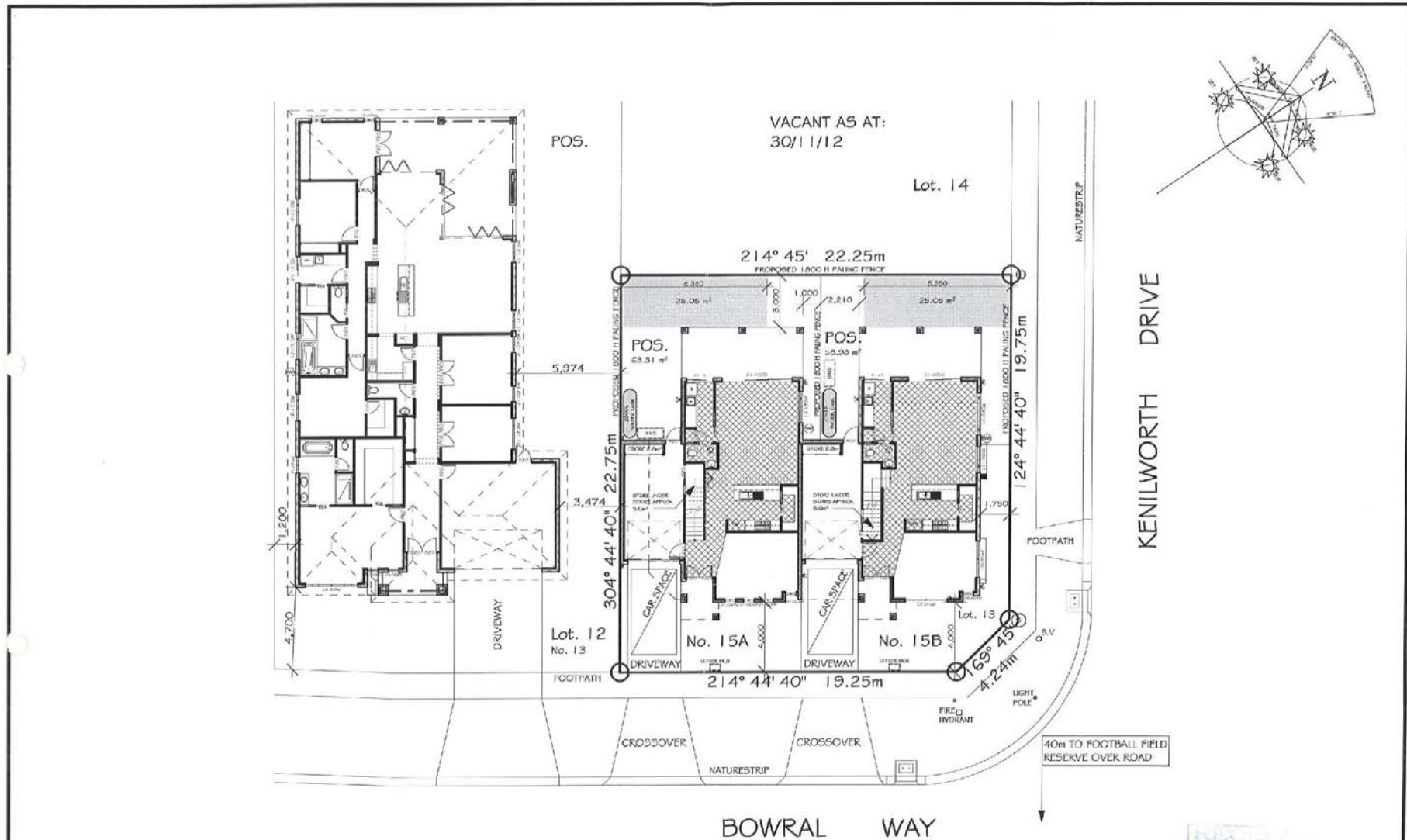
Virtue Homes Pty. Ltd.
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Traralgon VIC 3844
Mobile: 0422 315 383
Phone: (03) 5176 5231
Email: mick@virtuehomes.com.au
Web: www.virtuehomes.com.au

PROPOSED UNIT DEVELOPMENT FOR
MR MICHAEL NICOLA
15A & 15B BOWRAL WAY
TRARALGON

RECEIVED
27 FEB 2013
BY:

DATE: 06/04/12
JOB No: 12-0015
SHEET No: 1 OF 14
LOT: 13 PS635554N
B.A.L. : 'LOW'

REVISED SIDE SETBACK: 20/02/13



SITE PLAN

SCALE : 1 : 200 AT A3

PROJECT:
 PROPOSED UNIT DEVELOPMENT FOR
 MR MICHAEL NICOLA
 15A & 15B BOWRAL WAY TRARALGON

REVISED:
 SIDE SETBACK: 20/02/13
 DATE ISSUED: 06/04/12

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 SITE PLAN

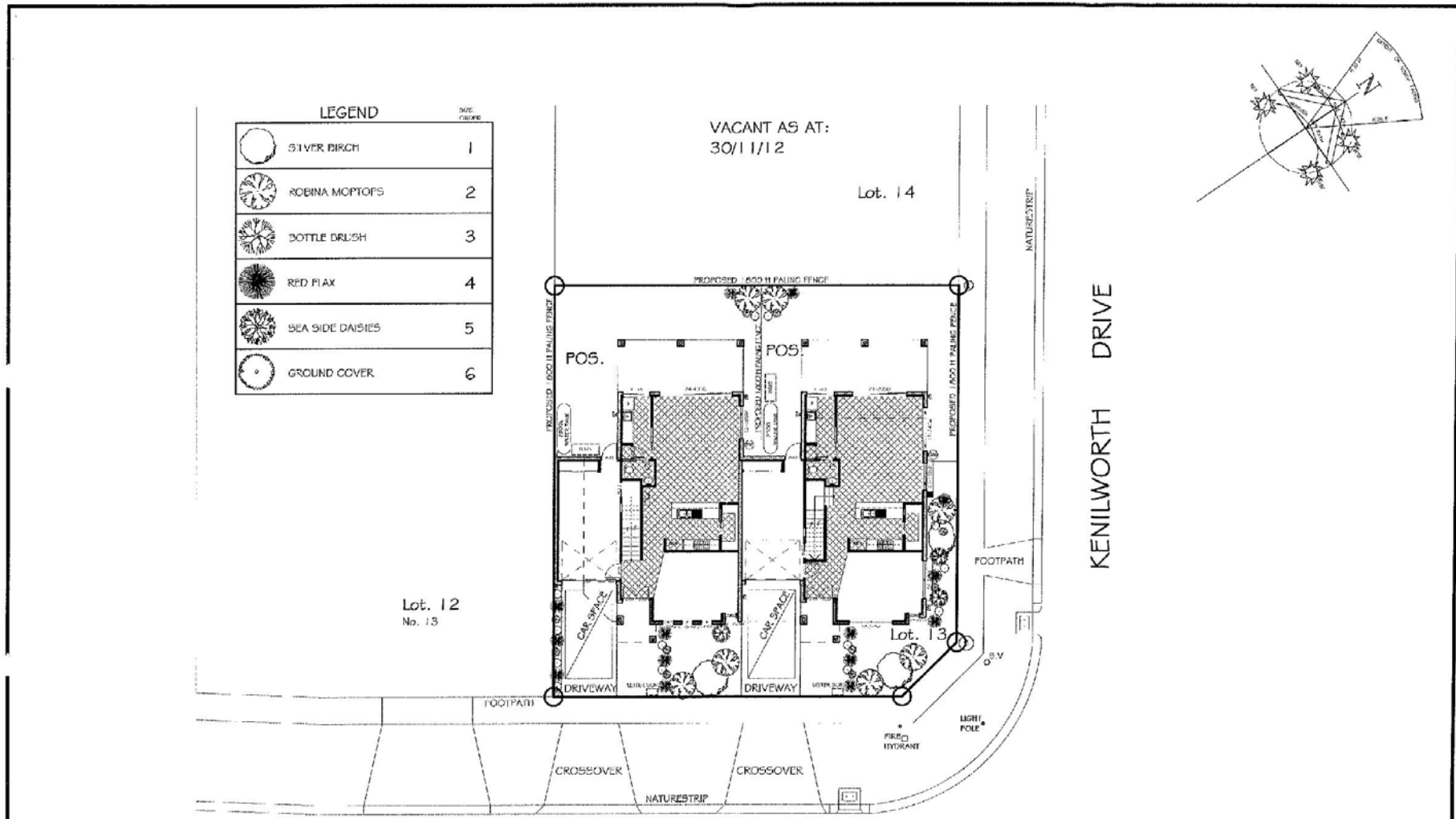
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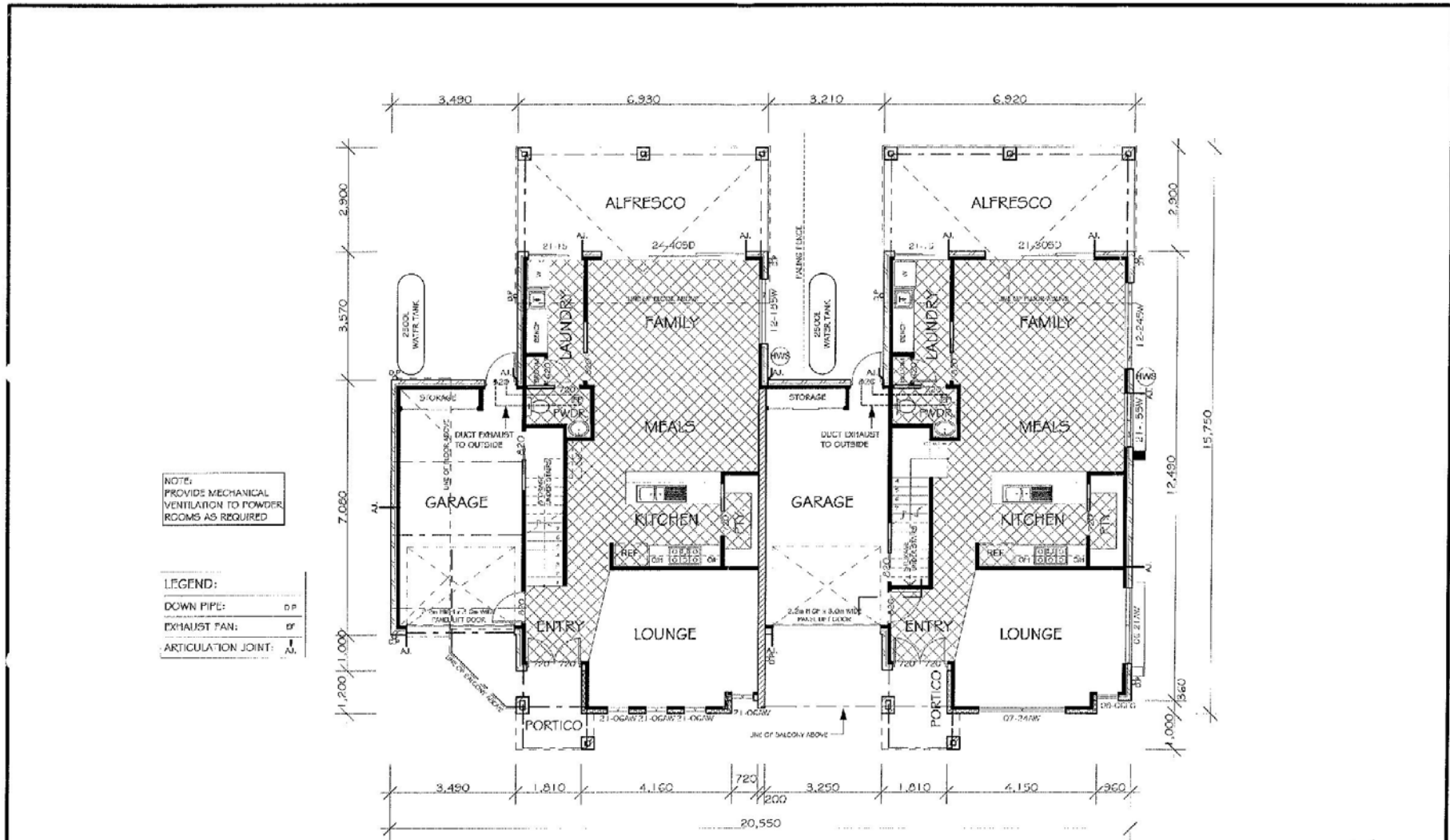
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LANDSCAPING PLAN

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NOTE:
PROVIDE MECHANICAL VENTILATION TO POWDER ROOMS AS REQUIRED

LEGEND:
DOWN PIPE: D.P.
EXHAUST FAN: EF
ARTICULATION JOINT: A, B, C, D, E, F, G

GROUND FLOOR PLAN
SCALE : 1 : 100 AT A3

PROJECT:
PROPOSED UNIT DEVELOPMENT FOR
MR MICHAEL NICOLA
15A & 15B BOWRAL WAY TRARALGON

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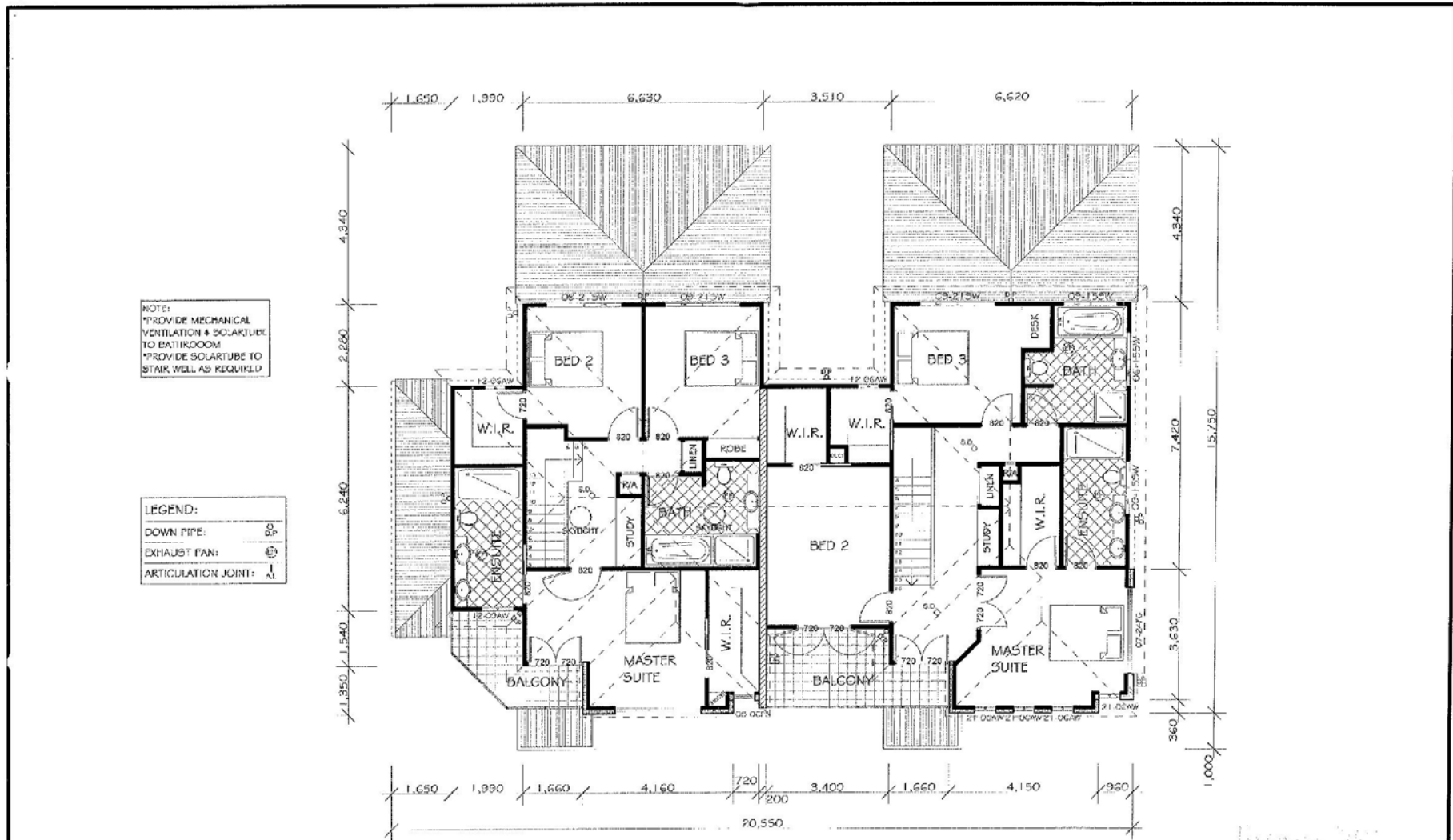
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FIRST FLOOR PLAN

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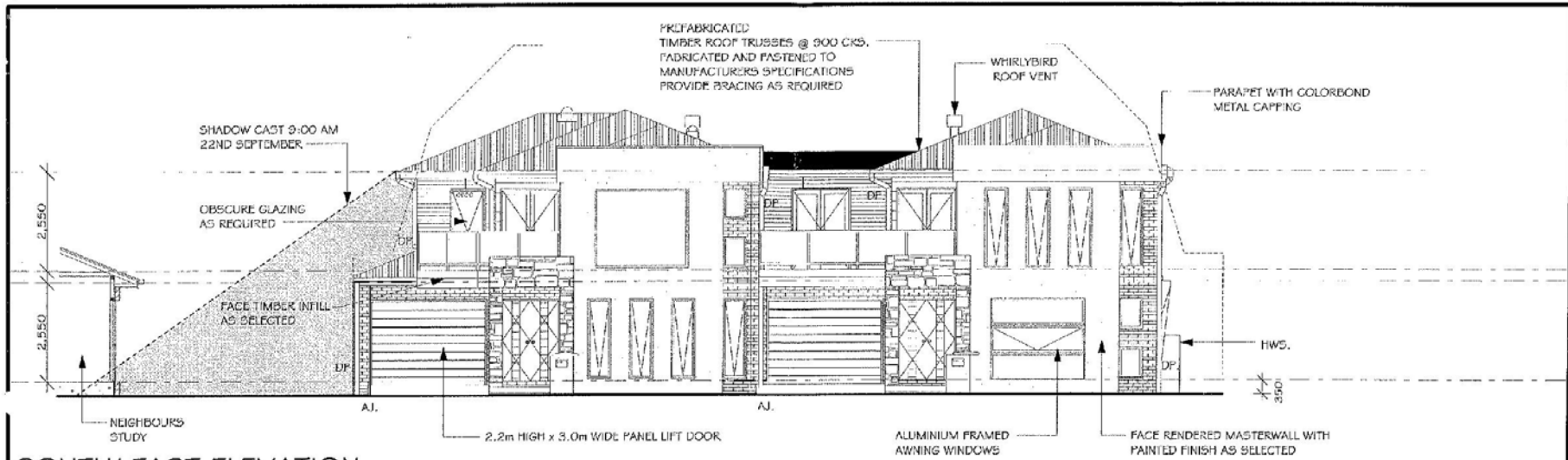
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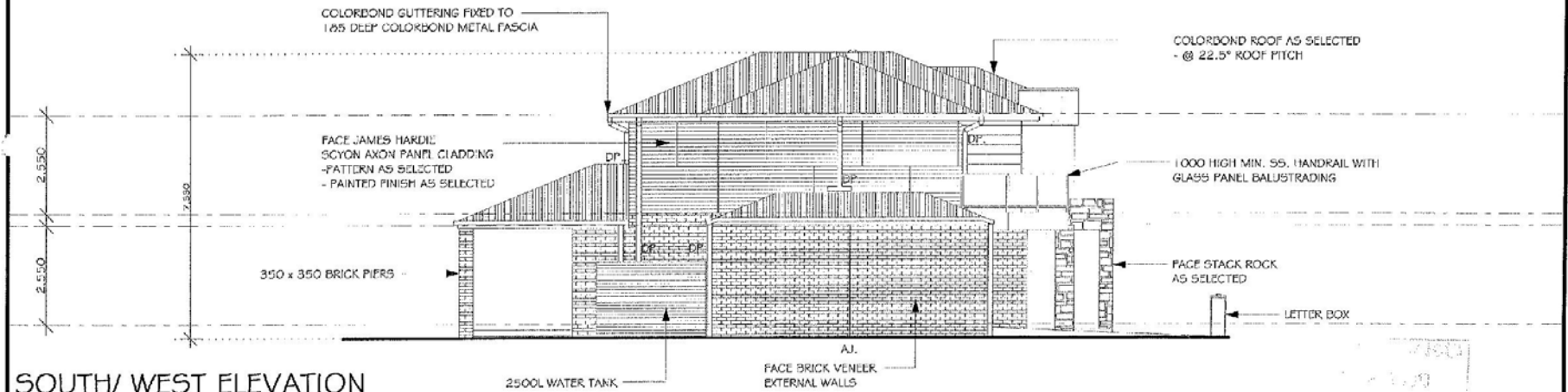


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SOUTH/ EAST ELEVATION

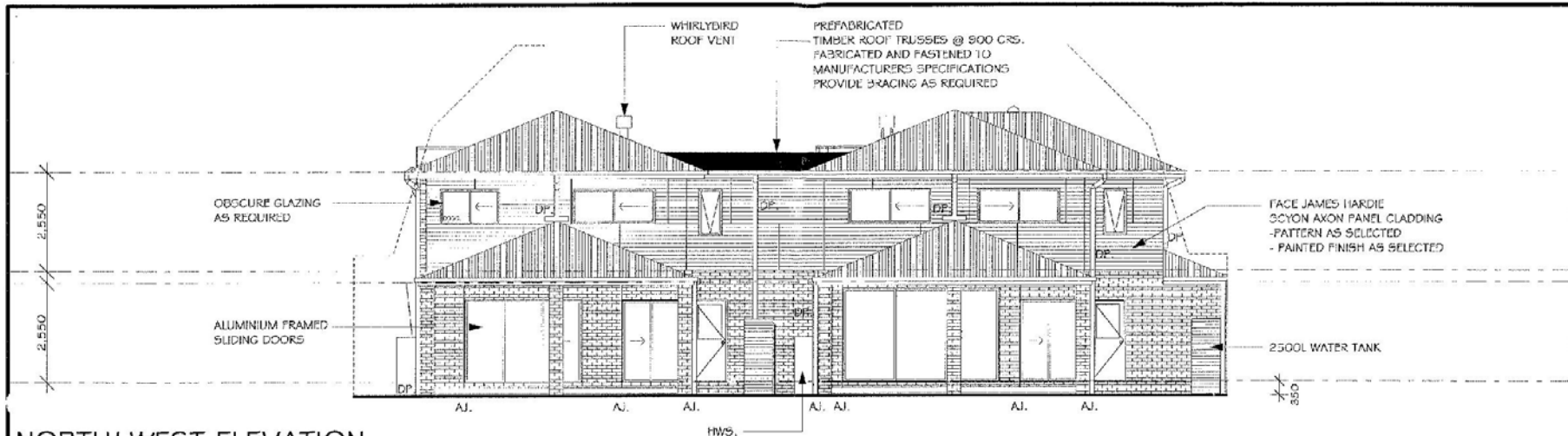
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SOUTH/ WEST ELEVATION

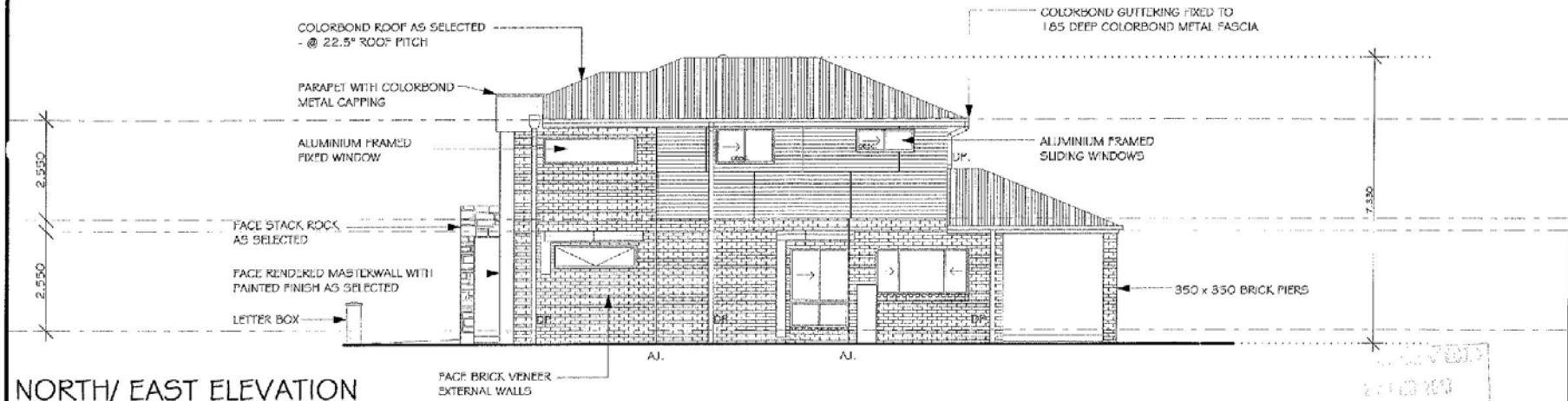
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	DATE ISSUED: 06/04/12				



NORTH/ WEST ELEVATION

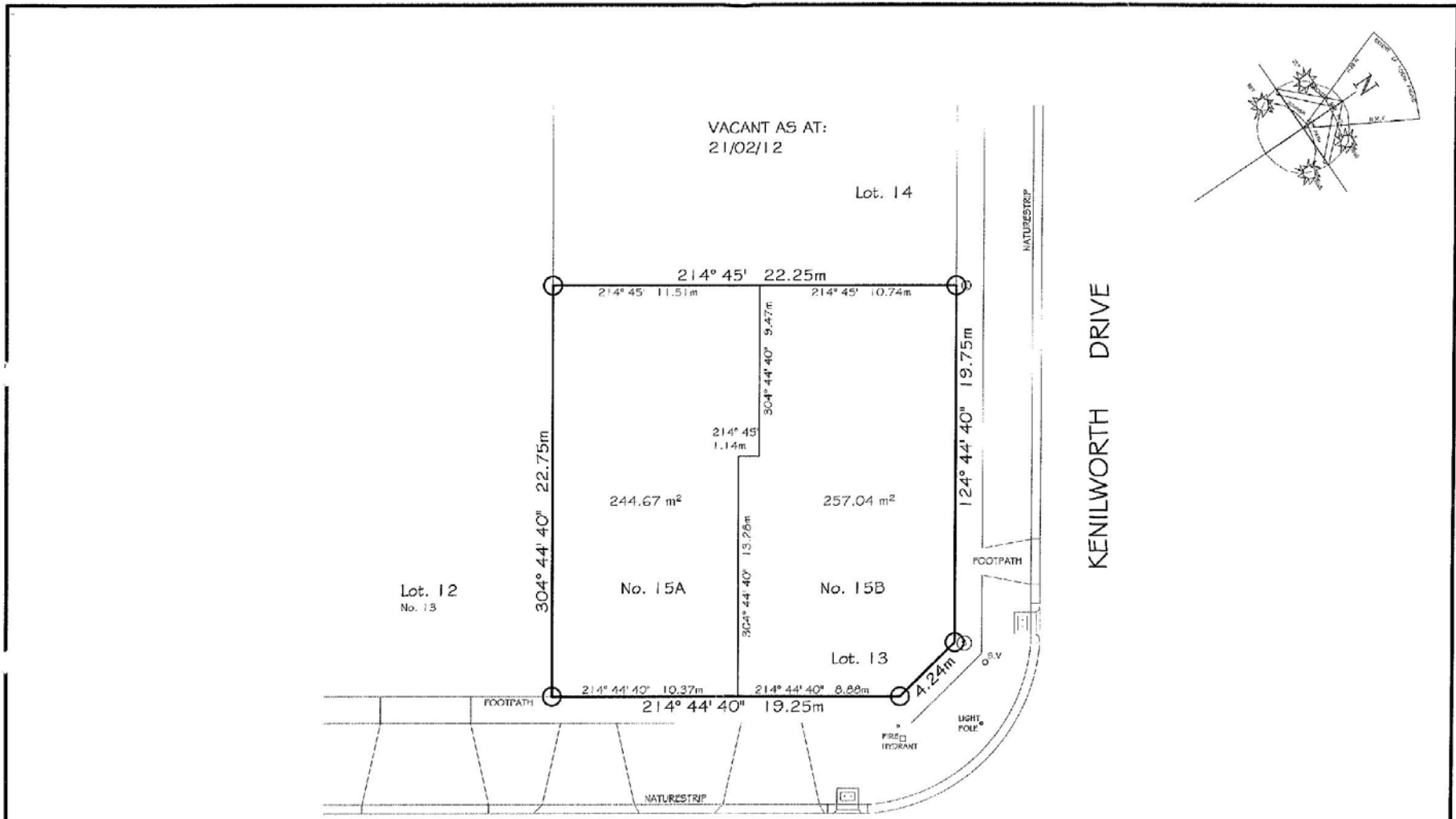
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NORTH/ EAST ELEVATION

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<p>PROJECT: PROPOSED UNIT DEVELOPMENT FOR MR MICHAEL NICOLA 15A & 15B BOWRAL WAY TRARALGON</p>	<p>REVISED: SIDE SETBACK: 20/02/13 _____ _____ DATE ISSUED: 06/04/12</p>	<p>PAGE CONTENTS: ELEVATIONS</p>	<p><small>ALL RIGHTS RESERVED - THIS PLAN IS THE PROPERTY OF VIRTUE HOMES Pty. Ltd. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT & ANY UNAUTHORIZED COPYING OR REPRODUCTION WITH OR WITHOUT MODIFICATION IS CONSIDERED AN INFRINGEMENT OF COPYRIGHT LAW.</small></p> <p>Domestic Builder - Unlimited No: 23132 Master Builders Association No: 88875 ABN: 78 167 165 588</p>	<p>Virtue Homes Pty. Ltd. P.O. BOX 1589 Traralgon VIC 3844 Mobile: 0422 315 383 Phone: (03) 5176 5231 Email: mick@virtuehomes.com.au Web: www.virtuehomes.com.au</p>	<p>SCALE : 1 : 100 AT A3 DESIGN : M.N. DRAWN : M.C. CHECKED : M.N. JOB No.: 12-0015 SHEET No.: 10 OF 14</p>
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SUBDIVISION PLAN

SCALE : 1 : 200 AT A3

PROJECT:
 PROPOSED UNIT DEVELOPMENT FOR
 MR MICHAEL NICOLA
 15A & 15B BOWRAL WAY TRARALGON

REVISED:
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PAGE CONTENTS:
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 PLAN

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TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

Lodged by:

Name:

Phone:

Address:

Ref:

Customer Code:

G M Conveyancing

3800K

Privacy Collec

The information
Registrar of Title
for the purpose of
registers and ind

AK033782W

20/11/2012 \$492 45



MADE AVAILABLE/CHANGE CONTROL

Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed-

- together with any easements created by this transfer
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land: (volume and folio reference)

Certificate of Title Volume 11383 Folio 290'

Estate and Interest: (e.g. "all my estate in fee simple")

All Its Estate In Fee Simple

Consideration:

\$148,000.00

Transferor: (full name)

HOBSONS RUN PTY LTD ACN 099 849 224

Transferee: (full name and address including postcode)

VIRTUE HOMES PTY LTD ACN 107 165 588
of 14 Stratton Drive TRARALGON 3844

Directing Party: (full name)

NIL



Creation and/or Reservation and/or Covenant

The Transferee(s) with the intent that the benefit of this covenant shall be attached to and run at law and in equity with all Lots on Plan of Subdivision No. 635554N (except the Lot hereby transferred) and that the burden of this Covenant shall be annexed to and run at law and in equity with the Land hereby transferred DO HEREBY for themselves their transferees, executors, administrators and assigns and as a separate covenant COVENANTS with the Transferor and its transferees, successors and assigns and other registered proprietor or proprietors for the time being of each Lot on the said Plan of Subdivision (except the Lot hereby transferred) that they shall not at any time:-

(a)subdivide the Land into more than two allotments; and

Approval No. 1241115A

ORDER TO REGISTER

Please register and issue title to

STAMP DUTY USE ONLY

Original Land Transfer
Stamped with \$3,950.00
Doc ID 2940866, 20 Nov 2012
SRD Victoria Duty, JXM7

T2

Page 1 of 2

Signed

Cust. Code:

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Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010

SAI Global Property Division Pty Ltd

(b) allow or cause to be constructed on the Land:-

(i) more than a single detached dwelling but, if the lot is subdivided into two allotments, more than a single detached dwelling on each allotment then created; and

(ii) any dwelling or other improvements using second hand materials.

AND IT IS HEREBY AGREED that the benefit of the foregoing covenants shall be attached to and run at law and in equity with the land comprised in Plan of Subdivision No. PS635554N so that the burden thereof shall be annexed to and run at law and in equity with the said Land hereby transferred and that the same shall be noted and appear on every future Certificate of Title for the said Land as an encumbrance affecting the same and every part thereof."

Dated: *20/11/2012 date*
Execution and attestation

Executed by Hobsons Run Pty Ltd (ACN 099 849 224) in accordance with Section 127 of the Corporations Act 2001 by being signed by those persons who are authorised to sign for the company

Sole Director.....
Full Name: ~~Keith McClure Williams~~ *Grant Ernest Williams* *see over*
Usual address: ~~18 Chester Close~~ *45 Tullock Way*
Traralgon Vic 3844

Executed by Virtue Homes Pty Ltd (ACN 107 165 588) in accordance with Section 127 of the Corporations Act 2001 by being signed by those persons who are authorised to sign for the company

Sole Director/Sole Secretary.....
Full Name: Michael Leigh Nicola
Usual address: 72 St Georges Road
Traralgon Vic 3844

AK033782W

20/11/2012 \$492 45



Approval No. 1241115A

T2

Page 2 of 2

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Annexure Page

Transfer of Land Act 1958



This is page 3 of *Approved Form T1* dated 12/10/12
between Hobsons Run Pty Ltd ACN 099 849 224 and Virtue Homes Pty Ltd ACN107165588

Panel Heading

Executed by **HOBSONS RUN PTY LTD ACN 099 849 224**)
in accordance with Section 127 of the Corporations)
Act 2001 by being signed by the person who is authorised)
to sign for the company:)

KEITH MCCLURE WILLIAMS

Director

18 Chester Close Traralgon 3844

GRANT ERNEST WILLIAMS

Director

45 Tulloch Way Traralgon 3844



15581209A

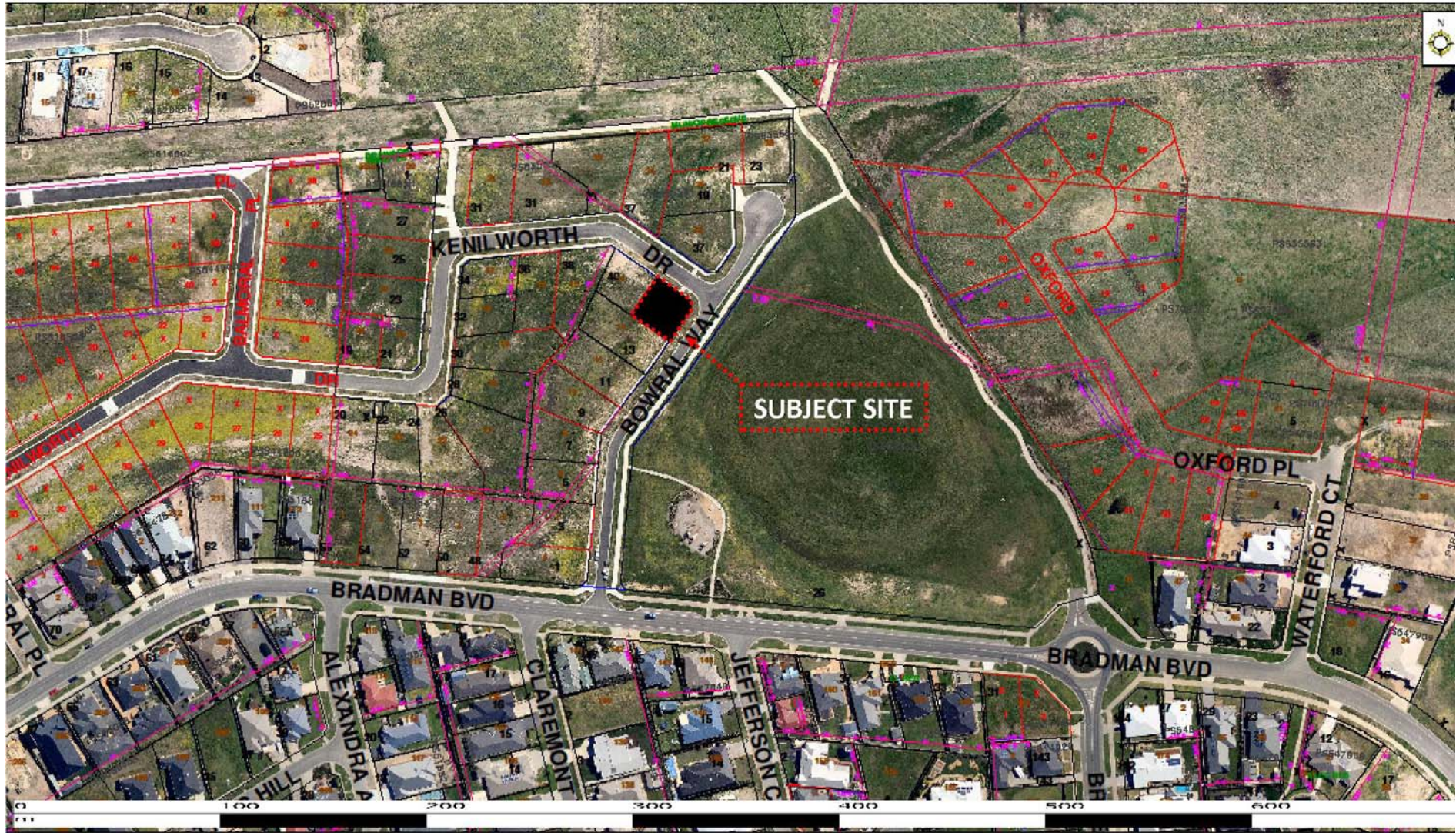
A1

Page 2 of 2

1. If there is insufficient space to accommodate the required information in a panel of the attached Form insert the words "See Annexure Page 2" (or as the case may be) and enter all the information on the Annexure Page under the appropriate panel heading.
2. The approved Annexure Pages must be properly identified and signed by the parties to the attached Form to which it is annexed.
3. All pages must be attached together by being stapled in the top left corner.

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15 BOWRAL WAY, TRARALGON

- Proposed Property
- Property Boundary - Clear
- Parcel Boundary - Clear

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History of the Application

10 December 2012	Application received by Council.
31 January 2013	Further information letter sent to applicant
27 February 2013	Amended plans received by Council from the applicant in response to the further information letter
14 March 2013	Application referred internally to Council's Infrastructure Planning team Applicant sent instructions for notification of the application.
4 April 2013	Response received from Council's Infrastructure Planning team Statutory Declaration received
5 April 2013	Clause 55 Acceptance letter sent
16 April 2013	Request for Amendment to an Application for a Planning Permit Received
24 April 2013	Legal Advice received from Applicant
29 April 2013	Applicant sent instructions for notification of the application.
22 May 2013	Statutory Declaration received
27 June 2013	External legal advice 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'

Local Planning Policy Framework

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 – Residential 1 Zone

The subject land is located within a Residential 1 Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves
Clause 52.06 Car Parking
Clause 55 Two or More Dwellings on a Lot
Clause 56 Residential Subdivision

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

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

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**



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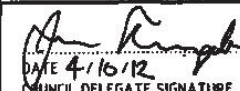
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**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

ORDINARY COUNCIL MEETING MINUTES 16 SEPTEMBER 2013 (CM420)

LATROBE CITY COUNCIL

PLAN OF SUBDIVISION		STAGE No.	EDITION 1	PLAN No.	PS635554N 15/10/2012 16:39:10 PS 										
LOCATION OF LAND PARISH: TRARALGON TOWNSHIP: - SECTION: - CROWN ALLOTMENT: 23 (PART) & 24 (PART) CROWN PORTION: - TITLE REFERENCE: VOL.11348 FOL.094 LAST PLAN REFERENCE/S: PS 607809P (LOT C) POSTAL ADDRESS: BRADMAN BOULEVARD TRARALGON VIC. 3844 MGA Co-ordinates E: 458 875 GDA 94 (of approx. centre of N: 5 773 910 ZONE: 55 land in plan).		COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: LATROBE CITY COUNCIL REF: <ol style="list-style-type: none"> 1: This plan is certified under Section 6 of the Subdivision Act 1988. 2: This plan is certified under Section 11(7) of the Subdivision Act 1988. <u>Date of original certification under Section 6</u> 3: This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE: (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has / has not been made. (ii) <u>The requirement has been satisfied.</u> (iii) <u>The requirement is to be satisfied in stage</u>													
VESTING OF ROAD AND / OR RESERVE <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">IDENTIFIER</th> <th style="width: 80%;">COUNCIL / BODY / PERSON</th> </tr> </thead> <tbody> <tr> <td>ROAD R1</td> <td>LATROBE CITY COUNCIL</td> </tr> <tr> <td>RESERVE No. 1</td> <td>LATROBE CITY COUNCIL</td> </tr> <tr> <td>RESERVE No. 2</td> <td>LATROBE CITY COUNCIL</td> </tr> <tr> <td>RESERVE No. 3</td> <td>SPI ELECTRICITY PTY. LTD.</td> </tr> </tbody> </table>		IDENTIFIER	COUNCIL / BODY / PERSON	ROAD R1	LATROBE CITY COUNCIL	RESERVE No. 1	LATROBE CITY COUNCIL	RESERVE No. 2	LATROBE CITY COUNCIL	RESERVE No. 3	SPI ELECTRICITY PTY. LTD.	NOTATIONS STAGING This is not a staged subdivision. Planning permit No. 2009/161 DEPTH LIMITATION: DOES NOT APPLY REMOVAL OF EASEMENT: THE WHOLE OF THE EASEMENT MARKED E-3 ON PS 616502R CREATED BY PS 530584N IN FAVOUR OF CENTRAL GIPPSLAND REGION WATER CORPORATION FOR PIPELINE OR ANCILLARY PURPOSES IS TO BE REMOVED UPON REGISTRATION OF THIS PLAN. GROUND FOR REMOVAL: CONSENT OF CENTRAL GIPPSLAND REGION WATER CORPORATION. SURVEY THIS PLAN IS BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARK No.- IN PROCLAIMED SURVEY AREA No.-			
IDENTIFIER	COUNCIL / BODY / PERSON														
ROAD R1	LATROBE CITY COUNCIL														
RESERVE No. 1	LATROBE CITY COUNCIL														
RESERVE No. 2	LATROBE CITY COUNCIL														
RESERVE No. 3	SPI ELECTRICITY PTY. LTD.														
EASEMENT INFORMATION					LRS USE ONLY STATEMENT OF COMPLIANCE / EXEMPTION STATEMENT RECEIVED <input checked="" type="checkbox"/> DATE 15 / 10 / 2012 LRS USE ONLY PLAN REGISTERED TIME 12:07pm DATE 18 / 10 / 2012										
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)															
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In favour Of											
E-1 & E-4	PIPELINE OR ANCILLARY PURPOSES	3	PS 518924P - Sec. 136 of the WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER AUTHORITY											
E-2, E-4 & E-5	PIPELINE OR ANCILLARY PURPOSES	SEE DIAG.	THIS PLAN - Sec. 136 of the WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER CORPORATION											
E-3, E-4 & E-5	DRAINAGE	SEE DIAG.	THIS PLAN	LOTS ON THIS PLAN & LATROBE CITY COUNCIL											
E-6	POWERLINE	0.75	THIS PLAN - SEC.88 of the ELECTRICITY INDUSTRY ACT 2000	SPI ELECTRICITY PTY LTD											
 BEVERIDGE WILLIAMS & CO. PTY. LTD. ACN 006 197 238 ABN 41 522 627 696 SURVEYORS, ENGINEERS, PLANNERS ENVIRONMENTAL CONSULTANTS PO BOX 2285 CALFIELD JUNCTION 3881 (051) 9520 4444 PO BOX 1495 BALLARAT PLAZA CENTRE 3355 (03) 9234 2877 PO BOX 961 SCORBYTHORP 3553 (03) 5642 3630 PO BOX 129 MONTAGLO 3995 (03) 5472 6995 PO BOX 884 TRARALGON 3844 (03) 5764 8794 PO BOX 47 SALEY 3855 (03) 5444 7017					B Puntarangan Assistant Registrar of Titles SHEET 1 OF 4 SHEETS										
LICENSED SURVEYOR HANS PETER KLUGE SIGNATURE  DATE 07/08/12 REF: 0900092 VERSION: 5		 DATE 4/16/12 COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3													

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

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16 SEPTEMBER 2013 (CM420)**

NOTICES OF MOTION

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

Meeting Adjourned at 7.20 pm

Meeting Resumed at 7.30 pm

8. NOTICES OF MOTION

8.1 2013/19 - NOTICE OF MOTION - MONASH UNIVERSITY

Cr Christine Sindt

That the Mayor of Latrobe City write to the Mayor of the City of Ballarat and advise that Latrobe City Council does not support the hostile takeover of the Monash University Gippsland campus by the University of Ballarat.

ALTERNATE MOTION

1. That the Mayor of Latrobe City write to the Mayor of the City of Ballarat and advise that Latrobe City Council does not support the hostile takeover of the Monash University Gippsland campus by the University of Ballarat.
2. That the Mayor of Latrobe City write to the Vice Chancellor of Monash University Professor Ed Byrne and accept the invitation extended by him in correspondence dated 9 September 2013 to meet.

Moved: Cr Sindt

Seconded: Cr Gibbons

That the Motion be adopted.

For the Motion

Councillor(s) Gibbons, Harriman, Sindt

Against the Motion

Councillor(s) Rossiter, Middlemiss, White, O'Callaghan

Abstain

Councillor(s) Gibson

The Acting Mayor confirmed that the Motion had been Lost

ALTERNATE MOTION

- 1. That the Mayor of Latrobe City write to the Vice Chancellor of Monash University Professor Ed Byrne and accept the invitation extended by him in correspondence dated 9 September 2013 to meet.**

Moved: Cr Gibson

Seconded: Cr Sindt

That the Motion be adopted.

CARRIED UNANIMOUSLY

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)****8.2 2013/18 - NOTICE OF MOTION - MINUTES - MONASH
GIPPSLAND ADVISORY COUNCIL MEETINGS****Cr Christine Sindt**

That the Mayor of Latrobe City write to the State Minister for Tertiary Education Hon Peter Hall requesting Minutes of all Monash Gippsland Advisory Council Meetings from the time of its inception, since these have not been forthcoming from the Vice Chancellor and President of Monash University, Professor Ed Byrne, despite the Latrobe City Council resolution of 18 March 2013,

“That Latrobe City Council write to the Vice-Chancellor and President of Monash University, Professor Ed Byrne, requesting Minutes of all Monash University Gippsland Advisory Council Meetings, from the time of its inception, for the purpose of providing context to Latrobe City Council, prior to Council’s forthcoming meeting with Professor Byrne”.

following which correspondence was sent to Professor Ed Byrne on 20 March 2013, some six months ago.

ALTERNATE MOTION

1. That the Mayor of Latrobe City write to the State Minister for Tertiary Education Hon Peter Hall requesting an urgent meeting regarding inaccuracies in a letter received from the Vice Chancellor of Monash University, Professor Ed Byrne, dated 9 September 2013, which was in response to Latrobe City Council resolutions of 18 March 2013 and 5 August 2013.

2. That at that meeting attendees discuss the funding of \$300,000 which was granted to Yarra Ranges Council to look at educational opportunities at the previous Swinburne University site and whether any similar opportunity will be provided to Latrobe City Council.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

Moved: Cr Sindt
Seconded: Cr Gibbons

That the Motion be adopted.

For the Motion

Councillor/s Gibbons, Middlemiss, Gibson, Sindt, O'Callaghan, White, Harriman

Against the Motion

Councillor/s Rossiter

The Acting Mayor confirmed that the Motion had been CARRIED

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

Cr Gibbons left the Council Chambers at 8.50 pm.

**8.3 2013/20 - NOTICE OF MOTION - ADAM VIEW COURT, TANJIL
SOUTH**

Cr Sharon Gibson

That a report be provided to Council on options available for the mitigation of flooding at 25 Adam View Court, Tanjil South.

Moved: Cr Gibson
Seconded: Cr Middlemiss

That the Motion be adopted.

CARRIED UNANIMOUSLY

Cr Gibbons returned to the Council Chamber at 8.54 pm after the vote had been taken.

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

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

9.1 PROPOSED SALE OF LAND - FRANKLIN STREET, TRARALGON

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is for Council to further consider the future of the former Traralgon Early Learning Centre (TELC) site at 196 Franklin Street, Traralgon.

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

*Appropriate, affordable and sustainable facilities, services and recreation
Strategic Direction*

Work in partnership with all stakeholders to ensure the provision of quality education and care services to the community.

Efficient, effective and accountable governance

Strategic Direction

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

Planning for the future

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)***Strategic Direction*

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

Legislation

Local Government Act 1989

Section 189 of the *Local Government Act 1989* gives Council the power to sell land however, before doing so, it must:

- (a) ensure that public notice of the intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
- (b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to the sale or exchange.

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

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

Policy – Sale of Council Owned Property Policy 11 POL-4

The principal aim of this policy is to define the circumstances and factors that will be assessed by Council in respect to the sale of Council owned property. The purpose of this policy is to serve as an accountability mechanism to the community.

It is Council's position that the sale of Council owned property will be via public auction unless circumstances exist that justify an alternative method of sale.

All sales of Council owned property shall be consistent with the Local Government Best Practice Guidelines for the Sale and Exchange of Land prepared by the Department of Planning and Community Development.

BACKGROUND

The future of the former Traralgon Early Learning Centre (TELC) site at 196 Franklin Street, Traralgon, has been the subject of a number of reports to Council as shown in the attached chronology (Attachment One).

As a result of the Latrobe City Childcare Strategy 2006-2011, it was determined that the former TELC site in Franklin Street was no longer suitable for the provision of childcare services and it would therefore be necessary for the service to be relocated to an alternate site.

**ORDINARY COUNCIL MEETING MINUTES
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To facilitate this relocation an allocation of \$1.2 million for a new TELC was made in Councils 2007/2008 capital budget which was to be funded from the sale of the existing site.

Following consideration of a number of alternate sites for the new TELC, Council resolved at its meeting held on 6 October 2009 that the preferred site was in Mapleson Drive, Traralgon.

Council, at its ordinary meeting held on 5 March 2012, resolved to sell the former TELC by public auction.

Expressions of interest were sought from real estate agents in Traralgon to act on behalf of Council in the sale of the former TELC site with a public auction conducted on 27 July 2012. As no bids were received, resulting in the property being passed in, it was removed from the market pending a further report to Council.

Council further considered this matter at the ordinary meeting held on 20 August 2012 and resolved the following:

- 1. That the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon, be placed on the market for sale with a further report to be presented to Council should an offer to purchase the property be received.*
- 2. That a further report be presented to Council by 31 March 2013 if no offers to purchase the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon, are received.*

In accordance with the second resolution, as no offers were received, a further report was considered by Council at the ordinary meeting held on 18 March 2013 and Council resolved the following:

That Council defer considering this matter to the first meeting in September 2013.

Whilst Council had resolved to defer consideration of this matter until the first meeting in September 2013 an offer to purchase the property was received on 26 March 2013.

Having considered the offer that was received at the ordinary meeting held on 22 April 2013 Council resolved the following:

- 1. That Council note the resolution of 18 March 2013 to defer consideration of the proposed sale of the former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon, to the first meeting in September 2013.*
- 2. That Council resolves to reject the offer of \$925,000.00 plus GST for the former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon, and that the prospective purchaser, via Councils appointed estate agent, be advised accordingly.*

A revised offer to purchase the former TELC was received, via Councils appointed estate agent, on 11 June 2013.

This offer, from LRDG Project Management Pty Ltd, was for \$1.1 million plus GST subject to the following conditions:

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

- A planning permit being issued for the development of offices on the property within 120 days;
- Agreements being entered into for the leasing of at least 50% of the proposed development within 120 days;
- Finance approval being received within 120 days.

A condition of the sale was also to be that access to the proposed development would be made available from the road to the north of the property that provides access to the ASIC car park rather than from Franklin Street.

Council considered this offer at the ordinary meeting held on 15 July 2013 and resolved:

That Council defer consideration of this matter until the first meeting in September 2013.

A further report, recommending that Council sell the former TELC, was considered at the ordinary meeting held on 2 August 2013 and Council resolved:

That the report presented to Council on 15 July 2013 in relation to the proposed sale of land in Franklin Street, Traralgon, be represented to Council at the next ordinary Council meeting.

Further correspondence has been recently received from Councils appointed estate agent indicating that the offer from LRDG Project Management Pty Ltd to purchase the property remains current and valid. (Attachment Two)

ISSUES

As stated in previous reports the sale of the former TELC and part of the adjoining reserve were identified in the 2009/2010 budgetary process to partially finance the purchase of the new centre in Mapleson Drive. The purchase of the new centre was completed in early 2010 resulting in a deficit of \$1.2 million against unexpected funds carried forward for works to be completed in 2010/2011.

Council will be required to carry this \$1.2 million deficit until the sale of the former TELC is finalised.

The offer that has been received from LRDG Project Management Pty Ltd would address most of this deficit and it was also consistent with the most recent valuation obtained in April 2012 that valued the property at \$1.1 million.

The difference between this deficit and the most recent valuation reflects additional land between the former TELC and the car park to the east, measuring approximately 600 square metres, that was originally to be sold but no longer forms part of this transaction.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)****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.

As stated above, one of the key considerations in relation to the sale of the former TELC is the budget shortfall that exists should the sale of the property not be realised.

Council has previously resolved that the net proceeds from the sale of the former TELC are to be allocated towards the cost of purchasing and developing the new child care centre in Mapleson Drive.

If accepted, the revised offer of \$1.1 million that was received in June will cover most of this shortfall and is a reasonable offer for the property that is consistent with the most recent valuation that was obtained in April 2012.

Given the age of this valuation it will be necessary for Council to obtain an updated valuation to ensure that it is compliant with Section 189 of the *Local Government Act 1989*.

INTERNAL/EXTERNAL CONSULTATION

Leading up to the auction conducted in July 2012 the former Traralgon Early Learning Centre was subject to an extensive marketing campaign by Council's appointed estate agent, including advertisements in the Latrobe Valley Express, Gippsland Times, Warragul Gazette and Pakenham Gazette together with various real estate websites.

The last community consultation regarding the proposed sale of the former Traralgon Early Learning Centre was undertaken in January 2012.

OPTIONS

The following options are available to Council:

1. Accept the offer of \$1.1 million plus GST for the former Traralgon Early Learning Centre subject to compliance with Section 189 of the *Local Government Act 1989*.
2. Reject the offer of \$1.1 million plus GST for the former Traralgon Early Learning Centre.

CONCLUSION

The former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon, is no longer required for the provision of child care services and Council has previously determined that the property is surplus to both Council and community requirements.

As the offer that has been received from LRDG Project Management Pty Ltd of \$1.1 million plus GST, subject to conditions, is consistent with the most recent valuation obtained for the property and will rectify most of the current budget shortfall of \$1.2 million it would be appropriate for Council to accept this offer.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)****Attachments**

1. Attachment One: Traralgon Early Learning Centre Chronology
2. Attachment Two: Correspondence from Wilson Property.

RECOMMENDATION

1. That Council resolves to accept the offer from LRDG Project Management Pty Ltd of \$1.1 million plus GST for the former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon.
2. That pursuant to the Sale of Council Property Policy the Chief Executive Officer is authorised to negotiate and enter into a Contract of Sale that includes conditions relating to the timeframe for the issue of a planning permit, the purchaser achieving a 50% leased occupancy rate and finance approval.
3. That pursuant to the Sale of Council Property Policy the Chief Executive Officer is authorised to sign and seal Transfer of Land documents to dispose of the former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon.
4. That LRDG Project Management Pty Ltd, via Councils appointed estate agent, be advised accordingly.

ALTERNATE MOTION

1. That Council reject the offer from LRDG Project Management Pty Ltd of \$1.1 million plus GST for the former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

Moved: Cr O'Callaghan
Seconded: Cr Harriman

That the Motion be adopted.

For the Motion

Councillor/s Rossiter, Gibson, Sindt, O'Callaghan, White, Harriman

Against the Motion

Councillor/s Gibbons, Middlemiss

The Acting Mayor confirmed that the Motion had been CARRIED

9.1

PROPOSED SALE OF LAND - FRANKLIN STREET, TRARALGON

- 1 Attachment One: Traralgon Early Learning Centre
Chronology 593**
- 2 Attachment Two: Correspondence from Wilson Property..... 595**

TRARALGON EARLY LEARNING CENTRE CHRONOLOGY

7 th August 2006	Council resolves to give public notice of its intention to consider the possible sale of the former Traralgon Early Learning Centre.
4 th September 2006	Council considers submissions received and resolves to sell by private treaty the former Traralgon Early Learning Centre.
4 th June 2007	Council resolves to give public notice of its intention to consider the possible sale of part of the Franklin Street Reserve, adjoining the former Traralgon Early Learning Centre.
16 th July 2007	Council considers submissions received and resolves to sell part of the Franklin Street Reserve, adjoining the former Traralgon Early Learning Centre, by private treaty.
8 th February 2010	Council resolves to continue with the sale of the former Traralgon Early Learning Centre and part of the Franklin Street Reserve, Traralgon, to the owner of 24-28 Grey Street by private treaty.
22 nd February 2010	Council considers a Notice of Rescission for the resolution of 8 th February 2010 and defers consideration until "no earlier than 30 th April 2010".
20 th September 2010	Council considers the Notice of Rescission from 22 nd February 2010 and resolves not to adopt the notice.
27 th June 2011	Council resolves to provide the owner of 24-28 Grey Street with an extension of time to enable them to attract tenants and finance for the proposed development of the site.
5 th December 2011	Council resolves to provide the owner of 24-28 Grey Street with an extension of time to return signed contracts and deposit for purchase of the former Traralgon Early Learning Centre.
5 th March 2012	Council resolves not to proceed with the sale of the former Traralgon Early Learning Centre and part of the Franklin Street Reserve.
2 nd April 2012	Council resolves to rescind the resolution of 5 th March 2012 and proceed with sale of the former Traralgon Early Learning Centre by public auction.
10 th April 2012	Council considers a Notice of Rescission for the resolution of 2 nd April 2012 and resolves to proceed with the sale of the former Traralgon Early Learning Centre by public auction.
20 th August 2012	Council resolves to place the former Traralgon Early Learning Centre on the market.
18 th March 2013	Council resolves to defer consideration of the sale of the former Traralgon Early Learning Centre to the first meeting in September 2013.
22 nd April 2013	Council considers an offer for the former Traralgon Early Learning Centre and resolves to reject the offer.
15 th July 2013	Council considers a revised offer for the former Traralgon Early Learning Centre and resolves to defer consideration until the first meeting in September 2013.
9 th September 2013	Council resolves that the report previously presented at the ordinary Council meeting on 15 th July be represented at the next Council meeting.



T: 03 5176 2055 F: 03 5174 8790

E: enquiries@wilsonpropertyrci.com.au

25 Hotham Street (PO Box 336) Traralgon 3844

wilsonpropertyrci.com.au

9 September 2013
Our Ref: REW:bma

Mr P Schulz
Property & Statute Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840

Dear Peter,

**RE: TRARALGON EARLY LEARNING CENTRE
196 FRANKLIN STREET, TRARALGON**

We have been in discussions with LRDG Project Management Pty. Ltd. regarding their offer to purchase the Franklin Street property.

The offer made in June this year remains current and valid.

We look forward to your comments and the finalisation of the sale.

Yours faithfully,
WILSON PROPERTY RCI

.....
ROB WILSON, CEA (REIV)
LICENSED ESTATE AGENT & AUCTIONEER
rob@wilsonpropertyrci.com.au



9.2 PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, AT 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2013/68 for the development of six attached double storey dwellings, re-subdivision of land from 3 to 2 lots and alterations of access to a road in a road zone category 1, at 2 Tennyson Street and 72 – 74 Shakespeare Street in Traralgon.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2013 - 2017

Planning for the future

- To provide a well-planned, connected and liveable community.
- To reduce the time taken to process land use and development planning applications.

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.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)****SUMMARY**

Land: 2 Tennyson Street (Lots 1 and 2 on Title Plan 439298K), 72 Shakespeare Street (Lot 1 on Title Plan 807355A) and 74 Shakespeare Street (Lots 1 and 2 on Title Plan 579768P), all in Traralgon

Proponent: Andrew Lane c/- Beveridge Williams & Co P/L

Zoning: Residential 1 Zone

Overlay Land Subject to Inundation Overlay

A Planning Permit is required to subdivide land in accordance with Clause 32.01-2 Residential 1 Zone.

A Planning Permit is required for the construction of two or more dwellings on a lot in accordance with Clause 32.01-4 Residential 1 Zone.

It should be noted that this application was previously considered at the Ordinary Council Meeting held on 2 September 2013 and Council resolved:

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

PROPOSAL

The proposal seeks to construct six attached double storey dwellings in the western half of the site. The existing dwellings and associated works at 72 Shakespeare Street and 2 Tennyson Street would be removed to facilitate the proposed development. There would be no alteration to the dwelling at 74 Shakespeare Street.

The six double storey dwellings are to be constructed side-by-side, each sharing a common wall with one or more dwelling. A recessed entry is proposed for each dwelling and all dwellings are to be orientated towards Tennyson Street.

Dwelling Nos. 1 and 6 would have the same internal layout, mirror imaged at opposite ends of the development. Each of dwelling nos. 1 and 5 would have an open-plan kitchen / living / dining area on ground floor, and three bedrooms on first floor.

Dwellings Nos. 2, 3, 4, 5 would have the same internal layout, with two mirror-imaged. The ground floor of each of these dwellings would have one bedroom and a study area, whereas the first floor would have an open-plan kitchen / living / dining area and a master bedroom.

The proposal is generally of a contemporary architectural style. The buildings materials consist of a mixture of facebrick and rendered brick in subtle tones on the ground level, horizontal 'Scyon Stria' cladding (made of lightweight cement composite) on the upper level and Colourbond skillion roof. Timber support posts and low glazed balustrades are proposed for the first floor balconies.

**ORDINARY COUNCIL MEETING MINUTES
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The overall building would have a minimum front setback of 4.9 metres from Tennyson Street, a minimum side setback of 3.1 metres from Shakespeare Street, and a maximum building height of 8 metres,

A secluded private open area in excess of 25 square metres is proposed on the east side of each dwelling. Each dwelling would also be provided with a first floor balcony, overlooking a recreation reserve to the west of the site on the opposite side of Tennyson Street.

Each dwelling would be provided with a single undercover car parking space in a lock-up garage and a tandem car space located within the frontage of the site.

All six dwellings would be accessed from Tennyson Street via new crossovers.

No fencing is proposed along the front boundary of the site.

A copy of the development plans can be found at Attachment 1.

The proposal also seeks to re-subdivide the subject land from 3 to 2 lots as follows:

- Proposed Lot 1 would comprise the western portion of the land and have an area of approximately 1,178 square metres. This lot is to contain the proposed six-dwelling development.
- Proposed Lot 2 would comprise the eastern portion of the land and have an area of approximately 1,195 square metres. This lot is to contain the existing dwelling and associated works at 74 Shakespeare Street. Access to this lot would be from Shakespeare Street via the existing driveway arrangement.

The existing sewerage easement is to remain unaltered.

A copy of the subdivision plans can be found at Attachment 2.

Subject Land:

The subject land is located on the northeast corner of Tennyson and Shakespeare Street in Traralgon. It is irregular in shape, with an overall frontage of approximately 50 metres to Shakespeare Street and an overall frontage of approximately 45 metres to Tennyson Street. The overall area is approximately 2370 square metres. The land comprises three residential properties situated across three existing lots, as follows:

- 2 Tennyson Street – the overall area of the lot is approximately 767 square metres, with a frontage to Tennyson Street measuring 15.24 metres. This lot is developed with a small fibro dwelling with a pitched steel roof and two galvanised iron shed.

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Access to this lot is obtained from Tennyson Street via a double concrete crossover shared with 72 Shakespeare Street. There is an existing 1.83 metre wide sewerage easement that extends along the eastern half of its southern boundary.

- 72 Shakespeare Street – the overall area of the lot is approximately 786 square metres, with a frontage to Shakespeare Street measuring 25.18 metres and a side abuttal to Tennyson Street measuring 30.63 metres. This lot is developed with a weatherboard dwelling with a hipped tiled roof and gabled end, and an ancillary shed. The dwelling is orientated to face and gain access from Shakespeare Street. Vehicular access is currently provided from Shakespeare Street via a double concrete crossover that services 74 Shakespeare Street. The driveway crossover shared with 2 Tennyson Street is not currently used to provide access to this lot.
- 74 Shakespeare Street – the overall area of the lot is approximately 819 square metres, with a frontage to Shakespeare Street measuring 25.18 metres. This lot is developed with a weatherboard dwelling with a hipped tiled roof and ancillary outbuildings. Access to this lot is obtained from Shakespeare Street via the double concrete crossover that is shared with 72 Shakespeare Street.

The topography of the overall subject land is relatively flat, with a fall of approximately 0.7 metre between the south-west and north-east corners.

The overall subject land is generally void of any mature trees or significant vegetation.

As confirmed by the West Gippsland Catchment Management Authority (WGCMA), in the event of a 1% AEP flood, it is likely that the majority of the land would be subject to inundation from Traralgon Creek. Flood depth over the subject land is likely to reach 0.5 metres in the north east corner of the land, namely 74 Shakespeare Street.

Surrounding Land Use:

The subject land is located in an older, established residential precinct that is approximately 600 metres south-east of the southern edge of Traralgon's central activity district.

Land to the north, east and north-west of the subject land is used and developed for residential purposes. Land to the west, on the opposite side of Tennyson Street, is part of the Traralgon Creek public reserve that extends to the north. A shared concrete pedestrian / bicycle path commences directly opposite the subject land and meanders through this reserve along the eastern side of the creek, providing a direct link to the central activity district. Land to the south, on the opposite side of Shakespeare Street, forms part of the Traralgon Creek floodplain and comprises cleared pasture used for grazing purposes.

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Residential properties in the area comprise predominately modest single storey weatherboard, fibro-cement or brick dwellings from the post war era and occasional brick infill dwelling dating from 1960s – 80s period.

In particular, abutting the northern boundary of the land at 4 Tennyson Street is a single storey late Victorian era weatherboard dwelling with a skillion steel roof and bullnose verandah that wraps around its west and south sides. This property is extensively landscaped with mature feature trees and shrubs.

Abutting the eastern boundary of the site at 76 Shakespeare Street is a set of four attached single storey brick units with open-sided carports located within the front setback.

An aerial photo of the site and surrounds can be found at Attachment 3.

HISTORY OF APPLICATION

The history of the assessment of planning permit application 2013/068 can be found in Attachment 4.

The provisions of the Scheme relevant to this application are in Attachment 5.

DISCUSSION

ASSESSMENT AGAINST THE RELEVANT STATE AND LOCAL PLANNING POLICIES

The State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) have been considered as part of the assessment of this application, and it is found that the provisions of the Scheme provide a strategic basis to support the development of multi-unit development on the subject site.

The SPPF generally encourages (amongst other matters) consolidation within urban areas, increase in housing diversity and affordability in appropriate locations with access to existing services and infrastructure. The SPPF at Clause 11.05 of the Scheme further encourages urban growth in the major regional cities of Moe, Morwell and Traralgon cluster.

Similar objectives are re-emphasised and elaborated under the LPPF of the Scheme. Clause 21.04 of the Scheme acknowledges that the priorities in all the main urban settlements (including Traralgon) are on realising opportunities for infill development, diversity of housing types, improving residential amenity, while maximising existing infrastructure and community facilities. The location of medium density housing close to activity centres in the main towns (including Traralgon) should assist in strengthening and reinforcing these main towns.

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The MSS at Clause 21.05-6 further identifies Traralgon as one of the main towns within the municipality, where residential growth will continue and is encouraged. The Structure Plan for Traralgon identifies the subject site as an 'existing urban area'.

Accordingly, it is reasonable to consider that the proposal generally complies with both the SPPF and LPPF of the scheme, in terms of facilitating a compact residential development in an infill location to meet the housing needs of the community, and encouraging urban growth into the existing urban area of Traralgon.

In addition, the subject site is zoned Residential 1 under the Scheme with no overlays, and the purpose of a Residential 1 Zone, amongst other things, is *'to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households'*. The subject site is considered to be suitably zoned for residential re-development.

Other than the matters discussed above, it should however be noted that, Clause 21.04-5 of the Scheme identifies that the community is increasingly demanding high quality architectural and urban design outcomes for built form and open spaces. The State and Local Planning Policy Frameworks also emphasise that development must be respectful of neighbourhood character and be responsive to its site context. This is further reinforced under Residential 1 Zone provisions and Clause 55 (ResCode) of the Scheme.

The key issue associated with the proposal relates to its detailed design, in that it is considered to provide an unacceptable response to the site context (refer to discussion below). The design deficiencies are considered significant and that they outweigh any compliance of the proposal with the general planning policies for urban consolidation and diversity at State or Local level.

NON COMPLIANCE WITH RESCODE

A complete assessment of the proposal against Rescode was undertaken. The proposal does not meet the following standards of Rescode: neighbourhood character (Clause 55.02-1), integration with the street (Clause 55.02-5), energy efficiency (Clause 55.03-5), open space (clause 55.03-6), landscaping (Clause 55.03-8), access (Clause 55.03-9), dwelling entry (Clause 55.05-2), solar access to open space and design detail (Clause 55.05.06-1). These matters are further discussed below.

Neighbourhood Character

Further to an inspection of the subject land by Council Officers, the following characteristics of the neighbourhood are noted:

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- Residential properties in the area comprise predominately modest single storey weatherboard, fibro-cement or brick dwellings from the post war era and occasional brick infill dwelling dating from 1960s – 80s period.
- There is a mix of roof forms in the area, including skillion, gabled and hipped.
- Dwellings are mostly in detached built form.
- Spaciousness of the area is generally retained through the relatively consistent front building setbacks, rear setbacks and side setbacks from at least one side boundary.
- Dwellings have attached open-sided carports or garages / sheds mostly positioned towards the rear of the site
- Front boundary fencing is varied, some frontages are unfenced or informally delineated by vegetation, whilst others have timber picket or brick fences of various heights
- Front gardens generally comprise lawn cover, small shrubs and feature trees. Opportunities for landscaping within front setback are evident.
- There are examples of multi-dwelling development in the area. In particular, at 78 Shakespeare Street is a set of four attached single storey brick units with open sided carports located within the front setback. The development appears to date from the 1960s - 70s.. The multi-dwelling development at 6 Tennyson Street comprise an original inter-war weatherboard cottage with a skillion steel roof at the front of the site, and two more recently constructed weatherboard dwellings at the rear (one of which is double storey). The development is accessed from Tennyson Street via two separate crossovers.

The proposed design does not appear to respect the character of the neighbourhood as follows:

- The attached (or side-by-side) built form is contrary to other dwellings in the locality, and generally is not consistent with the 'spacious' feel of the area. Although there are examples of attached built form in the area, they are of single storey nature and they do not present a dominating built form to streetscapes. The proposed built form is one of continuous building with a height of 8 metres and it would have a dominating visual effect on the existing streetscapes.
- The proposed side-by-side development would present with prominent massing to the street and adjoining park.
- The proposed mirror-image arrangement, with its narrow dwelling format, is a substantial difference compared with the layout and style of dwellings in the street. It would introduce a new typology and building proportions akin to terrace or row housing in a manner that would not achieve a comfortable fit or respond to the existing character, where neighbouring dwellings generally have generous setbacks and are varied in architectural style, building materials and colours schemes.

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- The dominance of garages is not a common feature in the area. Although the carports of the adjoining property at 78 Shakespeare Street are located within the front setback, unlike the proposal, they are not an overwhelming and dominant feature of the street. Most of the garages in the area are well setback from the street.
- Front gardens are evident in the area and there is generally spacing around dwellings. However, the proposal fails to provide separation between buildings, fails to maintain the open landscape front yard. Due to the extent and location of the proposed vehicle crossings, there would be limited opportunities for landscaping.
- The provision of multiple vehicle crossings on a lot is not common in the area. The proposal however seeks to provide two double and two single crossovers on Tennyson Street.

It should be noted that the key theme in the Scheme in relation to neighbourhood character is that new residential development should respect the existing neighbourhood character or contribute to a preferred neighbourhood character. This does not imply that change is not acceptable but rather that development should be responsive to its context. It is generally considered that the proposal has failed to respond appropriately to the opportunities and constraints of the site, and generally does not respect the character of the neighbourhood.

Integration with the Public Realm

The subject site is situated on a corner location, with a large public open space located directly opposite the site, on the other side of Tennyson Street. The site offers ample opportunities for an appropriately designed medium density development to integrate with the adjoining streets and complement the adjoining public open spaces.

However, in proposing six double storey attached dwellings over a frontage of only 44 metres, each with a single protruding garage measuring 4.16 metres and a recessed entry, the proposal fails to realise the opportunities offered by the site, and fails to make a positive contribution to the existing streetscape or provide a visual connection with the adjoining public open spaces.

Given the context of the site, it is reasonable to consider that an articulated, interesting and active design response should be provided, particularly at ground level where interaction and surveillance of pedestrians is most paramount. However, the ground floor presentation of the proposal to Tennyson Street and to the adjoining public open space, as currently submitted, is dominated by garage doors and represents a lack of visual activity and lack of space for landscaping. The ground floor presentation of the proposal to Shakespeare Street, similarly, is not an attractive one, as almost half of this frontage would be fenced off with a 1.8m high paling fence.

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It should also be noted that the built form of the development, being one of large unbroken building mass with an overall height of up to 8m, would further present an incongruous element within the neighbourhood and would be highly visible when viewed from surrounding properties and streets. The proposal would result in an unacceptable visual bulk to the public realm and is not considered to be complementary to the adjoining public open space.

Whilst it is acknowledged that first floor balconies facing west are proposed to provide passive surveillance of the adjoining public open space, it is considered that, given the residential context of the site, the design response should be one that maintains a human scale to the public realm and a direct interface with the adjoining public open space at ground level should be provided. This view is generally supported by Council's Healthy Urban Design Good Practice Guidelines, the guidelines state that articulation of building facades and street integration should be encouraged to provide for safe and active neighbourhoods, and one of the strategies to achieve this is to ensure that users of a path or park are being able to see and be seen in their surroundings at all times.

On the above basis, it is considered that the proposal fails to meet the standard and objective of Clauses 55.02-3 (Integration with the Street) and 55.03-6 (Open Space) and 21.08-3 (Healthy Urban Design) of the Scheme.

Energy Efficiency & Solar Access

The objective of Clause 55.03-5 (Energy Efficiency) of the Scheme provides the objectives to ensure buildings are energy efficient and that building design takes advantage of daylight and solar energy. Clause 55.05-5 (Solar Access to Open Space) of the Scheme further seeks to allow solar access into the secluded private open space of new dwellings.

Standard B10 of Clause 55.03-5 states that, amongst other things, buildings should be orientated to make appropriate use of solar energy, living areas and private open space should be located on the north side of the development if practicable, and developments should be designed so that solar access to north-facing windows is maximised.

Whilst it is acknowledged it would be impractical for all the proposed living areas to have a northern orientation, it should be noted that with the exception of dwelling 1, there appears to be no attempt to achieve at least some degree of northern orientation for the balance of the dwellings in this proposal. The living areas of dwellings 2 to 5 are proposed to be located on the west side of the development, whereas the living area of dwelling 6 is proposed to be south-facing. None of dwellings 2 to 5 would be provided with north facing windows.

Similarly, all the private open space would be located on the east or west side of the development, with the exception of dwelling 1.

An acceptable design response should take into account the constraints associated with the north-south orientation of the subject site. However, the proposal is considered to be a poor design response, as it appears that design is solely based on repetitive / mirror layout, rather than seeking to incorporate individual designs which adopt some energy efficiency principles and address the physical constraints of the site.

Based on the reasons outlined above, it is considered that the proposal fails to adequately respond to the objectives and design requirements of Clauses 55.03-5 (Energy Efficiency) and 55.05-5 (Solar Access to Open Space) of the Scheme.

Dwelling Entry

At Clause 55.05-2 of the Scheme, the dwelling entry objective is "to provide each dwelling or residential building with its own sense of identity". The standards that should be met are for entries to dwellings to be visible and easily identifiable from streets and other public areas, and to provide shelter, a sense of personal address and a transitional space around the entry'. It is considered that all the proposed front entries, being recessed significantly behind the garages, are contrary to these objectives and standards.

Multiple Crossovers

Clause 55.03-9 (Access) of the Scheme provides the objective to ensure the number and design of vehicle crossovers respect the neighbourhood character. It is considered that the proposed driveway and crossing layout is unacceptable and fails to meet Clause 55.03-9 of the Scheme for the following reasons:

- The proposal seeks to construct two double vehicle crossovers and two single crossovers along Tennyson Street. As confirmed by Council's engineer, the widths of the vehicle crossovers as submitted in the application are unacceptable. The widths of the vehicle crossovers must be increased to comply with Council's minimum requirement. It should be noted that the minimum width of a double crossover is 7 metres and the minimum width of a single crossover is 5 metres, both inclusive of splay width.
- Standard B14 of Clause 55.03-9 of the Scheme specifies that the width of accessways should not exceed 33 per cent of the street frontage. Based on a site frontage of 44 metres, the total width of the accessways should not exceed 14 metres. The proposal fails to meet this standard.
- The number of vehicle crossovers on a lot (i.e. 2 double crossovers and 2 single crossovers over a site frontage of 44 metres) is uncharacteristic of the area;
- The number of vehicle crossovers would reduce the number of on street parking spaces in front of the subject site.

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- There are two existing electrical poles located in Tennyson Street adjacent to development. The plans submitted with the application show that vehicle crossover to access dwelling 5 would be located less than one metre from these poles. Council's vehicle crossing policy requires that there be a minimum of one metre clearance between electrical poles and vehicle crossings. It is also noted that one of the electrical poles is located right in the middle of the two crossovers to access dwellings 1 and 2. The practicality of this crossing arrangement is questionable. It is likely that either the electrical poles would need to be relocated (subject to consent from the relevant utility authority) or the design of the proposal would need to be significantly changed.
- The proposal fails to adequately respect the landscape character of the streetscape and wider neighbourhood by increasing hard paving in the front setback, in turn restricting future landscaping opportunities within the front setback.

Design Detail

At Clause 55.06-1 (Design detail) of the Scheme, the objective is "to encourage design detail that respects the existing or preferred neighbourhood character". One of the standards to achieve this objective is that garages should be visually compatible with the development and the existing neighbourhood character. As already discussed above, one of the major design deficiencies of the proposal is the dominance of garages. The multiple forward protruding garages are considered to be an overwhelming and dominant feature of the proposed development, and would not be visually compatible with the existing neighbourhood character of the area.

In addition, there would be unreasonable visual bulk caused to adjoining properties and public open space areas due to the side-by-side built form, with no separations between dwellings. This visual bulk would be accentuated by limited setbacks, and repetitive design with little visual interest.

It is considered that the multiple protruding garages and continuous built form are contrary to the design detail objectives and standards of the Scheme.

Poor Design Response

In accordance with Clause 55.01-2 of the Scheme, an application must be accompanied with a design response which explains how the proposed design derives from and responds to the neighbourhood and site description. As submitted by the applicant, the end design of the proposal is based on findings of an investigation of the local real estate market, feedback from local builders and the objective to create an economically viable product.

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It appears that the design response of the proposal has been the result of economic reasons, but it fails to account for the constraints arising from the size of the site and its neighbourhood context.

Given the degree of non-compliance with ResCode as discussed above, it is evident that the proposal is a poor design and has not been carefully considered to take into account the opportunities and constraints of the site as required by the provisions of the Scheme.

The subject site is a corner block of reasonable size, in close proximity to a range of facilities and infrastructure and is capable of accommodating some form of infill development. However, the significant design deficiencies of the proposal lead to poor internal amenity, poor overall design and lack of solar access as discussed above.

It should be noted that the applicant was given a number of opportunities to address the issues identified above. However, the amended plans submitted by the applicant offer little design improvements to the proposal, such as adding a gabled porch in front of each entrance and marginally reducing the size of each garage by approximately 0.5m. To allow for more spacing between buildings and to reduce the number of garages facing Tennyson Street, Council Officers are of the view that a revised option with fewer dwellings for the land should be considered. However, the applicant has declined to explore this option.

Subdivision

In terms of subdivision, the proposal seeks to subdivide the land from 3 to 2 lots, with the common boundary of proposed Lots 1 and 2 running through the existing shed at 2 Tennyson Street. The subdivision is to allow the proposed unit development to be contained wholly within a single lot. As proposed unit development is of a poor design (for reasons outlined above) and the proposed subdivision layout is directly linked to the unit development, it is recommended that the subdivision should also not be supported.

Land Subject to Inundation Overlay

The application was referred to the West Gippsland Catchment Management Authority (WGCMA) for consideration. The WGCMA advises that in the event of a 1% Annual Exceedance Probability (AEP) flood, it is likely that the majority of the land would be subject to inundation from Traralgon Creek. Flood depth over the property is likely to reach 0.5 metres in the north east corner of the land, namely 74 Shakespeare Street.

It should be noted that where flood depth over a property is likely to exceed 0.5 metres during a 1% AEP flood event, a proposal that seeks to intensify development through the creation of additional dwellings at a

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property cannot be supported, as this will increase the amount of people and property exposed to the flood hazard.

However, in consideration the proposal does not seek to alter the existing dwelling at 74 Shakespeare Street but only seeks to develop six double dwelling on the eastern portion of the subject land (i.e. 2 Tennyson Street and 72 Shakespeare Street), the WGCMA does not object to the granting of a permit for the proposal, subject to the following conditions:

- No new lots are to be created that are wholly flooded by depths in excess 0.5 metres.
- The finished floor level of the dwellings must be a minimum of 0.3m AHD above the applicable 1% AEP flood level (i.e. 40.1m AHD in the northern portion of the property and 40.4m AHD in the southern portion of the property'.

The plans submitted with the application show that the required AHD can generally be achieved by the proposal.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

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

No objection was received.

External:

The application was referred to SP AusNet, Gippsland Water, APA Group and the West Gippsland Catchment Management Authority in accordance with Section 55 of the Act.

None of the authorities objected to the application.

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Internal officer comments were sought from Council's Infrastructure Planning Team who gave consent to the granting of a planning permit subject to appropriate conditions and notes.

OPTIONS

Council has the following options in regard to this application:

- 1 Issue a Refusal to Grant a Planning Permit.
- 2 Issue a Notice of Decision to Grant a Planning Permit.

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

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 Residential 1 Zone;
- Inconsistent with Clause 55 Two or More Dwellings on a Lot and Residential Buildings;
- Inconsistent with Clause 65 (Decision Guidelines);

Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application does not meet the relevant requirements of the Scheme. It is therefore recommended that Council issue a Refusal to Grant a Permit for the proposal, for the reasons set out in this report.

Attachments

1. Development Plans
2. Proposed Plan of Subdivision
3. Aerial Photo
4. History of Application
5. Relevant Ordinance

RECOMMENDATION

That Council issue a Notice of Refusal to Grant a Planning Permit for the development of six attached double storey dwellings, re-subdivision of land from 3 to 2 lots and alterations of access to a road in a road zone category 1, at 2 Tennyson Street and 72 – 74 Shakespeare Street in Traralgon, with the following conditions:

- 1 The proposal does not meet the purpose and decision guidelines of the Residential 1 Zone, in terms of facilitating a development that respects the existing neighbourhood character of the area.
- 2 The proposal would cause an unreasonable level of visual bulk to the street, adjoining properties and public open space.
- 3 The proposal does not satisfactorily address the purpose and intent and objectives of Clause 55 of the Latrobe Planning Scheme, and particularly is inconsistent with:
 - Clause 55.02-1 Neighbourhood Character
 - Clause 55.02-5 Integration with the street
 - Clause 55.03-5 Energy efficiency
 - Clause 55.03-8 Landscaping
 - Clause 55.03-9 Access
 - Clause 55.05-2 Dwelling Entry
 - Clause 55.05-5 Solar access to open space
 - Clause 55.06-1 Design detail

ALTERNATE MOTION

That Council issue a planning permit for the development of six double storey dwellings; re-subdivision of land from 3 to 2 lots; alteration of access to a road in a road in a Road Zone Category 1 at 2 Tennyson Street and 72-74 Shakespeare Street in Traralgon, with the following conditions:

Amended Plans

1. **Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:**

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- a) That the notation on the site plan be altered to note the removal of the redundant vehicle crossing at number 72 Shakespeare Street requires the reconstruction of the vehicle crossing at No 74 Shakespeare Street.
- b) Vehicle crossings for units 3 to 6 must be amended so the vehicle crossing locations and widths match the internal accessway locations and widths at the property line.
- c) Vehicle crossings for units 1 and 2 must be amended to comply with the minimum widths shown on Latrobe City Council's standard drawing LCC307
- d) Either the relocation of the electricity poles adjacent to the proposed units 1 and 5 (plan to be accompanied by a written agreement between the owner of the land and SP AusNet for the relocation of the electricity pole at the cost of the owner);

or

An amended layout for the development providing at least one metre of clearance between the electricity poles and any vehicle crossings.

- e) The proposed new fence along Shakespeare Street must show a two metre offset from the south boundary of the property.

Plans not to be altered

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

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

- 4. West Gippsland Catchment Management Authority Condition

- a) No new lots are to be created that are wholly flooded by depths in excess of 0.5 metres.
- b) The finished floor level of the dwellings must be a minimum of 0.3 m AHD above the applicable 1% AEP flood level (i.e. 40.1m AHD in the northern portion of the property and 40.4m AHD in the southern portion of the property)

Section 173 Agreement

- 5. Prior to the issue of Statement of Compliance for this subdivision under the Subdivision Act 1988, the operator of this

permit must:

- a) have commenced the development approved under this permit (2013/068) and the development must be at least at frame stage in accordance with this permit, to the satisfaction of the Responsible Authority; or
- b) have enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act* 1987 that provides for the following:
 - That proposed Lot 1 will be developed in accordance with the plans endorsed under this planning permit (2013/068) or any subsequent amendment to this permit, to the satisfaction of the Responsible Authority.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act.

The operator of this permit must pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement.

The operator of this permit must provide Council with a copy of the dealing number issued by the Titles Office.

Once titles are issued, Council requires the operator of this permit or its legal representative to provide either:

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

6. Before the commencement of any works hereby permitted, a site drainage plan, including levels or contours of the land and all hydraulic computations, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:

- a) How the land including all buildings, open space, access lanes and paved areas will be drained for a 1 in 5 year ARI storm event.
- b) An underground pipe drainage system conveying stormwater discharge from each dwelling separately to the legal point of discharge.
- c) An underground pipe drainage system conveying stormwater

discharge from the legal point of discharge of each dwelling separately to Latrobe City Council's stormwater drainage system.

- d) The provision of stormwater detention within the site and prior to the point of discharge into Latrobe City Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using a co-efficient of run-off of 0.4.

7. Prior to the commencement of any works hereby permitted, the operator of this permit shall:

- a) Arrange the removal of the street tree (including the stump) in front of number 2 Tennyson Street, Traralgon by a tree contractor approved by the Responsible Authority. Seven (7) days notification must be given to Latrobe City Council's Supervisor Arborist before the commencement of any tree removal works.
- b) Pay \$180 to Latrobe City Council for the planting of an appropriate replacement street tree.

8. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

9. Before an Occupancy Permit is issued for the dwellings hereby permitted or prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988 (whichever is earlier), the operator of this permit must complete the following works to the satisfaction of the Responsible Authority:

- a) Any buildings located across proposed lot boundaries must be removed.

10. Before an Occupancy Permit is issued for the dwelling/s hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:

- a) The construction of all new property stormwater drainage connections in accordance with the approved site drainage

plan, so that each dwelling is separately drained to Latrobe City Council's stormwater drainage system.

- b) All drainage works must be constructed in accordance with the approved site drainage plan.
- c) The construction of on-site stormwater detention works in accordance with the approved site drainage plan.
- d) The redundant vehicle crossing at number 72 Shakespeare Street must be removed, kerb and channel, footpath and naturestrip reinstated and the vehicle crossing at number 74 Shakespeare Street reconstructed.
- e) All proposed vehicle crossings must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with:
 - i. the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307, and
 - ii. the requirements of any service authority having existing assets at the proposed location of the vehicle crossing.

Landscaping Conditions

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

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Gippsland Water Conditions

13. The operator of this permit must comply with the following requirements from the Gippsland Water:
- a) The owner/applicant must lodge a Building Over or Near Assets application (Application enclosed) and have approval given by Gippsland Water prior to Gippsland Water entering into a Deed of Agreement for the sewer main extension. This application will be required for the new sewer main extension to service the 6 units as the proposed sewer main may impact on the concrete areas under the clotheslines for Units 1-6 (inclusive).
 - b) The existing water meter 02AF008108 servicing 74 Shakespeare Street must be capped at the main and the meter

returned to Gippsland Water.

- c) A sewer extension is required and will be outlined in the Property Connections quote.
- d) The existing sewer points may require capping if found to be in an unsuitable location.
- e) Gippsland Water requires any construction adjacent to its asset; (e.g. sewer main(s), sewer maintenance hole, or sewer property connection point), to be located a minimum of 1 metre from the outside edge of the authority asset.

SPI Electricity Conditions

14. The operator of this permit must comply with the following requirements from the SPI Electricity Pty Ltd:

- a) Enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- b) Provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

Telecommunication Conditions

15. The owner of the land must enter into an agreement with:

- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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

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

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

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

Standard Subdivision Conditions

16. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

17. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

18. The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with section 8 of that Act.

Permit Expiry – Subdivision

This permit will expire if:

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

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

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

Permit Expiry – Development

20. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit; or

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

The location of the Legal Point of Discharge for any property and the connection point into Latrobe City Council's stormwater drainage system can be obtained by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au/Our_Services/Other_Services/Infrastructure/Work_Permits_and_Property_Information

A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of all new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Latrobe City Council's Asset Protection Officer before any backfilling of the connection is undertaken. Latrobe City Council's Local Law Number 2 provides that a penalty of up to 10 penalty units may be applied where stormwater drainage connection works have been undertaken without a Stormwater Connection Permit.

A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer

Vehicle crossings must be provided with minimum clearances to other infrastructure in accordance with Latrobe City Council's Vehicle Crossing Policy, including clearances to property boundaries, any adjacent side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

For a quotation relating to the costs and requirement for the provision of water and sewerage services to this development please contact Property Connections on (03) 5177 4648.

Moved: Cr Harriman
Seconded: Cr Rossiter

That the Motion be adopted.

For the Motion

Councillor/s Rossiter, Gibson, Sindt, White, Harriman

Against the Motion

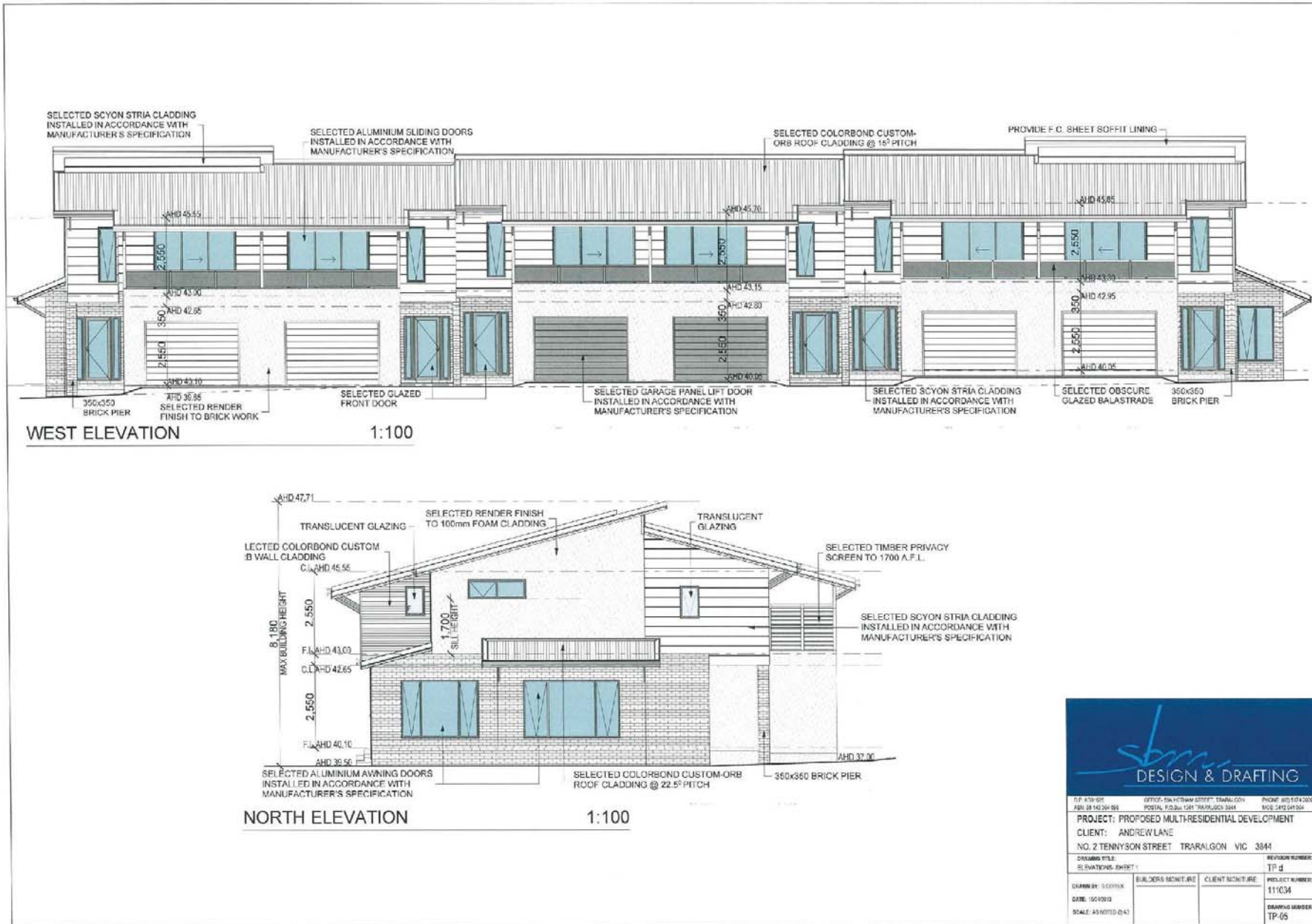
Councillor/s Gibbons, Middlemiss, O'Callaghan

The Acting Mayor confirmed that the Motion had been CARRIED

9.2

PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, at 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON

1	Development Plans	621
2	Proposed Plan of Subdivision	641
3	Aerial Photo	643
4	History of Application	645
5	Relevant Ordinance	647



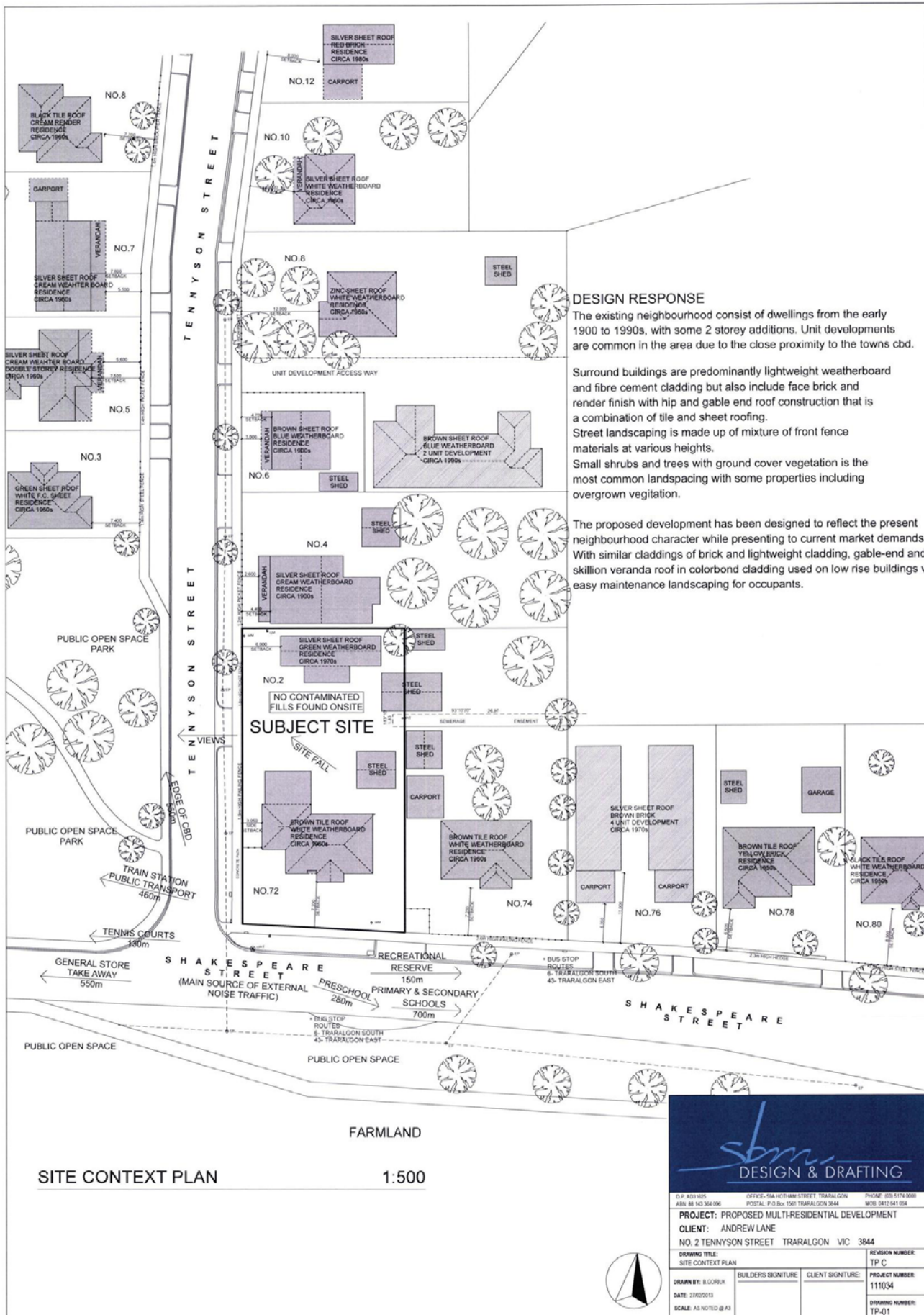
sdm DESIGN & DRAFTING

5/7-8/79 ST. OFFICE: 5th FLOOR 6TH ST. TRARALGON VIC 3444 PHONE: 03 5174 2000
 180 134 224 288 POSTAL: P.O. BOX 1281 TRARALGON 3444 FAX: 03 5174 2044

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT
CLIENT: ANDREW LANE
 NO. 2 TENNYSON STREET TRARALGON VIC 3444

DRAWING TITLE: ELEVATIONS - SHEET 1		REVISION NUMBER: TP 0
DESIGNED BY: S. COFFIN	BUILDER'S SIGNATURE:	CLIENT SIGNATURE:
DATE: 16/03/13		PROJECT NUMBER: 11-034
SCALE: AS NOTED (E4)		DRAWING NUMBER: TP-05

9.2 PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, at 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON - Development Plans



DESIGN RESPONSE

The existing neighbourhood consist of dwellings from the early 1900 to 1990s, with some 2 storey additions. Unit developments are common in the area due to the close proximity to the towns cbd.

Surround buildings are predominantly lightweight weatherboard and fibre cement cladding but also include face brick and render finish with hip and gable end roof construction that is a combination of tile and sheet roofing.

Street landscaping is made up of mixture of front fence materials at various heights.

Small shrubs and trees with ground cover vegetation is the most common landscaping with some properties including overgrown vegetation.

The proposed development has been designed to reflect the present neighbourhood character while presenting to current market demands. With similar claddings of brick and lightweight cladding, gable-end and skillion veranda roof in colorbond cladding used on low rise buildings which easy maintenance landscaping for occupants.

SITE CONTEXT PLAN

1:500



D.P. 4011003 OFFICE: 58A HOTHAM STREET, TRARALGON PHONE: 012 5174 000 A.B.N. 88 143 364 096 POSTAL: P.O. Box 1561 TRARALGON 3644 MOB: 0412 641 064	
PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT CLIENT: ANDREW LANE NO. 2 TENNYSON STREET TRARALGON VIC 3844	
DRAWING TITLE: SITE CONTEXT PLAN	REVISION NUMBER: TP-C
DRAWN BY: B. GORUK DATE: 27/02/2013 SCALE: AS NOTED @ A3	BUILDERS SIGNATURE: _____ CLIENT SIGNATURE: _____ PROJECT NUMBER: 111034 DRAWING NUMBER: TP-01

9.2 PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, at 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON - Development Plans

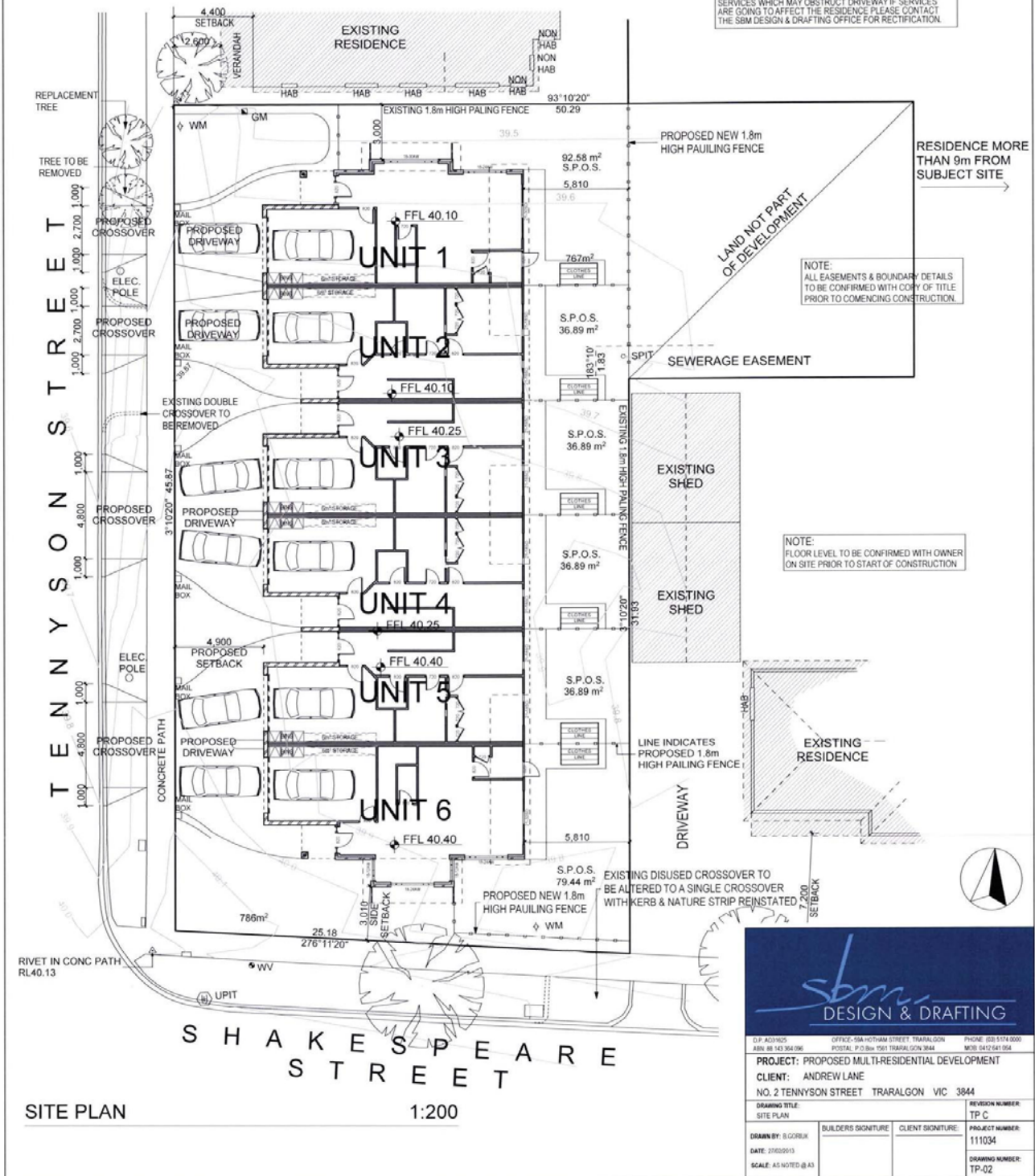
BUILDING REGULATION PART 4- REFER TO SITE PLAN FOR DETAILS			
408/9	STREET SETBACK	COMPLIES	FRONT 4.9m (4.0m MIN)
410	BUILDING HEIGHT	COMPLIES	8.02m (9.0m MAX)
411	SITE COVERAGE	COMPLIES	LOT SIZE 1178m ² 45.80%
412	PERMEABLE AREA	COMPLIES	429.28m ² OR 36.44%
413	CARPARKING	COMPLIES	6 GARAGE & 6 ONSITE VISITOR
414	SIDE & REAR SETBACKS	COMPLIES	UNAFFECTED (1.0m MIN)
415	WALLS ALONG BOUNDARIES	COMPLIES	UNAFFECTED
416	DAYLIGHT TO EXIST HAB. WINDOWS	COMPLIES	UNAFFECTED
417	EXISTING NORTH FACING WINDOWS	COMPLIES	UNAFFECTED
418	OVERSHADOWING	COMPLIES	UNAFFECTED
419	OVERLOOKING	COMPLIES	UNAFFECTED
420	NORTH FACING WINDOWS	COMPLIES	UNAFFECTED
421	PRIVATE OPEN SPACE	COMPLIES	(GREATER THAN 40 m ² MIN)

DESIGNATED BUSHFIRE PRONE AREA 12.5
 CONSTRUCTION REQUIREMENTS TO A MIN BAL 12.5 UNDER AS3959 2009 VIC
 CONSTRUCTION IN ACCORDANCE WITH SECTION 3 AND 5 OF AS3959-2009 VIC- DESIGN & CONSTRUCTION OF BUILDINGS IN BUSHFIRE PRONE AREAS

NOTE:
 PRIOR TO STARTING SETOUT FOR CONSTRUCTION CHECK FOR SERVICES WHICH MAY OBSTRUCT DRIVEWAY IF SERVICES ARE GOING TO AFFECT THE RESIDENCE PLEASE CONTACT THE SBM DESIGN & DRAFTING OFFICE FOR RECTIFICATION.

NOTE:
 ALL EASEMENTS & BOUNDARY DETAILS TO BE CONFIRMED WITH COPY OF TITLE PRIOR TO COMMENCING CONSTRUCTION.

NOTE:
 FLOOR LEVEL TO BE CONFIRMED WITH OWNER ON SITE PRIOR TO START OF CONSTRUCTION



SITE PLAN

1:200

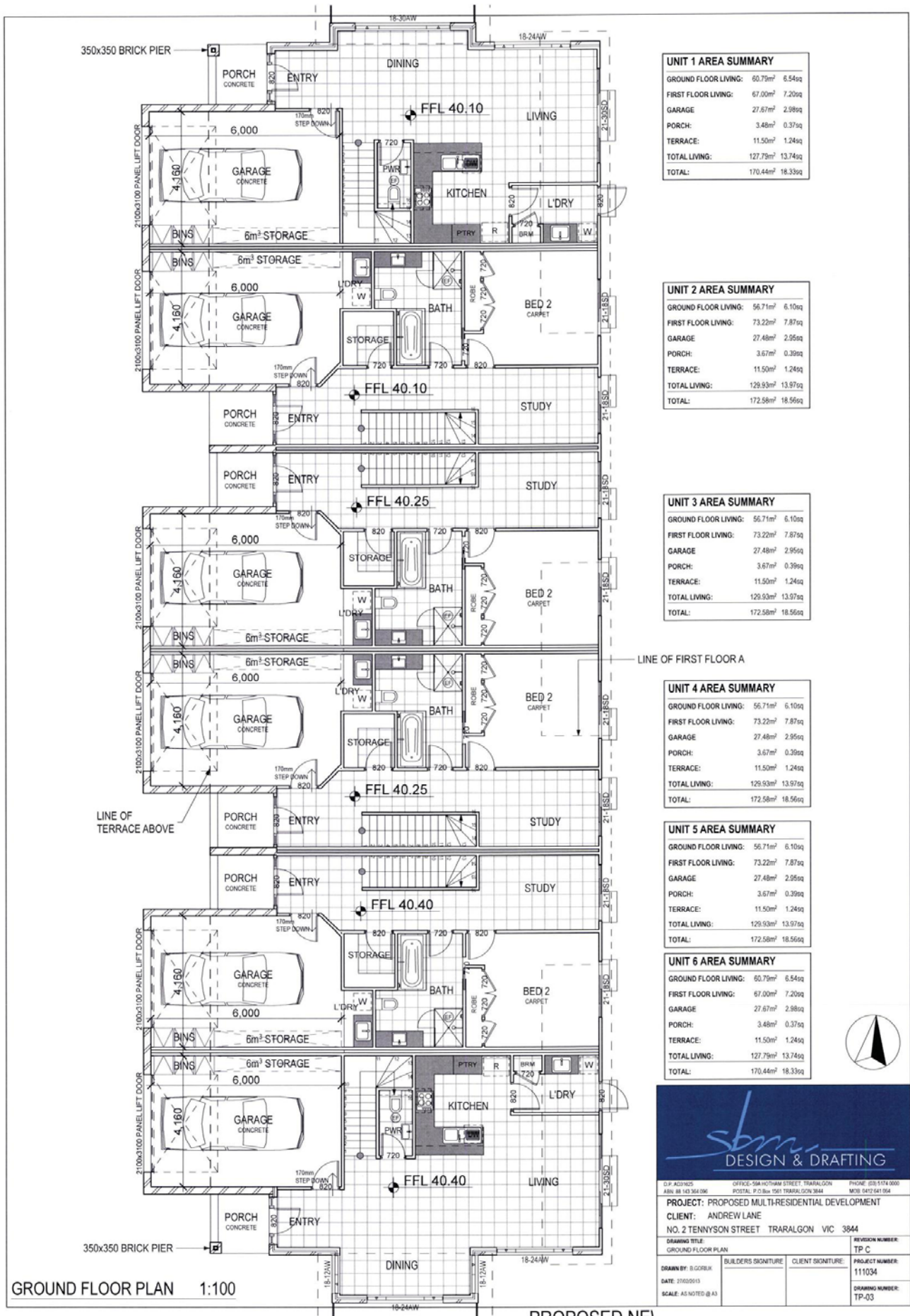
sbm
 DESIGN & DRAFTING

D.P. AC2010 OFFICE: 58A NORTHAM STREET, TRARALGON PHONE: 033 514 3000
 ABN: 88 143 364 096 POSTAL: P.O. Box 1561 TRARALGON 3844 MOB: 042 641 064

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT
 CLIENT: ANDREW LANE
 NO. 2 TENNYSON STREET TRARALGON VIC 3844

DRAWING TITLE: SITE PLAN	REVISION NUMBER: TP-C
DRAWN BY: B. GORUK DATE: 20090913 SCALE: AS NOTED @ A3	PROJECT NUMBER: 111034 DRAWING NUMBER: TP-02

9.2 PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, at 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON - Development Plans



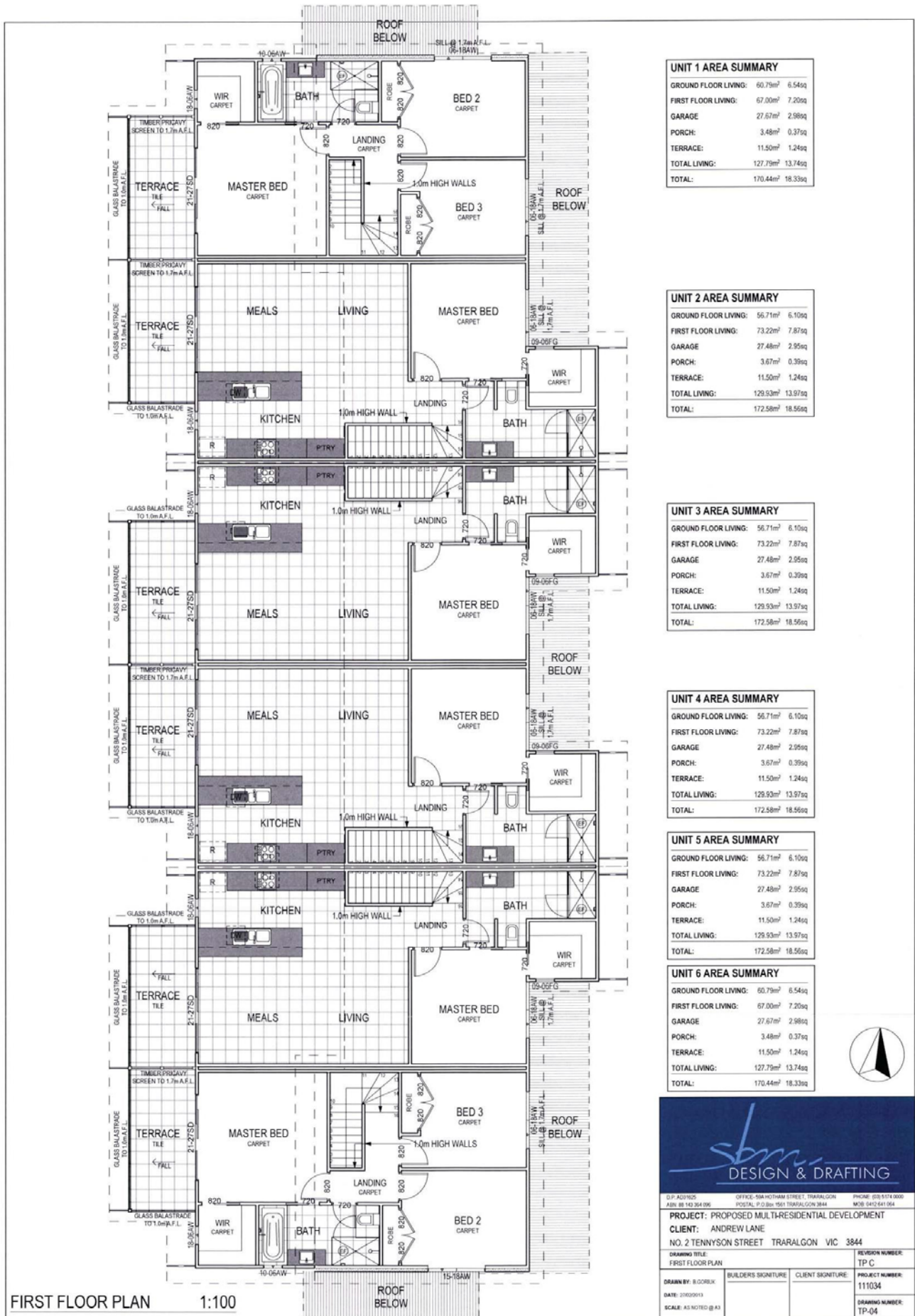
sbm DESIGN & DRAFTING

D.P. ACTING OFFICE: 58A NORTHAM STREET, TRARALGON PHONE: 03 5174 3000
 ABN: 88 143 364 096 POSTAL: P.O. Box 1561 TRARALGON 3844 MOB: 0412 641 054

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT
 CLIENT: ANDREW LANE
 NO. 2 TENNYSON STREET TRARALGON VIC 3844

DRAWING TITLE: GROUND FLOOR PLAN	REVISION NUMBER: TP C
DRAWN BY: B. GORRIE	BUILDER'S SIGNATURE:
DATE: 20/05/13	CLIENT SIGNATURE:
SCALE: AS NOTED @ A3	PROJECT NUMBER: 111034
	DRAWING NUMBER: TP-03

9.2 PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, at 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON - Development Plans



UNIT 1 AREA SUMMARY

GROUND FLOOR LIVING:	60.79m ²	6.54sq
FIRST FLOOR LIVING:	67.00m ²	7.20sq
GARAGE:	27.67m ²	2.98sq
PORCH:	3.48m ²	0.37sq
TERRACE:	11.50m ²	1.24sq
TOTAL LIVING:	127.79m ²	13.74sq
TOTAL:	170.44m ²	18.33sq

UNIT 2 AREA SUMMARY

GROUND FLOOR LIVING:	56.71m ²	6.10sq
FIRST FLOOR LIVING:	73.22m ²	7.87sq
GARAGE:	27.48m ²	2.95sq
PORCH:	3.67m ²	0.39sq
TERRACE:	11.50m ²	1.24sq
TOTAL LIVING:	129.93m ²	13.97sq
TOTAL:	172.58m ²	18.56sq

UNIT 3 AREA SUMMARY

GROUND FLOOR LIVING:	56.71m ²	6.10sq
FIRST FLOOR LIVING:	73.22m ²	7.87sq
GARAGE:	27.48m ²	2.95sq
PORCH:	3.67m ²	0.39sq
TERRACE:	11.50m ²	1.24sq
TOTAL LIVING:	129.93m ²	13.97sq
TOTAL:	172.58m ²	18.56sq

UNIT 4 AREA SUMMARY

GROUND FLOOR LIVING:	56.71m ²	6.10sq
FIRST FLOOR LIVING:	73.22m ²	7.87sq
GARAGE:	27.48m ²	2.95sq
PORCH:	3.67m ²	0.39sq
TERRACE:	11.50m ²	1.24sq
TOTAL LIVING:	129.93m ²	13.97sq
TOTAL:	172.58m ²	18.56sq

UNIT 5 AREA SUMMARY

GROUND FLOOR LIVING:	56.71m ²	6.10sq
FIRST FLOOR LIVING:	73.22m ²	7.87sq
GARAGE:	27.48m ²	2.95sq
PORCH:	3.67m ²	0.39sq
TERRACE:	11.50m ²	1.24sq
TOTAL LIVING:	129.93m ²	13.97sq
TOTAL:	172.58m ²	18.56sq

UNIT 6 AREA SUMMARY

GROUND FLOOR LIVING:	60.79m ²	6.54sq
FIRST FLOOR LIVING:	67.00m ²	7.20sq
GARAGE:	27.67m ²	2.98sq
PORCH:	3.48m ²	0.37sq
TERRACE:	11.50m ²	1.24sq
TOTAL LIVING:	127.79m ²	13.74sq
TOTAL:	170.44m ²	18.33sq



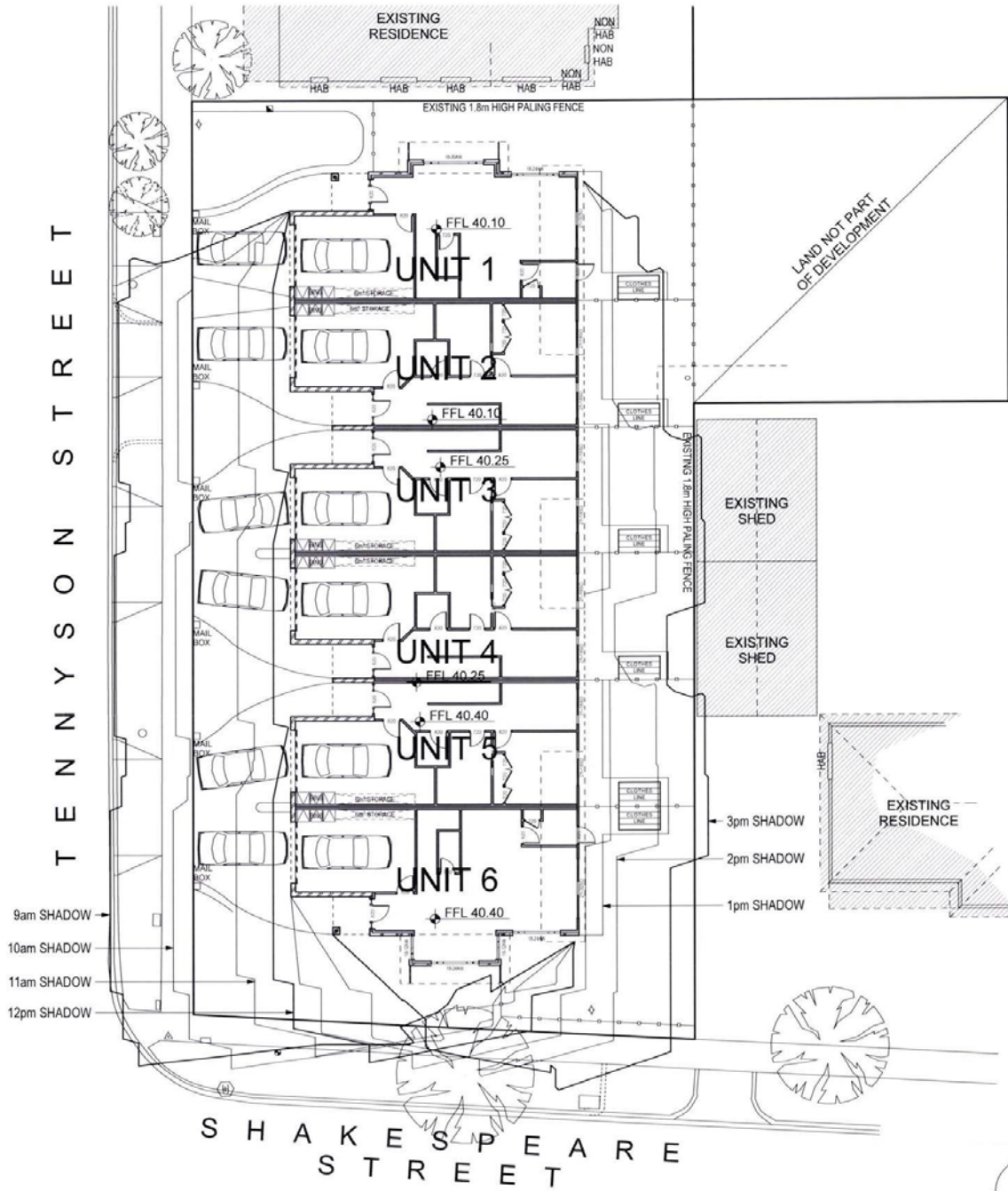
sdm DESIGN & DRAFTING

D.P. ADDRESS: OFFICE: 594 WILKINSON STREET, TRARALGON PHONE: (03) 8114 8800
 A.M. 18 143 354 006 POSTAL: P.O. Box 1551 TRARALGON 3844 MOB: 042 641 064

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT
 CLIENT: ANDREW LANE
 NO. 2 TENNYSON STREET TRARALGON VIC 3844

DRAWING TITLE: FIRST FLOOR PLAN	REVISION NUMBER: TPC
DRAWN BY: B. COOPER	PROJECT NUMBER: 111034
DATE: 21/05/2013	DRAWING NUMBER: TP-04
SCALE: AS NOTED @ A3	BUILDERS SIGNATURE: CLIENT SIGNATURE:

FIRST FLOOR PLAN 1:100



SHADOW DIAGRAM

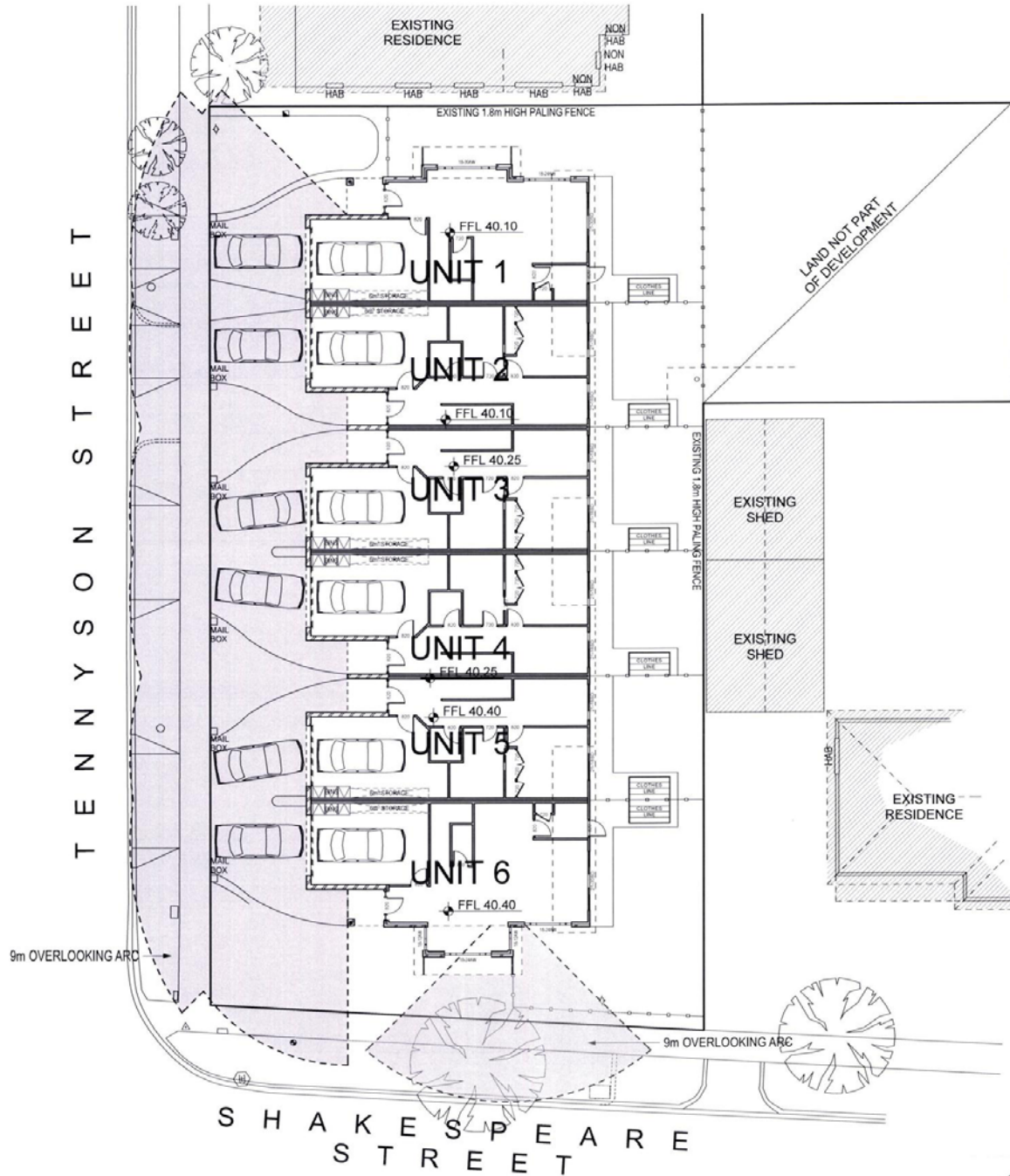
1:200

sdm
DESIGN & DRAFTING

G.P. ALLIEND
ABN 88 143 364 096 OFFICE: 58A NOTHAM STREET, TRARALGON
POSTAL: P.O. Box 1581 TRARALGON 3844 PHONE: 033 5174 3000
MOB: 0427 641 054

PROJECT: PROPOSED MULTIRESIDENTIAL DEVELOPMENT
CLIENT: ANDREW LANE
NO. 2 TENNYSON STREET TRARALGON VIC 3844

<small>DRAWING TITLE:</small> SHADOW DIAGRAM	<small>REVISION NUMBER:</small> TP-C
<small>DRAWN BY:</small> B GORBLI	<small>BUILDERS SIGNATURE:</small>
<small>DATE:</small> 21/02/2013	<small>CLIENT SIGNATURE:</small>
<small>SCALE:</small> AS NOTED @ A3	<small>PROJECT NUMBER:</small> 111034
	<small>DRAWING NUMBER:</small> TP-07



OVERLOOKING DIAGRAM 1:200



sbm
DESIGN & DRAFTING

G.P. 402102 OFFICE: 59A NOTHAM STREET, TRARALGON PHONE: 03 5174 5000
 A.B.N. 68 143 364 096 POSTAL: P.O. Box 1581 TRARALGON 3844 MOB: 0422 641 064

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT
 CLIENT: ANDREW LANE
 NO. 2 TENNYSON STREET TRARALGON VIC 3844

DRAWING TITLE: OVERLOOKING DIAGRAM	BUILDERS SIGNATURE:	CLIENT SIGNATURE:	REVISION NUMBER: TP-C
DRAWN BY: B. GORUK	DATE: 21/02/2013	SCALE: AS NOTED @ A3	PROJECT NUMBER: 111034
			DRAWING NUMBER: TP-08

9.2 PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, at 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON - Development Plans

LANDSCAPING NOTES:

1. Plants are to be placed in the centre of the holes.
 2. Plants must be set at a level such that the crown of the plants establish a normal and natural relationship with surrounding levels.
 3. Plants to be removed from containers by tipping container upside down and letting plant fall into hand.
 4. After removing from container, the handling of the root system must be done with a minimum of root disturbance particularly Australian native species.
 5. Plants must be healthy and plant root systems must be moist at the time of planting. Plants must be watered in, with approximately 10 litres of water at time of planting.
 7. All Plants exceeding 200mm pot size, shall be staked against prevailing winds. Ties shall be of a flexible nature to allow sufficient movement to encourage root formation.
 8. All plants shall receive a slow release fertilizer at a quantity relative to the pot size.
 9. All garden beds shall be covered with 1/2" Pine Bark at a depth of 75mm.
 10. Soil level on garden bed side of restraining edge shall be graded 50mm below top of edge to allow for garden mulch placement. Soil levels on lawn side to be least 20mm below restraining edge to allow for correct turf sod placement. Prior to laying of turf, all areas are to be raked by hand, and then tuled to provide a perfect flat bed, free of any depressions or high points.
 11. All lawn areas shall be Instant Turf, washed free Turf to be Festuca Australasica, and shall be laid in stretcher bond pattern, and dressed with a fertilizer application of Pivot 900, at 40 grams per square metre.
- Maintenance:**
At the completion of the Landscape Development. The landscape consultant shall provide a full and comprehensive Maintenance Program for a 13 week period. It shall be the contractors responsibility to ensure that plants and turf are established during this period. Replacement of substandard Landscape, Structural or Horticultural, will be the Contractors responsibility.
12. All landscape areas are to receive a 100mm fill of screened and p.h. tested topsoil sourced from a local supply. This soil must be free of any organic debris. Topsoil will be compatible with soils of the area.



MATERIAL SCHEDULE		
	MULCHED GARDEN BED	81.30m ²
	CONCRETE	229.31m ²
	GRASS AREA	317.28m ²
	PROPOSED 1.8m HIGH PAILING FENCE	60.08Lm

LANDSCAPING PLAN 1:200

PLANT SCHEDULE						
Key	BOTANICAL NAME	COMMON NAME	SIZE H x W (m)	POT SIZE	INSTALL HEIGHT	QTY.
P	POA LABILLARDIERI	COMMON TUSSOCK GRASS	1.5 x 1.0	300mm	300mm	26
PE	PENNISETUM SETACEUM 'RUBRUM'	RED FOUNTAIN GRASS	1.5 x 1.3	300mm	450mm	25
D	DIETES GRANDIFLOA	LARGE WILD IRIS FAIRY IRIS	1.0 x 1.0	200mm	300mm	37
DI	DIANELLA	LITTLE REV	1.0 x 0.5	150mm	300mm	12
T	PYRUS USSURIENSIS	MANCHURIAN PEAR	2.0 x 2.5	200mm	300mm	4

sbm DESIGN & DRAFTING

D.P. 402925
 4/111 BILLYARD STREET, TRARALGON
 A/BN 88 143 364 006
 OFFICE: 584 NORTHAM STREET, TRARALGON
 POSTAL P.O. BOX 1061 TRARALGON 3844
 PHONE: 03 5174 9300
 MOB: 0412 641 064

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT
CLIENT: ANDREW LANE
 NO. 2 TENNYSON STREET TRARALGON VIC 3844

DRAWING TITLE: LANDSCAPING PLAN
REVISION NUMBER: TP C

DRAWN BY: B. GORUK
DATE: 21/02/2013
SCALE: AS NOTED @ A3

BUILDERS SIGNATURE:
CLIENT SIGNATURE:
PROJECT NUMBER: 111034
DRAWING NUMBER: TP-09



 <p>SHINE DESIGN & DRAFTING</p> <p>OFFICE: 508 ANSON STREET TRARALGON VIC 3844 PHONE: 03 5114 0000 MOBILE: 0412 541 984</p>		<p>PROJECT: PROPOSED MULTIRESIDENTIAL DEVELOPMENT</p> <p>CLIENT: ANDREW LAINE</p> <p>NO. 2 TENNYSON STREET TRARALGON VIC 3844</p> <p>DRAWING TITLE: BALDERS SOUTH/E</p> <p>3D PERSPECTIVE SHEET 1</p> <p>DATE: 27/02/2013</p> <p>SCALE: AS SHOWN @ A4</p>	
<p>DESIGNER: B. BOONICK</p> <p>DATE: 27/02/2013</p> <p>SCALE: AS SHOWN @ A4</p>		<p>BALDERS SOUTH/E</p> <p>CLIENT SOUTH/E</p> <p>PROJECT NUMBER: 111004</p> <p>REVISION NUMBER: 1P.C</p> <p>DRAWING NUMBER: 1P-10</p>	



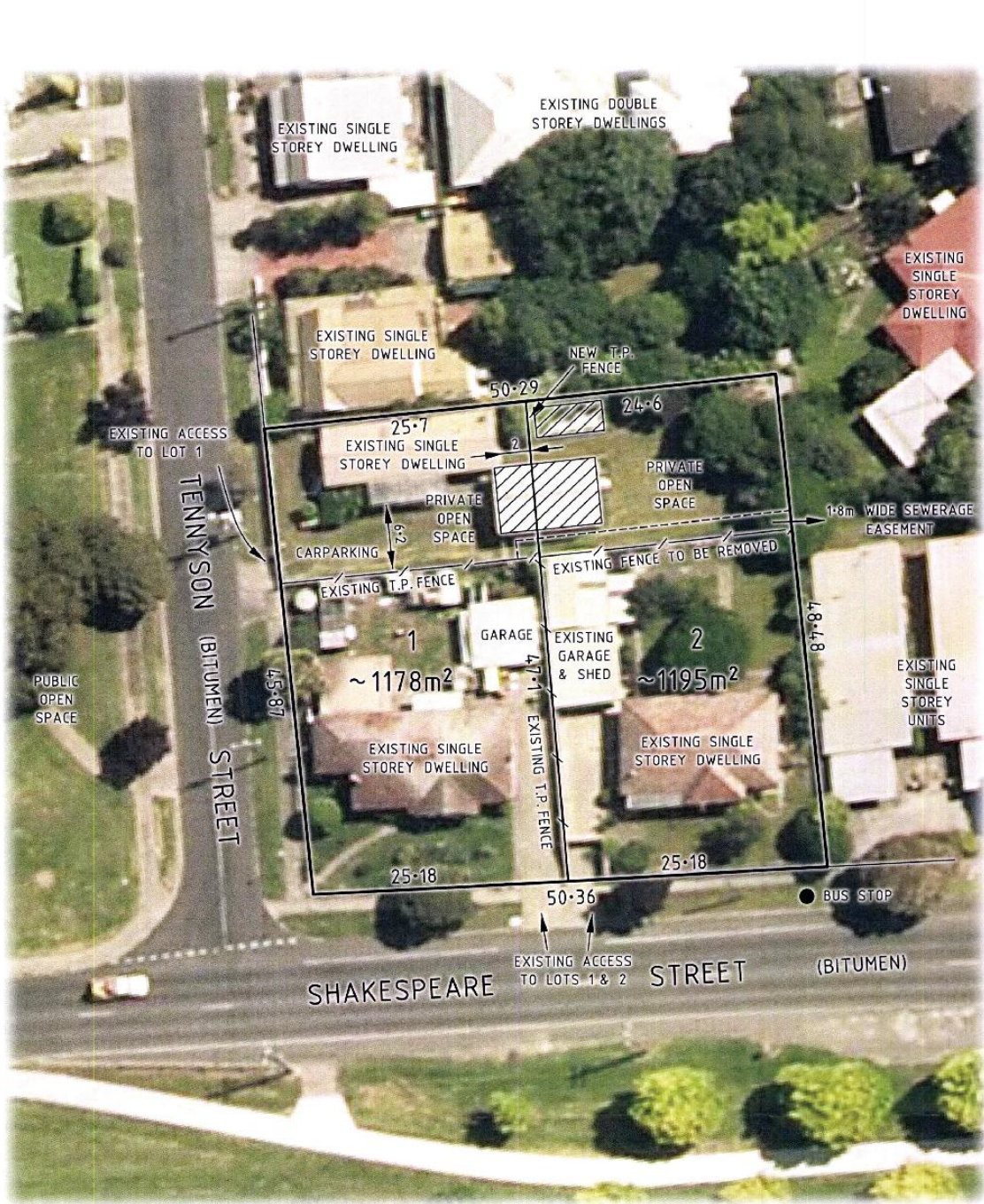


DESIGN & DRAFTING

177 KAYONGA AVE. MILDURA VIC 3648 PHONE 03 5311 1000
 OFFICE 30 TENNYSON STREET TRARALGON VIC 3844 MOB 0428 981 961

PROJECT: PROPOSED MULTIRESIDENTIAL DEVELOPMENT CLIENT: ANDREW LAINE NO. 2 TENNYSON STREET TRARALGON VIC 3844	
DRAWING TITLE: 3D PERSPECTIVES SHEET 2	DESIGNER: M. BOONICK DATE: 27/05/13
BUILDING SIGNATURE:	CLIENT SIGNATURE:
PROJECT NUMBER: 11104	DRAWING NUMBER: TP-11
SCALE: AS NOTED @ A1	

9.2 PLANNING PERMIT APPLICATION 2013/68, DEVELOPMENT OF SIX DOUBLE STOREY DWELLINGS ON A LOT; RE-SUBDIVISION OF LAND FROM 3 TO 2 LOTS; ALTERATIONS OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1, at 2 TENNYSON STREET AND 72 - 74 SHAKESPEARE STREET, TRARALGON - Proposed Plan of Subdivision



A. LANE
 2 TENNYSON STREET &
 72-74 SHAKESPEARE STREET
 TP807355A LOT 1, TP579768P LOTS 1 & 2 &
 TP439298K LOTS 1 & 2
 C/T VOL 6406 FOL 010 & VOL 6406 FOL 011 &
 VOL 6490 FOL 977

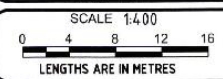
NOTE: ALL DIMENSIONS ARE SUBJECT TO SURVEY & FINAL COMPUTATIONS
 PHOTO SOURCE: AREOMETREX

 EXISTING SHEDS TO BE REMOVED

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

SURVEYORS REF. ORIGINAL SHEET SIZE
 1200038 A3
 VERSION A
 DRAWN: AS CHECKED: NS
 SHEET 1 OF 1

PROPOSED PLAN OF SUBDIVISION
 PARISH OF TRARALGON
 TOWNSHIP OF TRARALGON



CAD REFERENCE: S:\JOBS DATA\PLANNING\MICROSTATION\1200038-PPS.dgn

1:2000



31/7/2013

History of Application

4 March 2013	Planning Permit application received by Council.
28 March 2013	Further information requested from the applicant.
16 April 2013	Further information received from the applicant.
23 April 2013	A meeting was held to discuss some of Council Officers' concerns in relation to the proposal. Attendees included Council Officers, the applicant, architect and land owner.
8 May 2013	Applicant submitted amended plans to Council, with an attempt to address Council Officers' concerns
14 May 2013	Council Officers advised via email that the amended plans fail to address concerns raised by Officers at meeting dated 23 April 2013
16 May 2013	Applicant advised that no further changes to the proposal will be considered by the land owner, and requested via email that the application be notified and referred.
27 May 2013	Application was notified to all adjoining occupiers and owners. Application was referred to all the relevant authorities in accordance with Section 55 of the Act.
17 June 2013	Statutory declaration form received from applicant, confirming completion of the notification process
18 June 2013	Referral response received from VicRoads. No objection.
20 June 2013	Referral response received from Gippsland Water. No objection
25 June 2013	Referral response received from West Gippsland Catchment Management Authority. No objection.
5 August 2013	Referral response received from SP AusNet. No objection.

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02 Urban Growth
Clause 11.05 Regional Development
Clause 13.02 Floodplains
Clause 15.01 Urban Environment
Clause 16.01 Residential Development
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 – Residential 1 Zone

The subject land is located within a Residential 1 Zone.

Overlay

The subject land is affected by Land Subject to Inundation Overlay.

The subject land is located within an area of Aboriginal Cultural Heritage Sensitivity.

Particular Provisions

Clause 52.06 Car Parking
Clause 55 Two or More Dwellings on a Lot

General Provisions

Clause 65 Decision Guidelines

Incorporated Documents

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

CORRESPONDENCE

10. CORRESPONDENCE

Nil reports

PRESENTATION OF PETITIONS

11. PRESENTATION OF PETITIONS

Nil reports

CHIEF EXECUTIVE OFFICER

12. CHIEF EXECUTIVE OFFICER

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

Chief Executive Officer

For Decision

PURPOSE

This is a procedural report recommending that Council approves the appointment of Mr Michael Edgar, General Manager Community Liveability to act in the position of Chief Executive Officer for the period from Monday, 16 September 2013 to Sunday, 29 September 2013 inclusive, or until such time as Paul Buckley returns from leave.

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

Legislation – Local Government Act 1989

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

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

ORDINARY COUNCIL MEETING MINUTES 16 SEPTEMBER 2013 (CM420)

BACKGROUND

Due to the temporary absence of the Chief Executive Officer, Mr Paul Buckley, between the period Monday, 16 September 2013 to Sunday, 29 September 2013 inclusive, Council is asked to approve the appointment of an Acting Chief Executive Officer.

To allow the Council to undertake its usual powers, duties or functions it is necessary for Council to approve the appointment of an Acting Chief Executive Officer.

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

ISSUES

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

98. Delegations

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

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.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

There is no effect to budget allocations. Paul Buckley has leave entitlements available to cover this period of time.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

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

OPTIONS

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

CONCLUSION

This report approves the delegation of functions, duties and powers to Mr Michael Edgar during the period of absence of the Chief Executive Officer, Mr Paul Buckley.

A copy of the Instrument of Delegation and Authorisation to be signed on 16 September 2013 from Mr Paul Buckley to Mr Michael Edgar is attached.

Attachments

1. Instrument of Delegation

RECOMMENDATION

That Council approves the appointment of Mr Michael Edgar as Acting Chief Executive Officer during the period Monday, 16 September 2013 to Sunday, 29 September 2013 inclusive, or until such time as Mr Paul Buckley returns from leave, and authorises the delegation of Chief Executive Officer powers, functions and duties in accordance with the Instrument of Delegation dated 17 November 2009.

Moved: Cr O'Callaghan

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

12.1

INSTRUMENT OF DELEGATION - DELEGATION TO THE ACTING CHIEF EXECUTIVE OFFICER

1	Instrument of Delegation	665
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Maddocks Delegations and Authorisations

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

Latrobe City Council

Instrument of Sub-Delegation

to

The Acting Chief Executive Officer

[13 DEL-2]



LATROBE CITY COUNCIL

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

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

AND HEREBY DECLARE THAT:

1. Such appointment and delegation shall have force and effect from Monday, 16 September 2013 and shall remain in force until Sunday, 29 September 2013 inclusive, or until such time as I return as Chief Executive Officer or vary or revoke the delegation.
2. The powers duties and functions so specified shall be exercised and performed in accordance with:
 - (a) any policies of the Council that may be adopted from time to time;
 - (b) this Instrument of Sub-Delegation and subject to any conditions and limitations specified herein.

.....
CHIEF EXECUTIVE OFFICER – PAUL BUCKLEY

.....
GENERAL MANAGER COMMUNITY LIVEABILITY – MICHAEL EDGAR

DATE:

SCHEDULE

The power to:

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

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

Conditions and Limitations

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

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

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

ECONOMIC SUSTAINABILITY

13. ECONOMIC SUSTAINABILITY

Nil reports

RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

14. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

**14.1 NEW COUNCIL POLICY - LOCAL AREA TRAFFIC
MANAGEMENT POLICY**

General Manager

Recreation, Culture &
Community Infrastructure

For Decision

PURPOSE

The purpose of this report is to present for Council's consideration the new Local Area Traffic Management Policy 13 POL-1.

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 – Regulation and Accountability

In 2026, Latrobe Valley demonstrates respect for the importance of rules and laws to protect people's rights, outline obligations and support community values and cohesion.

Latrobe City Council Plan 2013 - 2017

Strategic Direction – Governance

Conduct regular review of Latrobe City Council policies to ensure that they reflect the aspirations of the community.

Ensure that Council decision-making considers adopted policies.

Services provision – Risk and Compliance

Policy – Council Policy Development Policy 13 POL-6

Policy development has a key role to play in the good governance of Latrobe City Council. Policy sets the broad parameters for guiding and setting the boundaries to influence the actions and operations of the organisation. Policies are designed to provide clear, unambiguous guidelines and to provide continuity and a consistent point of accountability. Policy-making shall therefore follow set procedures to ensure the efficiency of the process and the overall policy framework.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)****BACKGROUND**

Latrobe City Council currently does not have a Local Area Traffic Management (LATM) policy, nor does it have a formal documented process for dealing with requests for traffic calming and traffic management devices. This has made the assessment process when considering requests for the installation of traffic calming devices within the municipality difficult.

Moreover, a lack of a LATM policy has led to extended timeframes in actioning such requests due to the difficulty in the assessment process. The introduction of a LATM policy will assist in ensuring requests can be determined in a timely manner in line with the community's expectations.

ISSUES

Benchmarking was carried out to compare industry standards with a variety of regional and city Councils to determine the best approach. From the findings a draft Local Area Traffic Management Policy has been developed which reflects the best process when assessing requests for traffic calming and or traffic management devices.

The policy is governed by 'The Design Guidelines for Subdivisional Developments, Urban and Rural Road and Drainage Construction and Traffic Management Projects', hereinafter called the Design Guidelines, which are intended as a reference to designers to guide and assist in the preparation of best practice designs for civil engineering infrastructure to be constructed in Latrobe City Council.

The policy contains the purpose, along with detail of each step in the overall process to provide community members with a clear understanding of the steps which will take place when a request for traffic calming/management is received:

1. Minimum Eligibility Criteria
2. Resident Support
3. Detailed Traffic Study
4. LATM Candidate List
5. Design and Consult Stage
6. Budget Referral

The policy has been prepared in accordance with Section 4 of the Urban Road Design of Latrobe City Council's Design Guidelines.

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 no direct financial implications in relation to the reviewing of Council Policies.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)****INTERNAL/EXTERNAL CONSULTATION***Engagement Method Used:*

This policy has been the subject of an internal consultation process across various departments, teams and management representatives.

OPTIONS

The following options are available to Council:

1. Adopt the Local Area Traffic Management policy as presented
2. Amend and adopt the Local Area Traffic Management policy
3. Not adopt the Local Area Traffic Management policy or
4. Seek further information on the policy.

CONCLUSION

The LATM Policy has been prepared in accordance with Section 4 – Urban Road Design of Latrobe City Council’s Design Guidelines and will provide community members with a clear definition of the process involved in assessing traffic calming and traffic management devices. It also outlines the course of action from start to finish and advises of the information to be received as part of the overall process.

The introduction of a LATM policy will ensure a fair and consistent approach is used when assessing community requests for the introduction of traffic management devices.

Attachments

1. Local Area Traffic Management Policy

RECOMMENDATION

1. That Council adopts the Local Area Traffic Management Policy
[13 POL-1].
2. That the revised 2013-2016 Council Policy Manual [13 POL-3] be produced and made available to the public.

Moved: Cr Harriman

Seconded: Cr Rossiter

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

14.1

New Council Policy - Local Area Traffic Management Policy

- 1 Local Area Traffic Management Policy 681**

Document Name: **Local Area Traffic Management Policy** **13 POL-<v.#>**

Adopted by Council: **<date of Council Meeting>**

Policy Goals

The purpose of this policy is to ensure requests for traffic calming devices / measures on municipal roads are assessed fairly and consistently. Where traffic calming measures are deemed necessary, priority ranking is applied in a fair and consistent manner, along with sound financial management practices to ensure works are scheduled and implemented accordingly.

Relationship to Latrobe 2026 & Council Plan

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:-

Regulation and Accountability

Latrobe 2026:

In 2026, Latrobe Valley demonstrates respect for the importance of rules and laws to protect people's rights, outline obligations and support community values and cohesion.

Built Environment

Latrobe 2026:

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

Natural Environment

Latrobe 2026:

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

Governance

Latrobe 2026:

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.

Council Plan

Theme:

02. APPROPRIATE, AFFORDABLE & SUSTAINABLE
FACILITIES, SERVICES & RECREATION

Objective:

To provide facilities and services that are accessible and meet the needs of our diverse community

Strategic Direction:

- Develop and maintain community infrastructure that meets the needs of our community.
- Ensure Latrobe City Council's infrastructure and assets are maintained and managed sustainably.

Theme:

03. EFFICIENT, EFFECTIVE & ACCOUNTABLE GOVERNANCE

Objective:

To provide open, transparent and accountable governance

Strategic Direction:

- Continuously review our policies and processes to increase efficiency and quality of our facilities and the services we provide.

Theme:

04. ADVOCACY FOR & CONSULTATION WITH OUR
COMMUNITY

Objective:

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

Strategic Direction:

- Work with relevant agencies to improve the management and maintenance of all roads and roadsides in Latrobe City.
- Work with the community and other key stakeholders to improve community safety and harmony.

Theme:

0.5 – PLANNING FOR THE FUTURE

Objective:

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

Strategic Direction:

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

The Local Area Traffic Management (LATM) Policy process is broken into five stages as follows:

1. *Minimum Eligibility Criteria*
2. *Resident Support*
3. *Detailed Traffic Study*
4. *LATM Candidate List*
5. *Design and Consult Stage*

In accordance with Section 4 – Urban Road Design of Latrobe City Council’s Design Guidelines (Design Guidelines for Subdivisional Developments, Urban and Rural Road and Drainage Construction and Traffic Management Projects), Council will only consider requests for traffic calming on municipal roads where the following *Minimum Eligibility Criteria* is met:

- The road is classed as an Access Lane, Access Place, Minor Access Road or Major Access Road;
- The speed limit applied to the road is 50 km/h or less;
- The road is a minimum of 150 metres in length;
- The 85th percentile speed of vehicles is more than 10% over the speed limit of the road *OR* the traffic volume is greater than the design volume of the road; and
- The road elevation / incline / grade is not deemed excessive by Latrobe City Council.

Note: Where a road is classed as a Collector or Link Road, traffic calming devices will not be considered by Council due to higher traffic speed and volume priority.

Where the road meets the *Minimum Eligibility Criteria*, the Traffic Engineer will determine the study area, which will include all properties that would reasonably be affected by the installation of traffic calming devices.

As traffic calming devices can have a significant impact upon street character and functionality of the road, resident support is critical to the outcome of the request. Therefore, requests for traffic calming devices will only be investigated where strong *Resident Support* is demonstrated by those in the identified study area. The Traffic Engineer will initiate contact with affected property owners by sending an information pack containing detailed information about the various forms of traffic calming devices, and a form for signing which confirms the property owner is in support of the request.

Where at least 60% of the properties in the affected area respond in favour of the request to investigate the installation of traffic calming devices / measures, the Traffic Engineer will prioritise eligible requests by undertaking a *Detailed Traffic Study* using the following assessment criteria (refer also Attachment 2.):

- Traffic volume – vehicles per day;
 - *This is the 7-day average collated during the traffic survey which details the number of vehicles per day in both directions.*
- 85th percentile speeds – represents typical traffic speeds;
 - *The accepted major engineering parameter used when assessing vehicle speeds. It represents the speed that a reasonable person adopts, or feels comfortable with, according to the road environment.*
- Education facilities;

- *For example, schools, kindergartens, child care centres, etc.*
- Activity generators;
 - *For example, parks, playgrounds, etc.*
- Accident statistics – indicates prevalence of accidents.
 - *Analysis of VicRoads ‘CrashStats’ crash data for the last 5 years to determine the amount of casualty accidents that have occurred. Note: this may only include accidents where speed is a major contributor.*

This ranking procedure is necessary, as demand for traffic calming devices far outweighs the capacity to fund the works. Where there is insufficient support from residents within the study area, the installation of traffic calming devices may not be supported by Council (subject to safety concerns).

Council will promote the highest ranking projects from the *LATM Candidate List* to a *Design and Consult* stage based on the estimated cost and Council’s allocated funding. A detailed design will then be completed and released to affected residents for their feedback. Council will also undertake consultation with other affected stakeholders, such as emergency service providers and bus lines.

Once Council deems sufficient support has been established from this consultation, works will be completed as part of Latrobe City Council’s Capital Works Program in accordance with applied rankings, funding and resource availability.

Due to our changing environmental factors, roads that do not reach the *Design and Consult* stage after three years may be removed from the candidate list. If a request is removed from the list and the affected property owners deem it is still necessary, they may re-apply to have the request re-considered.

In some cases, the ranking and therefore timeframes set by Council may not reflect community preference. In this case, all requests for traffic calming devices which reach the *Detailed Traffic Study* stage will be given the opportunity to form a Special Charge Scheme. Special Charge Schemes allow community members to assist in funding the implementation of requested works, which in turn produces a shorter implementation timeframe. Please refer to the Special Charge Scheme Policy for further detail.

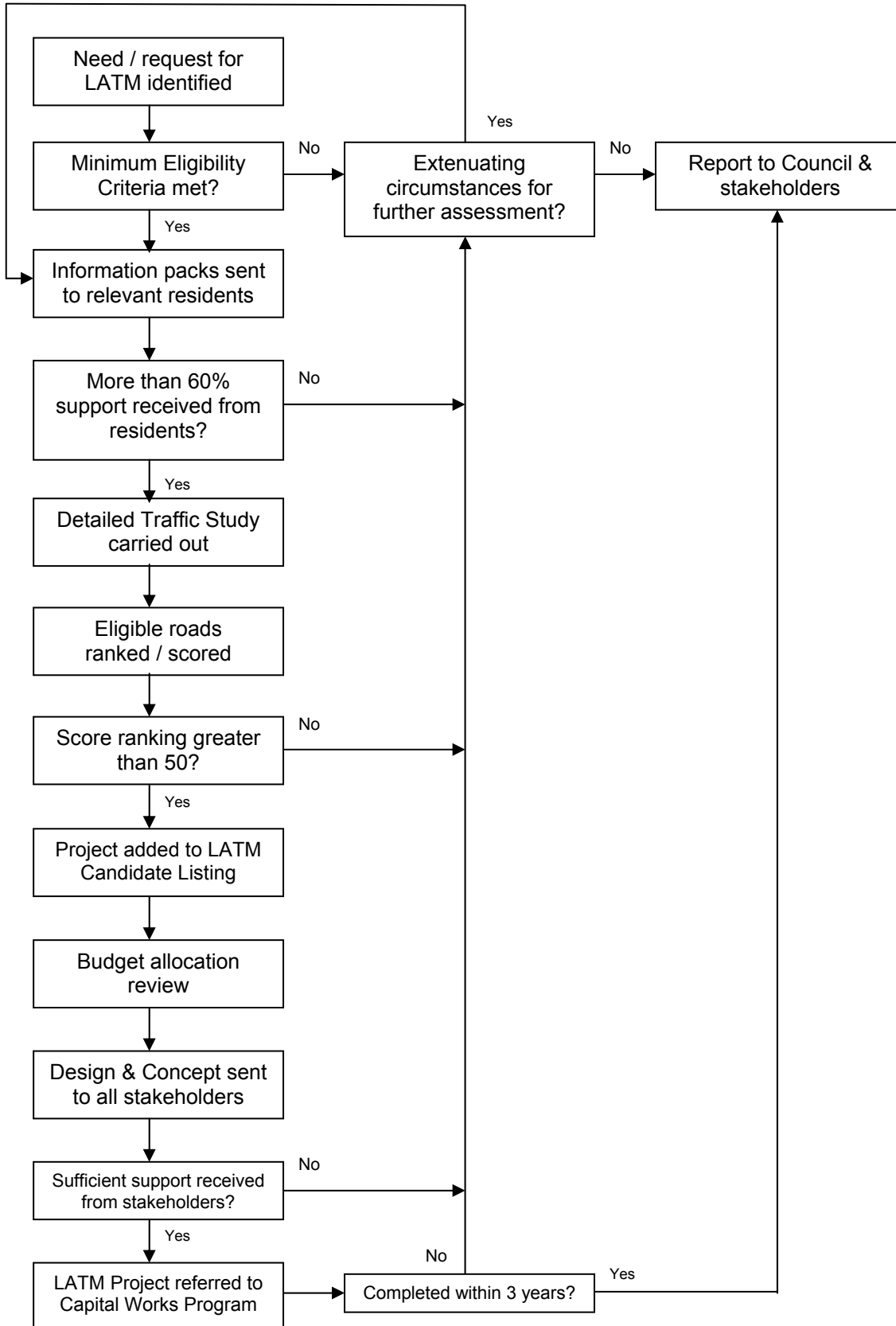
This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Charter acknowledgement - for internal auditing purposes only:	
YES / NO Name: _____	Date: / / 2013

Signed : _____
 Chief Executive Officer

Date : / / 2013.

Appendix 1 – Local Area Traffic Management (LATM) Process Flow



Appendix 2 – Detailed Traffic Study Criteria Ranking Matrix

Traffic Volumes

- Two-way 5-day average traffic volumes are considered:

Volume	Points Assigned
Less than design capacity	0
1-10% over design capacity	4
Greater than 10%	6

85th Percentile Speeds

- Average 85th percentile speed of the whole street segment is considered:

85 th Percentile Speed	Points Assigned
Less than 5 km over the speed-limit	0
Between 5-10 km over the speed limit	4
Greater than 10 km over the speed limit	6

Education Facilities and Activity Generators

- Education facilities include kindergartens, schools etc.
- Activity generators include parks and playgrounds, shopping areas etc.

Facility	Points Assigned
Education facility within 500 m of street	1
Activity generator within 200 m of street	1
Absence of footpaths	1

Accident Statistics

- Speed-related accidents that have been reported in the last 5-year period.

Accidents	Points Assigned
3	1
4 - 5	2
6 - 7	3
8 - 9	4
10+	5

The total street score will be determined from above which will allow all requests to be ranked according to this criteria.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)****14.2 PROPOSED REMOVAL OF PEDESTRIAN SHELTERS LOCATED
AT THE ENTRANCE TO HAMMERSMITH CIRCUIT TRARALGON****General Manager****Recreation, Culture &
Community Infrastructure****For Decision****PURPOSE**

The purpose of this report is to provide Council with information on the proposed removal of pedestrian shelters at the entrance to Hammersmith Circuit, Strand Estate, Traralgon and to seek their agreement to engage in consultation with all residents of the Estate to establish their opinion on the proposed removals.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

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

Latrobe City Council Plan 2013 - 2017

- *Enhance the quality and sustainability of streetscapes and parks across the municipality through the provision and maintenance of the trees that are appropriate to their surroundings.*
- *Ensure public infrastructure is maintained in accordance with community aspirations.*

BACKGROUND

During construction of the Strand Estate, Traralgon four pedestrian shelters were constructed on either side of the road at Numbers 1, 2, 3 and 4 Hammersmith circuit as entrance features and have since been vested in Latrobe City Council (attachments 2).

In the course of the last twelve months a number of complaints have been received from the residents of 1, 2, 3 and 4 Hammersmith Circuit. These complaints include issues with pedestrian and traffic safety, birds nesting in the shelters and their subsequent droppings and insufficient roof plumbing leading to rainwater drainage into some resident's gardens.

ORDINARY COUNCIL MEETING MINUTES 16 SEPTEMBER 2013 (CM420)

ISSUES

Council's Manager Infrastructure Operations, Coordinator and Team Leader of Building Maintenance met on site during February 2013 to inspect the four structures and found that the complaints received were warranted especially in relation to traffic safety. The shelters clearly create blind spots for the residents of 1-4 Hammersmith Circuit when they are leaving their residences

At this meeting it was proposed that the removal of these structures would be the most effective way to eliminate the issues that they cause along with the cost and time required to undertake repairs, maintenance and clean up works on an ongoing basis at the site.

Officers subsequently wrote to the residents of 1, 2, 3, and 4 Hammersmith Drive on 25 February and their feedback is attached. (Attachment 1).

Officers have spoken with the original site developers, CEEJ Developments, on 26 June 2013 and they have no opposition to the removal of the structures as long as they are removed at Council's cost.

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 to remove the shelters can be accommodated with the Building Maintenance

INTERNAL/EXTERNAL CONSULTATION

Council has met with the residents of 1, 2, 3, and 4 Hammersmith Drive on 25 February 2013 to discuss their concerns with the shelters proposed for removal.

OPTIONS

1. Consult with all residents of the Strand Estate, Traralgon to establish their opinion on the removal of the shelters located on Hammersmith Circuit at the entrance to the Strand Estate, Traralgon.
2. Not consult with all residents of the Strand Estate, Traralgon to establish their opinion on the removal of the shelters located on Hammersmith Circuit at the entrance to the Strand Estate, Traralgon and remove the shelters as soon as is practicable.

CONCLUSION

Prior to removing the shelters and remediating the area it is now proposed that wider community consultation with all Strand estate residents in the form of a letter drop is carried out, advising them of the proposed works and seeking their opinion on the proposed removals.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)****Attachments**

1. Attachment 1 - Hammersmith Circuit - Maintenance of Pedestrian Shelters submissions
2. Attachment 2 - Hammersmith Circuit Images

RECOMMENDATION

1. That Council undertake consultation with all Strand Estate residents seeking their opinion on the proposed removal of the shelters.
2. That a further report be presented to Council detailing the findings of the consultation with estate residents.

Moved: Cr O'Callaghan

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

14.2

PROPOSED REMOVAL OF PEDESTRIAN SHELTERS LOCATED AT THE ENTRANCE TO HAMMERSMITH CIRCUIT TRARALGON

- 1 Attachment 1 - Hammersmith Circuit - Maintenance of
Pedestrian Shelters submissions 691
- 2 Attachment 2 - Hammersmith Circuit Images 701



MAINTENANCE OF PEDESTRIAN SHELTERS

HAMMERSMITH CIRCUIT TRARALGON

NAME: <u>Jessica Bishop & Shane Ryan</u>	LATROBE CITY COUNCIL INFORMATION MANAGEMENT
ADDRESS: <u>3 Hammersmith Cct Traralgon</u>	RECEIVED 04 MAR 2013
CONTACT NUMBER: <u>043271655</u>	NO: <u>51400000</u> USE NO:
Please provide comments on the following:	<input type="checkbox"/> General Enquiries <input type="checkbox"/> Information Requests

Structure: There are gaps below the roof where birds have created bird nests

Looks: The shelters are quite unattractive, I do love the fact that they reflect the sun off the side of our fence and street in and out

Public Use: The shelters are very very rarely used. Never in the day time have I seen them used, only once or twice at night time I seen, heard young people using them of an evening using parties after they have been playing rugby.

Cleanliness: Covered in bird poo, sometimes find fast food wrappers etc from public use & rubbish often end up in our garden

Any Safety Concerns:

No real safety concerns other than strangers using them & being quite close to our bedroom at an evening & people being noisy is concerning

Other Comments:

At an evening many birds land & have made bird nests under the aluminium roof of the shelter. This is very noisy & our bedroom is right next to the shelter, it's very noisy at night and during the day.

As mentioned I have never seen the shelters used in daytime only by drunken kids at an evening and this was only seen once, and heard one other time.

We dislike the look of them, they do not seem useful, and they cause a lot of noise at night, we would like to see them removed



MAINTENANCE OF PEDESTRIAN SHELTERS

HAMMERSMITH CIRCUIT TRARALGON

NAME: SHANNON WHITEHEAD

ADDRESS: 1 HAMMERSMITH CIRCUIT TRARALGON

CONTACT NUMBER: 0434082458

Please provide comments on the following:

Structure: NO GUTTERING OR DRAINAGE INSTALLED,
FLOODS FRONT YARD WITH RAIN.

Looks: COVERED IN BIRD POO LOOKS OUT OF
PLACE, HAS NO REAL PURPOSE AT ALL.

Public Use: ENCOURAGES YOUNG/OLD PERSONS TO GATHER
OUT THE FRONT AT ALL HOURS OF THE DAY & NIGHT!

Cleanliness: RUBBISH IS LEFT WEEKLY (EMPTY ALCOHOL
CANS AND BOTTLES)

Any Safety Concerns: THE POSITION OF THE SHELTER IS
A REAL CONCERN FOR US IN PARTICULAR. IT BLOCKS

~~Other Comments:~~ OUR VISION AS WE REVERSE OUT

OUR DRIVE WAY AND HAVE HAD TO SLAM OUR
BRAKES ON AS WE REVERSE NUMEROUS TIMES,
TO AVOID A COLLISION WITH VEHICLES AND ALSO
PEDESTRIANS.

IF YOU HAVE ANY QUESTIONS ABOUT THE INFO I HAVE
PROVIDED PLEASE DONT HESITATE CALLING ME.

REGARDS, SHANNON WHITEHEAD



MAINTENANCE OF PEDESTRIAN SHELTERS

HAMMERSMITH CIRCUIT TRARALGON

NAME: Lloyd Collinson + Jackie Collinson
ADDRESS: 2 HAMMERSMITH CRT TRARALGON
CONTACT NUMBER: 0401978888
WORK 51745400

Please provide comments on the following:

Structure: STEEL, CAST IRON

Looks: SQUARE BOX

Public Use: SEATS & SHADE

Cleanliness: POOR

Any Safety Concerns: HEAPS.

Other Comments:

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
06 MAR 2013	
BY: <u>S. DUNCAN</u>	DOC NO:
Comments/Changes Completed on:	
<input type="checkbox"/> Copy returned to Submitter	<input type="checkbox"/> Invoice forwarded to account

P.T.O.

THANKS SHANE FOR WRITING TO US, THE SHELTER IS VERY BAD, FOR THE FOLLOWING REASONS,
1) WATER RUN OFF AND FLOODS MY PROPERTY
2) BAD COMPANY HANG AROUND SWEARING, AND GRAFFITING SHELTER AND MY PROPERTY, RIDE THERE SCOOTER AND BIKES INTO MY GARAGE AND AROUND MY CARS, VERY WORRIED ABOUT SAYING ANYTHING, CAUSE THERE IS SOME VERY UNLIKABLE PEOPLE IN THE STRAID

MAKE A HUGE TRAFFIC HAZARD VERY DANGEROUS FOR US BACKING OUT DRIVE WAY CAUSE LACK OF VISION

MAKE IT LOOK LIKE I HAVE A B.BQ SHELTER
OUT THE FRONT OF MY HOUSE.

HIDES PEOPLE WHEN I AM USING DRIVE
WAY VERY WORRIED THERE WILL BE A
ACCIDENT VERY SOON.

ALSO KIDS SIT ON MY FRONT LAWN WHEN THERE
IS GROUPS OF PEOPLE VERY NOISY & SCARY.
SHANE IF YOU CAN HAVE THIS REMOVED

I WOULD BE SO HAPPY THIS SHELTER IS
A REAL PROBLEM TO ME AND MY FAMILY
PLEASE, PLEASE REMOVE IT

KIND REGARDS

Lloyd Colson

Our Ref: 475502
SD

25th February 2013

Mrs Rong
4 Hammersmith Circuit
TRARALGON VIC 3844

Dear Mrs Rong

**MAINTENANCE OF PEDESTRIAN SHELTERS LOCATED IN
HAMMERSMITH CIRCUIT TRARALGON.**

Latrobe City Officers have received a number of enquiries in reference to the maintenance and use of the pedestrian shelters located in Hammersmith Circuit Traralgon.

These shelters have been inherited by Latrobe City Council from the developer and now require on going Maintenance. The Maintenance team would like any issues or feedback relating to these shelters from the property owner located adjacent to each one.

Please fill out the attached form with any comments related to the pedestrian shelters and place in the reply paid envelope provided and returned by the Friday 8th March 2013.

If you require further information please contact me on (03) 5128 5733 or via email shane.duncan@latrobe.vic.gov.au

Yours sincerely



SHANE DUNCAN
Coordinator Building Maintenance

Our Ref: 475502
SD

25th February 2013

Mr & Mrs Collinson
2 Hammersmith Circuit
TRARALGON VIC 3844

Dear Mr & Mrs Collinson

**MAINTENANCE OF PEDESTRIAN SHELTERS LOCATED IN
HAMMERSMITH CIRCUIT TRARALGON.**

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Yours sincerely



SHANE DUNCAN
Coordinator Building Maintenance

Our Ref: 475502
SD

25th February 2013

Mr Ryan & Miss Bishop
3 Hammersmith Circuit
TRARALGON VIC 3844

Dear Mr Ryan & Miss Bishop

**MAINTENANCE OF PEDESTRIAN SHELTERS LOCATED IN
HAMMERSMITH CIRCUIT TRARALGON.**

Latrobe City Officers have received a number of enquiries in reference to the maintenance and use of the pedestrian shelters located in Hammersmith Circuit Traralgon.

These shelters have been inherited by Latrobe City Council from the developer and now require on going Maintenance. The Maintenance team would like any issues or feedback relating to these shelters from the property owner located adjacent to each one.

Please fill out the attached form with any comments related to the pedestrian shelters and place in the reply paid envelope provided and returned by the Friday 8th March 2013.

If you require further information please contact me on (03) 5128 5733 or via email shane.duncan@latrobe.vic.gov.au

Yours sincerely



SHANE DUNCAN
Coordinator Building Maintenance

Our Ref. 475502
SD

25th February 2013

Mr SG Whitehead
1 Hammersmith Circuit
TRARALGON VIC 3844

Dear Mr Whitehead

**MAINTENANCE OF PEDESTRIAN SHELTERS LOCATED IN
HAMMERSMITH CIRCUIT TRARALGON.**

Latrobe City Officers have received a number of enquiries in reference to the maintenance and use of the pedestrian shelters located in Hammersmith Circuit Traralgon.

These shelters have been inherited by Latrobe City Council from the developer and now require on going Maintenance. The Maintenance team would like any issues or feedback relating to these shelters from the property owner located adjacent to each one.

Please fill out the attached form with any comments related to the pedestrian shelters and place in the reply paid envelope provided and returned by the Friday 8th March 2013.

If you require further information please contact me on (03) 5128 5733 or via email shane.duncan@latrobe.vic.gov.au

Yours sincerely



SHANE DUNCAN
Coordinator Building Maintenance



MAINTENANCE OF PEDESTRIAN SHELTERS

HAMMERSMITH CIRCUIT TRARALGON

NAME: Juniper

ADDRESS: 4 HAMMERSMITH CCT.

CONTACT NUMBER: 0439728107

Please provide comments on the following:

Structure: Pedestrian Shelter

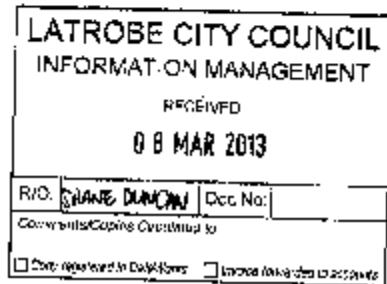
Looks: Eyesone

Public Use: Minimal use

Cleanliness: full of bird droppings

Any Safety Concerns:

Other Comments:



These shelters are an eyesone. Other than birds who seem to use them as toilets, they are used by kids as a skate apparatus or percussion instrument. ~~Other~~ users include drunks in the middle of the night making loud phone calls or having arguments. ~~_____~~











**14.3 HAZELWOOD PONDAGE WATERWAY AND CARAVAN PARK
LEASE**

General Manager

**Recreation, Culture &
Community Infrastructure**

NOT CONFIDENTIAL

For Decision

PURPOSE

The purpose of this report is for Council to consider a request from International Power GDF SUEZ Hazelwood for Latrobe City Council to manage the Hazelwood Pondage waterway and Caravan Park under a new licence agreement.

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

Recreation

Strategic Objectives – 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: affordable and sustainable facilities, services and recreation

Objectives

To promote and support a healthy, active and connected community.

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

Strategic Direction –

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

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

BACKGROUND

State Electricity Commission

The State Electricity Commission of Victoria (SEC) was established in 1921 to supply electricity to Victoria. This role continued until 1993 when it was disaggregated into generation, transmission and distribution companies that were further split and privatised in the mid to late 1990's. Hazelwood Power Station and the associated mine was purchased by International Power in 1996. In February 2011, International Power was taken over by GDF Suez and has since been rebranded as International Power GDF SUEZ Hazelwood.

Hazelwood Power Station

The construction of Hazelwood Power Station was approved in 1959, and was to consist of six 200 MW generating units, giving a total of 1,200 MW of generating capacity. The first unit entered service in 1964 however; growing electricity demand saw a review carried out by the SEC in 1963, with commissioning of the generating units moved forward to 1969. Additional capacity was provided when in 1965 two additional generating units at Hazelwood were approved and commissioned in 1970 and 1971 respectively.

The Hazelwood Power Station is the oldest base load power station in Victoria and supplies up to 25% of Victoria's energy requirements and 5.4% of Australia's energy demand.

Hazelwood Pondage

The former Shire of Morwell recognised the economic development benefits of the warm waters that Hazelwood Pondage has through the operations of the power generation station. As a consequence of this recognition, the Shire entered into a forty year lease agreement with the SEC for the foreshore at the Hazelwood Pondage in 1968. The purpose of this lease was for the construction of a caravan park and the use of the warm water of Hazelwood Pondage for the pursuit of boating and other associated water based leisure pursuits.

In July 1991, the former City of Morwell entered into a lease with the Latrobe Valley Yacht Club, in a precinct covered by the Caravan Park lease, for a term of nine years with an additional term of the same duration. In November 1997 the lease was extended to include the foreshore in front of the Yacht Club's clubrooms and boat shed, and in August 2001 the lease was renewed via a letter to the Club for a further nine years. It was subsequently noted that this renewal would take the

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lease past the expiry date of the head lease held by Latrobe City Council. The Latrobe Valley Yacht Club was notified in January 2004 that their lease would expire on 1 September 2008 to coincide with the expiry of Latrobe City Council's lease with International Power.

Prior to the expiry of the lease and in subsequent years Latrobe City Council has endeavoured to negotiate a new lease but this was not seen as a priority by International Power. This issue was further compounded by a change in the management structure of International Power and their subsequent merger with International Power GDF SUEZ Hazelwood. There are provisions in the lease for the terms to continue until such time a new agreement is signed.

The Future of Hazelwood Power Station

Understanding the long-term future of the Hazelwood Power Station is a key consideration in the future use and development of the Hazelwood Pondage. One of the features of the Pondage and the success of the events that are held there is that, due to the operations of the power station using the water for cooling purposes, the water generally maintains a temperature of 22 degrees throughout the year.

Another consideration is that Hazelwood Pondage is a man-made lake that is supplied with water pumped from the adjacent coal mine supplemented with water pumped, when required, from the Moondarra Reservoir. Should Hazelwood Power Station cease operations the actual water level that would be maintained in the Pondage is not known. It would be a costly exercise if access to water from a decommissioned mine or from the Moondarra Reservoir was required to maintain useable water levels.

The long-term future of the Hazelwood Power Station is unclear as the facility was originally planned, prior to privatisation, for decommissioning in 2009 because of its age and high CO2 emissions.

Hazelwood's mining licence boundaries were originally set in 1996. It was realised that the power station would not have had access to its purchased coal from 2009 unless approvals to move a road and river infrastructure were granted. This occurred under the West Field Environmental Effects Statement process, which was approved in 2005. This process enabled International Power to gain access to coal in an area known as the West Field development. This agreement ensures security of coal supply to the plant until at least 2030.

In July 2011, the Commonwealth Government began discussions as part of the Clean Energy Future Package, the 'Contract for Closure' program, to close high-polluting power generators as part of its plan to cut the nation's carbon emissions. Hazelwood Power Station was one of the facilities under consideration, however failure to agree on an appropriate level of compensation resulted in negotiations and the proposal being abandoned in September 2012.

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Since 1996, over \$1 billion has been invested in operational and environmental initiatives. These initiatives include the development of Australia's largest Carbon Capture pilot plant designed to test the capture of CO₂ in a form available for future commercial applications.

Approximately 50% of the power from the Hazelwood station is currently covered under a power purchase agreement with the National Electricity Market until 2016.

International Power GDF SUEZ Hazelwood business plan confirms all eight units will operate until 2025.

Given that Hazelwood Power Station supplies up to 25% of Victoria's energy requirements and 5.4% of Australia's energy demand, it is difficult to see how the power generating needs of Victoria could be met without the construction of a new base load station in the short to medium term.

Hazelwood Pondage Caravan Park

The caravan park located at Hazelwood Pondage has been operating since 1969. At this time a forty year term lease was negotiated between the SEC and the former Shire of Morwell. This lease, which was automatically transferred as new entities arose through the corporatisation and privatisation of the power generating industry and local government amalgamations, expired in 2008.

A draft Master Plan for the redevelopment of the Hazelwood Pondage Caravan Park is being developed by LCC to assist in strategically planning for the future development of the caravan park area only.

In honouring an election commitment, the current State Government, through Regional Development Victoria, has allocated a grant of \$1 million to upgrade infrastructure at the Hazelwood Pondage Caravan Park. The funding will address the installation of a waste water treatment plant and new amenities buildings. The existing septic system is no longer able to service the park and temporary arrangements have been put in place to store and dispose of waste water. These temporary arrangements are very expensive and will have a negative impact on the budget should they stay in place longer than anticipated.

The grant is ready to be released subject to Latrobe City Council gaining a lease from International Power GDF SUEZ Hazelwood and the development of the master plan by Council. The lease must be for a minimum of five years and preferably with options for extending the leasing arrangements well into the future.

Latrobe City Council has been in negotiations for some considerable time (2009) with the former International Power and subsequent International Power GDF SUEZ Hazelwood to formalise a new lease agreement for the area occupied by Latrobe City Councils' Caravan Park which includes an area currently occupied by the Latrobe Valley Yacht Club.

Following a period of protracted negotiations to enter into a new leasing arrangement in March 2012, International Power GDF SUEZ Hazelwood advised Latrobe City Council that it was prepared to enter into a Licence

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Agreement. However, it was stipulated that any new Licence Agreement must relieve International Power GDF SUEZ Hazelwood from the management responsibility and liability associated with any water based recreational activities at the Hazelwood Pondage.

The position taken by International Power GDF SUEZ Hazelwood is that the recreational activities that currently occur at the Hazelwood Pondage expose the company to significant public liability risk and pressure for amenity maintenance, while providing no tangible commercial benefit to their organisation.

International Power GDF SUEZ Hazelwood has requested that as part of forming the new Licence Agreement, in addition to the Caravan Park and Latrobe Valley Yacht Club facilities, Latrobe City Council takes over responsibility for the:

- Single Boat Ramp adjacent to the Caravan Park;
- Foreshore Reserve at the northern end of the Hazelwood Pondage;
- Twin Boat Ramp at the northern end of the Hazelwood Pondage and the adjacent public toilet facility.

Such a proposal would also require Latrobe City Council to assume overall responsibility and become the Waterway Manager for Hazelwood Pondage appointed pursuant to the *Victorian Marine Act 2010*.

International Power GDF SUEZ Hazelwood has indicated that any facilities that Latrobe City Council does not elect to include in the Licence Agreement may cease to operate as the company has no desire to maintain recreational facilities.

This report provides information about Hazelwood Pondage as an aid to analysing a range of issues which have arisen due to a request from International Power GDF SUEZ Hazelwood for Latrobe City Council to enter into a Licencing Agreement that would involve the Council becoming the waterway manager for the facility under the requirements of the *Victorian Marine Act 2010*.

In addition, the proposal transfers responsibility for the management and maintenance of all public areas within the Hazelwood Pondage precinct to Latrobe City Council. (Refer to attachment 1)

ISSUES

There are many issues to be considered in this report for Latrobe City to take over management of the Hazelwood Pondage Water. Each issue has been listed below:

Proposed License Agreement

The proposed Licence Agreement as submitted to Latrobe City Council by International Power GDF SUEZ Hazelwood is presented in a manner that provides Council with a great deal of responsibility and potential risks but

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offers very little security of tenure. Indeed, ultimately the overall control of the facility and its uses remains very much in the control of International Power GDF SUEZ Hazelwood, should they wish to exercise this option.

The proposed Licence Agreement is for an initial term of three years providing an option for International Power GDF SUEZ Hazelwood to extend the term by two further periods of one year each by serving written notice on Latrobe City Council of its intention to exercise this option not less than three months before the expiration of the current term.

The Licence Agreement does not confer on Latrobe City Council any tenancy or any other interest in the land. Likewise, International Power GDF SUEZ Hazelwood retains the right to assign, novate or otherwise deal with its interest in this land under the Licence Agreement without the consent of the Latrobe City Council.

The Licence Agreement enables International Power GDF SUEZ Hazelwood to terminate the Agreement prior to the end of the Term upon giving three months written notice to Latrobe City Council that it requires the Licensed Area for any purpose associated with brown coal mining or the generation of electricity.

Under the proposed Licence Agreement, Latrobe City Council is constrained from making any alterations or additions to the Licensed Area without first obtaining the written consent of International Power GDF SUEZ Hazelwood. The company retains the right to refuse such consent in its absolute discretion.

When the Licence Agreement comes to the end of its term, if not renewed, Latrobe City Council must return that part of the Licensed Area which is used as a caravan park and camping ground to a clear grassed area as soon as practicable after the end of the Term or earlier termination of this Agreement.

In addition, as a condition of the Licence Agreement, Latrobe City Council must return the balance of the Licensed Area including the boat ramp and foreshore to a condition consistent with that as at the commencement date of the License Agreement. (Refer to attachment 1,2 & 3)

International Power GDF SUEZ Hazelwood

International Power GDF SUEZ Hazelwood representatives have made it clear that they do not wish to continue with the provision of recreational use of the Hazelwood Pondage waterway foreshore. They have also suggested that if Latrobe City Council did not take over responsibility of the waterway management it would most likely close the waterway for public use. The provision of funds to assist Latrobe City Council in taking over the waterway management was also declined. (Refer to attachment 1 & 2)

Waterway Inspections

In order to reduce risk waterway inspections should be carried out to ensure that the infrastructure on the waterway is safe, in the correct location and legible. Such infrastructure consists of buoys/markers, boat ramps, regulatory signage, car parks etc.

Should Council decide to take over the waterway management an expression of interest could be sent to the user groups at Hazelwood Pondage and Lake Narracan to carry out these inspections for a fee. This could be used as a fund raising initiative for the clubs. It also perpetuates the already good relationship between Latrobe City Council and the users/clubs at both waterways. It is also in the best interest of the clubs to ensure the lake is safe. (Refer to Financial section of this report for financial impacts).

Current Waterway Regulatory Compliance

Transport Safety Victoria (TSV) provided Latrobe City with a Waterway Audit Report which was carried out in 2008. They have advised that this remains current however there are some minor changes required which include:

- Relocation of several buoys to the correct GPS location in accordance with the Waterway Audit Report, appendix 2 Asset Coordinates. (Refer to attachment 6)
- Installation of no powered vessel buoys around the island adjacent to the southern boat ramp.
(Refer to attachment 6)

Emergency marker signs

Currently there are no Emergency Markers at Hazelwood Pondage. It would therefore be advisable to install emergency markers at several locations around the lake. The State Government introduced the Emergency Markers program to address a time-critical issue for emergency response to open-space locations. Emergency markers are designed to pinpoint your exact location during an emergency in public open space or a hard to find locality. In 2012, Emergency Markers were installed at Lake Narracan with the assistance of a State Government Grant. They have already proven to be valuable during an injury at the lake. This lake was the first municipal inland lake to have the markers installed. (Refer to Financial section of this report for financial impacts). A grant application could be submitted for the emergency markers at Hazelwood Pondage. (Refer to attachment 7)

Main Boat Ramp

The northern/main boat ramp is in good working order and does not require any works in the near future.

Second Boat Ramp

The second or southern boat ramp has been closed by IPH for some time. This was due to increased vandalism and maintenance of the car parking area.

TSV have recommended that this boat ramp should remain closed to power boats due to its proximity to the swimming area. This boat ramp could be utilised to launch non powered vessels such as canoes, sail boards, paddle boards etc. Bollards would be required to prevent power boat and trailer access. (Refer to Financial section of this report for financial impacts)

Boat Launching Passes

Currently there is no charge to launch a vessel at Hazelwood Pondage. At Lake Narracan there is a charge to launch vessels for general use of the waterway. This is in accordance with Latrobe City fees and charges. The boat passes for Lake Narracan are purchased from the Lake Narracan Caravan Park and generate approximately \$3,500 per annum. A similar arrangement could be put in place at the Hazelwood Pondage Caravan Park. In this model, the user groups on the lake can launch with no charge. Latrobe City residents can launch during the week at no charge.

Water Levels

The Hazelwood Pondage Waterway is primarily in existence for use by the power station for cooling purposes. The lake is fed from environmental flows, artesian bore in the open cut and from Moondarra Dam. IPH use the artesian bore and Moondarra Dam to keep the water level at the minimum level for their operation during the summer months or at times of low rainfall. The use of the artesian bore or Moondarra Dam water comes at a cost to IPH and therefore they will only ensure the minimum level is maintained.

Last season TSV have approved five knot restrictions on the waterway due to low water levels for public safety reasons,. The water levels are constantly monitored by IPH. A graph provided by IPH indicates that over the ten year period averaged, there would have been five knot restrictions in place for three to four months per year if IPH and TSV had put restrictions in place. The trigger point for the low water level is 300mm below the spillway. (Refer to attachment 8)

Blue Green Algae

Records provided by IPH (attached) indicate that over the past ten years there were ten outbreaks of Blue Green Algae which were above the safe levels that required the lake to be closed. This trend will more than likely remain into the future. Monitoring of Blue Green Algae and other water quality issues will remain the responsibility of IPH. (Refer to attachment 5)

Operating Rules/Protocols

If Council agree to take over responsibility, IPH and Latrobe City would need to develop protocols for the operating rules such as water levels, blue green algae alerts, events and works that may affect the waterway operation. This will ensure clear lines of communication between both organisations.

Buildings

There are several buildings adjacent to the northern boat ramp. IPH have advised Council that the main building, formally the Power Boat Club is vacant and in poor condition. IPH have advised that they do not propose to reopen these facilities for use. They will remain locked and under the control of the Landlord (IPH).

There is also a toilet block which is currently in use and would need to be maintained by Latrobe City. (Refer to Financial section of this report for financial impacts)

Events

Events that have been and currently are held at and on the lake that provide definite economic impacts for Latrobe City are as follows.

Annual events:

- Sauna Sail – June Long weekend
This year 140 yachts entered the regatta with an estimate of participants, support persons, family members and spectators, 506 people attended the event over the weekend. The Direct Spend economic impact is \$203,173.20 with an additional Indirect Spend of \$101,586.60. The total economic benefit is \$304,759.80
- Latrobe Valley Yacht Club Winter series race
- Latrobe Valley Yacht club –Open Day & The Ross Smith Torchlight Challenge Night Race
- Sailability Gippsland
- Victorian Open Water Swimming Championships - October

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Victoria's Premier Open Water Swimming competition held at the Hazelwood Pondage, featuring 1k, 2.5k, 5k and 10k swimming events.

- Latrobe Valley Triathlon
- Latrobe Valley Triathlon Club - Summer Series – 4 events

Other events held at Hazelwood Pondage:

- Shannons Hazelwood Pondage All Makes car & Bike Show 2011
- All Abilities water Sports Festival 2011
- VJSBA – PWC Closed Course time trial & Rider Training Day – Victorian Jet Sports Boating Association 2011

Tourism / Caravan Park

The Hazelwood Pondage is a popular attraction within Latrobe City, with figures identifying that the Hazelwood Pondage is the most searched destination on the Latrobe City Tourism website.

The Hazelwood Pondage Caravan Park has 48 caravan sites of which all are under licence. In 2012/13, 2879 casual campers utilised the facility.

Community Expectations

Given the high usage of the pondage there is likely to be a community expectation that the asset is available for public recreational use into the future.

There may be an assumption in the community the Council already manage and maintain this asset.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

The financial impacts listed below exclude the operations and maintenance of the Hazelwood Pondage Caravan Park.

The State Government have a Boating Safety and Facilities Grant Program which will be open for applications later this year. The program aims to improve boating infrastructure, aids to navigation, marine search and rescue and vessel operator training.

This funding is made available to the boating community through a number of grants based projects overseen by the Department of Transport along with state-wide safety initiatives administered by Transport Safety Victoria. The funding is on a 2:1 ratio. The DOT funding identified in the table below is subject to successful application and is not guaranteed.

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Initial Costs

	Cost	Cost to Council	DOT Funding
Replacement of / and installation of new signage	\$5,000	\$ 1,600	\$3,400
Pavement repair to gravel road northern end*	\$6,500	\$ 6,500	
Install bollards to Southern boat ramp	\$3,500	\$ 1,200	\$2,300
Legal Fees – preparation of license and lease agreements	\$13,000	\$ 13,000	
Total	\$28,000	\$22,300	\$5,700

*These works could be accommodated within the 2013/14 gravel road maintenance program.

Capital Costs – to be referred to 2014/15 Capital Works Budget

Repair failed sealed parking areas boat ramps	\$40,000
Total	\$40,000

Ongoing Annual Recurrent Costs

Grader works 2 times per annum of unsealed track	\$ 2,000
Rubbish bins 5 X twice weekly collection	\$ 1,000
Toilet cleaning per annum	\$ 1,218
Ground maintenance, slasher and operator	\$ 3,825
Hand mowing and brush cutting	\$ 5,950
Annual tree maintenance	\$ 2,380
General maintenance allowance (vandalism, repairs, toilet maintenance)	\$ 2,500
Weekly inspections November – April \$50 per hour (includes boat usage) 26 weeks @ 2 hours per week	\$ 2,600
Monthly inspections May – October \$50 per hour (include boat usage) 6 inspections @ 2 hours per week = \$600 p.a.*	\$ 600
Total:	\$22,073

The budgeted 2013/14 cost to Council in respect to operating and maintaining the Hazelwood Pondage Caravan Park is \$83,600. If Council was to take responsibility for those areas requested by International Power GDF SUEZ Hazelwood, the recurrent cost to Council would be approximately \$105,673 per annum, a 26% increase.

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Based on the above, if the Hazelwood Power Station ran until 2025 as outlined in their business plan the additional cost to Council would be in excess of \$265,000 over that period based on today's money.

Income

There is the option of Council developing an income stream from boat launching fees in accordance with current practices at Lake Narracan. This could generate income in the vicinity of \$3,500 p.a. Under current arrangements at Lake Narracan, the following fees and charges are applied:

Boat Launching Fees (December – March)		
Day Pass (Valid 8am – 6pm)	Monday – Friday*	\$16.00
	Weekends & Public Holidays	\$18.00
Half Day Pass (Valid 8am – 1pm or 1pm – 6pm)	Monday – Friday*	\$9.00
	Weekends & Public Holidays	\$11.50
Season Pass December – March (Available to Latrobe City Residents)		\$185.00

Risk Factors

There are a range of risk factors that require careful consideration, including but not limited to:

1. As noted above the proposal to issue a licence agreement to Latrobe City Council by International Power GDF SUEZ Hazelwood provides Council with significant responsibility and potential risks.
2. Liquidated damages need to be addressed in the licence agreement.
3. Potential claims for property damage due to items under the water.
4. The water levels at the Hazelwood Pondage can change and when low have an effect on the operations of the boat ramps. There is no guarantee that International Power GDF SUEZ Hazelwood would maintain the water levels to ensure no disruption to use of the waterway for recreational purposes. Council will have to enforce 5 knot restrictions and the public dissatisfaction.
5. The actual costs and staffing requirements of assuming overall responsibility for a range of diverse locations within the Hazelwood Pondage area under the proposed Licence Agreement associated with the policing of public use, for example safety measures, behaviour, fire and litter prevention requires clarification.
6. The potential for the need to undertake erosion mitigation works within the licensed area should be assessed.
7. The maintenance of useable water levels of Hazelwood Pondage should the on-going operations of Hazelwood Power Station change or cease in the future.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

8. Any facilities that Latrobe City Council does elect not to include in a Licence Agreement may cease to operate as International Power GDF SUEZ Hazelwood has stated that it has no desire to maintain recreational facilities. If this were to occur then it may have significant impact on the viability of the Hazelwood Pondage Caravan Park.
9. Should International Power GDF SUEZ Hazelwood not be amenable to negotiate and provide a long-term lease for the area known as the Hazelwood Pondage Caravan Park, the grant of \$1 million for redevelopment of the facility will not be available from Regional Development Victoria.
10. There are certain times of the year when Hazelwood Pondage is unusable because of blue-green algae blooms and there may be times when closure to recreational users is necessary because of receding water levels.
11. International Power GDF SUEZ Hazelwood have requested that they have final approval for events on the waterway due to turbidity issues that could affect power generation.
12. The Licence Agreement requires a strong relationship and channels of communication to be built between Latrobe City Council and International Power GDF SUEZ Hazelwood.

Latrobe City Council Insurers

In the event that Latrobe City enters into a leasing arrangement for the Pondage, it will not significantly affect any of Latrobe City's insurance premiums or contributions. The management of a water body is not considered to be a function that is inconsistent to the services that many Councils provide.

However, the issue of concern for our insurers is in relation to whether Hazelwood (International Power) make any attempts to absolve themselves of any liabilities that they might rightfully hold and transfer them across to Council. Latrobe City Council will need to ensure that by entering into a leasing arrangement with Hazelwood that we are not giving up any subrogation rights that our insurers might ordinarily have – ie their capacity to recover a loss caused by another party. Since the leasing agreement is key in terms possible contractual obligations between Latrobe City and Hazelwood, then it would be prudent to ensure that any such agreement was carefully considered with feedback provided from legal advisors and our insurers.

ORDINARY COUNCIL MEETING MINUTES 16 SEPTEMBER 2013 (CM420)

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Latrobe City officers have been meeting and corresponding with International Power GDF SUEZ Hazelwood in regards to this issue since 2010.

OPTIONS

Council has the following option in regards to this report;

1. To commence negotiations for a licence / lease with International Power GDF SUEZ with the view of taking responsibility for management of the waterway, caravan park and nominated foreshore areas ;
2. To resolve not to negotiate a licence / lease with International Power GDF SUEZ;
3. To resolve that further information be presented in a report to Council for consideration.

CONCLUSION

Hazelwood Pondage has been utilised by the community for a wide range of water based recreational activities for a considerable period of time supported initially by the State Electricity Commission of Victoria and following privatisation by International Power.

Following absorption of International Power into GDF SUEZ Australian Energy in 2011 the company has stated that "it is vital that the Hazelwood business reduces its operating cost in order to survive this extremely challenging environment, and specifically our available time and resources must be focussed solely on activities associated with the efficient operation of our power station and mine" (letter of March 2012).

The letter goes on to state that "The recreational activities however continue to expose IPR-GDF SUEZ Hazelwood to significant public liability risk and pressure for amenity maintenance, while providing no tangible commercial benefit". This statement is not entirely consistent with the commitment to the community as presented in their web site which states that "GDF SUEZ Australian Energy is committed to being a good corporate citizen in every region in which it operates. It sponsors a wide range of local activities and projects in the communities where its power stations are located". "Hazelwood will continue to support and invest in the local community, fulfilling its responsibilities as an important member of the Morwell and district community and as a good corporate citizen in the Latrobe Valley".

Whilst it is recognised that the Hazelwood Pondage exists as a cooling water facility for Hazelwood Power Station the operating company also has clear obligations in terms of the environmental integrity and structural

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

stability of the facility. It could be argued that the work that has to be carried out as a waterway manager together with the general maintenance of public areas contributes both to environmental and structural issues and as such does not place an unreasonable burden on the company's overall operations.

It is clear that the funding for the redevelopment of the Hazelwood Caravan Park for \$1 million from Regional Development Victoria is conditional upon a lease of a suitable term being granted by International Power GDF SUEZ Hazelwood to Latrobe City Council.

Latrobe City Council has a commitment to continue to operate and manage the Hazelwood Pondage Caravan Park however without a secure lease or guaranteed tenure any capital expenditure will require justification to protect the financial integrity and accountability of Council.

Attachments

1. Letter GDF Suez
2. Letter Latrobe City
3. Letter GDF Suez
4. Proposed licence areas
5. Blue Green Algae Graph
6. Marine Safety Victoria Audit Report
7. Emergency Marker Information
8. Hazelwood Pondage Water Level Graph
9. Licence Agreement for Hazelwood Pondage Caravan Park and Camping Ground Attachment
10. I & D Power Point Aug 2013

RECOMMENDATION

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:
 - GDF SUEZ to retain full accountability for Blue Green Algae and water quality testing;
 - GDF SUEZ to remain fully accountable for the pondage integrity;
 - Fair and equitable termination clauses should the power station close earlier than 2025;
 - Clarify risk, release and indemnity conditions;
 - Liquidated damages;
 - Clarify the end of lease conditions;
 - Clarify the early termination conditions
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.
3. That Council write to the Minister for Regional & Rural Development and advise of Council's resolution to commence negotiations with IPH GDF SUEZ .

Moved: Cr White
Seconded: Cr Gibbons

That the Recommendation be adopted.

For the Recommendation

Councillor/s Rossiter, Gibbons, Middlemiss, Gibson, Sindt, White, Harriman

Against the Recommendation

Councillor/s O'Callaghan

The Acting Mayor confirmed that the Motion had been CARRIED

14.3

Hazelwood Pondage Waterway and Caravan Park Lease

1	Letter GDF Suez.....	725
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HAZELWOOD

Mr Grantley Switzer
 General Manager, Recreation, Culture & Community
 Infrastructure
 Latrobe City Council
 PO Box 235
 MORWELL Vic 3840

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED	
08 MAR 2012	
R/O:	Doc No. 765820
Comments/Copies Circulated to:	
<input type="checkbox"/> Only registered in DataWorks	<input type="checkbox"/> Invoiced forwarded to accounts

Tuesday, 06 March 2012

Dear Grantley,

Hazelwood Pondage Caravan Park and associated management arrangements

On behalf of IPR-GDF SUEZ Hazelwood, please accept our appreciation for the initial discussions regarding proposed management changes and long-term capital upgrades at the Hazelwood Pondage.

Our records indicate that the original lease pertaining to the Hazelwood Pondage Caravan Park expired on 30th August 2008 and therefore we seek to establish a new licence agreement as soon as possible.

As Latrobe City Council are acutely aware, the Latrobe Valley electricity generation industry is under extreme financial pressure from reducing revenues and the impost of a Carbon Tax, post 1st July 2012. It is vital that the Hazelwood business reduces its operating cost in order to survive this extremely challenging environment, and specifically our available time and resources must be focussed solely on activities associated with the efficient operation of our power station and mine.

The Hazelwood Cooling Pondage exists as a cooling water facility for our power station, but has also been enjoyed by the community for recreational purposes for a very long time. The recreational activities however continue to expose IPR-GDF SUEZ Hazelwood to significant public liability risk and pressure for amenity maintenance, while providing no tangible commercial benefit. As we have indicated to you, this exposure is no longer acceptable to our business.

IPR-GDF SUEZ Hazelwood wish to confirm our willingness to establish a new Licence Agreement with Latrobe City Council, but any new agreement must preclude IPR-GDF SUEZ Hazelwood from the management, responsibility and liability associated with the ongoing recreational activities at the pondage. The recreational facilities that need to be considered are:

- Caravan Park (including Yacht Club facility)
- Single Boat Ramp adjacent to the Caravan Park
- Twin Boat Ramp at the northern end of the pondage (including Game Fishing Club building and public toilet facility)
- Foreshore Reserve at the northern end of the pondage

Subject to our negotiations, any facilities that Latrobe City elect not to include in a future Licence Agreement may cease to operate as IPR-GDF SUEZ Hazelwood has no desire to maintain recreational facilities.

Hazelwood IPR - GDF SUEZ Australia

Brodribb Road, Hazelwood, Victoria
 PO Box 195, Morwell, Victoria 3840, Australia
 Tel. +61 3 5135 5000 Fax +61 3 5135 5044

www.iprplc-gdfsuez-au.com

HAZELWOOD POWER ABRN 40 924 759 557, a partnership comprising National Power Australia Investments Limited ABRN 51 075 257 537 (Incorporated in England & Wales), Australian Power Partners BV ABRN 075 477 208 (Incorporated in the Netherlands), Hazelwood Pacific Pty Ltd ABRN 19 074 351 376, CISL (Hazelwood) Pty Limited ABRN 37 074 747 185 and Hazelwood Investment Company Pty Limited ABRN 92 075 041 360

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Fundamental to the recreational aspect of the pondage is the function of 'Waterway Manager'. IPR-GDF SUEZ Hazelwood also has no intention to continue the function of waterway manager and request Latrobe City Council to assume responsibility for this function if and when a new licence agreement is agreed.

IPR-GDF SUEZ Hazelwood has clear obligations in terms of the environmental integrity and structural stability of the pondage, and we therefore must also be informed of and ultimately approve any planned activities in excess of any planned major events and general recreational activities. Latrobe City Council traditionally play a coordination role in such activities and major events and IPR-GDF SUEZ Hazelwood must retain the ability to exclude any events that may jeopardise our ongoing regulatory licences and compliance regime. Clearly we would look to work cooperatively with you on issues of this nature.

Please find attached the following documents for your consideration:

- Draft Licence Agreement
- Aerial photo detailing proposed licence allotments

IPR-GDF SUEZ Hazelwood does acknowledge that this offer is a significant departure from the current arrangements at Hazelwood Pondage and we look forward to the opportunity to discuss the proposed new management regime in greater detail. Please be assured that our focus is to work closely with Latrobe City Council toward an outcome that is acceptable to both parties and the community. Resolution of this matter though is a priority to IPR-GDF SUEZ Hazelwood and a target date of 30th April 2012 has been set for finalisation of the Licence Agreement.

Should you have any queries regarding this process, please do not hesitate to contact our LV Public Affairs Manager, Mr Neil Lawson on 5135 5093 or myself via email or by telephone.

Yours sincerely,


Doug Day
Stakeholder Management & Risk Director

Ph:03 5135 5524

Email: doug.day@iprplc-gdfsuez-au.com

**Latrobe City***a new energy*

Latrobe City ABN 92 472 314 133

Telephone 1300 367 700

Facsimile (03) 5128 5672

TTY (NRS) 133 677

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Email Address latrobe@latrobe.vic.gov.auInternet www.latrobe.vic.gov.au

AUSDOC DX217733 Morwell

Our Ref: 954493
GSMr Doug Day
Stakeholder Management and Risk Director
Hazelwood
GDF SUEZ Australian Energy
PO Box 195
MORWELL VIC 3840

Dear Mr Day

**HAZELWOOD PONDAGE CARAVAN PARK AND ASSOCIATED
PONDAGE MANAGEMENT ARRANGEMENTS**

I refer to your previous correspondence dated 3 June 2013 and can provide the following information in regards to:

- The licence agreement:
 - Provide Hazelwood with a detailed written response to the draft caravan park licence agreement
- The issue of responsibility for management of public recreational use of the Hazelwood Pondage:
 - Provide Hazelwood with a detailed written outline of Latrobe City Council's proposed approach to future responsibilities to be assumed by each of Hazelwood and Latrobe Council

At this stage, Latrobe City Council is specifically looking for a licence/lease agreement for the Hazelwood Pondage Caravan Park for a minimum term of five years. As previously discussed, this is a requirement in order for Latrobe City Council to access the \$1 million funding from the State Government to carry out improvement works at the caravan park, including an onsite waste water treatment system and new amenity blocks.

As such, the draft licence agreement provided by GDF Suez on 6 March 2013 is unsuitable at this point. We are therefore requesting a stand-alone licence/lease agreement between Hazelwood Power and Latrobe City Council in relation to the caravan park area only.

Latrobe City Council is currently investigating the request from GDF Suez in regards to future responsibility for the management of public recreational use of the Hazelwood Pondage. We anticipate that this investigation will be completed by September 2013 and then the information presented at an Ordinary Council Meeting for consideration by the Councillors.

We recognise that the original proposal was made to Latrobe City Council some time ago, but unfortunately it has taken time to gather the resources to complete a thorough investigation of the proposal. We understand the importance of this proposal to GDF Suez and we are committed to working towards the time frame as outlined above, in order to confirm our position moving forward.

However, the most immediate and pressing concern for Latrobe City Council is the establishment of the caravan park lease/licence agreement as this will allow us to continue the upgrade project and provide a greater experience for people visiting the park.

We look forward to meeting with you on Monday, 24 June 2013 to further discuss and negotiate these issues.

Yours sincerely



GRANTLEY SWITZER
General Manager Recreation, Culture and Community Infrastructure

GDF SUEZ

HAZELWOOD

Mr Grantley Switzer
General Manager, Recreation, Culture & Community
Latrobe City Council
PO Box 235
MORWELL Vic 3825

Monday 3 June 2013

Dear Grantley,

Hazelwood Pondage Caravan Park and associated pondage management arrangements

I refer to our previous correspondence in relation to the Hazelwood Pondage Caravan Park licence agreement, in particular our letter to you dated 6 March 2012 and your two letters in response dated 5 and 24 April 2012.

Since the most recent letter of 24 April 2012, Hazelwood Power representatives have proactively worked with your council officers to provide as much information as possible to assist Latrobe City to make an informed decision about the two issues under discussion, namely:

- the expired Hazelwood Pondage Caravan Park licence agreement; and
- responsibility for management of public recreational use of the Hazelwood pondage.

I note your request in your letter dated 24 April 2012 for an extension to the Hazelwood Pondage Caravan Park licence agreement until 30 June 2013.

We appreciate your efforts to date in considering the above issues and are keen to resolve the issues in relation to the licence agreement and the pondage.

Accordingly, I am pleased to advise that Hazelwood can agree to the requested extension to the Hazelwood Pondage Caravan Park licence agreement until 30 June 2013 provided that Latrobe City Council undertakes to:

1. In relation to the licence agreement:
 - a. Provide Hazelwood with a detailed written response to the draft Caravan Park licence agreement (which was forwarded to you 6 March 2012) by Friday 14 June 2013; and
 - b. Agree to meet in person with Hazelwood representatives by Friday 28 June 2013 to discuss that detailed written response and negotiate to finalise that agreement.
2. In relation to the issue of responsibility for management of public recreational use of the Hazelwood pondage:
 - a. Provide Hazelwood with a detailed written outline of Council's proposed approach to future responsibilities to be assumed by each of Hazelwood and Council by Friday 14 June 2013; and

Hazelwood
GDF SUEZ Australian Energy
Brodribb Road, Hazelwood, Victoria
PO Box 195, Morwell, Victoria 3840, Australia
Tel. +61 3 5135 5000 Fax +61 3 5135 5044
www.gdfsuezau.com

HAZELWOOD POWER ABN 40 924 759 557, a partnership comprising National Power Australia Investments Limited ABN 51 075 267 537 (Incorporated in England & Wales),
Ausstralian Power Partners BV ABN 075 477 208 (Incorporated in the Netherlands), Hazelwood Pacific Pty Ltd ABN 15 074 331 375,
CSL (Hazelwood) Pty Limited ABN 37 074 747 193 and Hazelwood Investment Company Pty Limited ABN 92 075 041 550

Page 1 of 1

GDF SUEZ

HAZELWOOD

- b. Agree to meet with Hazelwood by Friday 28 June 2013 to discuss that outline and negotiate in good faith seeking to agree these future responsibilities.

I hope that you will agree that the above proposal should advance both Council and Hazelwood interests by advancing these long-standing issues and achieve a resolution in the best interests of both parties.

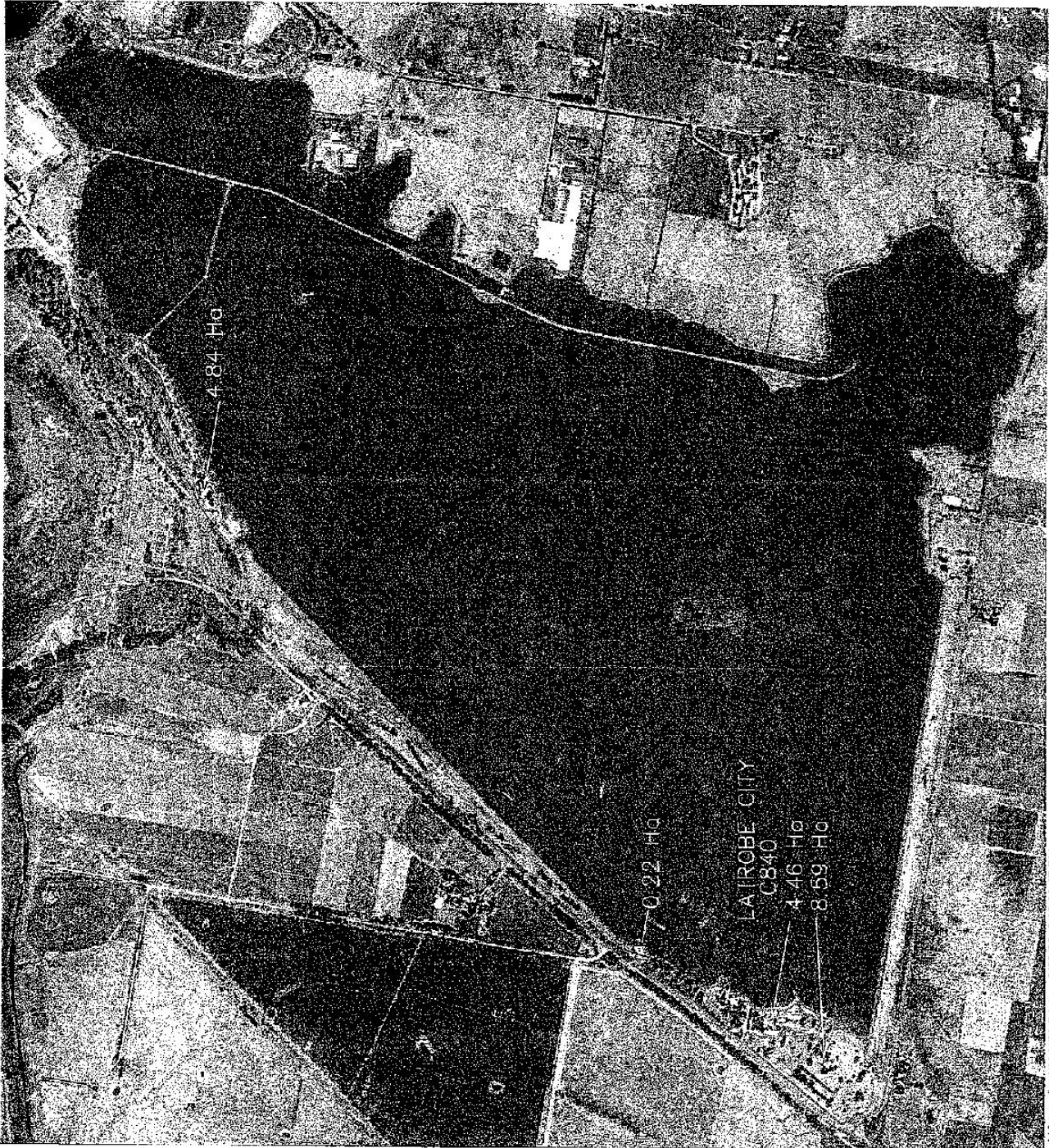
If Council is not able to advance these matters in the manner proposed, unfortunately Hazelwood will need to reconsider whether future access is able to be granted to both the Hazelwood Pondage Caravan Park and the pondage, in light of the safety and other issues that we have discussed.

Please advise me if Council agrees to the above proposal by no later than Friday 7 June 2013.

Yours sincerely,



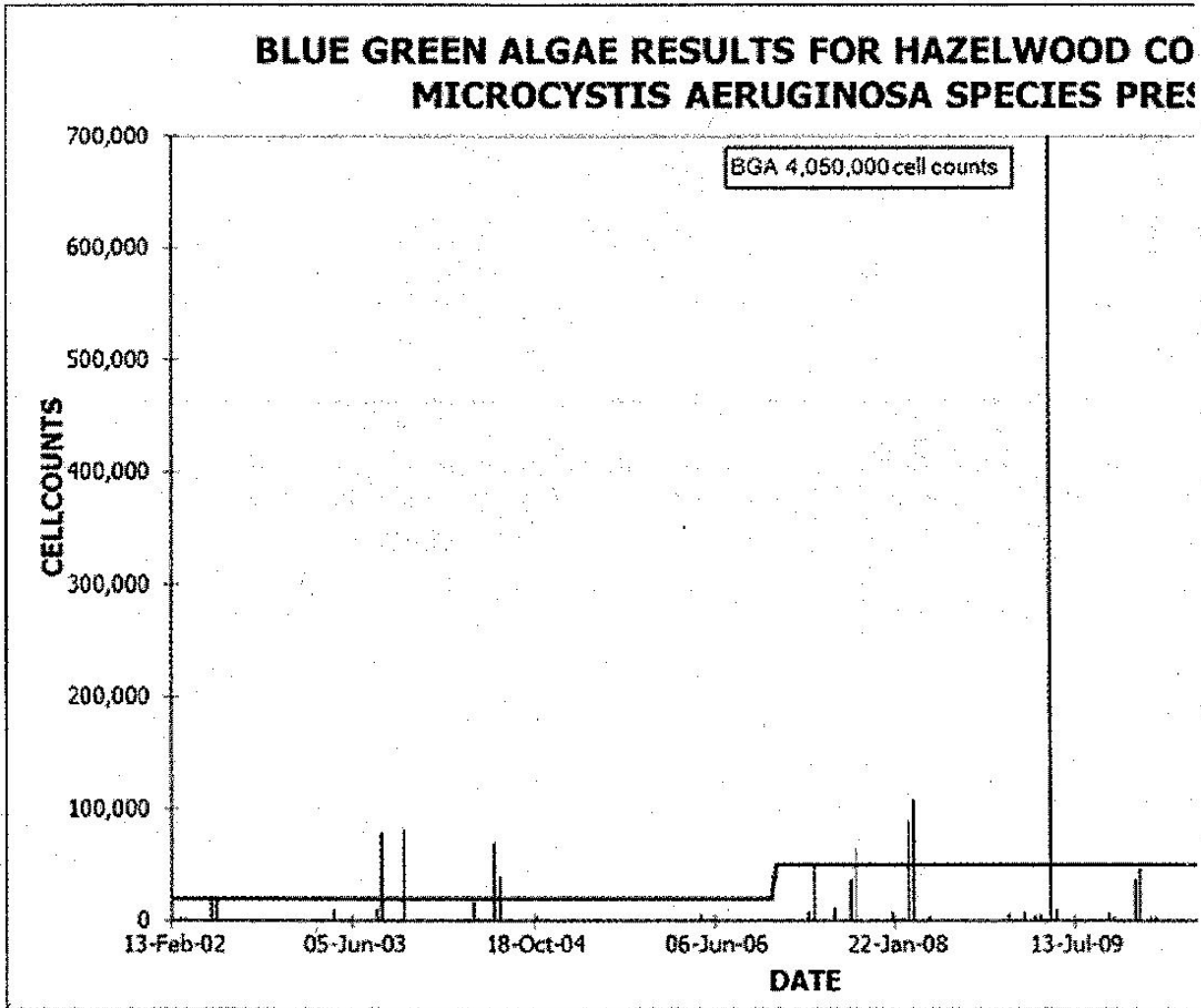
Doug Day
Stakeholder Management and Risk Director

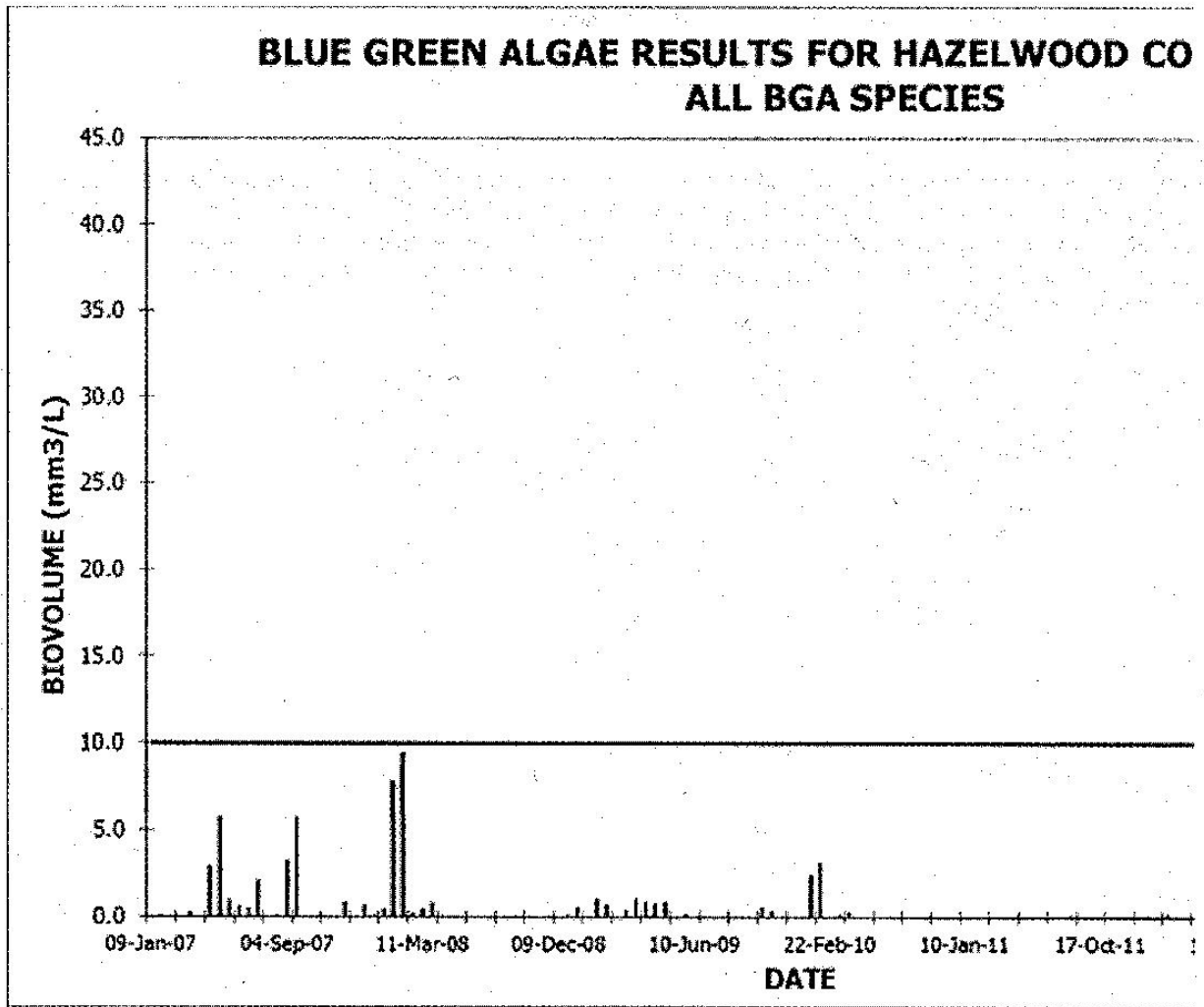


Jamey Mullen

From: Marino, Rino <Rino.Marino@gdfsuezau.com>
Sent: Friday, 22 March 2013 2:45 PM
To: William Macpherson; Jamey Mullen
Cc: Day, Doug
Subject: Blue green Algae results

Hi Bill,
See below the requested information regarding Blue Green algae outbreaks that have occurred in the past 10 years at the the Hazelwood pondage.





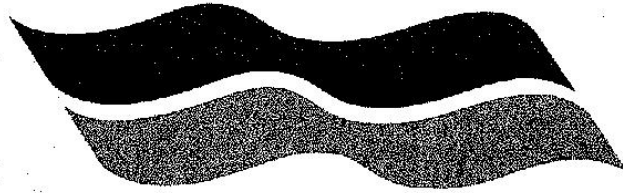
Regards

Rino Marino
Risk and Compliance Manager
Hazelwood
GDF SUEZ Australian Energy

GDF SUEZ

Brodribb Road, Hazelwood
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Victoria 3840, Australia
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Marine Safety V I C T O R I A



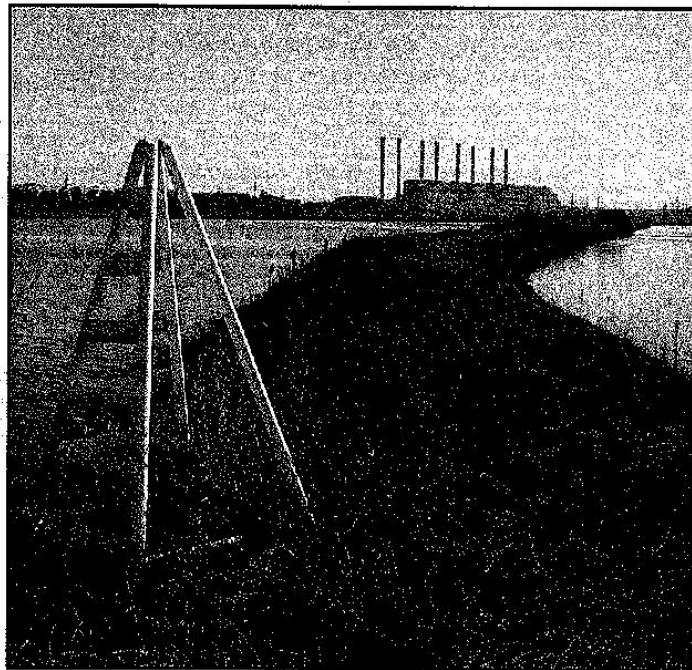
Waterway Audit Report

Schedule 110

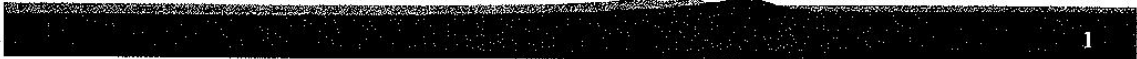
Waters – Hazelwood Cooling Pond

Notice 1 made under Section 15(2) of the Marine Act 1988

Vessel Operating and Zoning Rules (VOZR)



~ June 2008 ~



UNDERSTANDING THIS REPORT:

Schedule Summary - Indicates Zones ID's (as per VOZR), Page Reference and Status.

Key to Maps -

ASSETS		ZONES	
	Beacon		Vessels Prohibited
	Beacons (Set)		Exclusive Use and Special Purpose Area
	Buoy - Red		
	Buoy - Yellow		
	Marker		

Assets labeled in BLACK are compliant with the VOZR & MSV Standards and in good condition

Assets labeled in RED are not compliant with the VOZR or MSV Standards or in poor condition



Zone ID as per schedule is shown in BLUE

Compliance/Condition Definitions -

Asset #	1,2,3, etc	Referenced to the region map and photos
Location Compliance	YES	The asset location is correct as per the VOZR description
	NO	The asset location is incorrect as per the VOZR description (>5% difference)
	n/a	Unscheduled assets and features, ie. Jetty/Shore
Type Compliance	YES	The asset type is correct as per the VOZR description
	NO	The asset type is incorrect as per the VOZR description
	n/a	Unscheduled assets and features, ie. Jetty/Shore
MSV Standard Compliance	YES	The asset meets MSV Boating Safety Signage & Buoyage Guidelines
	NO	The asset does not meet MSV Boating Safety Signage & Buoyage Guidelines
	n/a	Assets or features that are not referenced in the Signage & Buoyage Guidelines
Condition	GOOD	No obvious Maintenance required
	FAIR	Showing wear and tear. In need of minor maintenance, but still functional
	POOR	No working / Unreadable / In need of major repair. Not functional.
	MISSING	Not present.
Auditors Comments		Summary comments. Detailed comments are contained within zone descriptions.

Zone descriptions - An extract of VOZR wording is provided for each zone. Reference to assets is shown as subscript. Detailed description of audit finding and MSV recommendations.

...extending from a beacon^o on the foreshore...

Appendix 1 – Asset Photos

Each photo number is referenced to the asset numbers in maps and tables.

Appendix 2 – Asset Coordinates

Locations in GDA94 Latitude/Longitude - Decimal Degrees & Degrees/ Minutes/Seconds
 Assets that are missing are shown in RED. (Position is that of the VOZR description)
 Where an asset was found in the incorrect location (as compared to the VOZR description) a coordinate of the scheduled location is also provided.

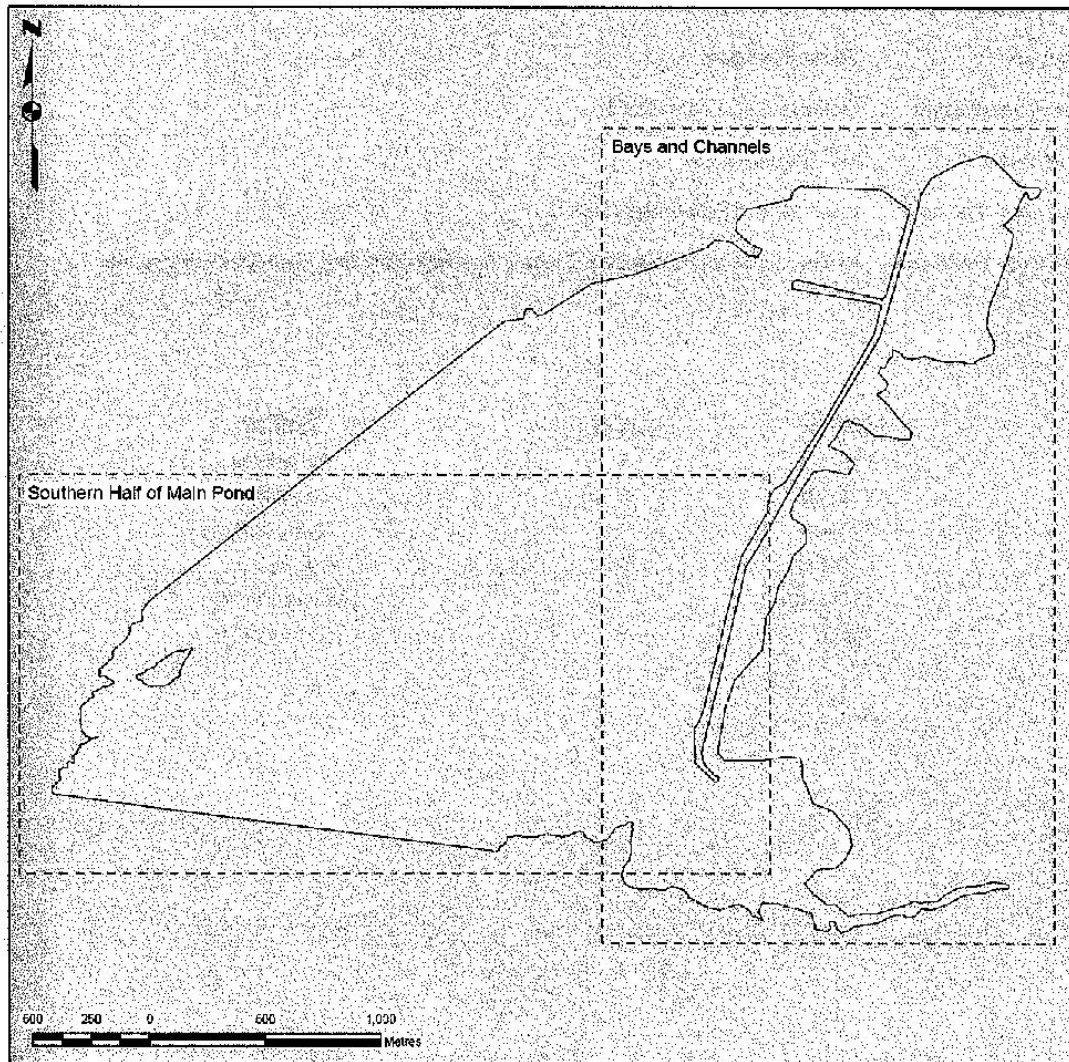
SCHEDULE SUMMARY:**MSV Auditor:** Geoff Swanton**Surveyor:** Jamie Portman**Last Amendment:** Gazette S14 - 24/01/2008**Audit Date:** 14th March, 2008**Waterway Manager:** International Power Hazelwood**Waterway Definition:** All the waters of Hazelwood Cooling Pondage including outlet and inlet ponds.

<u>ZONE ID</u>	<u>PAGE</u>	<u>STATUS</u>
110-1.a	6	Compliant
110-1.b	6	Compliant
110-1.c	6	Compliant
110-1.d	8	High Priority
110-1.d.iv	8	Medium Priority
110-2	9	High Priority

Status Definitions:

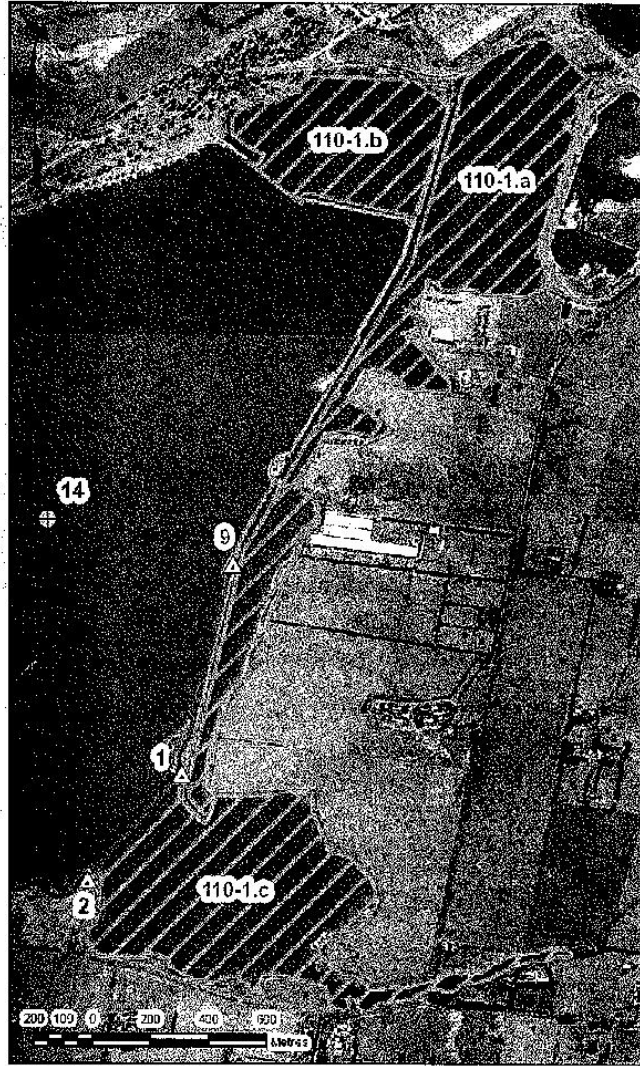
High Priority	Assets Missing, or Type/Position Compliant = No
Medium Priority	Schedule requires clarification/rewording
Low Priority	Assets in Poor condition or not meeting MSV standards
Compliant	Assets defining zone boundary meet all MSV compliance requirements

WATERWAY OVERVIEW



Region:	Page:
Bays and Channels.....	5
Southern Half of Main Pond.....	7

BAYS AND CHANNELS



ASSET #	LOCATION COMPLIANCE	TYPE COMPLIANCE	MSV STANDARD COMPLIANCE	CONDITION	AUDITOR'S COMMENT
1	Yes	Yes	n/a	Good	
2	Yes	Yes	n/a	Good	

ZONE 110-1 a - Prohibited to Vessels (Clause 9)

Existing VOZR Wording: *The outlet pond, outlet channel and the outlet bank.*

Summary: No zone markers required.

MSV Recommendations: N/A

ZONE 110-1 b - Prohibited to Vessels (Clause 9)

Existing VOZR Wording: *The inlet pond, inlet bank and inlet structure.*

Summary: No zone markers required.

MSV Recommendations: N/A

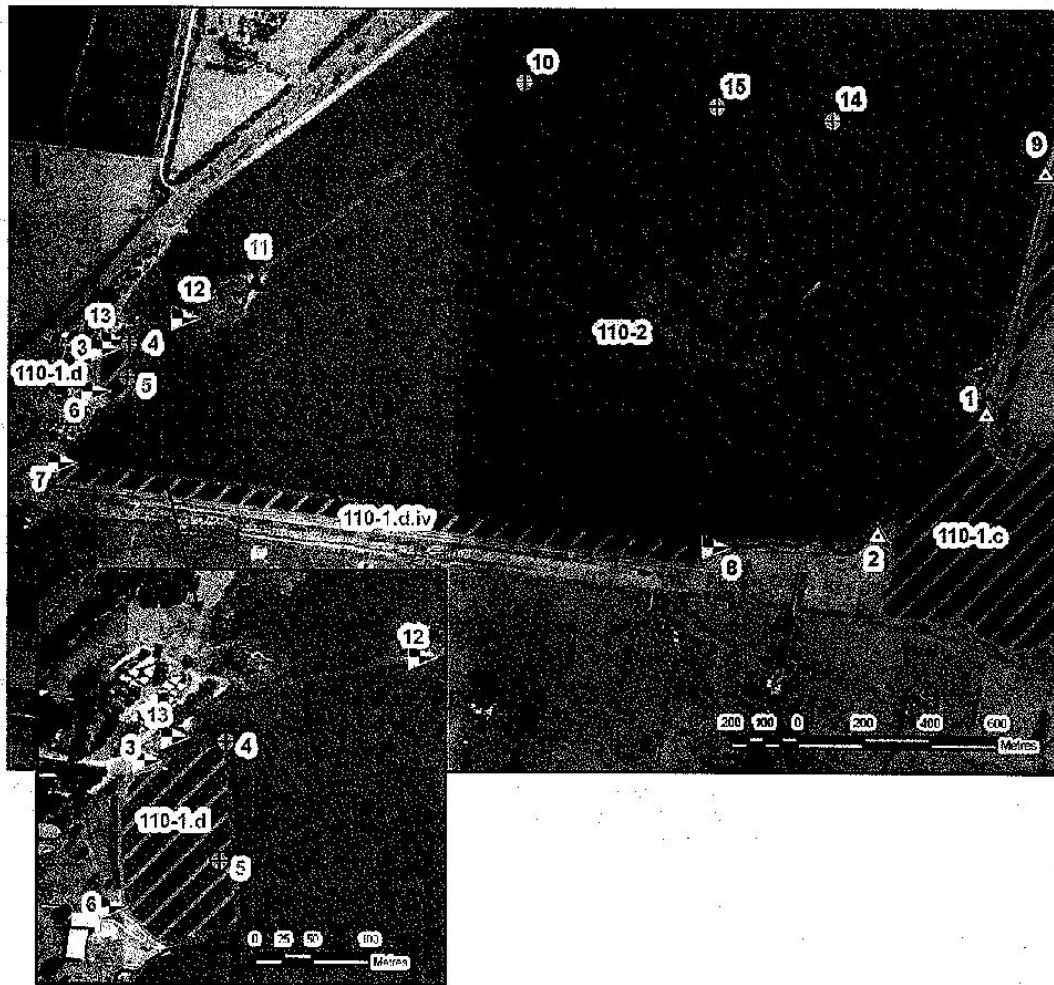
ZONE 110-1 c - Prohibited to Vessels (Clause 9)

Existing VOZR Wording: *The waters in the southeast bay bound by a line extending from a beacon located on the shore¹ in approximate position 38°17'51.8820"S, 146°22'59.5848"E to a beacon located on the southern shore² in approximate position 38°18'3.5064"S, 146°22'49.0800"E*

Summary: Unscheduled buoys are located in water between beacons.

MSV Recommendations: MSV Standard 'Vessels Prohibited' signs to be installed on beacons and reword schedule to reflect this.

SOUTHERN HALF OF MAIN POND



ASSET #	LOCATION COMPLIANCE	TYPE COMPLIANCE	MSV STANDARD COMPLIANCE	CONDITION	AUDITOR'S COMMENT
3	Yes	Yes	Yes	Good	
4	Yes	Yes	Yes	Good	
5	No	Yes	Yes	Good	Approx. schedule coordinates are 60m South
6	No	Yes	Yes	Good	Approx. schedule coordinates are 50m SE
7	Yes	Yes	No	Good	Red Beacons required
8	Yes	Yes	No	Good	Red Beacons required
9	No	Yes	n/a	Poor	Approx. schedule coordinates are 220m South
10	Yes	Yes	Yes	Good	
11	No	No	n/a	Good	Approx. schedule coordinates are 210m SW. Set of beacons present in place of a marker.
12	Yes	Yes	Yes	Good	
13	No	Yes	Yes	Good	Approx. schedule coordinates are 60m NE
14	Yes	Yes	Yes	Good	
15	Yes	Yes	Yes	Good	

ZONE 110-1.d - Prohibited to Vessels (Clause 9)

Existing VOZR Wording: *The waters bound by:*

- (i) a line extending from a marker² located on the shore at approximate location 38°17'46.2084"S, 146°21'34.9992"E to a marker buoy⁴ located at approximate position 38°17'45.5964"S, 146°21'36.9036"E.
- (ii) a line extending from a marker buoy⁴ located in approximate position 38°17'45.5964"S, 146°21'36.9036"E to a marker buoy⁵ located in approximate position 38°17'50.6256"S, 146°21'37.2204"E.
- (iii) a line extending from a marker buoy⁵ located in the approximate position 38°17'50.6256"S, 146°21'37.2204"E to a marker⁶ located on the shore at approximate position 38°17'51.2376"S, 146°21'35.3160"E

are prohibited to vessels.

Summary: Scheduled coordinates of asset No's 5 and 6 are 50-60m different to actual.

MSV Recommendations: Zone to be reviewed as schedule coordinates are incorrect if jetty is to be used for mooring. Schedule position includes waters along Northern side of Jetty. Signed area is currently 50-60m north of jetty.

Consider revising wording to –
 "Waters contained within"
 and referencing only 4 GPS locations.

Reword schedule to reference actual position as opposed to approximate position

ZONE 110-1.d.iv - Prohibited to Vessels (Clause 9)

Existing VOZR Wording: *The waters bound by:*

- (iv) a line extending in an easterly direction from a marker⁷ located on the shore at approximate position 38°17'57.5664"S, 146°21'29.7720"E to a marker⁸ located on the shore at approximate position 38°18'05.7204"S, 146°22'32.9772"E.

are prohibited to vessels.

Summary: Unscheduled buoys along southern wall.

MSV Recommendations: Consider re-numbering zone to 1.e
 If buoys not retained regulatory signage indicating prohibited area to be added to markers.

ZONE 110.2 - Special Purpose Area (Clause 13)

Existing VOZR Wording: *The waters marked by yellow buoys^{14,15} and bound by:*

- (a) *A line extending westward from a beacon⁹ located on the eastern wall at approximate position 38°17'34.4580"S, 146°23'00.5892"E to a marker buoy¹⁰ located in the water at approximate position 38°17'19.9680"S, 146°22'14.8872"E.*
- (b) *A line extending from a marker buoy¹⁰ located in the approximate position 38°17'19.9680"S, 146°22'14.8872"E to a marker¹¹ located on the island at approximate position 38°17'44.7936"S, 146°21'44.3304"E.*
- (c) *A line extending from a marker¹² located on the southern tip of the island, in the approximate position 38°17'42.9540"S, 146°21'41.7996"E to a marker¹³ on the shore located in approximate position 38°17'44.0304"S, 146°21'37.1268"E.*

are designated as a 5 knot zone for all vessels with engines, at all times when a red flag is displayed from the buoys.

Summary: Asset No 13 has scheduled coordinates 60m different from actual.
Asset No's 9 & 11 have scheduled coordinates approx. 220m different from actual.
Asset 11 is a set of beacons, not a marker as schedule indicates.

MSV Recommendations: This section to be reviewed in relation to asset coordinates.

Consider revising wording to –
"Waters contained within...."
and referencing only 5 GPS locations.

Reword to reflect a set of beacons on northern tip of Island (asset No. 11) or reword and install single beacon and reword schedule to reference.

Beacons to be upgraded to MSV standards.

Consider '5 knot' signs with directional arrow for Asset No's 12 and 13.

Asset No. 9 needs replacing (very poor condition).

Buoys 14 & 15 to be relocated in positions to reflect a straight line as per the intent of the Schedule.

Schedule to be reworded to reflect correct coordinates for Assets 9 & 11.

Asset No 13 to be relocated to correct position.

Additional Comments

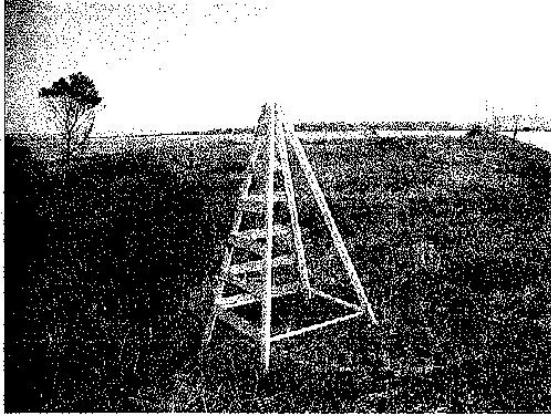
All markers should be coloured as per MSV Boating Safety & Signage Guidelines, and where possible have Regulatory/Prohibition signage attached.

On the recommendation from International power Hazelwood MSV to amend schedule to reflect correct coordinates for Assets 9 & 11.

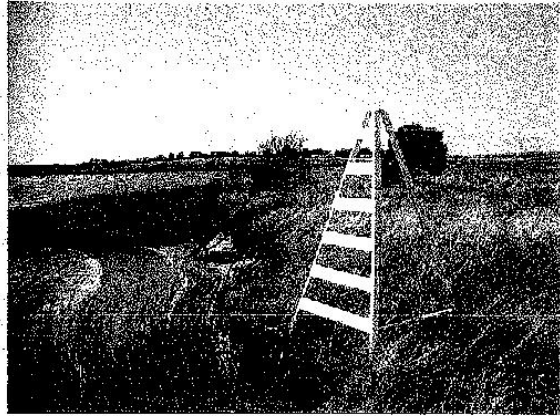
Schedule to be reviewed to remove reference to approximate position for land based assets.

APPENDIX 1 – ASSET IMAGES

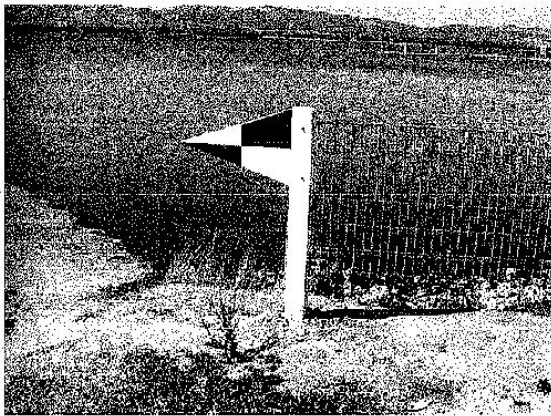
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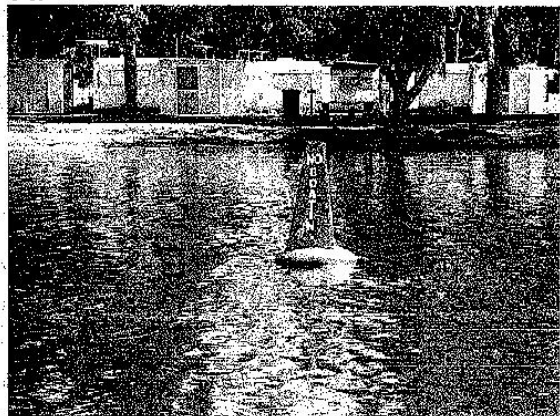
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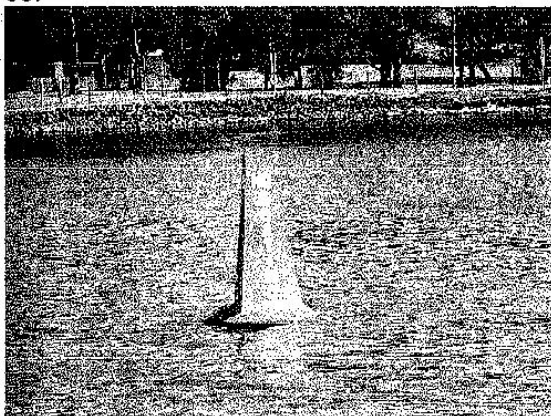
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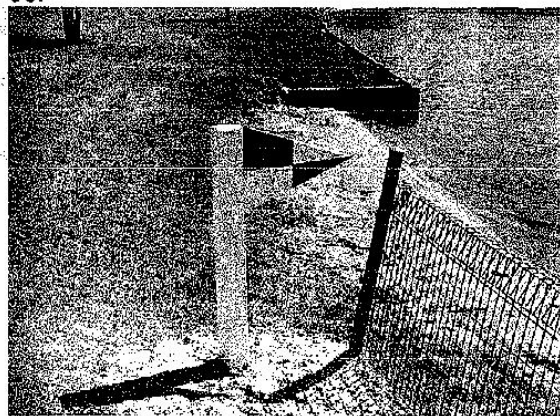
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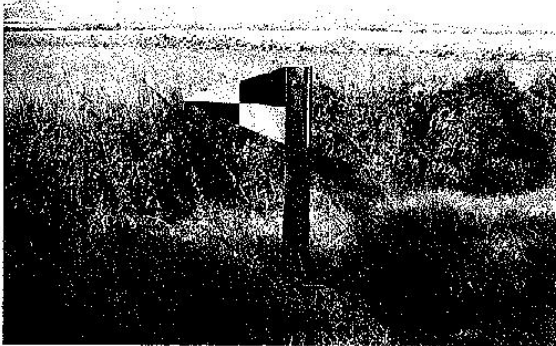
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06.



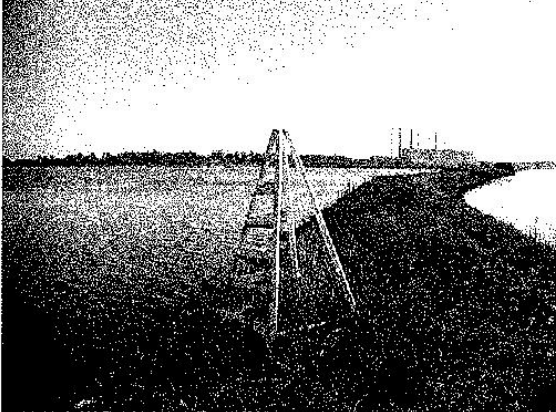
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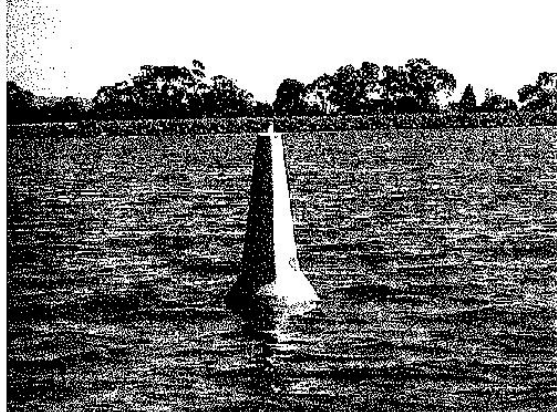
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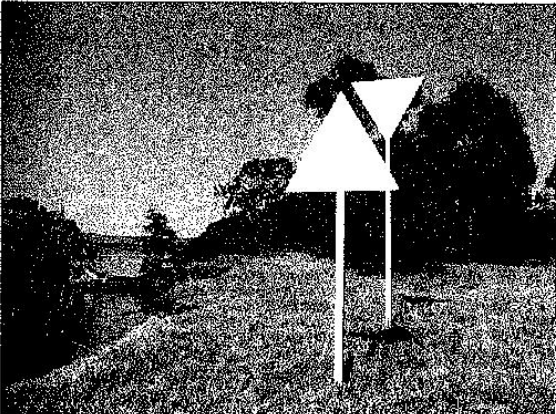
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10.



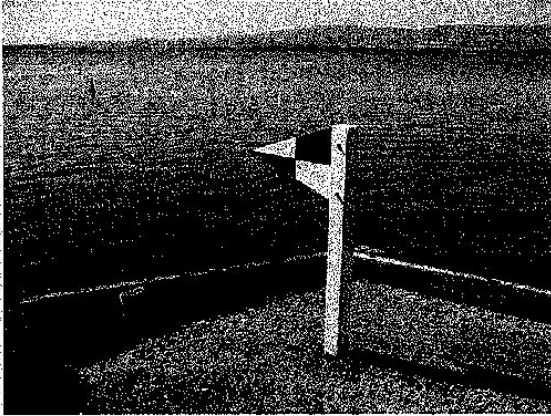
11.



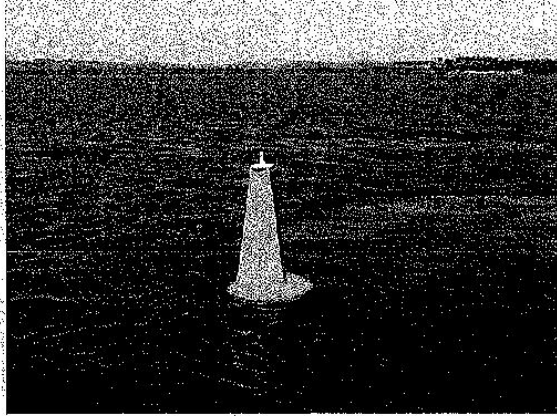
12.



13.



14.



15.

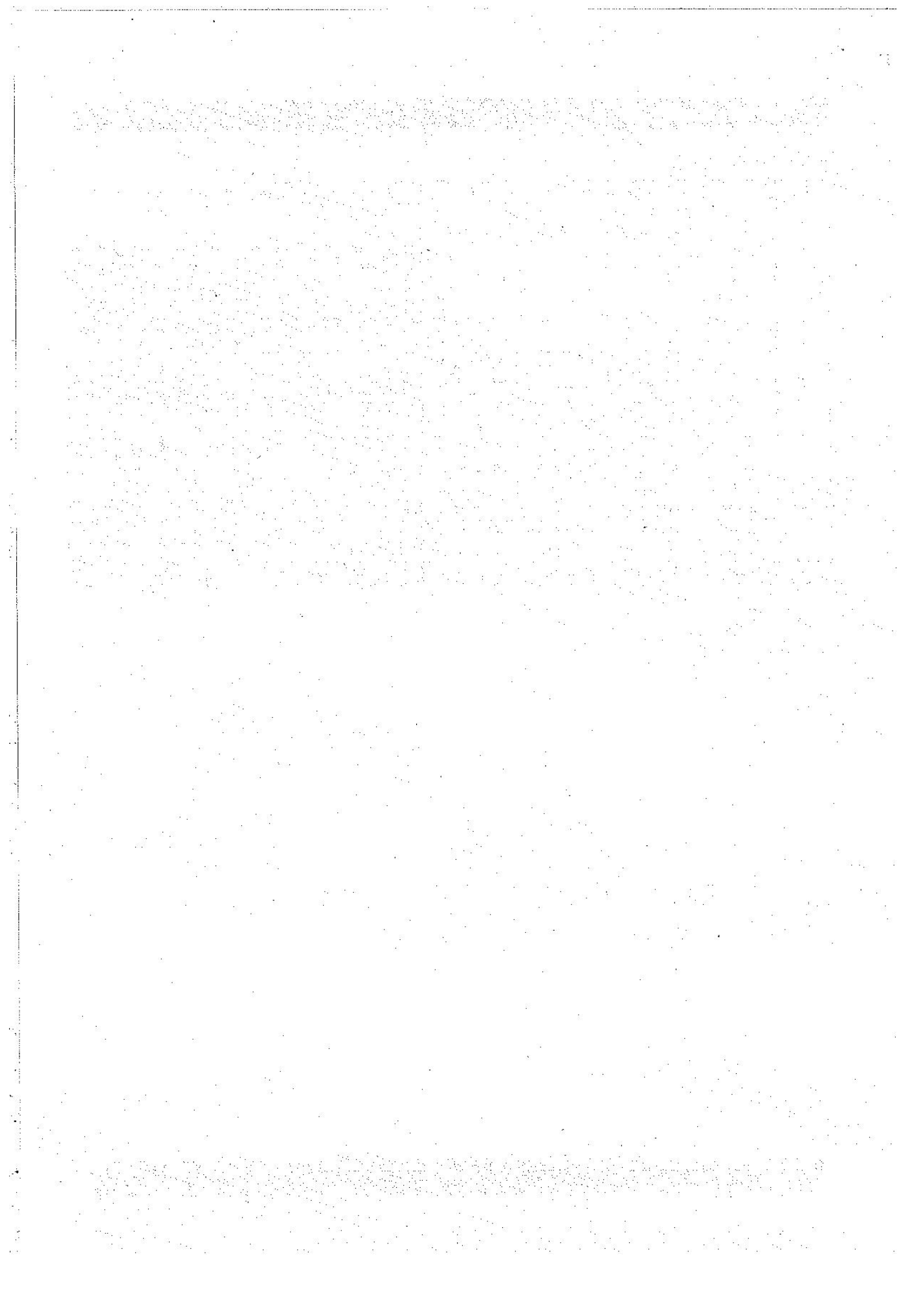
(No image. Same style buoy as No. 14)

APPENDIX 2 – ASSET COORDINATES

Asset #	Actual Location				Scheduled Location (if different from Actual)			
	Decimal Degrees		DMS		Decimal Degrees		DMS	
	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude
1	-38.297737	146.38322	38° 17' 51.85"	146° 22' 59.59"				
2	-38.300973	146.380298	38° 18' 03.50"	146° 22' 48.07"				
3	-38.296121	146.359815	38° 17' 46.04"	146° 21' 34.61"				
4	-38.295863	146.360229	38° 17' 45.47"	146° 21' 36.82"				
5	-38.296899	146.360179	38° 17' 48.84"	146° 21' 36.64"	-38.297398	146.360339	38° 17' 50.63"	146° 21' 37.22"
6	-38.297271	146.359346	38° 17' 50.18"	146° 21' 33.65"	-38.297566	146.35981	38° 17' 51.24"	146° 21' 35.32"
7	-38.299195	146.358475	38° 17' 57.10"	146° 21' 30.51"				
8	-38.301402	146.37695	38° 18' 05.05"	146° 22' 33.42"				
9	-38.291245	146.384796	38° 17' 28.48"	146° 23' 5.27"	-38.292905	146.383497	38° 17' 34.46"	146° 23' 0.59"
10	-38.288881	146.370817	38° 17' 19.97"	146° 22' 14.94"				
11*	-38.294114	146.363614	38° 17' 38.81"	146° 21' 49.01"	-38.295776	146.362314	38° 17' 44.79"	146° 21' 44.33"
11**	-38.294135	146.363588	38° 17' 38.89"	146° 21' 48.92"	-38.295776	146.362314	38° 17' 44.79"	146° 21' 44.33"
12	-38.295289	146.361777	38° 17' 43.04"	146° 21' 42.40"				
13	-38.29593	146.359839	38° 17' 45.35"	146° 21' 35.42"	-38.295564	146.360313	38° 17' 44.03"	146° 21' 37.13"
14	-38.289892	146.379068	38° 17' 23.61"	146° 22' 44.64"				
15	-38.289526	146.375938	38° 17' 22.29"	146° 22' 33.38"				

* Front Beacon

** Rear Beacon



Languages

Text Size

Search Site keyword

000 Process Community Our Role Structure People & Careers Media & R



Background

Vision and Mission

Facts & Figures

Our Services

Emergency Calls & Dispatch

Emergency Markers

Managed Services

ESTA People



Last year ESTA answered 1.2 Million Triple Zero calls from Victorians needing assistance from police, fire and ambulance services in an emergency.

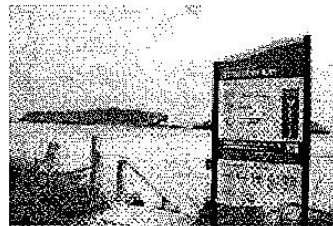
Emergency Markers

The Emergency Markers program has been developed to address a time-critical issue for emergency response to open-space locations.

Emergency Markers are designed to pinpoint your exact location during an emergency in public open spaces or a hard to define locality.



This stand alone Emergency Marker is situated on the Werribee Jetty.



Emergency Markers can also be incorporated into other types of signage. This example combines Marker information with aquatic risk signage at Stingray Bay (Warrnambool City Council).

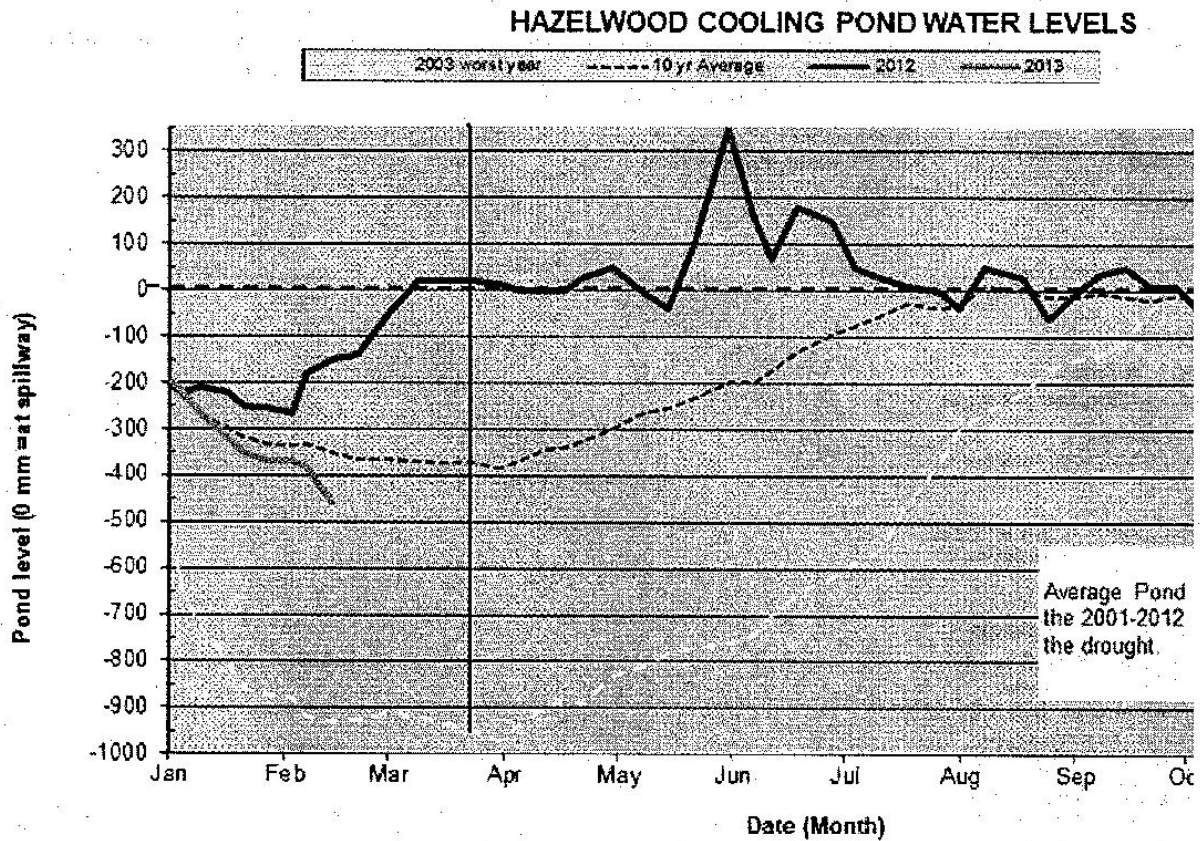
There are currently in excess of 1,600 Emergency Markers installed throughout Melbourne and rural Victoria.

Emergency Markers can be found in the township of Warrnambool where they are installed on aquatic risk signage along the town's foreshore between Levy's Point car park and Logan's Beach. Murrindindi Shire Council has also introduced Emergency Markers at Lake Eildon lower pondage.

Emergency Markers were rolled out across the City of Melbourne side of the Capital City trail which stretches from Docklands through to Royal Park. Parks Victoria has installed Markers on its piers and jettys at Western Port Bay and from Portsea around the Bay to Point Lonsdale as part of a signage re-fresh.

The program has expanded significantly throughout rural Victoria and, in particular, on several of the state's premier rail trails namely the Bellarine and Moe to Yallourn trails. The 100km long Murray to Mountains Rail Trail was a welcome addition in last year.

Other rural Victorian areas which are planning to install Emergency Markers this year are the seaside town of Port Fairy along the south beach foreshore area as a Moyne Shire Council



Doug Day

Stakeholder Management and Risk Director

Hazelwood

GDF SUEZ Australian Energy



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NATIONAL POWER AUSTRALIA INVESTMENTS LIMITED
ABN 51 075 257 537
HAZELWOOD PACIFIC PTY LTD ABN 19 074 351 376
AUSTRALIAN POWER PARTNERS BV ARBN 075 477 208
CISL (HAZELWOOD) PTY LTD ABN 37 074 747 185
HAZELWOOD INVESTMENT COMPANY PTY LTD ABN 92
075 041 360

not separately but collectively as a partnership
established under the *Partnership Act 1958* (Vic)
trading as "Hazelwood Power"
ABN 40 924 759 557

National Hazelwood Power
ABN 40 924 759 557
("Licensor")

and

Association of The Ratepayers and Residents of Latrobe City
Incorporated
A0040942P
("Licensee")

LICENCE AGREEMENT
FOR HAZELWOOD PONDAGE CARAVAN
PARK AND CAMPING GROUND, BOAT RAMPS
AND PUBLIC RECREATIONAL AREAS

Norton Gledhill
COMMERCIAL LAWYERS

Melbourne Vic 3000
Australia

Tel: +61 3 9614 8933
Fax: +61 3 9620 1802
Ref: AJG

This Licence Agreement is made on

Between: NATIONAL POWER AUSTRALIA INVESTMENTS LIMITED
ABN 51 075 257 537
HAZELWOOD PACIFIC PTY LTD ABN 19 074 351 376
AUSTRALIAN POWER PARTNERS BV ARBN 075 477 208
CISL (HAZELWOOD) PTY LTD ABN 37 074 747 185
HAZELWOOD INVESTMENT COMPANY PTY LTD ABN 92 075 041 360
 not separately but collectively as a partnership established under the *Partnership Act 1958 (Vic)* trading as "Hazelwood Power" ABN 40 924 759 557
(Licensor)

And: Association of the Ratepayers and Residents of Latrobe City Incorporated
AA040942P of 46 Albert Street, Moe, Victoria 3825.
(Licensee)

Recitals

- A. The Licensor is the registered proprietor of the Land.
- B. The Licensor has agreed to grant a non-exclusive licence to use the Licensed Area to the Licensee, for the purposes set out in this Agreement.

Operative provisions

Definitions and interpretation

1.1 Definitions

In this Agreement, unless the context otherwise requires:

Approved Purposes means caravan and camping ground and recreational facilities;

Business Day means a day which is not a Saturday, Sunday, bank holiday or public holiday in Melbourne;

Commencement Date means the date of execution of this Agreement;

Land means part of the land contained in Certificate of Title Volume [] Folio [], being Lot [] on Plan of Subdivision [];

Licence Fee means [] per annum, inclusive of GST;

Licensed Area means that part of the Land shaded in the plan attached to Annexure A of this Agreement being the Hazelwood Caravan Park and Camping Ground, boat ramps and public recreational areas;

Outgoings means the cost of:

- (a) water rates and charges; and
- (b) City of Latrobe rates and charges.

Services means the cost of electricity, gas and telephone (where connected to the Licensed Area).

Term means the term set out in clause 2.1.

Waterway Manager means the waterway manager of the Hazelwood Cooling Pondage appointed pursuant to the *Marine Act* 1988.

1.2 Interpretation

In this Agreement headings and bold typing are included for convenience only and do not affect interpretation and, unless the context otherwise requires:

- (a) a reference to a word includes the singular and the plural of the word and vice versa;
- (b) a reference to a gender includes any gender;
- (c) if a word or phrase is defined, then other parts of speech and grammatical forms of that word or phrase have a corresponding meaning;
- (d) a term which refers to a person includes a company, a partnership, an association, a corporation, a body corporate, a joint venture, a sovereign state, a government or a government department or agency;
- (e) a reference to a recital, clause, paragraph, schedule, annexure or other part is a reference to an item of that type in this Agreement;
- (f) a reference to a party is a reference to a party to this Agreement and includes a reference to that party's successors and permitted assigns;
- (g) a reference to a statute or regulation or a provision of a statute or regulation is a reference to that statute, regulation or provision as amended or a statute, regulation or provision replacing it, and a reference to a statute includes all regulations, proclamations, ordinances and by-laws made or issued under that statute;
- (h) no provision of this Agreement will be construed adversely to a party solely on the ground that the party was responsible for the preparation of this Agreement or that provision;
- (i) a monetary reference is a reference to Australian currency;
- (j) "includes" and "including" and similar expressions are not words of limitation; and
- (k) a word or term defined in A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth of Australia has the same meaning in this

Agreement, where used in connection with GST imposed under that Act.

2. Grant and Term of Licence

2.1 Grant

- (a) In consideration of the Licensee paying the Licence Fee and taking all necessary steps to become the Waterway Manager pursuant to clause 3.1(b) of this Agreement, the Licensor grants to the Licensee a non-exclusive licence to use the Licensed Area for the Approved Purposes for a term of 3 years commencing on the Commencement Date.
- (b) The Licensor may at its option extend the term by two further periods of 1 year each by serving written notice on the Licensee of its intention to exercise this option not less than 3 months before the expiration of the current term.

2.2 Licence Fee

The Licensee must pay the Licence Fee to the Licensor on the Commencement Date and each anniversary of the Commencement Date.

2.3 Possession

The Licensee hereby acknowledges that possession of the Licensed Area shall in no way exclude the right of the Licensor to possession of that area nor shall possession of the Licensed Area or this Agreement confer on the Licensee or constitute any tenancy or any other interest in the Land.

2.4 Dealings by Licensee

The licence hereby granted shall confer upon the Licensee a contractual right only and shall not be capable of being assigned, transferred, novated, mortgaged, charged, encumbered or otherwise dealt with either in whole or in part by the Licensee.

2.5 Dealings by Licensor

The Licensor may assign, novate or otherwise deal with its interest under this Licence without the consent of the Licensee.

2.6 Fitness of Licensed Area

The Licensor makes no representation or warranty as to the fitness of the Licensed Area or any improvements erected thereon for the Approved Purposes or any other purpose.

3. Licensee's Obligations

The Licensee hereby covenants and agrees with the Licensor as follows:

3.1 Waterway Manager

To:

- (a) take all reasonable and necessary steps as required by the Licensor and/or any relevant authority assist the Licensor in revoking or seeking to have its appointment as Waterway Manager revoked;
- (b) take all reasonable and necessary steps as required by the Licensor and/or any relevant authority to apply for appointment as, to become and to assume all obligations as Waterway Manager;
- (c) act as the Licensor's delegate to carry out all of the functions and powers (other than any power of delegation) of the Licensor as Waterway Manager conferred on the Licensor by or under the *Marine Act* 1988 for so long as the Licensor remains Waterway Manager.

3.2 Signage

To erect and maintain on the Licensed Area signage satisfactory to the Licensor warning the Licensee's invitees of blue green algae blooms affecting the Hazelwood Cooling Pond adjacent to the Licensed Area.

3.3 Maintenance and Repair

- (a) To keep the Licensed Area in a state of good repair;
- (b) To comply with any reasonable request issued from time to time by the Licensor regarding cleaning and maintaining the Licensed Area;
- (c) Not to cause or permit any rubbish to be placed, thrown or to be dropped in or about the Licensed Area;
- (d) To maintain the fences and all gates on the Licensed Area in good repair and condition at all times during the term of this Agreement. The Licensee acknowledges the Licensor shall be under no obligation to repair the fences and gates on the Licensed Area during the term of this Agreement;
- (e) To do all that a reasonable occupier would do to mitigate against bushfire damage including:
 - (1) safely store flammable items;
 - (2) keep gutters and roof areas clear of leaves and litter;
 - (3) cut back branches;
 - (4) prune shrubs; and
 - (5) remove dry grass, leaves, twigs and loose bark.
- (f) Must, at the cost of the Licensee, maintain the roadside verges adjacent to the Licensed Area, including complying with any Fire Hazard Notices or any other Notices issued by Vic Roads, City of Latrobe, Department of Sustainability & Environment or any other responsible authority in respect of the roadside verge area adjacent to the Licensed Area;

- (g) Not to make any alterations or additions to the Licensed Area without first obtaining the written consent of the Licensor which the Licensor shall be entitled to refuse to grant in its absolute discretion;
- (h) Not to cut down, fell, ringbark, damage or destroy any timber or trees on the Licensed Area during the term of this Agreement without the prior written consent of the Licensor which consent the Licensor shall be entitled to refuse to grant in its absolute discretion;
- (i) To repair, uphold, cleanse, mend, maintain, replace, refurbish, service (where applicable to the manufacturers specifications) and keep the whole of any buildings or other improvements located on the Licensed Area, including the plate glass and other windows therein and all walls, floors, ceilings, fittings and fixtures, locks, doors and other improvements including security lights and all alterations and additions to such buildings and the Licensor's fixtures, fittings and appliances therein and the sewerage, water, gas (if applicable) and other pipes and connections therein in as good substantial sanitary, repair, order condition and capacity as the same were at the date upon which the Licensee first entered into occupation of the Licensed Area whether or not required by notice so to do at the Licensee's own expense;
- (j) The Licensee acknowledges the Licensor shall be under no obligation whatsoever during the term of this Agreement to repair, replace, refurbish, upgrade or expand the sewerage, water, gas (if applicable) and other pipes and connections located on or in the Licensed Area.

3.4 Nuisance and Property Damage

- (a) Not to do or omit or permit to be done or omitted any act, matter or thing which might in any way endanger or damage the Licensed Area or any equipment, chattels or goods therein whether the property of the Licensor or not; and
- (b) Not to do or omit or permit to be done or omitted any act, matter or thing which shall be a nuisance or annoyance or obstruction to the Licensor or other users occupants or licensees of any adjoining or nearby properties.

3.5 Insurance

To effect on or before the Commencement Date and maintain during the Term with reputable insurers the following insurances:

- (a) public liability in the joint names of the Licensee and the Licensor for their respective rights, interests and liabilities for a sum of not less than \$20,000,000 (or such other amount as is required reasonably by the Licensor from time to time); and
- (b) any other relevant insurance considered necessary by the Licensor from time to time.

3.6 Indemnity

- (a) To indemnify the Licensor against any claim or action and all damage and injury

of every description which the Licensor may suffer or incur or which may occur to the Licensed Area or any part thereof or to any adjoining or nearby properties or to any person using the Licensed Area or to the property of any such person arising directly or indirectly through the use of the Licensed Area by the Licensee pursuant to this Agreement;

- (b) To indemnify the Licensor against any claim or action whether for personal injury or property damage or otherwise which takes place on or in the Licensed Area;
- (c) To indemnify the Licensor against any claim or action and all damage and injury of every description which the Licensor may suffer or incur arising directly or indirectly from any activities carried out on the Hazelwood Cooling Pond by any person other than the servants and/or agents of the Licensor;
- (d) To indemnify the Licensor against any claim or action and all damage and injury of every description which the Licensor may suffer or incur, prior to or at any time after the date of this Agreement, arising directly or indirectly from its appointment as Waterway Manager and/or from it carrying or purporting to carry out its functions or powers as Waterway Manager.

3.7 Outgoings and Services

- (a) To pay when due the Outgoings for which the Licensee receives notices directly, and reimburse within 7 days those which the Licensor receives. The Licensee shall produce receipts for paid outgoings within 7 days of a request being made by the Licensor; and
- (b) To pay when due all charges for the provision of Services to the Licensed Area.

3.8 Environmental Matters

- (a) To comply with any law, requirement or order or any reasonable request issued from time to time by the Licensor regarding the Licensed Area;
- (b) To comply at its own expense with any environmental controls effecting the Licensed Area;
- (c) To take all actions reasonably requested by the Licensor in relation to the Licensed Area, any improvements on the Licensed Area and the operations conducted by the Licensee on the Licensed Area, to ensure that the Licensor can comply with any environmental controls effecting the Licensed Area and the conditions of any Environment Protection Authority licences held by the Licensor and effecting the Licensed Area;
- (d) That it acknowledges that the Licensor's operation of the Hazelwood Cooling Pond, which is nearby or adjacent to the Licensed Area, is controlled by environmental laws and Environment Protection Authority licences and that the Licensee's use of the Licensed Area, may if uncontrolled, result in adverse environmental impacts, including without limitation, nutrient run-off and pesticide contamination, which may result in the Licensor breaching the relevant environmental laws and Environment Protection Authority licences;

- (e) that it agrees to comply with all environmental laws and to take all actions reasonably requested by the Licensor in relation to the Licensed Area and the operations conducted by the Licensee on the Licensed Area, to prevent any contamination of the Licensed Area or any water courses traversing the Licensed Area or nearby the Licensed Area or any environmental impact on the Hazelwood Cooling Pond and to ensure that the Licensor can comply with the environmental laws and the conditions of the Environment Protection Authority licences.
- (f) The Licensee agrees that it will:
 - (1) not cause, or permit to be caused, whether by any act, omission, default, negligence or otherwise, any environmental damage to the Licensed Area, or to any ground water or any other land; and
 - (2) will rectify any environmental damage caused during the term of this Agreement.

3.9 Inspection by Licensor

The Licensor may inspect the Licensed Area at any time during the Term of this Agreement.

3.10 Indemnity

That it indemnify the Licensor for all liabilities which may be incurred as a result of the Licensee failing to comply any of clauses 3.8(a) to 3.8(f) of this Agreement.

3.11 Make Good

- (a) To make good any damage caused by the removal of or replacement of any goods from or on the Licensed Area;
- (b) As soon as practicable but no more than 60 days after the end of the Term or earlier termination of this Agreement:
 - (1) to remove all goods stored on the Licensed Area;
 - (2) to return that part of the Licensed Area which is used as a caravan park and camping ground to a clear grassed area as soon as practicable after the end of the Term or earlier termination of this Agreement; and
 - (3) to return the balance of the Licensed Area including the boat ramp and foreshore to a condition consistent with that as at the Commencement Date as soon as practicable after the end of the Term or earlier termination of this Agreement.

4. Licensor's Rights

4.1 Right to Enter

The Licensor may enter onto the Licensed Area during the Term for the purposes of:

- (a) taking water samples;
- (b) carrying out test drilling;
- (c) placing and accessing dust gauges on the Licensed Area; and
- (d) any other purpose determined by the Licensor in its absolute discretion.

4.2 Other Rights

The Licensor, whenever it sees fit by notice to the Licensee, may:

- (a) make rules in connection with the Licensed Area restricting the Licensee's and its any invitees and agents use of the Licensed Area;
- (b) close the Licensed Area, without notice to the Licensee, for any length of time for any reason whatsoever.

5. Risk, release and indemnity

5.1 Risk

Notwithstanding anything hereinbefore contained this Licence is granted upon the express condition that the Licensor shall not in any circumstances be liable or responsible in any manner whatsoever for any loss, accident, damage or injury to or suffered by the Licensee and/or to or suffered by any invitee of the Licensee which may happen in the Licensed Area from any cause whatsoever.

5.2 Release

The Licensee releases the Licensor to the full extent the law permits from all actions, claims or demands of any kind for or resulting from:

- (a) loss or damage to the Licensee or its property;
- (b) the death of or injury to any person using the Licensed Area.

6. Default and Termination

6.1 Default

If the Licensee breaches any item in clause 3 and fails to remedy that breach within 3 Business Days from receipt of a written notice of default from the Licensor, the Licensor may:

- (a) perform any of the Licensee's obligations under clause 3 (where appropriate), at the Licensee's expense; or
- (b) terminate this Agreement by written notice to the Licensee.

6.2 Effect of termination

Termination of this Agreement will not prejudice or otherwise affect any rights and obligations of the parties expressed in this Agreement to survive termination of this Agreement, nor will it prejudice or otherwise affect any right or remedy one party has against the other party in respect of any breach of this Agreement before termination, but will terminate all other rights and obligations of the parties under this Agreement.

7. Early Termination

The Licensee agrees and acknowledges that the Licensor shall be entitled to terminate this Agreement prior to the end of the Term upon giving 3 months written notice to the Licensee that it requires the Licensed Area for any purpose associated with brown coal mining or the generation of electricity and following the expiration of the aforesaid 3 months notice period the Licensee shall immediately vacate and deliver up the possession of the Licensed Area to the Licensor and shall not be entitled to receive any compensation from the Licensor for such early termination of this Agreement.

8. GST

- (a) If GST is imposed or levied in respect of any supply made under or in accordance with this Agreement (including the supply of the Licensed Area or the supply of any goods, services, rights, benefits or other things) then the supplier may recover the GST Amount from the Recipient of the supply in addition to the Consideration.
- (b) Any GST Amount payable pursuant to this clause 8 shall be payable at the same time and in the same manner as the Consideration for the supply in respect of which the GST Amount is calculated.
- (c) The party making the supply must issue to the party receiving the supply a tax invoice which complies with the GST Legislation within 14 days after the day on which payment of a GST Amount by the other party is due in accordance with clause 8(b).
- (d) If an Adjustment Event has taken place in relation to a supply under or in accordance with this Agreement then the GST Amount payable by the party receiving the supply under this clause shall be adjusted accordingly and an Adjustment Note in accordance with the GST Legislation issued to the other party at or before the time of payment of any adjustment to the GST Amount.
- (e) If this Agreement requires a party to pay, reimburse or contribute to an amount paid or payable by the other party in respect of an acquisition from a third party for which the first party is entitled to a full or partial input tax credit, the amount for payment, reimbursement or contribution will be:
 - (1) the value of the acquisition by the first party less any input tax credit to which the other party is entitled, plus
 - (2) if the first party's recovery from the other party of the amount identified in clause 8(e)(1) will be a Taxable Supply, the GST payable in respect of that Taxable Supply.

(f) In this clause8:

- (1) terms defined in the GST Legislation have the meanings given to them in that legislation;
- (2) **Consideration** means any amount or consideration payable or to be provided pursuant to any provision of this Agreement other than this clause;
- (3) **GST** means any form of goods and services tax or similar value added tax;
- (4) **GST Amount** means the Consideration for the supply (after deducting the GST Exempt Component) multiplied by the Rate;
- (5) **GST Exempt Component** means any part of the Consideration for the supply to the extent that it relates to a supply that is free or exempt from the imposition of GST;
- (6) **GST Legislation** means any legislation or regulation which imposes, levies, implements or varies a GST;
- (7) **Rate** means the rate at which GST Legislation from time to time imposes or levies GST on a supply under this Agreement; and
- (8) **Supply** includes supply as defined under GST Legislation.

9. General

9.1 Governing law and jurisdiction

This Agreement is governed by the laws of Victoria. The parties submit to the non-exclusive jurisdiction of the courts exercising jurisdiction there.

9.2 Amendment

The parties may only amend this Agreement if each party signs the written amendment.

9.3 Waiver

A provision of this Agreement or a right created under it may not be waived except in writing signed by the party granting the waiver.

9.4 Severance

If any provision of this Agreement is void, voidable, unenforceable, illegal, prohibited or otherwise invalid in a jurisdiction, in that jurisdiction the provision must be read down to the extent it can be to save it but if it cannot be saved by reading it down, words must be severed from the provision to the extent they can be to save it but if that also fails to save it the whole provision must be severed. That will not invalidate the remaining provisions of this Agreement nor affect the validity or enforceability of that provision in any other jurisdiction where it is not invalid.

9.5 Counterparts

The parties may execute this Agreement in two or more counterparts and all counterparts together constitute one instrument.

9.6 Notices

(a) A party may send a notice in connection with this Agreement by hand delivery, pre-paid post or facsimile transmission to the other party at the address details set out below or in such other way as the recipient party may have last notified each other party in writing:

(1) Licensor:

Address:

Facsimile:

Attention:

Licensee: Association of the Ratepayers and Residents of Latrobe City
Incorporated AA040942P

Address: 46 Albert Street, Moe, Victoria 3825

Facsimile:

Attention:

A notice is deemed to be received:

- (2) if hand-delivered, when delivered;
- (3) if sent by pre-paid post, on the third Business Day after the date of posting;
or
- (4) if sent by facsimile transmission, on the next Business Day after the date the facsimile was sent in its entirety as shown by the transmission report produced by the sending machine.

1.1 Costs

Each party must bear its own costs in relation to the negotiation, preparation and execution of this Agreement.

Executed as an Agreement.

Execution clause to be provided by Hazelwood Power.

Licence Agreement

Page 13

Licence Agreement

Page 14

The seal of the)
ASSOCIATION OF THE)
RATEPAYERS AND RESIDENTS OF)
LATROBE CITY INCORPORATED)
AA040942P was affixed in accordance with)
council resolution dated)
in the presence of:)

.....
Signature of delegate

.....
Signature of delegate

.....
Name of delegate

.....
Name of delegate

.....
Designation

.....
Designation

Hazelwood Pondage Waterway Caravan Park Lease



I&D Presentation



Current situation

- 40 year lease expired for caravan park
- Caravan park waste water system failed, temporary arrangements are in place
- IPH consider recreational use of the lake not core business
- IPH new lease proposal includes waterway and foreshore management





Macro issues

Life of the power station

- 8 units until June 2025 (GDF Suez Business Plan)
- Water levels and temperature can not be guaranteed after this date
- IPH likely still want to negotiate a contract for closure with the Federal Gov

IPH issues

- Waterway & foreshore Management (Not a negotiation)
- Main drain action in the Supreme Court

Master Plan

- Draft master plan complete
- \$1m State Government funding pending
- Funding agreement condition (No lease, no \$1m)

Waste Water Issues

- \$500K estimate for the waste water treatment plant
- Temporary arrangements in place
- Recurrent cost \$100K 2012/13 season.
- Recurrent cost \$150K estimated for 2013/14





Operational issues

Recurrent cost

Forecast net cost to Council 2013/14 (caravan park only) \$ 83,600

Projected year 1 (2014/15) recurrent net cost to Council including IPH proposal (foreshore & waterway) \$108,173



Initial one off cost to Council year 1 (2014/15) (legal fees, LCC signage, ramp maintenance, etc) \$ 28,000

Total estimated net cost to Council in year 1 (2014/15) \$136,173*

* Costs are estimates only and do not include cost associated with the current waste water disposal

Capital cost

Estimated capital cost to Council 2014/15 (car park sealing & repairs) \$ 40,000

*Could be future capital expenditure



Operational issues

Risk/liability/insurance/liquidated damages

- No significant effect on insurance premiums or contributions
- Careful review of agreement by legal advisors and insurers i.e. Subrogate rights, liquidated damages.



Usage

- Water level is not guaranteed (speed restrictions in summer)
- 48 camp sites which are all under license, 2012/13 - 2879 casual campers
- 6 annual events, sauna sail, triathlon events, open water swimming, sailability, yachting events
- General community use the caravan park for day trips, BBQ, play ground, grassed park area, swimming and toilet facilities
- Yacht Club are a tenant at the caravan park
- Northern boat ramps and swimming areas are very popular in summer

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LatrobeCity

Discussion prompters/facts

- No Lease - No \$1M from the State Government
- This is NOT a negotiation (IPH will close the lake/caravan park and fence it off)
- IPH currently in legal dispute with Council (Not willing to negotiate/compromise)
- Sewerage system requires urgent upgrade to continue operation (\$500K)
- Does Council wish to continue this service? It can be accommodated but will come at a cost.
- Councils intent needs to be made in the next two months
- How and when does LCC engage with the community and State Government?
- Many unknowns as to the future of the site (power station, waterway, rehabilitation)
- IPH have demonstrated a lack of corporate responsibility in regards to the community. (What should Council's response be?)
- HOW DOES LCC PROGRESS THIS FROM HERE?



COMMUNITY LIVEABILITY

15. COMMUNITY LIVEABILITY

Nil reports

GOVERNANCE

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

16. GOVERNANCE

16.1 ASSEMBLY OF COUNCILLORS

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 2 September 2013.

DECLARATION OF INTEREST

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

OFFICER COMMENTS

The following Assembly of Councillors took place between the 14 August 2013 and the 26 August 2013:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
14 August 2013	Morwell Town Common Development Plan Project Control Group Refer to attachment	Cr Middlemiss Cr Sindt Simon Clark	NIL
15 August 2013	Traralgon CBD Safety Committee Meeting Drug and Alcohol Use in Latrobe City, Review of Lighting around the Stockland Plaza, Police Patrols, Security at Taxi Ranks, CCTV, Traralgon CBD Safety Audit, Traralgon CBD Safety Committee Action Plan, LV Buslines Report, Victoria Police Report, Traralgon Chamber of Commerce Report, Latrobe City Update	Cr Rossiter Heather Farley, Andrew Legge, Graeme Brien	NIL
21 August 2013	Victory Park Precinct Advisory Committee Refer to attachment	Cr Harriman Simon Clark	NIL

ORDINARY COUNCIL MEETING MINUTES 16 SEPTEMBER 2013 (CM420)

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
21 August 2013	<p>Latrobe City International Relations Committee Meeting</p> <p>Education Delegations - Liddiard Road Primary School, Traralgon 2014 Sister Cities Festival 2014 Music Exchange Program Australian Garden Open Sister Cities Australia National Awards and Conference 2013/2014 International Relations Key Actions Economic Development Update International Relations Committee Terms of Reference</p>	<p>Cr White, Cr Sindt and Cr Gibbons</p> <p>Jason Membrey</p>	NIL
22 August 2013	<p>Latrobe City Cultural Diversity Advisory Committee Meeting</p> <p>Guest Speaker –Topic: Gateway Program; Janine Riches, Service Access/Diversity Officer, Latrobe Community Health Service Report of actions from the Action Plan 2012-2013 discussed First Draft of Cultural and Linguistic Diversity Action Plan 2014-2018 discussed Latrobe Libraries update August 2013 Upcoming Citizenship days</p>	<p>Cr Peter Gibbons</p> <p>Steve Tong Teresa Pugliese Jie Liu</p>	NIL
22 August 2013	<p>Latrobe City Municipal Public Health and Wellbeing Plan (MPHWP) Project Reference Group</p> <p>Latrobe City MPHWP – Overview and Update MPHWP Strategic Directions Future Work to Progress the Draft MPHWP</p>	<p>Cr O’Callaghan</p> <p>Regina Kalb David Lane and Debbie Mitchell</p>	NIL
26 August 2013	<p>Issues & Discussion Session</p> <p>4.1 Tonight’s Presentations: Planning Update 4.2 Previous Presentations 4.4 Future Presentations – Outside Issues & Discussion Sessions 6.1 Forward Planner 7.1 New Issues 7.2 Outstanding Issues 11.1 Hazelwood Pondage Waterway and Caravan Park Lease 11.2 New Council Policy – Local Area Traffic Management Policy 11.3 Community Grants Update 13.1 Victorian Honour Roll of Women 13.2 Procedural Breaches</p>	<p>Cr Gibbons, Cr Gibson, Cr Harriman, Cr Middlemiss, Cr O’Callaghan, Cr Rossiter, Cr Sindt, Cr White</p> <p>Paul Buckley, Michael Edgar, Allison Jones, Tom McQualter, Grantley Switzer</p>	Cr Harriman declared an indirect interest under Section 78C of the Local Government Act 1989 in Item 4.1 Tonight’s Presentations – Planning Update– Discussion & Presentation on Traralgon North & TGAR.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
	Advisory Committee		

Attachments

1. Assembly of Councillors - Not Confidential - 16 September 2013

RECOMMENDATION

That Council note this report.

Moved: Cr White
Seconded: Cr Gibbons

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

16.1

Assembly of Councillors

1	Assembly of Councillors - Not Confidential - 16 September 2013	787
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Assembly of Councillors Record

Assembly details: Morwell Town Common Development Plan Project Control Group

Date: 14 August 2013

Time: 5:05pm

Assembly Location: Latrobe City Council Headquarters

In Attendance:

Councillors: Cr Graeme Middlemiss and Cr Christine Sindt.

Officer/s: Simon Clark

Matter/s Discussed: Business Arising From Previous Minutes

1. David informed the meeting that the extension of the timber fence on White Street had been completed for a total project cost of \$4,500. Simon to write to the Morwell Rotary Club expressing the Project Control Group and Council's appreciation for the clubs ongoing development of the Common. Completed

2. Simon has inspected the barbeque and believes that the fat and grease issue has been rectified however he will keep an eye on it. Completed

3. Simon said that he was meeting a landscaper the next day to finalise the autumn plantings. Some plants have been ordered by Council's Parks and Gardens Team while other plants are coming from the Council's nursery. Further landscape works will be carried out in spring. Ongoing Action – Simon Clark

4. Simon informed the meeting that Council had progressed to Stage Two of Regional Development Victoria's, "Putting Locals First" funding program for the Chapel Street carpark and Access for All Abilities playground projects. Simon will inform the group of the outcome of that application as further information comes through. Ongoing Action – Simon Clark

5. David stated that he will install heavy duty fully attached down pipes on the picnic shelter. Action – David McInnes



6. Simon reported that the Playground Team will undertake an investigation into any drainage issues at the playground during the 2013 winter and conduct any required remedial works in the spring and summer. Ongoing Action – Simon Clark

7. Judy requested Simon to have the Building Maintenance Team contact her to discuss the alteration of a Disabled Toilet door at the common as it is not wheelchair accessible. Ongoing Action – Simon Clark

8. Simon informed the Committee that he had lodged a Latrobe City Council Minor Capital Works Community Grant for the sign project.

9. Keith informed the meeting that he had discussed the Black She Oaks with members of the now defunct refugee group (John Lawson etc). The refugee group expressed a wish to discuss the matter at our next meeting although they did not have a particular opinion on the matter either way. Simon to organise an onsite meeting of the Project Control Group to investigate the issue. Completed

10. Simon informed the meeting that he had consulted senior management regarding any strategic planning for the replacement of the timber playground. Management are of the view that when the playground is nearing the end of its life that a Capital Works Program budget proposal will be presented to Council for consideration. Cr Middlemiss recommended that any budget proposal to replace the playground should be presented to Council at least two years prior to when the funding would actually be required. Management believe that the Development Plan is progressing well with the assistance of the Project Control Group (PCG) and the Rotary club. The plan will advance even further if the AAA playground and Chapel Street carpark projects receive funding so that they can be completed in the 2013/14 Council year. No further action at this stage.

11. The PCG has requested that Simon invite Council's Senior Recreation and Open Space Planner to a meeting if the project funding is successful. The meeting also agreed that the design of the AAA playground would need to incorporate the existing playground in its design. Ongoing Action – Simon Clark

General Business

1. David informed the meeting that the Rotary Club would submit a Latrobe City Council Minor Capital Works Community Grant for the installation of 3 phase power at the common.

2. Judy said that she had been approached by a resident regarding the possibility of having a memorial plaque installed at the common. It was discussed that the common may not be the most appropriate location. Simon advised that the resident would need to write to Council outlining their request.



3. Cr. Middlemiss noted that the Morwell Red Cross were considering the planting of a 100th anniversary tree in a park in Morwell. Although the common could be a possibility Cr. Middlemiss said that he would investigate other options first.

4. Max requested that the Committee members consider an extension of the Project Control Group's initial brief. Promoting the common as a venue for the staging of events was discussed. Cr. Middlemiss requested Simon to put Events on the October meeting Agenda. Action – Simon Clark

5. Judy passed out a music event flyer to be held in the band pavilion.

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Simon Clark



Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

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

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

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

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

The above required information is:

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

2. Section 76AA definition:

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

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

Brief Explanation:

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

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

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

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

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

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

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

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

Section 80A(3)

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

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

Section 80B

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

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



Assembly of Councillors Record

Assembly details: Traralgon CBD Safety Committee Meeting

Date: Thursday, 15 August 2013

Time: 9.08 am - 10.00 am

Assembly Location: Traralgon Police Station, Kay Street Traralgon.

In Attendance:

Councillors: Michael Rossiter

Officer/s: Heather Farley, Andrew Legge, Graeme Brien

Matter/s Discussed: Drug and Alcohol Use in Latrobe City, Review of Lighting around the Stockland Plaza, Police Patrols, Security at Taxi Ranks, CCTV, Traralgon CBD Safety Audit, Traralgon CBD Safety Committee Action Plan, LV Buslines Report, Victoria Police Report, Traralgon Chamber of Commerce Report, Latrobe City Update

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Andrew Legge



Assembly of Councillors Record Explanation / Guide Notes

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Section 80B

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- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



Assembly of Councillors Record

Assembly details: Victory Park Precinct Advisory Committee

Date: 21 August 2013

Time: 5:00pm

Assembly Location: Latrobe City Council - Traralgon Service Centre

In Attendance:

Councillors: Cr Dale Harriman

Officer/s: Simon Clark

Matter/s Discussed: Business arising from previous minutes

1. Simon to check if the bin stand on the north side slope of the Scout Hall has had a bin replaced there. Completed
2. Simon told the meeting that David Elder was unable to attend our meetings as he already had a regular meeting at that time. David did offer to send another officer. Simon will also invite the Traralgon City Band to the June meeting to discuss options. Ongoing Action – Simon
3. Simon to ask Cr Kam to provide an update on the progress of the Monomeith Senior Citizens Centre carpark designated disabled parking zone issue. Ongoing Action – Simon
4. Linda informed the Committee that the Gippsland Model Engineering Society (GMES) had removed the large yellow beam from beside Whitakers Road and that they were investigating the installation of the foot bridge in the centre grass area of their facility so to be used as a reversing loop for the train network. Simon and the WGCMA have both inspected the area and have no objections to the proposal. Linda is investigating if a Planning Permit is required. Ongoing Action – Linda
5. Simon informed the meeting that the Community Safety Fund did not cover the supply and installation of permanent CCTV cameras and therefore Simon did not submit an application. Action – Simon

Bookings – til 16 October 2013



Nil

General Business

1. Simon informed the meeting that the flag pole in Victory Park needed to be re-located due to the access track works. Cr Harriman suggested that it be placed near the Lone Pine tree. The decision of the new position needs to be adopted by the Committee at the October meeting. Action - Committee

2. Cr Harriman requested that Simon speak with the W.G.C.M.A. regarding cleaning out the viaduct in Victory Park. Action - Simon

3. Simon read out a report from G.M.E.S. that stated that the member's room project was progressing as well as the perimeter fencing project. The society was also dealing with graffiti and needles and glue bags around their facility.

4. Simon reported that the access road project would be commenced in November with the completion planned in time for the Christmas Carols. The carpark is to commence in approximately February 2014.

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Simon Clark



Assembly of Councillors Record Explanation / Guide Notes

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Section 80B

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

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



Assembly of Councillors Record

Assembly details: Latrobe City International Relations Committee Meeting

Date: 21st August, 2013

Time: 5.00 pm to 7.15 pm

Assembly Location: NAMBUR WARIGA ROOM
LATROBE CITY COUNCIL CORPORATE HEADQUARTERS
COMMERCIAL ROAD, MORWELL

In Attendance:

Councillors: Cr. White, Cr. Sindt and Cr. Gibbons

Officer/s: Jason Membrey

Matter/s Discussed:

Education Delegations - Liddiard Road Primary School, Traralgon
2014 Sister Cities Festival
2014 Music Exchange Program
Australian Garden Open
Sister Cities Australia National Awards and Conference
2013/2014 International Relations Key Actions
Economic Development Update
International Relations Committee Terms of Reference

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Jason Membrey, Coordinator Events & International Relations



Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

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

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

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

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

The above required information is:

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

2. Section 76AA definition:

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

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

Brief Explanation:

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

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

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

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

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

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

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

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

Section 80A(3)

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

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

Section 80B

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

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



Assembly of Councillors Record

Assembly details: Latrobe City Cultural Diversity Advisory Committee Meeting

Date: 22 August 2013

Time: 5.00 pm - 7.00 pm

Assembly Location: Latrobe Room, Latrobe City Service Centre, Kay Street Traralgon

In Attendance:

Councillors: Cr Peter Gibbons

Officer/s: Steve Tong – Community Development Manager,
Teresa Pugliese – Community Development Officer,
Jie Liu - Acting Community Development Officer

Matter/s Discussed:

Guest Speaker –Topic: Gateway Program; Janine Riches, Service Access/Diversity Officer, Latrobe Community Health Service
Report of actions from the Action Plan 2012-2013 discussed
First Draft of Cultural and Linguistic Diversity Action Plan 2014-2018 discussed
Latrobe Libraries update August 2013
Upcoming Citizenship days

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Jie Liu



Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

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

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

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

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

The above required information is:

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

2. Section 76AA definition:

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

- The subject of a decision of the Council; or
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Brief Explanation:

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

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

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

Section 80A(3)

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

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

Section 80B

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

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



Assembly of Councillors Record

Assembly details: Latrobe City Municipal Public Health and Wellbeing Plan (MPHWP)
Project Reference Group

Date: 22 August 2013

Time: 13.00 – 15.00

Assembly Location: McFarlane Burnett Room, Traralgon Service Centre

In Attendance:

Councillors: Cr Kellie O'Callaghan

Officer/s: Regina Kalb (Manager Healthy Communities), David Lane (Coordinator Healthy Communities) and Debbie Mitchell (Be ACTIVE Coordinator)

Matter/s Discussed:

Latrobe City MPHWP – Overview and Update
MPHWP Strategic Directions
Future Work to Progress the Draft MPHWP

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: David Lane (Coordinator Healthy Communities)



Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

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

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

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Brief Explanation:

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

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

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

Section 80A(3)

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

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- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



Assembly of Councillors Record

Assembly details: Issues & Discussion Session

Date: Monday 26 August 2013

Time: 6.00 PM

Assembly Location: Nambur Wariga Meeting Room, Latrobe City Council Offices, Commercial Road, Morwell

In Attendance:

Councillors: Cr Gibbons, Cr Gibson, Cr Harriman, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White

Officer/s: Paul Buckley, Michael Edgar, Allison Jones, Tom McQualter, Grantley Switzer

Matter/s Discussed:

- 4.1 Tonight's Presentations: Planning Update
- 4.2 Previous Presentations
- 4.4 Future Presentations – Outside Issues & Discussion Sessions
- 6.1 Forward Planner
- 7.1 New Issues
- 7.2 Outstanding Issues
- 11.1 Hazelwood Pondage Waterway and Caravan Park Lease
- 11.2 New Council Policy – Local Area Traffic Management Policy
- 11.3 Community Grants Update
- 13.1 Victorian Honour Roll of Women
- 13.2 Procedural Breaches Advisory Committee

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

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

Councillors:

Cr Harriman declared an indirect interest under Section 78C of the Local Government Act 1989 in Item 4.1 Tonight's Presentations – Planning Update– Discussion & Presentation on Traralgon North & TGAR.

Officer/s: NIL

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

Cr Harriman left the Meeting at 6.50pm and returned at 7.25pm

Completed by: Meagan Bennetts



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

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

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

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

- the names of all Councillors and members of Council staff attending;
- the matters considered;
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- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

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

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

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

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

Section 80A(3)

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

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

Section 80B

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

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

ORDINARY COUNCIL MEETING MINUTES 16 SEPTEMBER 2013 (CM420)

16.2 DOCUMENTS PRESENTED FOR SIGNING AND SEALING

General Manager

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 2012/36	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Paul and Leanne Brown as the owners of the Land more particularly described in Certificate of Title Volume 11008 Folio 645 being Lot 12 CA 9 on PS 711192Y situated at 11-17 Hendersons Road, Toongabbie pursuant to Condition 2 on PP 2012/36 issued 14 May 2012 providing that prior to commencement of the subdivision, the owner must enter into an agreement with the Responsible Authority.
PP 2012/205	Section 173 Agreement under Planning and Environment Act 1987 between Latrobe City Council and Prestipino Investments Pty Ltd as the owners of the Land more particularly described in Certificate of Title Volume 9431 Folio 972 being Lot 18 on PS 700180T situated at 110 Wirraway Street, Moe pursuant to Condition 2 on PP 2012/205 issued 18 March 2013 providing that prior to commencement of the subdivision, the owner must enter into an agreement with the Responsible Authority.
PP 2013/50	Section 173 Agreement under Planning and Environment Act 1987 between Latrobe City Council and Ian McEwan, Wendy Schlipalius and Marion McEwan as owners of the Land more particularly described in Certificate of Title Volume 9760 Folio 733 and Volume 10901 Folio 669 being Lot 1 on LP 208115 and PS 537843 situated at 465 Jeeralang North Road and 80 Sagars Road, Hazelwood North pursuant to Condition 2 on PP 2013/50 issued 5 June 2013 providing that prior to commencement of the subdivision, the owners must enter into an agreement with the Responsible Authority.
PP 2005/5222/G	Section 173 Agreement under Planning and Environment Act 1987 between Latrobe City Council and Traralgon Land Company as owner of the Land more particularly described in Certificate of Title Volume 11394 Folio 992 on PS 700409 situated at Park Lane, Traralgon pursuant

ORDINARY COUNCIL MEETING MINUTES 16 SEPTEMBER 2013 (CM420)

	to Condition 9 & 12 on PP 2005/5222/G issued 9 December 2005 providing that prior to commencement with the subdivision, the owner must enter into an agreement with the Responsible Authority.
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Attachments
Nil

RECOMMENDATION

1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Paul and Leanne Brown as the owners of the Land more particularly described in Certificate of Title Volume 11008 Folio 645 being Lot 12 CA 9 on PS 711192Y situated at 11-17 Hendersons Road, Toongabbie pursuant to Condition 2 on PP 2012/36 issued 14 May 2012.
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 Prestipino Investments Pty Ltd as the owners of the Land more particularly described in Certificate of Title Volume 9431 Folio 972 being Lot 18 on PS 700180T situated at 110 Wirraway Street, Moe pursuant to Condition 2 on PP 2012/205 issued 18 March 2013.
3. 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 Ian McEwan, Wendy Schlipalius and Marion McEwan as owners of the Land more particularly described in Certificate of Title Volume 9760 Folio 733 and Volume 10901 Folio 669 being Lot 1 on LP 208115 and PS 537843 situated at 465 Jeeralang North Road and 80 Sagars Road, Hazelwood North pursuant to Condition 2 on PP 2013/50 issued 5 June 2013.
4. 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 Traralgon Land Company as owner of the Land more particularly described in Certificate of Title Volume 11394 Folio 992 on PS 700409 situated at Park Lane, Traralgon pursuant to Condition 9 & 12 on PP 2005/5222/G issued 9 December 2005.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

Moved: Cr Rossiter
Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

**16.3 AUTHORISATION OF COUNCILLORS FOR CERTIFICATION OF
2012/2013 FINANCIAL STATEMENTS**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to seek Council's approval in principle to the 2012/2013 financial, standard and performance statements and to authorise two Councillors, on behalf of the Council, to certify the financial, standard and performance statements for the year ended 30 June 2013 in their final form.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Governance

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 3: Efficient, effective and accountable governance

Strategic Direction – Regularly report Council decisions and performance to the community

Legislation –

Local Government Act 1989

Local Government (Financial and Reporting) Regulations 2004

Policy – Audit Policy 11 POL-4

The role of the Audit Committee is to assist Council in the discharge of its responsibilities for financial reporting, maintaining a reliable system of internal controls and fostering the organisation's ethical development.

ORDINARY COUNCIL MEETING MINUTES 16 SEPTEMBER 2013 (CM420)

BACKGROUND

The Local Government Act 1989 requires Council to prepare an annual report that includes a report on its operations for the completed financial year. The annual report includes audited financial, standard and performance statements. The auditor must not sign the auditor's report concerning the financial, standard and performance statements unless Council has completed the certification of the statements in the manner prescribed in the Local Government Act 1989 and the Local Government (Financial and Reporting) Regulations 2004.

The annual report, including the audited financial, standard and performance statements, must be lodged with the Minister within three months of the end of the financial year, which is by 30 September 2013.

ISSUES

Under the provisions of the Local Government Act 1989, a Council cannot submit its financial, standard and performance statements to the Auditor-General or the Minister for Local Government (the Minister) unless a resolution has been passed by Council authorising two Councillors to certify the financial statements in their final form.

Once the auditor's report has been received by Council, public notice will be given in accordance with Section 131 (12) of the Local Government Act 1989 and the auditor's reports will be made available for inspection at all Council offices.

Similarly, once the Annual Report has been submitted to the Minister, public notice will also be given advising that the Annual Report can be inspected at all Council offices. In accordance with Section 134 of the Local Government Act 1989 a meeting of Council will be held as soon as practicable, to consider the annual report, within the time required by the regulations, being one month after providing the annual report to the Minister.

The table below sets out the process:

Process	Date
Draft Audited Financial Statements presented to Audit Committee	05/09/2013
Council approval for two Councillors to certify the financial, standard and performance statements in their final form	16/09/2013
Certifications signed by the two nominated Councillors	Date advised by Auditor General
Auditor General issues audit reports	Upon receipt of signed certifications
Public notice given that audit reports have been received	Following receipt of audit reports
Annual report, including financial, standard and performance reports sent to the Minister for Local Government	By 30/09/2013
Public notice given that the annual report is available for	Council meeting

ORDINARY COUNCIL MEETING MINUTES 16 SEPTEMBER 2013 (CM420)

inspection and the date of the Council meeting that Council will consider the annual report	within one month of submitting the annual report to the Minister for Local Government
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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.

Non-compliance with legal requirements is identified as a risk. The recommendations in this report are necessary to comply with statutory requirements of the *Local Government Act 1989* and the *Local Government (Financial and Reporting) Regulations 2004*.

The subject reports are in respect of the Council's financial position and operations for the year ended 30 June 2013. There are no financial or resource implications.

INTERNAL/EXTERNAL CONSULTATION

Councillors White and Rossiter were the Council nominated representatives in attendance at the Audit Committee meeting held on 5 September 2013 where the Audit Committee reviewed and discussed the draft financial, standard and performance statements and provided their endorsement for Council approval in principle.

Staff from Crowe Horwath Vic, who conducted the Latrobe City audit, attended the audit committee meeting on 5 September 2013. They tabled a closing audit report to the audit committee which concluded that the financial reports of Latrobe City Council do present fairly in all material aspects.

OPTIONS

This process is a legislative requirement which Council is required to comply with.

CONCLUSION

As Councillors White and Rossiter were Council's nominated representatives in attendance at the Audit Committee meeting held on 5 September 2013 where the 2012/2013 financial, standard and performance statements were reviewed in their final form, it is appropriate that they be nominated to certify the financial, standard and performance statements, on behalf of Council.

The recommendations below are necessary to comply with statutory requirements of the *Local Government Act 1989* and the *Local Government (Financial and Reporting) Regulations 2004*.

Attachments

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

1. 2012/2013 Draft Financial & Performance Statements

RECOMMENDATION

1. That Council, in accordance with Section 131 (7) and 132 (6) of the *Local Government Act 1989*, gives its approval in principle to the 2012/2013 financial, standard and performance statements.
2. That Council, in accordance with Section 131 (8) and 132 (7) of the *Local Government Act 1989*, authorises audit committee delegates Councillors Darrell White and Michael Rossiter to certify the financial, standard and performance statements on behalf of Council for the year ended 30 June 2013 in their final form.

Moved: Cr White
Seconded: Cr Rossiter

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

16.3

AUTHORISATION OF COUNCILLORS FOR CERTIFICATION OF 2012/2013 FINANCIAL STATEMENTS

- 1 2012/2013 Draft Financial & Performance Statements 813**

Draft Financial Statements

*For the Year Ended
30 June 2013*



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Financial Statements

COMPREHENSIVE INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2013

	NOTE	2013 \$'000s	2012 \$'000s
INCOME			
Rates	2	62,637	58,762
Grants	3	30,044	35,386
User Charges	4	14,759	12,388
Other Income	5	4,479	4,544
Developer Cash Contributions	6	665	297
Developer Contributed Assets	7	2,150	1,971
Net gain(loss) on disposal of assets	18(b)/20(b)	(28)	196
Recognition of Previously Unrecognised Assets	20(a)	1,312	-
Total Income		116,018	113,545
EXPENSES			
Employee Costs	8	(46,563)	(51,098)
Materials & Services	9	(33,768)	(33,060)
Bad and Doubtful Debts	10	(4)	(31)
Depreciation	11	(20,004)	(18,526)
Finance Costs	12	(1,086)	(1,226)
Other Expenditure	13	(4,164)	(3,382)
Write off Previously Recognised Assets	20(a)	(905)	-
Total Expenses		(106,495)	(107,322)
SURPLUS		9,523	6,222
OTHER COMPREHENSIVE INCOME			
Net Asset Revaluation increment	20(a)/26(a)	91,459	2,629
Impairment losses on Revalued Assets	20(a)/26(a)	-	(61)
Reversal of Impairment losses on Revalued Assets	20(a)/26(a)	61	-
TOTAL COMPREHENSIVE RESULT		101,043	8,790

The above statement should be read with the accompanying notes

FINANCIAL STATEMENTS

BALANCE SHEET AS AT 30 JUNE 2013

	NOTE	2013 \$'000s	2012 \$'000s
CURRENT ASSETS			
Cash and Cash Equivalents	14	27,663	27,723
Prepayments	15	207	354
Trade and Other Receivables	16	6,293	7,359
Financial Assets	17	19,500	14,310
Non-current assets classified as held for sale	18(a)	-	743
Total Current Assets		53,662	50,490
NON-CURRENT ASSETS			
Trade and Other Receivables	16	26	46
Financial Assets	17	2	2
Property, Infrastructure, Plant and Equipment	20	1,029,689	931,399
Intangible Assets	21	261	304
Total Non-Current Assets		1,029,979	931,752
TOTAL ASSETS		1,083,641	982,242
CURRENT LIABILITIES			
Trade and Other Payables	22	16,695	7,974
Interest-bearing Liabilities	23	2,959	3,151
Provisions	24	12,492	12,059
Trust Funds and Deposits	25	2,043	1,520
Total Current Liabilities		34,188	24,704
NON-CURRENT LIABILITIES			
Trade and Other Payables	22	-	6,975
Interest-bearing Liabilities	23	11,427	13,386
Provisions	24	15,794	15,990
Total Non-Current Liabilities		27,221	36,350
TOTAL LIABILITIES		61,409	61,053
NET ASSETS		1,022,232	921,188
EQUITY			
Accumulated Surplus		620,526	611,558
Reserves	26	401,706	309,630
TOTAL EQUITY		1,022,232	921,188

The above statement should be read with the accompanying notes

FINANCIAL STATEMENTS

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2013

	NOTE	TOTAL	ACCUMULATED SURPLUS	ASSET REVALUATION RESERVE	OTHER RESERVES
		\$'000s	\$'000s	\$'000s	\$000s
Equity at beginning of year		921,188	611,558	307,733	1,897
Surplus for the period		9,523	9,523	-	-
Net Asset Revaluation Increment	26(a)	91,459	-	91,459	-
Transfers to Other Reserves	26(b)	-	(665)	-	665
Transfers for Other Reserves	26(b)	-	110	-	(110)
Reversal of Impairment losses on Revalued Assets		61	-	61	-
Balance at end of the financial year		1,022,232	620,526	399,254	2,452

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2012

	NOTE	TOTAL	ACCUMULATED SURPLUS	ASSET REVALUATION RESERVE	OTHER RESERVES
		\$'000s	\$'000s	\$'000s	\$000s
Equity at beginning of year		912,398	605,630	305,165	1,603
Surplus for the period		6,222	6,222	-	-
Net Asset Revaluation Increment	26(a)	2,629	-	2,629	-
Transfers to Other Reserves	26(b)	-	(297)	-	297
Transfers for Other Reserves	26(b)	-	3	-	(3)
Impairment losses on Revalued Assets		(61)	-	(61)	-
Balance at end of the financial year		921,188	611,558	307,733	1,897

The above statement should be read with the accompanying notes

FINANCIAL STATEMENTS

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2013

	NOTE	2013 \$'000s Inflows (Outflows)	2012 \$'000s Inflows (Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from ratepayers		62,471	58,240
Government Grants (inclusive of GST)		30,458	40,398
Interest received		1,773	1,654
User charges, fines and fees (inclusive of GST)		19,591	22,042
Developer Contributions		665	297
Payments to Employees		(46,008)	(48,454)
Payments to Suppliers (inclusive of GST)		(37,125)	(38,697)
Net Cash provided by Operating Activities	33	31,824	35,479
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for property, infrastructure, plant and equipment		(24,286)	(23,050)
Proceeds from sale of property, infrastructure, plant and equipment	20(b)	828	863
Payments for financial assets		(5,190)	(9,310)
Net Cash used in Investing Activities		(28,648)	(31,497)
CASH FLOW FROM FINANCING ACTIVITIES			
Finance Costs		(1,086)	(1,226)
Loan Funds		1,000	1,200
Repayment of Borrowings		(3,150)	(2,843)
Net Cash used in Financing Activities		(3,237)	(2,869)
Net Increase/(Decrease) in Cash and Cash Equivalents		(60)	1,113
Cash and Cash Equivalents at beginning of the Financial Year		27,723	26,609
Cash and Cash Equivalents at the end of the Financial Year	14	27,663	27,723

The above statement should be read with the accompanying notes

NOTES TO THE FINANCIAL STATEMENTS

NOTES TO THE FINANCIAL STATEMENTS

INTRODUCTION

The Latrobe City Council was established by an Order of the Governor in Council on 2 December 1994 and is a body corporate. The Council's main office is located at 141 Commercial Road Morwell 3840.

This financial report is a general purpose financial report that consists of a Comprehensive Income Statement, a Balance Sheet, a Statement of Changes in Equity, and Statement of Cash Flows and Notes accompanying these statements. The general purpose financial report complies with *Australian Accounting Standards*, other authoritative pronouncements of the *Australian Accounting Standards Board*, the *Local Government Act 1989* and the *Local Government (Financial and Reporting) Regulations 2004*.

NOTE 1

SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of accounting

This financial report has been prepared on an accrual basis and going concern basis.

The financial report has been prepared under the historical cost convention except where specifically stated in notes 1(h) and 1(j).

Unless otherwise stated, all accounting policies are consistent with those of the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

All entities controlled by Council that have material assets or liabilities, such as Special Committees of Management, have been included in this financial report. All transactions between these entities and the Council have been eliminated in full. The Yallourn North Housing Committee is not included in this financial report based on their materiality.

(b) Change in accounting policies

No changes in accounting policy were implemented in the reporting period.

(c) Revenue Recognition

Rates, grants and contributions

Rates, grants, donations and contributions (including developer contributions), are recognised as revenues when the Council obtains control over the assets comprising these receipts.

Control over assets acquired from rates is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates.

A provision for doubtful debts on rates has not been established as unpaid rates represent a charge against the rateable property that will be recovered when the property is next sold.

Control over granted assets is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and are valued at their fair value at the date of transfer.

Income is recognised when the Council obtains control of the contribution or the right to receive the contribution, it is probable that the economic benefits comprising the contribution will flow to the Council and the amount of the contribution can be measured reliably.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were undischarged at balance date, the unused grant or contribution is disclosed in note 3. The note also discloses the amount of unused grant or contribution from prior years that was expended on Council's operations during the current year.

A liability is recognised in respect of revenue that is reciprocal in nature to the extent that the requisite service has not been provided at balance date.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 1 (CONTINUED)**SIGNIFICANT ACCOUNTING POLICIES*****User Fees and Fines***

User fees and fines (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

A provision for doubtful debts is recognised when collection in full is no longer probable.

Sale of property, plant and equipment

The profit or loss on the sale of an asset is determined when control of the asset has irrevocably passed to the buyer.

Rental

Rentals are recognised as revenue when the payment is due, or the payment is received, whichever first occurs.

Interest

Interest is recognised as it is earned.

(d) Trade and other Receivables***Rate Debtors***

Rates are carried at amortised cost plus interest and are secured by a charge over the ratepayer's property. A provision for doubtful rate debtors is not required due to the Council's extensive legal powers for recovery, unless the value of the specific property involved is less than the outstanding debt.

Other Debtors

Other debtors represent amounts due to Council for the provision of services, advances and accrued income. The carrying amount of non-rate debtors (including any loans made) has been assessed for recovery at year end and provision made for doubtful debts as deemed necessary. Recoverability of debtors is reviewed on an ongoing basis throughout the course of each financial year and debts which are known to be uncollectable are written off.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 1 (CONTINUED)**SIGNIFICANT ACCOUNTING POLICIES****(e) Depreciation and amortisation of property, plant and equipment, infrastructure and intangibles**

Buildings, plant and equipment, infrastructure and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Land, Land Under Roads and Road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life.

Artworks are not depreciated.

Straight line depreciation is charged based on the residual useful life as determined each year.

Major Depreciation periods used are listed below and are consistent with the prior year unless otherwise stated:

Asset Category	Depreciation/Amortisation Useful Life (Years) 2013
Building & Improvements	30 – 50
Furniture & Equipment	5 -10
Plant & Equipment	5
Drainage Works	50 – 70
Roads & Streets	7 – 73
Bridges	75
Playgrounds	11
Landfill Improvements	2 - 31
Intangible Assets - Software	5

Various sub-categories of furniture and equipment, plant and equipment, car parks and roads have different estimated useful lives and therefore attract different depreciation rates.

Assets are depreciated from the date of acquisition or, in respect of internally constructed assets, from the date they are completed and held ready for use.

(f) Repairs and maintenance

Routine maintenance, repair costs and minor renewal costs are expensed as incurred. Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

(g) Finance Costs

Finance costs are recognised as an expense in the period in which they are incurred.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 1 (CONTINUED)**SIGNIFICANT ACCOUNTING POLICIES****(h) Recognition and Measurement of Assets****Acquisition**

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the amount for which the asset could be exchanged between knowledgeable willing parties in an arm's length transaction.

Where assets are constructed by Council, cost includes all materials used in construction, any direct labour and an appropriate share of directly attributable variable and fixed overheads.

Capitalisation Thresholds

Capitalisation thresholds for all classes of assets, with the exception of Land, are as shown below which are consistent with prior year unless otherwise stated. Land including Land Under Roads has no capitalisation threshold.

Asset Type	Threshold \$
Property	
Buildings & Improvements	10,000
Plant and Equipment	
Furniture & Equipment	1,000
Plant and Equipment	1,000
Art Works Collection	500
Infrastructure	
Drainage Works	10,000
Roads & Streets	10,000
Bridges	10,000
Playgrounds	5,000
Intangibles	
Software	5,000

Revaluation

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment and office furniture and equipment are measured at fair value, being the amount for which the assets could be exchanged between knowledgeable willing parties in an arms length transaction. At balance date, the Council reviewed the carrying value of the individual classes of assets within land and buildings and infrastructure assets to ensure that each asset materially approximates its fair value. Where the carrying value materially differs from the fair value the class of asset is revalued.

In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis ranging from 3 to 5 years. The valuation is performed either by experienced council officers or independent experts.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

Land under roads

Council recognises land under roads it controls at fair value. A revaluation is undertaken every 2 years.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 1 (CONTINUED)**SIGNIFICANT ACCOUNTING POLICIES****(i) Cash and Cash Equivalents**

For the purposes of the cash flow statement, cash and cash equivalents include cash on hand, deposits at call and other highly liquid investments with original maturities of three months or less, net of outstanding bank overdrafts.

(j) Financial Assets***Held-to-maturity investments***

Where council has the positive intent and ability to hold nominated investments to maturity, then such financial assets may be classified as held-to-maturity. Held-to-maturity financial assets are recognised initially at fair value plus any directly attributable transaction costs. Subsequent to initial recognition held-to-maturity financial assets are measured at amortised cost using the effective interest method, less any impairment losses.

The held-to-maturity category includes certain floating rate note and variable coupon bond investments for which the entity intends to hold to maturity.

Term Deposits

Includes investments with original maturities of greater than three months.

(k) Investment

Investments are recognised and brought to account at their cost. Interest revenues are recognised as they accrue.

(l) Trade and Other Payables

Creditors and other current liabilities are amounts due to external parties for the purchase of goods and services and are recognised as liabilities when the goods and services are received. Creditors are normally paid within 30 days after initial recognition. Interest is not payable on these liabilities.

(m) Deposits and Retentions

Amounts received as tender deposits and retention amounts controlled by Council are included in the financial statements as liabilities until they are returned or forfeited.

(n) Employee Costs***Salaries and Wages***

Liabilities for wages and salaries are measured as the amount unpaid at balance date. Entitlements include oncosts that are calculated using employee remuneration rates as at balance date.

Long Service Leave

Long Service Leave entitlements payable are assessed at balance date having regard to expected employee remuneration rates on settlement, employment related oncosts and other factors including accumulated years of employment, on settlement, and experience of employee departure per year of service.

Long Service Leave expected to be paid within 12 months is measured at nominal value based on the amount expected to be paid when settled.

Long Service Leave expected to be paid later than one year has been measured at the present value of the estimated future cash outflows to be made for these accrued entitlements. Commonwealth Bond Rates are used for discounting future cash flows.

Annual Leave

Annual leave entitlements are accrued on a pro rata basis in respect of services provided by employees up to balance date.

Annual leave is expected to be paid within 12 months and is measured at nominal value based on the amount, including appropriate oncosts, expected to be paid when settled.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 1 (CONTINUED)**SIGNIFICANT ACCOUNTING POLICIES****Classification of Employee Benefits**

An employee benefit liability is classified as a current liability if the Council does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the period. This would include all annual leave and unconditional long service leave entitlements.

Superannuation

The superannuation expense for the reporting year is the amount of the statutory contribution the Council makes to the superannuation plan which provides benefits to its employees, together with any movements (favourable/unfavourable) in the position of any defined benefits schemes. Details of these arrangements are set out in Note 31.

A liability is recognised in respect of Council's present obligation to meet the unfunded obligations of defined benefit superannuation schemes to which its employees are members. The liability is defined as the Council's share of the scheme's unfunded position, being the difference between the present value of employees' accrued benefits and the net market value of the scheme's assets at balance date. The liability also includes applicable contributions tax of 17.65%.

(o) Leases

All Council's leases are deemed to be "operating leases" as the lessor effectively retains substantially all of the risks and benefits incidental to ownership of the leased items. The related rentals are expensed as incurred. (refer to Note 29)

(p) Allocation between Current and Non-Current

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next twelve months, being the Council's operational cycle or if the Council does not have an unconditional right to defer settlement of a liability for at least 12 months after the reporting date.

(q) Agreements equally proportionately unperformed

The Council does not recognise assets and liabilities arising from agreements that are equally proportionately unperformed in the balance sheet. Such agreements are recognised on an 'as incurred' basis.

(r) Web site costs

Costs in relation to websites are charged as an expense in the period in which they are incurred.

(s) Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

Cash flows are presented in the cash flow statement on a gross basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flows.

(t) Impairment of Assets

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the comprehensive income statement, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 1 (CONTINUED)**SIGNIFICANT ACCOUNTING POLICIES****(u) Rounding**

Unless otherwise stated, amounts in the financial report have been rounded to the nearest thousand dollars. Figures in the financial statements may not equate due to rounding.

(v) Non-Current Assets Classified as Held for Sale

A non-current asset held for sale is measured at the lower of its carrying amount and fair value less costs to sell and are not subject to depreciation. Non current assets are treated as current and classified as held for sale if their carrying amount will be recovered through a sale transaction rather than through continuing use. This condition is regarded as met only when the sale is highly probable and the asset's sale is expected to be completed within 12 months from the date of classification.

(w) Contingent assets and contingent liabilities and commitments

Contingent assets and contingent liabilities are not recognised in the Balance Sheet, but are disclosed by way of a note and, if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable respectively.

Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value by way of note and presented exclusive of the GST payable.

(x) Provisions

Provisions are recognised when Council has a present legal or constructive obligation as a result of past events, where it is probable (more likely than not) that an outflow of resources will be required to settle the obligation and the amount can be reliably measured.

(y) Landfill Improvements Provision

Under legislation Council is obligated to rehabilitate landfill sites to a particular standard. Current engineering projections indicate that all current landfill sites will cease operation in 2027/28. The forecast for life of the landfill site is based on current estimates of remaining capacity and the forecast rate of infill. The provision for landfill rehabilitation has been calculated based on the present value of the expected cost of works to be undertaken. The expected cost of works has been estimated based on current understanding of work required to restore the site to a suitable standard. Accordingly, the estimation of the provision required is dependent on the accuracy of the forecast timing of the work, work required and related costs.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 1 (CONTINUED)**SIGNIFICANT ACCOUNTING POLICIES****(z) Pending Accounting Standards**

The following Australian Accounting Standards have been issued or amended and are applicable to the Council but are not yet effective.

They have not been adopted in preparation of the financial statements at reporting date

PRONOUNCEMENT**AASB 9 Financial Instruments****What's New**

AASB 9 standard is one of a series of amendments that are expected to eventually completely replace AASB 139. During 2010-11, the standard was expanded to include new rules on measurement of financial liabilities and hedge accounting. Currently the existing provisions of AASB 139 will continue to apply in these areas.

AASB 9 simplifies the classifications of financial assets into those to be carried at amortised cost and those to be carried at fair value – the 'available for sale' and 'held-to-maturity' categories no longer exists. AASB 9 also simplifies requirements for embedded derivatives and removes the tainting rules associated with held-to-maturity assets.

The new categories of financial assets are:

- Amortised cost those assets with 'basic' loan features'.
- Fair value through other comprehensive income - this treatment is optional for equity instruments not held for trading (this choice is made at initial recognition and is irrevocable).
- Fair Value through profit and Loss - everything that does not fall into the above two categories.

The following changes also apply:

- Investments in unquoted equity instruments must be measured at fair value. However, cost may be the appropriate measure of fair value where there is insufficient more recent information available to determine a fair value.
- There is no longer any requirement to consider whether 'significant or prolonged' decline in the value of financial assets has occurred. The only impairment testing will be on those assets held at amortised cost, and all impairments will be eligible for reversal.
- Similarly, all movements in the fair value of a financial asset now go to the income statement, or, for equity instruments not held for trading, other comprehensive income. There is no longer any requirement to book decrements through the income statement, and increments through equity.

Impact/Action

The impact is not likely to be extensive in the local government sector. Although it will vary considerably between entities. While the rules are less complex than those of AASB 139, the option to show equity instruments at cost has been largely removed, which is likely to lead to greater volatility within the income statement. However it may also lead to an improved financial position for some entities.

This will also create a requirement to measure some instruments annually that has not previously existed.

Transition

Transitional arrangements are extensive – in general retrospective restatement is required, but there are exceptions.

Early-adoption of the standard before 1 January 2014 removes the requirement for restatement of comparatives

Effective Date

Periods beginning on or after 1 January 2015.

The standard was amended in 2012 to delay the effective date by two years (previously 1 January 2013).

NOTES TO THE FINANCIAL STATEMENTS

NOTE 1 (CONTINUED)**SIGNIFICANT ACCOUNTING POLICIES****PRONOUNCEMENT****AASB 10 Consolidated Financial Statements****What's New**

The standard introduces a single model of control, which is used to determine whether an investee must be consolidated.

The existence of control is determined based on:

- Power to direct the activities of an investee (irrespective of whether such power is exercised).
- Exposure, or rights, to variable returns from its involvement with the investee.
- The ability to use its power over the investee to affect the amount of the investor's returns.

Impact/Action

The definition of 'control' is based on various factors, and is wider than just those entities in which an investee holds greater than 50% of the voting rights.

While the effects of this standard are not expected to be significant in the local government sector, there may be some increase in the number of entities required to be consolidated as subsidiaries.

Transition

Early adoption is permitted, but AASB 10, AASB 11, AASB 12, AASB 127 (revised) and AASB 128 (revised) must all be adopted simultaneously.

Effective Date

Periods beginning on or after 1 January 2013

PRONOUNCEMENT**AASB 11 Joint Arrangements****What's New**

AASB 11 classifies all joint arrangements as either joint operations or joint ventures:

- Joint operations exist where the parties have the right to their assets and the obligation for their liabilities under the arrangement. Each party recognises its own assets, liabilities, revenues and expenses resulting from the arrangement.
- Joint ventures exist where the parties have the rights to the net assets of the arrangement. Each party accounts for the arrangement under the equity method in accordance with AASB 128 Investments in Associates and Joint Ventures (see below).

Impact/Action

The use of proportionate consolidation to account for joint ventures is no longer permitted. This is not likely to impact many councils.

Transition

Early adoption is permitted, but AASB 10, AASB 11, AASB 12, AASB 127 (revised) and AASB 128 (revised) must all be adopted simultaneously.

Effective Date

Periods beginning on or after 1 January 2013

NOTES TO THE FINANCIAL STATEMENTS

NOTE 1 (CONTINUED)**SIGNIFICANT ACCOUNTING POLICIES****PRONOUNCEMENT****AASB 12 Disclosure of Involvement with Other Entities****What's New**

AASB 12 requires the disclosure of information to enable users to evaluate:

- The nature of, and risks associated with, its interests in other entities.
- The effect of those interests on its financial position, financial performance, and cash flows.

AASB 12 applies to all entities that have subsidiaries, joint arrangements, associates, or unconsolidated structured entities, and requires disclosures grouped into four categories:

- Significant judgments and assumptions, including how control, joint control, or significant influence has been determined.
- Interests in subsidiaries, including details of the composition of the group, the interests held by any non-controlling interest, any changes in control, and the nature of any associated risks.
- Interests in joint arrangements and associates, including their nature and extent, the effects on the group, and any associated risks.
- Interests in unconsolidated structured entities, including their nature and extent, any changes during the year, and the associated risks.

Impact/Action

The disclosures required will be both qualitative and quantitative. In particular, management should document and be able to justify its key judgments concerning control and significant influence.

In the local government context this is likely to require increased disclosures around the operations of Library Corporations as well as other activities that Council have an interest in.

Transition

Early adoption is permitted, but AASB 10, AASB 11, AASB 12, AASB 127 (revised) and AASB 128 (revised) must all be adopted simultaneously.

Effective Date

Periods beginning on or after 1 January 2013

PRONOUNCEMENT**AASB 13 Fair Value Measurement****What's New**

AASB 13 replaces the existing IFRS guidance on fair value measurement and disclosure. It applies whenever another standard permits or requires the use of fair value measurements. It sets out a fair value hierarchy for such measurements:

- Level 1 – quoted prices in active markets for identical assets and liabilities, which can be accessed at the measurement date.
- Level 2 – inputs other than quoted market prices included within Level 1, which are observable for the asset or liability, either directly or indirectly.
- Level 3 – unobservable inputs for the asset or liability.

There are also extensive disclosure requirements relating to each of the three levels within the hierarchy.

Impact/Action

The standard determines 'how to' rather than 'when' in respect of fair value measurements, and summarises the existing IFRS guidance in one place.

This standard may assist those councils that have equity investments that are no longer able to be held at cost.

Transition

Early adoption is permitted.

Effective Date

Periods beginning on or after 1 January 2013

NOTES TO THE FINANCIAL STATEMENTS

NOTE 1 (CONTINUED)**SIGNIFICANT ACCOUNTING POLICIES****PRONOUNCEMENT****AASB 127 Separate Financial Statements****What's New**

AASB 127 has been amended to ensure consistency with the new requirements of AASB 10 Consolidated Financial Statements (see above). It now deals only with the preparation of separate company financial statements.

Impact/Action

Where separate financial statements are prepared, investments in subsidiaries, associates, and joint ventures must be accounted for either at cost, or in accordance with AASB 9 Financial Instruments.

These changes are not expected to impact significantly on Councils

Transition

Early adoption is permitted, but AASB 10, AASB 11, AASB 12, AASB 127 (revised) and AASB 128 (revised) must all be adopted simultaneously.

Effective Date

Periods beginning on or after 1 January 2013

PRONOUNCEMENT**AASB 128 Investments in Associates and Joint Ventures****What's New**

AASB 128 has been amended to ensure consistency with the new requirements of AASB 10 Consolidated Financial Statements and AASB 11 Joint Arrangements.

The standard sets out how the equity method of accounting is to be applied, defines "significant influence," and how impairment is to be tested for investments in associates or joint ventures.

Impact/Action

Some joint ventures which were previously accounted for under the proportionate consolidation method must now be accounted for as associates.

These changes are not expected to impact significantly on Councils

Transition

Early adoption is permitted, but AASB 10, AASB 11, AASB 12, AASB 127 (revised) and AASB 128 (revised) must all be adopted simultaneously.

Effective Date

Periods beginning on or after 1 January 2013

NOTES TO THE FINANCIAL STATEMENTS

NOTE 2
RATES

Council uses Capital Improved Value (CIV) as the basis of valuation of all properties within the municipal district. The CIV of a property is its total land and improvements value.

This valuation base was used to calculate general rates, excluding valuations for power generation companies and Australian Paper Maryvale Ltd:

The valuation base used to calculate general rates for 2012/2013 was \$9,801,839,000 (2011/2012 was \$8,880,702,000).

The applicable rates in the CIV dollar were:

	2013 \$	2012 \$
General	0.00421418	0.00431108
Farm	0.00316063	0.00323331
Recreation Land	0.00163615	0.00215554

This derived rate revenues of:

	2013 \$'000s	2012 \$'000s
Residential	31,754	29,660
Commercial/Industrial	6,253	5,785
Farm	2,627	2,629
Recreation Land	34	35
Rating Agreements/Payments in lieu of rates	8,549	8,433
Municipal Charge	4,227	4,014
Garbage Charge	8,658	7,726
EPA Victoria Landfill Levy	535	480
Total Rates	62,637	58,762

The date of the latest general revaluation of land for rating purposes within the municipal district was 1 January 2012, and the valuation will be first applied in the rating year commencing 1 July 2012.

The date of the previous general revaluation of land for rating purposes within the municipal district was 1 January 2010, and the valuation first applied to the rating year commencing 1 July 2010.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 3
GRANTS

Grants were received in respect of the following:

	2013 \$'000s	2012 \$'000s
Summary of Grants		
Federally funded grants	3,101	3,485
State funded grants	26,893	31,827
Others	50	74
Total	30,044	35,386
Recurrent		
Victorian Grants Commission – General Purpose	8,635	11,432
Aged and Disability	4,126	3,969
Preschools	3,361	3,282
Victorian Grants Commission – Local Roads	2,304	2,901
Healthy Communities	1,165	421
Moe Rail Precinct Revitalisation	978	-
Family and Children Programs	898	607
Employment Facilitation Programs	837	406
Libraries	490	457
Maternal and Child Health	468	418
Other Recreation Facilities	441	750
Community Support and Development Programs	367	297
Natural Disaster Recovery	346	3,197
Economic Development	216	434
Enhanced Home Visiting Program	209	183
Family Day Care	158	187
Arts Programs	145	175
Rural Access Program	104	101
School Crossing Supervision	93	98
Environment	81	14
Health Programs	66	63
City Image Strategy	45	-
Fire Service Property Levy	39	-
Traralgon Activity Centre Plan and Growth Review	-	20
Tourism and Events	-	30
Other	34	256
Total Recurrent	25,606	29,698
Non-Recurrent		
Latrobe Regional Airport	1,712	-
Commonwealth Government - Roads to Recovery Program	1,689	1,035
Federal Blackspot Program (Vic Roads)	847	309
Other Recreation Facilities	280	993
Community Support and Development Programs	117	-
Landfill	4	252
Natural Disaster Recovery	(52)	478
Moe Rail Precinct Revitalisation	(160)	-
Moe Early Learning Centre Development	-	220
Moe Activity Centre Plan Development	-	1,395
Other Infrastructure Grants	-	1,006
Total Non-Recurrent	4,438	5,688

NOTES TO THE FINANCIAL STATEMENTS

NOTE 3 (CONTINUED)
GRANTS**Conditions on Grants**

Grants & Contributions recognised as revenue during the year and were obtained on the condition that they be expended in a specified manner that had not occurred at balance date were:

	2013 \$'000s	2012 \$'000s
Recurrent		
Victorian Grants Commission – General Purpose	4,642	4,684
Victorian Grants Commission – Local Roads	1,211	1,184
Healthy Communities	924	308
Aged and Disability Programs	402	394
Moe Rail Revitalisation Project	397	-
Recreation	339	128
Family and Children Programs	296	576
Employment Facilitation Programs	252	127
Health and Immunisation	217	133
Community Support and Development Programs	98	90
Libraries	82	64
Economic Development	70	71
Natural Disaster Recovery	66	1,247
Environment	44	-
Fire Service Property Levy	29	-
Arts Programs	10	40
City Planning and Development	-	113
Other	6	5
Total Recurrent	9,086	9,163
Non-Recurrent		
Roads, Streets and Bridges	460	681
Other Infrastructure	30	-
Recreation	25	634
Natural Disaster Recovery	-	1,880
Moe Rail Revitalisation Project	-	507
Total Non-Recurrent	515	3,702
Total	9,601	12,865

NOTES TO THE FINANCIAL STATEMENTS

NOTE 3 (CONTINUED)
GRANTS

Grants & Contributions which were recognised as revenue in prior years and were expended during the current year in the manner specified by the grantor were:

	2013 \$'000s	2012 \$'000s
Recurrent		
Victorian Grants Commission – General Purpose	4,684	2,300
Victorian Grants Commission – Local Roads	1,184	571
Natural Disaster Recovery	1,207	816
Family and Children Programs	603	621
Aged and Disability Programs	404	286
Healthy Communities	308	-
Employment Facilitation Programs	170	412
Health and Immunisation	130	68
Community Support and Development Programs	99	52
Economic Development	74	103
Libraries	52	29
Arts Programs	44	53
Recreation	38	9
City Planning and Development	11	6
Other	10	36
Total Recurrent	9,018	5,361
Non-Recurrent		
Moe Rail Revitalisation Project	887	418
Natural Disaster Recovery	846	9
Roads, Streets and Bridges	681	-
Recreation	199	-
Total Non-Recurrent	2,613	427
Total	11,631	5,788
Net Increase/(Decrease) in Restricted Assets Resulting from Grant Revenues for the Year	(2,030)	7,077

NOTES TO THE FINANCIAL STATEMENTS

NOTE 4**USER CHARGES**

	2013 \$'000s	2012 \$'000s
Leisure Centres	2,865	2,759
Outdoor Pools	76	67
Child Care / Pre Schools	3,985	3,900
Aged Services	2,055	2,050
Recreation (Halls and Reserves)	339	368
Planning	529	447
Building Services	148	121
Health Services	354	378
Local Laws	960	1,061
Waste Services	2,976	885
Library Services	50	50
Debt Collections Recovery	236	153
Council Election Fines	88	-
Other Fees and Charges	98	149
Total User Charges	14,759	12,388

NOTE 5**OTHER INCOME**

	2013 \$'000s	2012 \$'000s
Interest on Rates	511	454
Interest on Investments	1,778	1,646
Sales – Non Capital	13	6
Valuation Fees	27	151
Commissions	47	48
Property Rentals	741	797
Insurance Reimbursements	12	118
Fundraising	12	17
Sponsorship	100	90
Local Contributions	489	445
Donations	14	79
Merchandise Sales	591	555
Other	144	138
Total Other Income	4,479	4,544

NOTES TO THE FINANCIAL STATEMENTS

NOTE 6**DEVELOPER CASH CONTRIBUTIONS**

	2013 \$'000s	2012 \$'000s
Street Lighting	-	3
Public Open Space	79	81
Drainage Headworks	72	116
Street Trees	16	12
Future Roadworks	199	85
Development Plan	299	-
Total Developer Cash Contributions	665	297

NOTE 7**DEVELOPER CONTRIBUTED ASSETS**

	2013 \$'000s	2012 \$'000s
Roads	870	759
Bridges	-	173
Drains	176	536
Footpaths	452	371
Kerb and Channel	175	121
Land	467	-
Land Under Roads	14	11
Total Developer Contributed Assets	2,150	1,971

NOTE 8**EMPLOYEE COSTS**

	2013 \$'000s	2012 \$'000s
Salaries and Wages	35,969	32,897
Long Service Leave	872	2,572
Annual Leave	3,492	3,222
Superannuation	3,528	3,171
Superannuation – additional call*	-	6,975
Other OnCosts	1,308	1,137
Fringe Benefits Tax and Workcover Levy	1,394	1,124
Total Employee Costs	46,563	51,098

*During the prior period (2012) Council was required to make an additional contribution to Vision Super to meet its obligations in relation to members of the defined benefit plan.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 9**MATERIALS AND SERVICES**

	2013 \$'000s	2012 \$'000s
Contract Payments	15,129	14,314
Plant Hire	958	1,018
Utilities	2,888	2,411
Building Maintenance	1,194	1,156
Equipment Maintenance	682	669
IT Consumables/ Communications	1,779	1,620
Family Day Care	1,323	1,524
Consultancy	1,438	2,157
Vehicle Expenses	1,280	1,336
Other Materials	7,097	6,856
Total Materials and Services	33,768	33,060

NOTE 10**BAD AND DOUBTFUL DEBTS**

	2013 \$'000s	2012 \$'000s
Other Debtors	4	31
Total Bad and Doubtful Debts	4	31

NOTE 11**DEPRECIATION AND AMORTISATION EXPENSES**

	2013 \$'000s	2012 \$'000s
Building and Improvements	3,668	3,527
Furniture and Equipment	691	691
Intangible Assets	87	60
Playground Improvements	70	62
Plant and Equipment	1,601	1,572
Roads, Streets and Bridges	9,712	9,510
Drainage Works	1,332	1,326
Landfill Improvements	2,842	1,778
Total Depreciation Expenses	20,004	18,526

NOTE 12**FINANCE COSTS**

	2013 \$'000s	2012 \$'000s
Interest on Borrowings	1,086	1,226
Total Finance Costs	1,086	1,226

NOTES TO THE FINANCIAL STATEMENTS

NOTE 13**OTHER EXPENDITURE**

	2013 \$'000s	2012 \$'000s
Auditors Remuneration	77	86
Councillors Allowances	264	262
Operating Lease Rentals	163	170
Grants & Contributions	1,162	1,102
Levies	1,125	470
Advertising & Promotion	562	639
Insurances	811	653
Total Other Expenditure	4,164	3,382

NOTE 14**CASH AND CASH EQUIVALENTS**

	2013 \$'000s	2012 \$'000s
Cash on Hand	19	19
Cash at Bank	6,334	629
Money Market at call accounts	-	7,075
Short Term Deposits	21,310	20,000
Total Cash and Cash Equivalents	27,663	27,723

Council's cash and cash equivalents are subject to a number of internal and external restrictions that limit amounts available for discretionary or future use. These include:

Trust funds and deposits (Note 25)	2,043	1,520
Reserve funds allocated for specific future purposes	2,453	1,898
Unexpended Grants (Note 3)	12,329	14,359
Restricted Funds (Note 19)	16,825	17,777
Total Unrestricted Cash and Cash Equivalents	10,838	9,946

NOTE 15**PREPAYMENTS**

	2013 \$'000s	2012 \$'000s
Registrations	112	102
Software Maintenance and Support	59	212
Memberships and Subscriptions	19	24
Other	17	16
Total Prepayments	207	354

NOTES TO THE FINANCIAL STATEMENTS

NOTE 16**TRADE AND OTHER RECEIVABLES**

	2013 \$'000s	2012 \$'000s
Current		
Child Care	112	92
Family Day Care	53	60
Home Care / Maintenance / Meals on Wheels	214	285
Rates *	2,172	1,989
Government Grants and Subsidies	1,104	1,965
Accrued Interest	288	282
Staff Advances	9	9
Pre Schools	20	11
Health Registrations	-	-
Advances to Community Groups/ Vendor Term Loans	24	25
Pension Claim	365	706
Latrobe Regional Airport Projects	44	40
Landfill	466	253
Other	727	1,219
Net GST Receivable	748	489
Provision for Doubtful Debts	(53)	(66)
Total Current	6,293	7,359
<i>* Rates are payable by four instalments during the year or by lump sum in February. Arrears attract interest, currently at the rate of 10.5% per annum.</i>		
Non-Current		
Advances to Community Group/ Vendor Term Loans	26	46
Total Non-Current	26	46
Total Trade and Other Receivables	6,319	7,405

NOTE 17**FINANCIAL ASSETS**

	2013 \$'000s	2012 \$'000s
Current		
Variable Coupon Bond investments	-	2,500
Floating Rate Note investments	-	500
Term Deposits with a maturity term > 90 Days	19,500	11,310
Total Current	19,500	14,310
Non-Current		
MAPS Group Ltd. Shares	2	2
Total Non-Current	2	2
Total Financial Assets	19,502	14,312

NOTES TO THE FINANCIAL STATEMENTS

NOTE 18**(a) NON-CURRENT ASSETS CLASSIFIED AS HELD FOR SALE**

ASSET CLASS	Carrying Amount 30/06/2012 \$'000s	WDV T'fer Assets Held For Sale \$'000s	WDV Disposals \$'000s	Carrying Amount 30/06/2013 \$'000s
Land	190	(190)	-	-
Building and Improvements	553	(553)	-	-
Total Fixed Assets	743	(743)	-	-

(b) GAIN/(LOSS) ON DISPOSAL OF ASSETS HELD FOR SALE

	Land \$'000s	Properties \$'000s	Total 2013 \$'000s	Total 2012 \$'000s
Proceeds of Sale	-	-	-	170
Book Vale	-	-	-	135
Gain/(Loss) on Sales	-	-	-	35

NOTE 19**RESTRICTED ASSETS****Cash**

Council has cash and cash equivalents (Note 14) that are subject to restrictions as at the reporting date. Council has legislative restrictions in relation to non discretionary reserve and grant funds, together with cash held for trust funds and deposits

	2013 \$'000s	2012 \$'000s
Restricted Cash Assets		
Street Lighting Reserve (1)	13	13
Off Street Parking Contributions (1)	230	230
Drainage Contributions (1)	732	736
Playground/ Public Open Space Contributions(1)	384	304
Tree Planting Contributions (1)	218	237
Future Roadwork (1)	578	378
Development Contribution Plan (1)	298	-
Trust Funds and Deposits (Note 2.5)	2,043	1,520
Unexpended Grants & Contributions (Note 3)	12,329	14,359
Total Restricted Cash Assets	16,825	17,777

(1) Funds required to be spent on projects for which contributions have been received.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 20**PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT**

	2013 \$'000s	2012 \$'000s
Summary		
Property, Plant and Equipment		
At fair value	1,241,847	1,101,911
At Cost	75,122	81,907
Less Accumulated Depreciation	(287,281)	(252,420)
Total Property, Plant and Equipment	1,029,689	931,399
Land (1)		
• at independent valuation 2013 (2010)	201,546	168,506
• at cost	-	686
Total Land	201,546	169,192
Buildings and Improvements (1)		
• at independent valuation 2013 (2010)	178,844	157,054
• at cost	-	26,197
	178,844	183,251
Less Accumulated Depreciation	-	(6,693)
Total Buildings and Improvements	178,844	176,558
Furniture and Equipment (3)		
• at cost	6,020	5,327
Less Accumulated Depreciation	(4,143)	(3,454)
Total Furniture and Equipment	1,877	1,874
Plant and Equipment (3)		
• at cost	12,333	10,884
Less Accumulated Depreciation	(4,837)	(4,449)
Total Plant and Equipment	7,496	6,435
Drainage Works (2)		
• at Council valuation 2013 (2010)	152,177	134,910
• at cost	-	1,920
	152,177	136,830
Less Accumulated Depreciation	(60,188)	(52,893)
Total Drainage Works	91,989	83,937
Land Under Roads (6)		
• at Council valuation 2012	17,104	17,090
Total Land Under Roads	17,104	17,090
Roads, Streets and Bridges (2)		
• at Council valuation 2013 (2010)	708,413	601,318
• at cost	-	25,964
	708,375	627,283
Less Accumulated Depreciation	(207,413)	(177,221)
Total Roads, Streets and Bridges	500,962	450,062

NOTES TO THE FINANCIAL STATEMENTS

NOTE 20 (CONTINUED)

PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT

	2013 \$'000s	2012 \$'000s
Landfill Improvements (5)		
• at Council valuation 2012	20,785	18,751
Less Accumulated Amortisation	(9,700)	(6,858)
Total Landfill Improvements	11,086	11,893
Playground Improvements (2)		
■ at Council valuation 2013 (2010)	1,963	1,386
• at cost	-	212
	1,963	1,598
Less Accumulated Depreciation	(999)	(852)
Total Playground Improvements	964	746
Art Collection (4)		
■ at Council valuation 2011	2,896	2,896
• at cost	37	12
Total Art Collection	2,933	2,909
Works in Progress – at cost		
■ Furniture and Equipment	517	34
• Buildings and Improvements	6,667	4,610
■ Roads, Streets and Bridges	4,432	1,949
• Playgrounds	222	30
■ Landfill Improvements	3,052	4,081
Total Works in Progress	14,889	10,704
Total Property, Plant and Equipment	1,029,689	931,399

- (1) Land (excluding land under roads) has been stated at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Buildings and Improvements have been stated at fair value on the basis of written down replacement cost as at 30 June 2013. Valuations were carried out by:
- CJA Lee Property – Valuers and Consultants (Registration number: 61902)
- (2) Roads, Streets and Bridges, Playground improvements and Drainage assets have been valued on the basis of written down replacement cost, using the Greenfield approach, by Council's Engineering staff. The majority of the assets have been valued as at 30 June 2010 with additions since that time being added at valuation. As at the 30 June 2013 an indexation factor of 11% has been applied to the 2010 valuations, 7.5% to 2011 additions and 3.5% to 2012 additions. These indexation values have been calculated by Council's Infrastructure Planning staff with reference to the Construction Index (Rawlinsons Australian Construction Handbook 2012 Edition, Melbourne).
- (3) Plant and Equipment and furniture and equipment have been stated at cost.
- (4) Art collection has been valued at market value by an independent art valuer as at 30 June 2011. Valuations were carried out by:
- Guy Abrahams – Approved Valuer, Australian Government Cultural Gifts Program
 - Lesley Kehoe Galleries
- (5) Landfill Improvements has been valued at the expected whole of life cost for required improvement works by council's Coordinator Landfill Services.
- (6) Land under roads is valued at fair value. Fair value is based on Council valuations at 1 January 2012 for land under roads in existence at that date and at the date acquired for subsequent acquisitions using site values adjusted for englobo (undeveloped and/or unserved) characteristics, access rights and private interests of other parties and entitlements of infrastructure assets and services. The valuation has been undertaken by council's finance and infrastructure staff

NOTES TO THE FINANCIAL STATEMENTS

NOTE 20 (CONTINUED)**(a) PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT****2013**

	Carrying Amount 30/06/2012	WDV T'fer Assets Held for Sale (Note 18)	Recognition of Previously Unrecognised Assets	Additions 2012/2013	Write-off Previously Recognised Assets	WDV Disposals Note 20(b)	Depreciation Expenses (Note 11)	Revaluation Increment/ (Decrement)	Carrying Amount 30/06/2013
ASSET CLASS	\$'000s	\$'000s		\$'000s		\$'000s	\$'000s	\$'000s	\$'000s
Land	169,192	190	555	519	(1)	-	-	31,091	201,546
Buildings and Improvements	176,558	553	433	1,791	(803)	-	(3,668)	3,980	178,844
Furniture and Equipment	1,874	-	-	704	-	(10)	(691)	-	1,877
Plant and Equipment	6,436	-	324	3,178	-	(841)	(1,601)	-	7,495
Drainage Works	83,937	-	-	292	-	-	(1,332)	9,092	91,989
Land Under Roads	17,090	-	-	14	-	-	-	-	17,104
Roads, Streets and Bridges	450,062	-	-	13,419	(101)	-	(9,712)	47,295	500,963
Landfill Improvements	11,893	-	-	2,035	-	-	(2,842)	-	11,086
Playground Improvements	746	-	-	231	-	(5)	(70)	63	964
Art Collection	2,908	-	-	24	-	-	-	-	2,933
Works in Progress	10,704	-	-	4,185	-	-	-	-	14,889
Total Property, Infrastructure, Plant and Equipment	931,400	743	1,312	26,392	(905)	(856)	(19,916)	91,521	1,029,689

NOTES TO THE FINANCIAL STATEMENTS

NOTE 20 (CONTINUED)**(a) PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT****2012**

	Carrying Amount 30/06/2011	WDV T'fer Assets Held for Sale	Additions 2011/2012	WDV Disposals (Note 20(b))	Depreciation Expenses (Note 11)	Revaluation Increment/ (Decrement)	Carrying Amount 30/06/2012
ASSET CLASS	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s
Land	169,019	(75)	248	-	-	-	169,192
Buildings and Improvements	170,483	(80)	9,744	-	(3,528)	(61)	176,558
Furniture and Equipment	1,881	-	683	-	(691)	-	1,874
Plant and Equipment	6,645	-	1,894	(531)	(1,572)	-	6,436
Drainage Works	84,593	-	670	-	(1,326)	-	83,937
Land Under Roads	14,450	-	11	-	-	2,629	17,090
Roads, Streets and Bridges	445,450	-	14,122	-	(9,510)	-	450,062
Landfill Improvements	13,166	-	505	-	(1,778)	-	11,893
Playground Improvements	692	-	116	-	(62)	-	746
Art Collection	2,896	-	12	-	-	-	2,908
Works in Progress	13,502	-	(2,798)	-	-	-	10,704
Total Property, Infrastructure, Plant and Equipment	922,776	(155)	25,207	(531)	(18,467)	2,568	931,400

NOTES TO THE FINANCIAL STATEMENTS

NOTE 20 (CONTINUED)**(b) NET GAIN/(LOSS) ON DISPOSAL OF PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT**

Details of fixed asset sales during the year were as follows:

	Playgrounds	Plant	Furniture and Equipment	Total 2013	Total 2012
	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s
Proceeds of Sales	-	825	3	828	693
Sales Expenses	-	-	-	-	-
Net Proceeds	-	825	3	828	693
Book Values	(5)	(841)	(10)	(856)	(531)
Gain/(Loss) on Disposals	(5)	(16)	(7)	(28)	162

NOTE 21**INTANGIBLE ASSETS**

	Software \$'000s
Gross Carrying Amount	
Balance at 1 July 2011	468
Additions 2011/2012	319
Balance at 30 June 2012	788
Additions 2012/2013	44
Balance at 30 June 2013	832
Accumulated Amortisation and Impairment	
Balance at 1 July 2011	(423)
Amortisation Expense 2011/2012	(60)
Balance at 30 June 2012	(483)
Amortisation Expense 2012/2013	(87)
Balance at 30 June 2013	(571)
Net Book Value at 30 June 2012	304
Net Book Value at 30 June 2013	261

NOTES TO THE FINANCIAL STATEMENTS

NOTE 22**TRADE AND OTHER PAYABLES**

	2013 \$'000s	2012 \$'000s
Current		
Payables	14,927	6,340
Accrued Salaries and Wages	1,766	1,631
Accrued Loan Interest	2	3
Total Current	16,695	7,974
Non-Current		
Payables	-	6,975
Total Non-Current	-	6,975
Total Trade and Other Payables	16,695	14,949

NOTE 23**INTEREST-BEARING LIABILITIES**

	2013 \$'000s	2012 \$'000s
Current		
Borrowings – Secured	2,959	3,151
	2,959	3,151
Non-Current		
Borrowings – Secured	11,427	13,386
	11,427	13,386
Total Interest-Bearing Liabilities	14,386	16,536

All borrowings are secured over Council's Rate Revenue.

The maturity profile for Council's borrowing is:

Within 12 months	2,959	3,151
Later than 1 year but not later than 5 years	8,711	9,466
After 5 years	2,716	3,919
	14,386	16,536

NOTES TO THE FINANCIAL STATEMENTS

NOTE 24**PROVISIONS****2013**

	Annual Leave (a)	Long Service Leave (a)	Landfill Improvements (b)	Total
	\$'000s	\$'000s	\$'000s	\$'000s
Balance at beginning of the financial year	3,563	7,896	16,589	28,048
Additional provisions	3,504	1,463	193	5,160
Amounts Used	(3,360)	(632)	(367)	(4,359)
Increase in the discounted amount arising because of time and the effect of any change in the discount rate	-	(563)	-	(563)
Balance at the end of the financial year	3,707	8,164	16,415	28,286

2012

	Annual Leave (a)	Long Service Leave (a)	Landfill Improvements (b)	Total
	\$'000s	\$'000s	\$'000s	\$'000s
Balance at beginning of the financial year	3,318	5,810	16,572	25,700
Additional provisions	3,249	1,269	820	5,338
Amounts Used	(3,004)	(570)	(1,308)	(4,882)
Increase in the discounted amount arising because of time and the effect of any change in the discount rate	-	1,387	505	1,892
Balance at the end of the financial year	3,563	7,896	16,589	28,048

(a) Employee Provisions

	2013 \$'000s	2012 \$'000s
Current (i)		
Annual Leave	3,707	3,563
Long Service Leave	6,758	6,488
	10,465	10,051
Non-Current (ii)		
Long Service Leave	1,406	1,408
	1,406	1,408
Aggregate carrying amount of employee benefits		
Current	10,465	10,051
Non-Current	1,406	1,408
	11,871	11,459

NOTES TO THE FINANCIAL STATEMENTS

NOTE 24 (CONTINUED)
PROVISIONS

The following assumptions were adopted in measuring the present value of employee benefits

Weighted average increase in employee costs	4.50%	4.31%
Weighted average discount rates	3.24%	3.01%
Weighted average settlement period	12	12

(i) Current

All annual leave and long service leave entitlements representing 7 or more years of continuous service

Short-term employee benefits that fall due within 12 months after the end of the period measured at nominal value	4,307	4,163
Other long-term employee benefits that do not fall due within 12 months after the end of the period measured at present value	6,158	5,888
	10,465	10,051

(ii) Non-Current

Long Service Leave representing less than 7 years of continuous service measured at present value	1,406	1,408
---	-------	-------

(b) Landfill Improvements

	2013 \$'000s	2012 \$'000s
Current – Landfill Improvements	2,027	2,008
Non-Current – Landfill Improvements	14,388	14,581
Provision at the end of the reporting period	16,415	16,589

NOTE 25**TRUST FUNDS AND DEPOSITS**

	2013 \$'000s	2012 \$'000s
Contracts and Sundry Deposits	2,043	1,520
Total Trust Funds and Deposits	2,043	1,520

NOTES TO THE FINANCIAL STATEMENTS

NOTE 26**RESERVES****(a) Asset Revaluation Reserve**

	Balance at beginning of reporting period		Increment/ (decrement)		Balance at end of reporting period	
	2013 \$'000s	2012 \$'000s	2013 \$'000s	2012 \$'000s	2013 \$'000s	2012 \$'000s
Land	128,963	128,963	31,091	-	160,054	128,963
Buildings and Improvements	85,567	85,628	3,980	(61)	89,547	85,567
Land Under Roads	6,319	3,690	-	2,629	6,319	6,319
Plant and Equipment	14	14	-	-	14	14
Roads, Streets and Bridges	48,990	48,990	47,295	-	96,285	48,990
Drainage	37,152	37,152	9,092	-	46,244	37,152
Playgrounds	-	-	63	-	63	-
Artworks	727	727	-	-	727	727
Total	307,732	305,164	91,521	2,568	399,253	307,732

The asset revaluation reserve is used to record the increased (net) value of Council's assets over time.

(b) Other Reserves

	2013 \$'000s	2012 \$'000s
Developer Contributions		
Balance at beginning of reporting period	1,898	1,604
Transfer from accumulated surplus	(110)	(3)
Transfer to accumulated surplus	665	297
Balance at end of reporting period	2,453	1,898
Total Reserves	401,706	309,630

The development contribution reserve is maintained to account for funds held by the Council for specific development purposes. Such purposes include off street parking, drainage, playgrounds and public open spaces and tree planting development.

NOTE 27**CONTINGENT LIABILITIES AND CONTINGENT ASSETS****Contingent Liabilities**

Council has been served with an unquantified claim under the Water Act 1989 in relation to the Morwell Land Movement. Council will be defending this claim in the Victorian Civil and Administrative Tribunal and the Supreme Court in the 2013-2014 financial year and as this matter is yet to be finalised, and as the financial outcomes are unable to be reliably estimated, no allowance for these contingencies has been made in the financial report.

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme to ensure that the liabilities of the fund are covered by the assets of the fund. As a result of the increased volatility in financial markets the likelihood of making such contributions in future periods has increased. At this point in time it is not known if additional contributions will be required, their timing or potential amount.

Council has varying obligations for the rehabilitation of five former landfill sites, estimated costs associated with undertaking these works have been included in the balance sheet provisions, however there is still some uncertainty around the Environmental Protection Agency (EPA) requirements, which could lead to additional costs that cannot currently be reliably measured.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 27 (CONTINUED)

Contingent Assets

Construction of infrastructure assets by developers in the course of creating new subdivisions results in the infrastructure assets being vested in Council when Council issues a Statement of Compliance. These assets are brought to account as revenue and capitalised.

At reporting date, developers had commenced construction of assets that will eventually be transferred to Council contingent upon Council issuing a Statement of Compliance.

Due to the nature of the arrangements in place and the assets involved, a contingent asset cannot be reliably measured prior to completion.

NOTE 28**COMMITMENTS**

At the reporting date, the council had entered into the following commitments:

2013

	Not Later than 1 Year	Later than 1 Year and Not Later than 2 Years	Later than 2 Years and Not Later Than 5 Years	Later than 5 Years	Total
	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s
Operating					
Garbage Collection	2,815	2,899	9,231	1,632	16,577
Street Sweeping	343	353	182	-	877
Meals on Wheels	315	190	-	-	505
Public Convenience Cleaning	168	-	-	-	168
Website and Intranet Development	47	-	-	-	47
Green Waste Acceptance and Processing	770	793	1,658	-	3,221
Transfer Station Operations	906	934	2,972	-	4,812
Materials Recovery Facility - Recycling	49	50	159	-	258
Emergency Management	56	-	-	-	56
	5,469	5,2180	14,202	1,632	26,521
Capital Construction					
Roads, Streets and Bridges	2,334	-	-	-	2,334
Recreation	2,208	-	-	-	2,208
Latrobe Regional Airport	259	-	-	-	259
Buildings and Improvements	226	-	-	-	226
Telecommunications Solution Replacement	174	-	-	-	174
	5,201	0	0	0	5,201

NOTES TO THE FINANCIAL STATEMENTS

NOTE 28 (CONTINUED)**COMMITMENTS****2012**

	Not Later than 1 Year	Later than 1 Year and Not Later than 2 Years	Later than 2 Years and Not Later Than 5 Years	Later than 5 Years	Total
	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s
Operating					
Garbage Collection	2,652	2,732	8,696	4,658	18,738
Litter Collection	400	103	-	-	503
Street Sweeping	334	344	537	-	1,215
Meals on Wheels	207	-	-	-	207
Public Convenience Cleaning	164	-	-	-	164
E-Recruitment Management System	26	26	26	-	79
Cleaning Contracts for Council Buildings	567	-	-	-	567
Recreation	96	-	-	-	96
Traralgon Growth Area Review and Activity Centre Plan	64	-	-	-	64
Website and Intranet Development	44	-	-	-	44
Green Waste Acceptance and Processing	755	778	2,476	-	4,008
Transfer Station Operations	906	934	2,972	1,051	5,863
Materials Recovery Facility - Recycling	53	55	174	61	343
	6,268	4,971	14,881	5,770	31,890
Capital Construction					
Landfill Improvements	325	149	34	-	508
Roads, Streets and Bridges	2,825	-	-	-	2,825
Moe Rest Station	333	-	-	-	333
Aircraft Production Hanger	1,243	-	-	-	1,243
	4,725	149	34	-	4,909

NOTE 29**OPERATING LEASES**

At the reporting date, the municipality had the following obligations under non-cancellable operating leases. (These obligations are not recognised as liabilities):

	2013 \$'000s	2012 \$'000s
Not Later than one year	80	108
Later than one year and not later than five years	370	356
Later than five years	1,210	1,285
	1,660	1,749

NOTES TO THE FINANCIAL STATEMENTS

NOTE 30**EVENTS OCCURRING AFTER BALANCE DATE**

No matters have occurred after balance date that requires disclosure in the financial report.

NOTE 31**SUPERANNUATION**

Latrobe City Council makes the majority of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has two categories of membership, accumulation and defined benefit, each of which is funded differently. The defined benefit section provides lump sum benefits based on years of service and final average salary. The defined contribution section receives fixed contributions from Latrobe City Council and the Latrobe City Council's legal or constructive obligation is limited to these contributions.

Obligations for contributions to the Fund are recognised as an expense in Comprehensive Operating Statement when they are due.

Accumulation

The Fund's accumulation category, receives both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ended 30 June 2013, this was 9% required under Superannuation Guarantee legislation). No further liability accrues to the employer as the superannuation benefits accruing to employees are represented by their share of the net assets of the Fund.

Effective from 1 July 2013, the Superannuation Guarantee contribution rate will increase to 9.25%, and will progressively increase to 12% by 2019.

Defined Benefit

The Fund's Defined Benefit category is a multi-employer sponsored plan. As the Fund's assets and liabilities are pooled and are not allocated to each employer, the Actuary is unable to allocate benefit liabilities, assets and costs between employers. As provided under Paragraph 32(b) of AASB 119, Latrobe City Council does not use defined benefit accounting for these defined benefit obligations.

Latrobe City Council makes employer contributions to the defined benefit category of the Fund at rates determined by the Trustee on the advice of the Fund's Actuary. On the basis of the results of the most recent full actuarial investigation conducted by the Fund's Actuary as at 31 December 2011, Latrobe City Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. This rate is currently 9.25% of members' salaries (9.25% in 2011/12).

In addition, Latrobe City Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit (the funded resignation or retirement benefit is calculated as the VBI multiplied by the benefit).

Latrobe City Council is also required to make additional contributions to cover the contribution tax payable on the contributions referred to above.

Employees are also required to make member contributions to the Fund. As such, assets accumulate in the Fund to meet member benefits, as defined in the Trust Deed, as they accrue.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 31 (CONTINUED)
SUPERANNUATION**Shortfall Amounts**

The Local Authorities Superannuation Fund's latest actuarial investigation as at 31 December 2011 identified an unfunded liability of \$406 million (excluding contributions tax) in the defined benefit category of which Latrobe City Council is a contributing employer. Latrobe City Council was made aware of the expected shortfall during the 2011/12 year and was informed of its share of the shortfall on 2 August 2012.

Latrobe City Council has not been advised of any further adjustments.

The projected value of Latrobe City Council's contribution to the shortfall at 30 June 2012 (excluding contributions tax) amounted to \$5.928 million which was accounted for in the 2011/12 Comprehensive Operating Statement within Employee Costs (Note 8) and in the Balance Sheet in Current Liabilities Trade and Other Payables (Note 22).

No further amount has been accounted for in the 2012/13 Comprehensive Operating Statement within Employee Costs (Note 8) and in the Balance Sheet in Trade and Other Payables (Note 22).

The Fund surplus or deficit (ie the difference between fund assets and liabilities) is calculated differently for funding purposes (ie calculating required contributions) and for the calculation of accrued benefits as required in AAS 25 to provide the values needed for the AASB 119 disclosure in the Latrobe City Council's financial statements. AAS 25 requires that the present value of the defined benefit liability be calculated based on benefits that have accrued in respect of membership of the plan up to the measurement date, with no allowance for future benefits that may accrue.

The amount of the unpaid shortfall at 30 June 2013 is \$5.928 million plus contributions tax (\$5.928 million plus contributions tax for 2011/12). This unpaid amount is included in the Balance Sheet in Current Liabilities Trade and Other Payables (Note 22).

Retrenchment Increments

During 2012-13, Latrobe City Council was not required to make payments to the Fund in respect of retrenchment increments (Nil in 2011/12).

Accrued Benefits

The Fund's liability for accrued benefits was determined in the 31 December 2011 actuarial investigation pursuant to the requirements of Australian Accounting Standard Board AAS25 follows:

	31-Dec-2011 \$'000s
Net Market Value of Assets	4,315,324
Accrued Benefits (per accounting standards)	4,642,133
Difference between Assets and Accrued Benefits	(326,809)
Vested Benefits (Minimum sum which must be paid to members when they leave the fund)	4,838,503

The financial assumptions used to calculate the Accrued Benefits for the defined benefit category of the Fund were:

Net Investment Return	7.50% p.a.
Salary Inflation	4.25% p.a.
Price Inflation	2.75% p.a.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 31 (CONTINUED)
SUPERANNUATION**Superannuation Contributions**

Contributions by Latrobe City Council to the above superannuation plans for the financial year ended 30 June 2013 are detailed below:

	2013 \$'000s	2012 \$'000s
Defined Benefit Plans		
Employer contributions paid to Local Authorities Superannuation Fund (Vision Super)	476	475
Employer contributions payable to Local Authorities Superannuation Fund (Vision Super) at reporting date	-	6,975
	476	7,450
Accumulation Funds		
Employer contributions paid to Accumulation Funds	2,645	2,334
Employer contributions payable to Accumulation Funds at reporting date	407	363
	3,052	2,697

NOTES TO THE FINANCIAL STATEMENTS

NOTE 32**RELATED PARTY TRANSACTIONS****(i) Responsible Persons**

Names of persons holding the position of Responsible Person at the Latrobe City Council during the reporting period are:

		From	To
Councillors:	Lisa Price	01/07/12	29/10/12
	Bruce Lougheed	01/07/12	29/10/12
	Ed Vermeulen	01/07/12	29/10/12
	Darrell White	01/07/12	30/06/13
	Graeme Middlemiss	01/07/12	30/06/13
	Sandy Kam	01/07/12	30/06/13
	Kellie O'Callaghan	01/07/12	30/06/13
	Sharon Gibson	01/07/12	30/06/13
	Dale Harriman	01/07/12	30/06/13
	Michael Rossiter	31/10/12	30/06/13
	Christine Sindt	31/10/12	30/06/13
	Peter Gibbons	31/10/12	30/06/13
	Chief Executive Officer:	Paul Buckley	01/07/12

(ii) Remuneration of Responsible Persons

The numbers of Responsible Officers, whose total remuneration from Council and any related entities fall within the following bands;

	2013 No.	2012 No.
Income Range		
<\$20,000	5	2
\$20,000 - \$29,999	5	6
\$30,000 - \$39,999	1	-
\$40,000 - \$49,999	-	2
\$50,000 - \$59,999	1	-
\$290,000 - \$299,999	-	1
\$300,000 - \$309,999	1	-
Total	13	11

Total Remuneration for the reporting period for Responsible Persons included above, amounted to:

	2013 \$'000s	2012 \$'000s
Total Remuneration for Responsible Persons	571	538

NOTES TO THE FINANCIAL STATEMENTS

NOTE 32 (CONTINUED)**RELATED PARTY TRANSACTIONS****(iii) Senior Officers Remuneration**

A Senior Officer other than a Responsible Person, is an officer of Council who has management responsibilities and reports directly to the Chief Executive Officer or whose total annual remuneration exceeds \$130,000 (2011/12 \$127,000).

The number of Senior Officers other than the Responsible Persons, are shown below in their relevant income bands:

	2013 No.	2012 No.
Income Range		
<\$130,000	-	4
\$130,000 - \$139,999	10	6
\$140,000 - \$149,999	3	-
\$190,000 - \$199,999	-	4
\$200,000 - \$209,999	3	2
\$210,000 - \$219,999	2	-
Total	18	16

Total remuneration for the reporting period for senior officers included above, amounted to:

	2013 \$'000s	2012 \$'000s
Total Remuneration for Senior Officers	2,807	2,517

(iv)

No Retirement benefits have been paid by the Council in connection with the retirement of Responsible Persons of the Council. (2011/12: \$Nil)

(v)

No Loans have been made, guaranteed or secured by the Council to a Responsible Person of the Council during the reporting period. (2011/12: \$Nil)

(vi) Other Transactions

No transactions other than remuneration payments or the reimbursement of approved expenses were entered into by Council with Responsible Persons, or Related Parties of such Responsible Persons during the reporting year (2011/12, \$Nil)

NOTES TO THE FINANCIAL STATEMENTS

NOTE 33**NOTES TO THE CASH FLOW STATEMENT**

	Inflows/ (Outflows)	Inflows/ (Outflows)
	2013 \$'000s	2012 \$'000s
Reconciliation of cash flows from operating activities to profit		
Surplus for the Period	9,523	6,222
Depreciation and Amortisation	20,004	18,526
Finance Costs	1,086	1,226
Loss on Sale of Property, Plant and Equipment	28	(196)
Write off Previously Recognised Assets	905	-
Recognition of Previously Unrecognised Assets	(1,312)	-
Developer Contributions for Contributed Assets	(2,150)	(1,971)
Changes in Assets and Liabilities:		
(Increase)/decrease in Trade and Other Receivables	1,086	2,928
Increase/(decrease) in Trade and Other Payables	1,747	(674)
(Increase)/decrease in Prepayments	147	619
Increase/(decrease) in Provisions	237	8,818
Increase/(decrease) in Contract and Security Deposits	523	(19)
Net Cash provided by Operating Activities	31,824	35,479

NOTES TO THE FINANCIAL STATEMENTS

NOTE 34**FINANCIAL INSTRUMENTS****(a) Accounting Policy, Terms and Conditions**

Recognised Financial Instrument	Note	Accounting Policy	Terms and Conditions
Financial Assets			
Cash and Cash Equivalents	14	Cash on hand and at bank and money market call account are valued at face value. Interest is recognised as it accrues. -Investments and Bills were valued at cost -Investments are held to maximise interest returns of surplus cash. -Interest revenues are recognised as they accrue.	Cash at Bank and At call deposits returned a floating interest rate of 3.04% (3.37% in 2011/2012). The interest rate at balance date was 2.69% (3.37% in 2011/2012). Funds returned fixed interest rates of between 4.15% (3.40% in 2011/2012), and 6.05% (6.87% in 2011/2012) net of fees.
Trade and Other Receivables	16	Receivables are carried at nominal amounts due less any provision for doubtful debts. A provision for doubtful debts is recognised when there is objective evidence that an impairment loss has occurred.	General debtors are unsecured and arrears attract an interest rate of 10.5% (10.5% in 2011/2012). Credit terms are based on 30 days.
Financial Assets – Held to maturity	17	Variable coupon bonds and floating rate notes are measured at amortised cost using the effective interest method, less any impairment losses. -Investments and Bills were valued at amortised cost using the effective interest method. -Investments are held to maximise interest returns of surplus cash. -Interest revenues are recognised as they accrue.	Variable coupon bond of \$2.5 million matured on 31 October 2012. The floating rate note of \$0.5 million matured on 14 December 2012. Funds returned fixed interest rates of between 4.20% (5.45% in 2011/2012), and 4.70% (6.05% in 2011/2012) net of fees.
Financial Liabilities			
Trade and Other Payables	22	Liabilities are recognised for amounts to be paid in the future for goods and services provided to Council as at balance date whether or not invoices have been received.	General Creditors are unsecured, not subject to interest charges and are normally settled within 30 days of invoice receipt.
Interest Bearing Liabilities	23	-Loans are carried at their principal amounts, which represent the present value of future cash flows associated with servicing the debt. -Interest is accrued over the period it becomes due and is recognised as part of payables	Borrowings are secured by way of mortgage over the general rates of the Council. The weighted average interest rate on borrowings is 7.11% during 2012/2013 (7.15% in 2011/2012)
Bank Overdraft		Overdrafts are recognised at the principal amount. Interest is charged as an expense as it accrues.	The overdraft is subject to annual review. Council has a \$1M overdraft facility. It is secured by a mortgage over Council's general rates and is repayable on demand. No overdraft was utilised during 2012/2013 or 2011/2012.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 34 (CONTINUED)
FINANCIAL INSTRUMENTS**(b) Interest Rate Risk**

The exposure to interest rate risk and the effective interest rate of financial assets and financial liabilities, both recognised and unrecognised at balance date are as follows:

2013

	Floating Interest Rate	1 Year or Less	Over 1 to 5 Years	More than 5 Years	Non-Interest Bearing	Total
	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s
Financial Assets						
Cash and Cash Equivalents	6,334	21,310	-	-	19	27,663
Financial Assets	-	19,500	-	-	-	19,500
Trade and Other Receivable	-	-	-	-	3,416	3,416
Total Financial Assets	6,334	40,810	-	-	3,435	50,579
Weighted Average Interest Rates	3.04%	4.32%	-	-	-	-
Financial Liabilities						
Trade and Other Payables	-	-	-	-	16,695	16,695
Trust Funds and Deposits	-	-	-	-	2,043	2,043
Interest-Bearing Liabilities	-	2,959	8,710	2,717	-	14,386
Total Financial Liabilities	-	2,959	8,710	2,717	18,738	33,124
Weighted Average Interest Rates	-	6.89%	7.30%	6.76%	-	-
Net Financial Assets (Liabilities)	6,334	37,851	(8,710)	(2,717)	(15,303)	17,455

2012

	Floating Interest Rate	1 Year or Less	Over 1 to 5 Years	More than 5 Years	Non-Interest Bearing	Total
	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s
Financial Assets						
Cash and Cash Equivalents	629	27,075	-	-	19	27,723
Financial Assets	-	14,310	-	-	-	14,310
Trade and Other Receivable	-	-	-	-	4,928	4,928
Total Financial Assets	629	41,385	-	-	4,947	46,961
Weighted Average Interest Rates	3.05%	5.12%	-	-	-	-
Financial Liabilities						
Trade and Other Payables	-	-	-	-	14,949	14,949
Trust Funds and Deposits	-	-	-	-	1,520	1,520
Interest-Bearing Liabilities	-	3,151	9,466	3,919	-	16,536
Total Financial Liabilities	-	3,151	9,466	3,919	16,469	33,005
Weighted Average Interest Rates	-	6.74%	7.19%	7.40%	-	-
Net Financial Assets (Liabilities)	629	38,234	(9,466)	(3,919)	(11,522)	13,956

NOTES TO THE FINANCIAL STATEMENTS

NOTE 34 (CONTINUED)
FINANCIAL INSTRUMENTS**(c) Net Fair Value**

The aggregate net fair value of financial assets and financial liabilities, both recognised and unrecognised at balance date are as follows:

	Total Carrying Amount as per Balance Sheet		Aggregate Net Fair Value	
	2013	2012	2013	2012
	\$'000s	\$'000s	\$'000s	\$'000s
Financial Assets				
Cash and Cash Equivalents	27,663	27,723	27,663	27,723
Financial Assets	19,500	14,310	19,500	14,310
Trade and Other Receivable	3,416	4,928	3,416	4,928
Total Financial Assets	50,579	46,961	50,579	46,961
Financial Liabilities				
Trade and Other Payables	16,695	14,949	16,695	14,949
Trust Funds and Deposits	2,043	1,520	2,043	1,520
Interest-Bearing Liabilities	14,386	16,536	14,386	16,536
Total Financial Liabilities	33,124	33,005	33,124	33,005

(d) Risk and Mitigation

The risks associated with our main financial instruments and our policies for minimising these risks are detailed below.

Market Risk

Market risk is the risk that the fair value or future cash flows of our financial instruments will fluctuate because of changes in market prices. The Council's exposures to market risk are primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk. Components of market risk to which we are exposed are discussed below.

Interest Rate Risk

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Interest rate risk arises from interest bearing financial assets and liabilities that we use. Non derivative interest bearing assets are predominantly short term liquid assets. Our interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes us to fair value interest rate risk.

Our loan borrowings are sourced from major Australian banks by a tender process. We manage interest rate risk on our net debt portfolio by:

- setting prudential limits on interest repayments as a percentage of rate revenue.

We manage the interest rate exposure on our net debt portfolio by appropriate budgeting strategies and obtaining approval for borrowings from the Department of Planning and Community Development each year.

Investment of surplus funds is made with approved financial institutions under the *Local Government Act 1989*. We manage interest rate risk by adopting an investment policy that ensures:

- conformity with State and Federal regulations and standards,
- adequate safety,
- diversification by credit rating, financial institution and investment product,
- monitoring of return on investment
- benchmarking of returns and comparison with budget.

Maturity will be staggered to provide for interest rate variations and to minimise interest rate risk.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 34 (CONTINUED)
FINANCIAL INSTRUMENTS**Credit Risk**

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause us to make a financial loss. We have exposure to credit risk on all financial assets included in our balance sheet. To help manage this risk:

- we have a policy for establishing credit limits for the entities we deal with;
- we may require collateral where appropriate; and
- we only invest surplus funds with financial institutions which has a recognised credit rating specified in our investment policy.

Trade and other receivables consist of a large number of customers, spread across the consumer, business and government sectors. Credit risk associated with the Council's financial assets is minimal because the main debtor is the Victorian Government. Apart from the Victorian Government we do not have any significant credit risk exposure to a single customer or groups of customers. Ongoing credit evaluation is performed on the financial condition of our customers and, where appropriate, an allowance for doubtful debts is raised.

We may also be subject to credit risk for transactions which are not included in the balance sheet, such as when we provide a guarantee for another party. Details of our contingent liabilities are disclosed in note 27.

Movement in Provision for Doubtful Debts

	2013 \$'000s	2012 \$'000s
Balance at the beginning of the year	66	70
New Provisions recognised during the year	23	57
Amounts already provided for and written off as uncollectible	(15)	(33)
Amounts provided for but recovered during the year	(21)	(28)
Balance at the end of the year	53	66

Ageing of Trade and Other Receivables

At balance date other debtors representing financial assets were past due but not impaired. These amounts relate to a number of independent customers for whom there is no recent history of default. The ageing of the Councils' Trade and Other Receivables at reporting date was:

	2013 \$'000s	2012 \$'000s
Current (not yet overdue)	2,314	3,206
Past due by up to 30 days	616	1,393
Past due between 31 and 60 days	100	143
Past due between 61 and 90 days	28	58
Past due by more than 90 days	358	128
	3,416	4,928

NOTES TO THE FINANCIAL STATEMENTS

NOTE 34 (CONTINUED)
FINANCIAL INSTRUMENTS**Liquidity risk**

Liquidity risk includes the risk that, as a result of our operational liquidity requirements:

- we will not have sufficient funds to settle a transaction on the date;
- we will be forced to sell financial assets at a value which is less than what they are worth; or
- we may be unable to settle or recover financial assets at all.

To help reduce these risks we:

- have readily accessible standby facilities and other funding arrangements in place;
- have a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments;
- monitor budget to actual performance on a regular basis; and
- set limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal repayments to rate revenue.

The Council's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

The table below lists the contractual maturities for Council's Financial Liabilities.

These amounts undiscounted gross payments including both principal and interest amounts.

2013

	6 Months or Less	6-12 Months	1-2 Years	2-5 Years	>5 Years	Total Amount	Carrying Amount
	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s
Trade and Other Payables	16,695	-	-	-	-	16,695	16,695
Trust Funds and Deposits	2,043	-	-	-	-	2,043	2,043
Interest-Bearing Liabilities	2,055	1,832	3,334	7,333	2,941	17,495	14,386
	20,793	1,832	3,334	7,333	2,941	36,233	33,124

2012

	6 Months or Less	6-12 Months	1-2 Years	2-5 Years	>5 Years	Total Amount	Carrying Amount
	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s
Trade and Other Payables	7,974	-	6,975	-	-	14,949	14,949
Trust Funds and Deposits	1,520	-	-	-	-	1,520	1,520
Interest-Bearing Liabilities	2,119	2,118	3,759	8,154	4,294	20,444	16,536
	11,613	2,118	10,734	8,154	4,294	36,913	33,005

(e) Sensitivity Disclosure Analysis

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, the Council believes the following movements are 'reasonably possible' over the next 12 months (Base rates are sourced from the Commonwealth Bank of Australia):

- A parallel shift of +1% and -2% in market interest rates (AUD) from year end rates of 2.75%. (2011/12 3.50%)

The statement below discloses the impact on net operating result and equity for each category of financial instruments held by the Council at year end, if the above movements were to occur.

Based on a market interest rate (AUD) at year end of 2.75% (2011/12 3.50%) a parallel shift of +1% will result in an increase of \$63K (2011/12 \$6.29K) in operating surplus and equity and accordingly a parallel shift of -2% would have resulted in a decrease of \$126K and (2011/12 \$12.58K) in operating surplus and equity on those balances subject to floating interest rates.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 35**AUDITOR'S REMUNERATION**

	2013	2012
	\$'000s	\$'000s
Audit Fee to conduct External Audit – Victorian Auditor-General	58	59
Internal Audit Fees	66	46
	124	105

NOTES TO THE FINANCIAL STATEMENTS

NOTE 36**INCOME, EXPENSES AND ASSETS BY FUNCTION/ACTIVITY**

2013

	TOTAL	Executive Office	Economic Sustainability	Organisational Excellence	Recreation, Culture and Community Infrastructure	Community Liveability	Governance	Other
	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s
Income								
Grants	30,044	3	297	1	2,323	12,527	100	14,793
Other	85,974	2	3,606	9	7,360	7,485	1,225	66,287
Total Income	116,018	5	3,903	10	9,683	20,012	1,325	81,080
Expenses	106,495	1,227	9,797	5,065	25,331	26,532	8,909	29,634
Surplus (deficit) for the year	9,523	(1,222)	(5,894)	(5,055)	(15,648)	(6,520)	(7,584)	51,446
Assets attributed to Function/Activities *	1,083,641	463	30,804	913	888,448	108,925	1,761	52,327

*Assets have been attributed to functions/activities based on the control and/or custodianship of specific assets.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 36 (CONTINUED)**INCOME, EXPENSES AND ASSETS BY FUNCTION/ACTIVITY**

	TOTAL	Executive Office	Economic Sustainability	Organisational Excellence	Recreation, Culture and Community Infrastructure	Community Liveability	Governance	Other
2012	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s	\$'000s
Income								
Grants	35,386	-	448	4	3,541	11,216	125	20,052
Other	78,159	4	1,516	12	6,681	7,586	983	61,377
Total Income	113,545	4	1,964	16	10,222	18,802	1,108	81,429
Expenses	107,322	1,125	9,380	4,730	24,150	25,155	8,456	34,326
Surplus (deficit) for the year	6,222	(1,121)	(7,416)	(4,714)	(13,928)	(6,353)	(7,348)	47,102
Assets attributed to Function/Activities *	982,242	507	25,472	727	809,193	96,900	1,363	48,081

* Assets have been attributed to functions/activities based on the control and/or custodianship of specific assets.

*NOTES TO THE FINANCIAL STATEMENTS***NOTE 36 (CONTINUED)****INCOME, EXPENSES AND ASSETS BY FUNCTION/ACTIVITY****EXECUTIVE OFFICE**

This division is responsible for the management of council operations and chief executive office functions.

ECONOMIC SUSTAINABILITY

This division is responsible for investment facilitation, tourism and Latrobe Regional Airport activities and natural environment sustainability including the management of waste services.

ORGANISATIONAL EXCELLENCE

This division is responsible for people management and development, corporate strategy and information services.

RECREATION, CULTURE & COMMUNITY INFRASTRUCTURE

This division is responsible for recreational and cultural activities, infrastructure operations such as the maintenance of buildings, roads, drains and parks and gardens, transit cities and the management of capital projects. It is also responsible for cleansing services such as street and footpath sweeping and cleaning of public conveniences.

COMMUNITY LIVEABILITY

This division is responsible for the provision of family and children services programs including preschool, childcare and maternal and child health. Community Liveability is also responsible for community wellbeing programs including home care, meals on wheels ADASS and environmental health. This division also manages community information services including libraries, service centres and local laws. Community capacity building programs are also part of this division's responsibility.

GOVERNANCE

This division is responsible for council operations and legal counsel, financial management, community relations, risk management, statutory and strategic planning and building services.

OTHER

Other includes the Victoria Grants Commission general purpose grants and rate revenue together with expenditure that is not attributable to any other division.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 37**FINANCIAL RATIOS**

	2013	2013	2012	2012	2011	2011
	\$'000s	%	\$'000s	%	\$'000s	%

(i) Debt Servicing Ratio

(to identify the capacity of Council to service its outstanding debt)

Debt Servicing Cost	1,086	= 0.94%	1,226	= 1.08%	1,375	= 1.22%
Total Revenue	116,018		113,545		112,927	

Debt servicing costs refer to the payment of interest on loan borrowings, finance lease, and bank overdraft.

The ratio expresses the amount of interest paid as a percentage of Council's total revenue.

(ii) Debt Commitment Ratio

(to identify a Council's debt redemption strategy)

Debt Servicing & Redemption Costs	4,237	= 6.76%	4,069	= 6.92%	4,053	= 7.43%
Rate Revenue	62,637		58,762		54,547	

The strategy involves the payment of loan principal and interest, finance lease principal and interest.

The ratio expresses the percentage of rate revenue utilised to pay interest and redeem debt principal.

(iii) Revenue Ratio

(to identify a Council's dependence on non-rate income)

Rate Revenue	62,637	= 53.99%	58,762	= 51.75%	54,547	= 48.30%
Total Revenue	116,018		113,545		112,927	

The level of Council's reliance on rate revenue is determined by assessing rate revenue as a proportion of the total revenue of Council.

(iv) Debt Exposure Ratio

(to identify a Council's exposure to debt)

Total Indebtedness	61,409	= 13.87%	61,053	= 15.08%	54,066	= 13.80%
Total Realisable Assets	442,882		404,902		391,715	

For the purpose of the calculation of financial ratios, realisable assets are those assets which can be sold and which are not subject to any restriction on realisation or use.

Any liability represented by a restricted asset (note 19) is excluded from total indebtedness.

The following assets are excluded from total assets when calculating Council's realisable assets:

Land and buildings on Crown land; restricted assets; heritage assets and total infrastructure assets.

The ratio enables assessment of Council's solvency and exposure to debt. Total indebtedness refers to the total liabilities of Council. Total liabilities are compared to total realisable assets which are all Council assets not subject to any restriction and are able to be realised. The ratio expresses the percentage to total liabilities for each dollar of realisable assets.

NOTES TO THE FINANCIAL STATEMENTS

NOTE 37 (CONTINUED)
FINANCIAL RATIOS

	2013 \$'000s	2013 %	2012 \$'000s	2012 %	2011 \$'000s	2011 %
(v) Working Capital Ratio						
(to assess a Council's ability to meet current commitments)						
Current Assets	53,662		50,490		43,575	
Current Liabilities	34,188	1.57:1	24,704	2.04:1	22,455	1.94:1

The ratio expresses the level of current assets the Council has available to meet its current liabilities.

(vi) Adjusted Working Capital Ratio

(to assess a Council's ability to meet current commitments)

Current Assets	53,662	1.91:1	50,490	2.68:1	43,575	2.35:1
Current Liabilities	28,030		18,816		18,518	

The ratio expresses the level of current assets the Council has available to meet its adjusted current liabilities.

Current liabilities have been reduced to reflect the long service leave that is shown as a current liability because Council does not have an unconditional right to defer settlement of the liability for at least twelve months after the reporting date, but is not likely to fall due within 12 months after the end of the period.

NOTE 38**CORRECTION OF ERROR**

The Principal Accounting Officer has reassessed the classification of Council's term deposits with maturity dates greater than 3 months and identified an error in their classification made in the prior year (2012 \$11.310M).

This has led to restating the comparatives as follows:

	2012 \$'000s	Movement \$'000s	Restated 2012 \$'000s
Balance Sheet Extract			
Cash and Cash Equivalents	39,033	(11,310)	27,723
Financial Assets	3,000	11,310	14,310
Cash Flow Statement Extract			
Cash flows from Investing Activities			
Payments for Financial Assets	-	(11,310)	(11,310)
Net Cash used in Investing Activities	(20,187)	(11,310)	(31,497)
Cash and Cash Equivalents at the end of the financial year	39,033	(11,310)	27,723

CERTIFICATION OF THE FINANCIAL REPORT

In my opinion the accompanying financial statements have been prepared in accordance with the *Local Government Act 1989*, the *Local Government (Finance and Reporting) Regulations 2004*, Australian Accounting Standards and other mandatory professional reporting requirements.

Principal Accounting Officer

Matthew Rogers, CPA
Dated: 16 September 2013

In our opinion the accompanying financial statements present fairly the financial transactions of the Latrobe City Council for the year ended 30 June 2013 and the financial position of the Council as at the date.

As at the date of signing, we are not aware of any circumstances which would render any particulars in the financial statements to be misleading or inaccurate.

We have been authorised by the Council on 16 September 2013 to certify the financial statements in their final form.

Councillor

Cr. Darrell White
Dated: 16 September 2013

Councillor

Cr. Michael Rossiter
Dated: 16 September 2013

Acting Chief Executive Officer

Michael Edgar
Dated: 16 September 2013

Standard Statements

STANDARD INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2013

	REF	Actual 2012/13 \$'000s	Budget 2012/13 \$'000s	Variations \$'000s	%
INCOME					
Rates		62,637	62,600	37	0
Operating Grants and Contributions	1	25,606	23,061	2,545	11
Capital Grants and Contributions	2	4,438	4,978	(540)	(11)
Interest	3	1,778	1,130	648	57
User Fees and Charges	4	14,759	15,192	(433)	(3)
Other Income	5	2,701	1,962	739	38
Developer Contributions	6	665	70	595	850
Developer Contributed Assets		2,150	2,000	150	7
Net gain (loss) on disposal of assets	7	(28)	-	(28)	(100)
Recognition of Previously Unrecognised Assets	8	1,312	-	1,312	100
Total Income		116,018	110,993	5,025	5
EXPENSES					
Employee Costs		(46,563)	(46,356)	(207)	0
Materials and Services	9	(37,932)	(39,309)	1,377	(4)
Bad and Doubtful Debts	10	(4)	(29)	25	(85)
Finance Costs		(1,086)	(1,117)	31	(3)
Depreciation	11	(20,004)	(21,400)	1,396	(7)
Write off Previously Recognised Assets	12	(905)	-	(905)	(100)
Total Expenses		(106,495)	(108,211)	1,716	(2)
SURPLUS / (DEFICIT) FOR THE YEAR		9,523	2,782	6,741	242
OTHER COMPREHENSIVE INCOME					
Other		91,521	18,572	72,949	100
Total Comprehensive Income for the Year		101,043	21,354	79,689	373

STANDARD STATEMENTS

STANDARD INCOME STATEMENT
VARIANCE EXPLANATION REPORT

REF	ITEM	COMMENTARY
1	Operating Grants and Contributions	Additional grant funding was recognised mainly due to 2013/2014 funding that has been advanced to Council in June 2013 together with funding received for programs such as Pre Schools, Employment Development, Healthy Communities, Community Strengthening and Emergency Relief, that was not identified in the 2012/2013 budget.
2	Capital Grants and Contributions	The reduction in capital grants funding was mainly due to project funding budgeted in 2012/13 that was advanced to Council in the previous financial year for the Moe Outdoor Pool Upgrade together with funding that is now expected to be received in 2013/2014 due to project delays partially offset by some grants such as Blackspot funding received that was not identified in the 2012/2013 budget.
3	Interest	Additional interest revenue was achieved mainly due to greater than expected cash holdings as a result of the receipt of additional program and project funding in advance of the timing of expenditure and some delays in capital works projects.
4	User Fees and Charges	The unfavourable variance is mainly a result of a decrease in Landfill gate fees due to reduced levels of commercial/industrial waste received, together with lower than anticipated Child Care fees as a result of lower than expected utilisation rates and ability to fill Family Day Carer positions. Parking infringements were also less than anticipated as a result of the move to two hour limits. Some better than expected results were achieved in Subdivision supervision fees and failure to vote election fines.
5	Other Income	The favourable variance is largely a result of additional revenue achieved from interest generated on unpaid rates, bluegum pulpwood reimbursements for the Hyland Highway landfill and the receipt of contributions for the Rail Freight Development Alliance
6	Developer Contributions	The favourable variance is mainly related to Development Plan Contributions for Heritage Boulevard Estate, together with greater than expected Drainage Headworks, Public Open Space and other future works contributions.

STANDARD STATEMENTS

STANDARD INCOME STATEMENT
VARIANCE EXPLANATION REPORT (CONTINUED)

REF	ITEM	COMMENTARY
7	Net gain (loss) on disposal of assets	Plant and vehicle sales together with equipment and playground disposals generated a minor loss over the budgeted amount.
8	Recognition of Previously Unrecognised Assets	During the financial year a number of land and building assets were recognised for the first time, together with a gifted bus and a transfer station item of plant that had previously been treated as not controlled by Council.
9	Materials and Services	The favourable variance is mainly a result of project and program funding to be carried over to be spent in the 2013/2014 financial year together with transfer station upgrade expenditure which was budgeted as operating expenditure but subsequently reclassified to capital expenditure.
10	Bad and Doubtful Debts	The favourable result is due to better than expected collection of outstanding debts and a subsequent reduction in the provision for doubtful debts as at the end of 2012/2013.
11	Depreciation	The favourable variance is mainly a result of the staging and subsequent delay in opening landfill cell 3B at the Hyland Highway landfill facility.
12	Write off Previously Recognised Assets	During the financial year a number of land, building assets were derecognised due to them being deemed to be not under the control of Latrobe City.

STANDARD STATEMENTS

STANDARD BALANCE SHEET AS AT 30 JUNE 2013

	REF	Actual 2012/13 \$'000s	Budget 2012/13 \$'000s	Variations \$'000s	%
CURRENT ASSETS					
Cash and Cash Equivalents and Financial Assets	1	47,163	16,745	30,418	182
Trade and Other Receivables	2	6,293	8,272	(1,979)	(24)
Prepayments	3	207	1,033	(826)	(80)
Total Current Assets		53,662	26,050	27,612	106
NON-CURRENT ASSETS					
Trade and Other Receivables		26	26	-	0
Property, Plant, Equipment and Intangibles	4	1,029,950	955,177	74,773	8
Financial Assets		2	2	-	-
Total Non-Current Assets		1,029,979	955,205	74,774	-
TOTAL ASSETS		1,083,641	981,255	102,386	10
CURRENT LIABILITIES					
Trade and Other Payables	5	16,695	7,178	9,517	133
Interest-Bearing Liabilities		2,959	2,947	12	0
Provisions - Employee Benefits	6	10,465	8,469	1,996	24
Provisions - Landfill Improvements	7	2,027	1,545	482	31
Trust Funds and Deposits	8	2,043	1,634	409	25
Total Current Liabilities		34,188	21,772	12,416	57
NON-CURRENT LIABILITIES					
Interest-Bearing Liabilities		11,427	11,468	(41)	(0)
Provisions - Employee Benefits		1,406	1,500	(94)	(6)
Provisions - Landfill Improvements	9	14,387	12,530	1,857	15
Total Non-Current Liabilities		27,221	25,498	1,723	7
TOTAL LIABILITIES		61,409	47,270	14,139	30
NET ASSETS		1,022,232	933,985	88,247	9
EQUITY					
Accumulated Surplus	10	620,526	608,257	12,269	2
Asset Revaluation Reserve	11	399,253	323,737	75,516	23
Other Reserves	12	2,453	1,991	462	23
TOTAL EQUITY		1,022,232	933,985	88,247	9

STANDARD STATEMENTS

STANDARD BALANCE SHEET
VARIANCE EXPLANATION REPORT

REF	ITEM	COMMENTARY
1	Cash and Cash Equivalents	Cash assets are higher than budgeted mainly due to the early receipt of government grant funding, together with incomplete capital works at the end of the reporting period.
2	Trade and Other Receivables	The lower than budgeted level of receivables is mainly due to a reduction in general sundry debtors such as outstanding government grant claims.
3	Prepayments	Prepayments are lower than budgeted largely due to the later than usual timing of Council's public liability insurance premium together with the final settlement of a long term prepayment for the purchase of the Morwell Transfer Station during the previous year that was not recognised in the adopted budget.
4	Property, Plant, Equipment and Intangibles	The revaluation increments for land and infrastructure assets were greater than the 2% increment allowed for in the 2012/2013 budget.
5	Trade and Other Payables	This variance is mainly due to the recognition of Council's apportioned share of the defined benefits superannuation liability, this liability does not require cash funding until the 2013/2014 financial year.
6	Provisions - Employee Benefits	The variance in current employee benefits provision is due to the change in the Local Government Long Service Leave Regulations that now allows employees to access their leave entitlement at 7 years rather than the previous 10 years together with a significant change in the present value of these entitlements. Whilst these changes occurred in the 2011/2012 financial year they were not quantified until after the 2012/2013 budget had already been adopted.
7	Provisions – Landfill Improvements (Current)	The unfavourable variance is due to increased Landfill rehabilitation costs to be incurred over the next twelve months as a result of works budgeted for the 2012/2013 financial year that have been delayed.
8	Trust Funds and Deposits	The unfavourable variance is due to higher than anticipated holdings of security deposits and contract retention amounts than anticipated at the end of the financial year.

STANDARD STATEMENTS

STANDARD BALANCE SHEET
VARIANCE EXPLANATION REPORT (CONTINUED)

REF	ITEM	COMMENTARY
9	Provisions – Landfill Improvements (Non Current)	The unfavourable variance is due to delays to landfill rehabilitation works expected to be carried out in 2012/2013 therefore the provision has not decreased as anticipated.
10	Accumulated Surplus	The increased surplus relates mainly to higher than expected opening equity in the 2012/13 financial year and a greater than expected surplus in the current reporting period. These additional surpluses are largely due to government grants and other funds received in advance together with some other project/program expenditures that have been delayed to the 2013/14 financial year.
11	Asset Revaluation Reserve	The revaluation increments for land and infrastructure assets were greater than the 2% increment allowed for in the 2012/2013 budget.
12	Other Reserves	The value of reserves is higher than expected due to the additional developer contributions received for Heritage Boulevard Estate, drainage, public open space and other future works contributions.

STANDARD STATEMENTS

STANDARD CASH FLOW STATEMENT FOR THE YEAR ENDED 30 JUNE 2013

	REF	Actual 2012/13 \$'000s	Budget 2012/13 \$'000s	Variations \$'000s	%
CASH FLOWS FROM OPERATING ACTIVITIES					
Cash Receipts from Operating Activities	1	114,957	108,766	6,191	6
Cash Payments in the Course of Operating Activities	2	(83,133)	(86,746)	3,613	4
Net Cash Flows from Operating Activities		31,824	22,020	9,804	45
CASH FLOWS FROM INVESTING ACTIVITIES					
Proceeds from Property, Plant and Equipment	3	828	1,380	(552)	(40)
Payments for Property, Plant and Equipment	4	(24,286)	(28,006)	3,720	13
Payments for financial assets	5	(5,190)	0	(5,190)	(100)
Net Cash Flows from/(used in) Investing Activities		(28,648)	(26,626)	(2,022)	8
CASH FLOWS FROM FINANCING ACTIVITIES					
Finance Costs		(1,086)	(1,117)	31	3
Proceeds from Borrowings		1,000	1,000	0	0
Repayment of Borrowings		(3,150)	(3,127)	(23)	(1)
Net Cash Flows from/(used in) Financing Activities		(3,237)	(3,244)	7	-
Net Increase/(Decrease) in Cash and Cash Equivalents		(60)	(7,850)	7,790	99
Cash and Cash Equivalents at Beginning of Financial Year	6	27,723	24,594	3,129	13
Cash at End of Financial Year		27,663	16,745	10,918	65

STANDARD STATEMENTS

STANDARD CASH FLOW STATEMENT
VARIANCE EXPLANATION REPORT

REF	ITEM	COMMENTARY
1	Cash Receipts from Operating Activities	The additional receipts received were mainly a result of additional operating grants, interest on investments, developer contributions and other income as detailed in the notes to the Standard Income Statement.
2	Cash Payments in the Course of Operating Activities	The lower than anticipated level of payments was mainly due to delayed project and program expenditure which will now be incurred in the 2013/2014 financial year.
3	Proceeds from Property, Plant and Equipment	Sales proceeds were less than anticipated due to anticipated property sales that have been now taken off the market or deferred for later consideration.
4	Payments for Property, Plant and Equipment	The less than anticipated level of payments was mainly due to delayed capital project expenditure which will now be incurred in the 2013/2014 financial year.
5	Payments for Financial Assets	Payments for term deposits with an original maturity of greater than 90 days were treated as Cash and Cash Equivalents in the budget but have been actually classified as Financial Assets as a result of advice from the Victorian Auditor General's Office.
6	Cash and Cash Equivalents at Beginning of Financial Year	The additional cash held at the beginning of the financial year was mainly a result of government funding for 2013/2014 that was advanced to Council in the previous financial year together with capital and operational projects funds which were carried forward to be expended in 2013/2014

STANDARD STATEMENTS

STANDARD CAPITAL WORKS STATEMENT FOR THE YEAR ENDED 30 JUNE 2013

	NOTE	Actual 2012/13 \$'000s	Budget 2012/13 \$'000s	Variations \$'000s	%
CAPITAL WORKS AREAS					
Roads, Paths, Bridges and Carparks	1	13,997	17,492	(3,495)	(20)
Drainage	2	75	120	(45)	(37)
Land, Buildings and Improvements	3	4,352	5,619	(1,267)	(23)
Plant and Equipment	4	3,178	2,037	1,141	56
Furniture, Equipment and Intangibles	5	1,231	550	681	124
Playgrounds	6	423	673	(250)	(37)
Artworks	7	24	15	9	61
Landfill Cell Construction	8	1,006	1,500	(494)	(33)
Total Capital Works		24,286	28,006	(3,720)	(13)
Represented by:					
Asset Renewal	9	14,260	16,977	(2,717)	(16)
New Assets	10	4,038	4,942	(904)	(18)
Asset Expansion/ Upgrade		5,988	6,087	(99)	(2)
Total Capital Works		24,286	28,006	(3,720)	(13)

Property, Infrastructure, Plant and Equipment and Intangibles movement reconciliation worksheet

Total Capital Works		24,286	28,006	(3,720)	(13)
Depreciation and Amortisation		(20,004)	(21,400)	1,396	(7)
Less Written down value of assets sold		(856)	(657)	(199)	30
Developer contributed assets		2,150	2,000	150	7
Recognition of Previously Unrecognised Assets		1,312	-	1,312	100
Reversal of Assets held for sale		744	-	744	100
Write Off Previously Recognised Assets		(905)	-	(905)	100
Asset Revaluation Reserve		91,521	18,572	72,949	393
Net movement in Property, Infrastructure, Plant and Equipment and Intangibles		98,247	26,521	71,726	270

STANDARD STATEMENTS

STANDARD CAPITAL WORKS STATEMENT
VARIANCE EXPLANATION REPORT

REF	ITEM	COMMENTARY
1	Roads, Paths, Bridges and Carparks	The lower than anticipated expenditure is largely due to delays experienced in Churchill Activity Centre Plan works, road rehabilitation projects, rural gravel road sealing program, timber haulage program, Coalville Road Moe pedestrian link and the footpath replacement program. These funds will be carried over to complete these projects in the 2013/2014 financial reporting period.
2	Drainage	The variance relates to delays in the completion of Commercial Road Gross Pollutant Trap Installation which is now forecast to be carried over to allow completion of the works in the 2013/2014 financial year. This has been partially offset by additional expenditure in drainage works at Alamere Drive Traralgon that were funded from developer contributions reserves.
3	Land, Buildings and Improvements	The lower than anticipated expenditure is largely due to the reclassification of some items/projects to operating expenditure together with some projects which are ongoing and these funds will be carried over to complete these projects in the 2013/2014 financial reporting period such as the Moe outdoor pool upgrade.
4	Plant and Equipment	The additional expenditure incurred was mainly due to Transfer Station Upgrade expenditure that was budgeted as operating expenditure, together with some plant and fleet expenditure that was ordered in the previous financial year but delivered during 2012/2013 and funded from prior year allocations carried forward.
5	Furniture ,Equipment and Intangibles	The additional expenditure incurred was mainly due to the telephone system upgrade and survey and CCTV equipment that was funded from prior year allocations carried forward and government grants not identified in the budget.
6	Playgrounds	The lower than anticipated expenditure was primarily a result of the Morwell Skate Park project being still under construction at year end these funds will be carried over for completion of the project in the 2013/2014 financial year.
7	Artworks	The Latrobe Regional received an unanticipated donation from Public Galleries Association of Victoria that allowed additional expenditure on Artworks during the year.

STANDARD STATEMENTS

STANDARD CAPITAL WORKS STATEMENT

VARIANCE EXPLANATION REPORT (CONTINUED)

REF	ITEM	COMMENTARY
8	Landfill Cell Construction	This variance is a result of \$1.500M set aside for the construction of cell 4 at Council's landfill largely offset by \$1.006M spent in the completion of cell 3 from funds carried over from the previous financial year.
9	Asset Renewal	The lower than anticipated renewal expenditure is largely a result of road projects delayed due to various factors with the funds to be carried over to complete the projects during 2013/2014.
10	New Assets	The lower than anticipated expenditure on new assets is largely a result of the delay in the Churchill Town Centre Plan project with the funds to be carried over to complete the project during 2013/2014.

*STANDARD STATEMENTS***BASIS OF PREPARATION OF STANDARD STATEMENTS**

Council is required to prepare and include audited Standard Statements within its Annual Report. Four Statements are required a Standard Statement of Financial Performance, a Standard Balance Sheet, a Standard Statement of Cash Flows, and a Standard Statement of Capital Works, together with explanatory notes.

These statements and supporting notes form a special purpose financial report prepared to meet the requirements of the *Local Government Act 1989* and Local Government (Finance and Reporting) Regulations 2004.

The Standard Statements have been prepared on an accounting basis consistent with those used for the General Purpose Financial Statements and the Budget. The results reported in these statements are consistent with those reported in the General Purpose Financial Statements.

The Standard Statements are not a substitute for the General Purpose Financial Statements, which are included at the beginning of the Financial Statements section of the Annual Report. They have not been prepared in accordance with all Australian Accounting Standards or other authoritative professional pronouncements.

The Standard Statements compare council's financial plan, expressed through its budget, with actual performance. The *Local Government Act 1989* requires explanation of any material variances. The City has adopted a materiality threshold of 10 per cent or \$250,000. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

The budget figures included in the Statements are those adopted by Council on 16 July 2012. The budget was based on assumptions that were relevant at the time of adoption of the budget. The Council set guidelines and parameters for revenue and expense targets in this budget in order to meet council's business plan and financial performance targets for both the short and long term. The budget did not reflect any changes to equity resulting from asset revaluations, as their impacts were not considered predictable.

Detailed information on the actual financial results is contained in the General Purpose Financial Statements. The detailed budget can be obtained by contacting council. The Standard Statements must be read with reference to these documents.

CERTIFICATION OF STANDARD STATEMENTS

In my opinion the accompanying standard statements have been prepared on accounting bases consistent with the financial statements and in accordance with the *Local Government Act 1989*, the *Local Government (Finance and Reporting) Regulations 2004*.

Principal Accounting Officer

Matthew Rogers, CPA
Dated: 16 September 2013

In our opinion the accompanying standard statements have been prepared on accounting bases consistent with the financial statements and in accordance with the *Local Government Act 1989* and the *Local Government (Finance and Reporting) Regulations 2004*.

As at the date of signing, we are not aware of any circumstances which would render any particulars in the standard statements to be misleading or inaccurate.

We have been authorised by the Council on 16 September 2013 to certify the standard statements in their final form.

Councillor

Cr. Darrell White
Dated: 16 September 2013

Councillor

Cr. Michael Rossiter
Dated: 16 September 2013

Acting Chief Executive Officer

Michael Edgar
Dated: 16 September 2013

AUDITOR GENERAL'S REPORT ON FINANCIAL AND STANDARD STATEMENTS

INSERT AUDIT REPORT HERE

Performance Statement

PERFORMANCE STATEMENT

INTRODUCTION TO THE PERFORMANCE STATEMENT

The Performance Statement reports the result of Strategic Activities adopted by Council in its annual budget in accordance with the requirements of the *Local Government Act 1989*.

Economy

KEY STRATEGIC ACTIVITY

Deliver "Positioning Latrobe City for a Low Carbon Emission Future" to maximise the opportunities for alternative technologies and non traditional uses for coal, through support of the Low Carbon Emissions Future Transition Committee.

Not Achieved – Only one Committee meeting being held due to Council deciding to abolish the Committee by Council resolution in April 2013.

Performance Measure	Target	Actual
Cost	Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to resources allocated within Council's adopted budget.	Achieved. Latrobe City Council's contribution was limited to the cost of internal resources only.
Time	The Ordinary Council Meeting, at which a report detailing progress and activities during 2012/13 financial year will be presented to Council for consideration, will be no later than 30 June 2013.	Achieved. At its ordinary meeting of 17 December 2012, Council resolved the following- "That Council notes the update on the implementation of Positioning Latrobe City for a Low Carbon Emission Future".
Quantity	A minimum of two Low Carbon Committee meetings will be held during 2012/13.	Not achieved. One meeting was held during 2012/13. The Committee was abolished by Council resolution in April 2013.
Quality	Progression of actions and objectives from the 'Positioning Latrobe City for a Low Carbon Emission Future'.	Not Achieved. One meeting was held during 2012/13. The Committee was abolished by Council resolution in April 2013.

PERFORMANCE STATEMENT

Natural Environment

KEY STRATEGIC ACTIVITY

Implement actions from the Natural Environment Sustainability Strategy 2008-2013 to achieve identified biodiversity and sustainability outcomes.

Achieved - within the 2012/13 financial year, with performance targets met, as outlined below.

Performance Measure	Target	Actual
Cost	Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to resources allocated within Council's adopted budget.	Achieved. Latrobe City Council allocated \$9,634,500 within the adopted budget towards the Natural Environment Sustainability Strategy, with actual expenditure of \$5,638,453 incurred.
Time	The Ordinary Council Meeting, at which a progress report on the delivery of actions identified by the Natural Environment Sustainability Strategy is presented to Council for consideration, will be no later than 30 June 2013.	Achieved. The annual snapshot report on the delivery of actions identified by the Natural Environment Sustainability Strategy was adopted by Council at the 3 June 2013 Ordinary Council Meeting.
Quantity	A report on the progress delivered against actions identified in the Natural Environment Sustainability Strategy 2008 - 2013 will be presented to Council for consideration.	Achieved. The annual snapshot report on the delivery of actions identified by the Natural Environment Sustainability Strategy was adopted by Council at the 3 June 2013 Ordinary Council Meeting.
Quality	Progression of actions and objectives from the Natural Environment Sustainability Strategy 2008-2013, and provision of information to Council on progress.	Achieved. The annual snapshot report on the delivery of actions identified by the Natural Environment Sustainability Strategy was adopted by Council at the 3 June 2013 Ordinary Council Meeting.

PERFORMANCE STATEMENT

Built Environment

KEY STRATEGIC ACTIVITY

Pursue government funding opportunities to progress construction of the Moe Rail Precinct Revitalisation Project in accordance with the Moe Activity Centre Plan.

Achieved - within the 2012/13 financial year, with performance targets met, as outlined below.

Performance Measure	Target	Actual
Cost	Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to the resources allocated within Council's adopted budget.	Achieved. Latrobe City Council's contribution was limited to the cost of internal resources only.
Time	The Ordinary Council Meeting, at which the summary of funding programs and opportunities identified will be presented to Council for consideration, will be no later than 30 June 2013.	Achieved. The summary of funding programs and opportunities identified was presented to Council for consideration on the 25th of March 2013 at a special Council Meeting.
Quantity	A report detailing potential funding programs and opportunities will be identified throughout the 2012/13 financial year.	Achieved. A report detailing potential funding programs was included in the review report considered at the 25 March 2013 special Council Meeting. In accordance with the resolution from Council the seeking of funding for this project has recommenced. A formal application for funding to the Victorian Government's Regional Growth Fund was submitted on 21 June 2013. No additional commitments for further funding have been given by State or Federal Governments to date.
Quality	The report will outline potential program funding opportunities, funding guidelines and provide recommendations to progress the Moe Rail Precinct Revitalisation Project development.	Achieved. The report presented at the 25 March 2013 special Council Meeting outlined potential program funding opportunities, funding guidelines and provided recommendations to progress the Moe Civic Precinct development.

(Latrobe City Council acknowledges the subjective nature of this measure, but is constrained in its ability to provide an alternative quality measure that is quantifiable within the reporting period).

PERFORMANCE STATEMENT

KEY STRATEGIC ACTIVITY

Finalise Stage 2 of the Traralgon Activity Centre Plan to improve access, guide future land use and establish an urban design framework and parking precinct.

Not Achieved - Following a resolution of Council on 19 September 2011 which links Traralgon Activity Centre Plan (TACP) to the delivery of Traralgon Growth Areas Review (TGAR).

Performance Measure	Target	Actual
Cost	Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to resources allocated within Council's adopted budget.	Achieved. Latrobe City Council allocated \$30,000 within the adopted budget towards the Traralgon Activity Centre Plan, with actual expenditure of \$17,564 incurred.
Time	The Ordinary Council Meeting, at which Stage 2 of the Traralgon Activity Centre Plan will be presented to Council for consideration, will be no later than 30 June 2013.	Not Achieved. Following a resolution of Council on 19 September 2011 which links Traralgon Activity Centre Plan (TACP) to the delivery of Traralgon Growth Areas Review (TGAR), Stage 2 of the TACP was not presented to Council prior to 30 June 2013.
Quantity	Finalisation of Stage 2 of the Traralgon Activity Centre Plan will result in the completion of an Urban Design Framework, Activity Centre Plan and Implementation Plan to inform a planning scheme amendment.	Not Achieved. The draft Urban Design Framework, Activity Centre Plan, Parking Strategy and implementation Plan was not completed as a result of the resolution of Council on 19 September 2011.
Quality	The quality of Stage 2 outputs and resulting planning scheme amendment will be measured by the success of the Planning Scheme amendment process, including assessment by an independent Planning Panel and the decision by the Minister for Planning.	Not Achieved. The TACP project is subject to the success of the Planning Scheme Amendment process (i.e. Stage 3) which has not yet commenced.

(Latrobe City Council acknowledges the subjective nature of this measure, but is constrained in its ability to provide an alternative quality measure that is quantifiable within the reporting period).

PERFORMANCE STATEMENT

Community

KEY STRATEGIC ACTIVITY

In consultation with community groups, develop and implement a Seniors Week program of activities to provide opportunities for active participation of older people.

Achieved - within the 2012/13 financial year, with performance targets met, as outlined below.

Performance Measure	Target	Actual
Cost	Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to resources allocated within Council's adopted budget.	Achieved. Latrobe City Council allocated \$10,300 within the adopted budget towards the Seniors Week, with actual expenditure of \$9,973.
Time	Delivery of the Seniors Week program of activities by no later than 31 October 2012.	Achieved. Program delivered in October 2012
Quantity	Delivery of a program of activities, to provide opportunities for active participation of older people during Seniors Week.	Achieved. Event held over 7 days offering over 40 activities.
Quality	Senior's Week program that receives positive feedback from participants and is well attended.	Achieved. All activities fully booked. Surveys returned at major activities show only positive feedback. Unsolicited letters of appreciation have been received.

Culture

KEY STRATEGIC ACTIVITY

Develop the Latrobe City Events Strategy and Action Plan 2013-2017 and present to Council for consideration.

Achieved - within the 2012/13 financial year, with performance targets met, as outlined below.

Performance Measure	Target	Actual
Cost	Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to resources allocated within Council's adopted budget.	Achieved. Latrobe City Council's contribution was limited to the cost of internal resources only.
Time	The Ordinary Council Meeting, at which the Events Strategy and Action Plan will be presented to Council for consideration, will be no later than 30 June 2013.	Achieved. The 2013-2017 Latrobe City Events Strategy and Action Plan was adopted by Council at the Ordinary Council Meeting on 17 September 2012.
Quantity	The Events Strategy and Action Plan will identify key principles and actions to facilitate continued growth and development of events for economic benefit, to build capacity in our community and to lift the profile of Latrobe City.	Achieved. The 2013-2017 Latrobe City Events Strategy and Action Plan contains key principles and actions to facilitate continued growth and development of events.
Quality	The Events Strategy and Action Plan will provide clear strategic directions for Latrobe City events and ensure continued growth and sustainability of events for the benefit of Latrobe City.	Achieved. The 2013-2017 Latrobe City Events Strategy and Action Plan provides clear strategic directions for Latrobe City events and will ensure continued growth and sustainability of events.

(Latrobe City Council acknowledges the subjective nature of this measure, but is constrained in its ability to provide an alternative quality measure that is quantifiable within the reporting period).

PERFORMANCE STATEMENT

Recreation

KEY STRATEGIC ACTIVITY

Finalise review of the Latrobe City Public Open Space Plan to ensure accessible, connected and varied open space experiences continue to be provided for our community.

Achieved - within the 2012/13 financial year, with performance targets met, as outlined below.

Performance Measure	Target	Actual
Cost	Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to resources allocated within Council's adopted budget.	Achieved. Latrobe City Council's contribution was limited to the cost of internal resources only.
Time	The Ordinary Council Meeting, at which the Public Open Space Plan will be presented to Council for consideration, will be no later than 30 June 2013.	Achieved. The Public Open Space Plan was presented to Council on 20 May 2013.
Quantity	The revised Latrobe City Public Open Space Plan key principles and actions will guide and define the provision of public open space in Latrobe City for the enjoyment of the community.	Achieved. The Public Open Space Strategy will achieve the quality measure.
Quality	The quality of outputs will be measured by the Department of Planning and Community Development's level of satisfaction with the information and process used to support a subsequent planning scheme amendment.	Achieved. Department of Planning and Community Development have indicated that they are satisfied with the quality of the Public Open Space Strategy. The Strategy provides clear strategic directions for Latrobe City in respect to the planning for and management of open space within Latrobe City.

(Latrobe City Council acknowledges the subjective nature of this measure, but is constrained in its ability to provide an alternative quality measure that is quantifiable within the reporting period).

PERFORMANCE STATEMENT

Governance

KEY STRATEGIC ACTIVITY

Develop the Council Plan 2013-2017, present to Council for consideration and submit to the Minister for Local Government within the legislated timeframe.

Achieved - within the 2012/13 financial year, with performance targets met, as outlined below.

Performance Measure	Target	Actual
Cost	Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to the resources allocated within Council's adopted budget.	Achieved. Latrobe City Council allocated \$15,800 within the adopted budget towards the development of the Council Plan, with actual expenditure of \$10,208.
Time	Submit the Council Plan 2013- 2017 to the Minister for Local Government by the 30 June 2013.	Achieved. Council resolved to adopt the Council Plan 2013-2017 on the 24 June 2013. The Council Plan was submitted electronically to the Minister for Local Government on the 27 June 2013.
Quantity	The Council Plan 2013 – 2017 will identify four year strategic objectives of Council, strategies to achieve identified objectives, strategic performance indicators and a four year strategic resources plan, in accordance with the Local Government Act.	Achieved. The Council Plan 2013 – 2017 identifies four year strategic objectives of Council, strategies to achieve identified objectives, strategic performance indicators and is supported by a four year strategic resources plan, in accordance with the Local Government Act.
Quality	The Council Plan will outline Latrobe City Council's response to the objectives of 'Latrobe 2026: The Community Vision for Latrobe Valley' and identify Councillors strategic directions for the next four years.	Achieved. Latrobe 2026: The Community Vision for Latrobe Valley was considered by Council during the preparation of the Council Plan and the strategic directions identified.

PERFORMANCE STATEMENT

Advocacy and Partnerships

KEY STRATEGIC ACTIVITY

*Develop a City Image Strategy to strengthen Latrobe City's profile as Gippsland's Regional City.***Not Achieved** - Council resolved to indefinitely defer further consideration of the draft City Image Strategy.

Performance Measure	Target	Actual
Cost	Latrobe City Council's financial contribution during the 2012/13 financial year will be limited to the resources allocated within Council's adopted budget.	Achieved. Latrobe City Council allocated \$25,000 within the adopted budget towards the City Image Strategy, with actual expenditure of \$23,571 incurred.
Time	The Ordinary Council Meeting, at which the Latrobe City Image Strategy will be presented to Council for consideration, will be no later than 30 June 2013.	Achieved. A draft City Image Strategy was presented to Council on 3 June 2013. Council resolved to indefinitely defer further consideration of the draft City Image Strategy.
Quantity	The Latrobe City Image Strategy will guide Latrobe City Council's role in promoting a sense of community pride and promote Latrobe City's regional city status.	Not Achieved. Strategy not adopted by Council.
Quality	The Latrobe City Image Strategy will provide clear strategic direction to strengthen Latrobe City's profile as Gippsland's Regional city.	Not Achieved. Strategy not adopted by Council.

(Latrobe City Council acknowledges the subjective nature of this measure, but is constrained in its ability to provide an alternative quality measure that is quantifiable within the reporting period).

COUNCIL APPROVAL OF THE PERFORMANCE STATEMENT

In our opinion the accompanying performance statement of the Latrobe City Council in respect of the 2012/2013 financial year is presented fairly.

At the time of signing we are not aware of any circumstance which would render any particular in the statement to be misleading or inaccurate.

We have been authorised by the Council on 16 September 2013 to certify the performance statement in its final form.

Councillor

Cr. Darrell White
Dated: 16 September 2013

Councillor

Cr. Michael Rossiter
Dated: 16 September 2013

Acting Chief Executive Officer

Michael Edgar
Dated: 16 September 2013

AUDITOR GENERAL'S REPORT ON PERFORMANCE STATEMENT

INSERT AUDIT REPORT HERE

16.4 COUNCILLOR CODE OF CONDUCT

GENERAL MANAGER

Governance

For Decision**PURPOSE**

The purpose this report is to present Council with the proposed Councillor Code of Conduct for its consideration.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

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

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Our Community

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

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

Local Government Act 1989

Section 76C: Councillor Code of Conduct.

BACKGROUND

In 2008 the *Local Government Act 1989* (the Act) was amended and introduced section 76C which required all Councils to develop and approve a Councillor Code of Conduct. This section of the Act further stipulates that:

A Council must review the Councillor Code of Conduct within the period of 12 months after a general election.

A Councillor Code of Conduct—

- *must include the Councillor conduct principles (as outlined in sections 76B and 76BA);*
- *may set out processes for the purpose of resolving an internal dispute between Councillors;*
- *must include provisions in respect of any matter prescribed for the purpose of this section;*
- *may include any other matters relating to the conduct of Councillors which the Council considers appropriate.*

A further requirement of the Act is that a Councillor Code of Conduct must not be inconsistent with any Act or regulation.

ISSUES

The current Councillor Code of Conduct was adopted by Council on 16 November 2009 and in order to comply with the statutory obligation of the *Local Government Act 1989*, it is required to have undergone a review within 12 months of last year's general election which took place on 27 October 2012.

In carrying out this review, Councillors were invited to participate in two workshops that were conducted by local government law specialist, Terry Bramham from Macquarie Lawyers. These workshops were held on 31 May and 21 June 2013, and Councillors who did not attend these workshops were subsequently contacted by Mr Bramham to ensure that all were afforded an opportunity to discuss the content of the Code of Conduct and provide input to the review. Following each workshop, a summary of the items discussed was also emailed to Councillors.

In reviewing the Councillor Code of Conduct, the following items were identified by Councillors:

1. Clarify clause 11.1 (Mayor) to state that the Mayor's roles include –
 - a. Meeting with persons and organisations on Council's behalf;
 - b. Representing Council's position at such meetings;
 - c. Inviting interested Councillors to attend such meetings;
 - d. Keeping councillors informed of matters discussed at such meetings (currently via the Councillor Bulletin).

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

2. Amend clause 11.2 (Deputy Mayor) to provide that the provision only applies if Council has elected a Deputy Mayor.
3. Expand clause 4 (Confidential information) to provide that –
 - a. All discussions during an assembly of Councillors (“I & D” meetings) are confidential;
 - b. All discussions between Councillors are confidential if one of the Councillors designates the discussion to be confidential; and
 - c. All correspondence between Councillors designated “confidential” is confidential.
4. Clarify clause 11.3 (Councillors) to state that Councillors must not represent or speak on behalf of Council or another Councillor without authorisation.
5. Expand clause 12.2 (Councillors/Councillors) to include relevant user provisions of the Social Media Policy requiring a Councillor when using social media to –
 - a. Ensure that any information about Council, Councillors or the organisation is accurate and factual; and
 - b. Ensure no disparaging remarks are made about Council, Councillors or the organisation.
6. Expand clause 12.5 (Councillors/Officers) to provide that Councillor concerns with Officer conduct or performance are to be expressed only to the Chief Executive Officer.

The table attached provides an overview of the amendments in relation to requested changes.

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 not considered to be any financial or resource implications associated with this report.

INTERNAL/EXTERNAL CONSULTATION

Councillors were invited to participate in two workshops on 31 May and 21 June 2013 as part of this review process. Councillors who did not attend the workshops were subsequently contacted by Mr Bramham to ensure that they were afforded an opportunity to discuss the content of the Code of Conduct and to provide input to the review.

Upon its adoption the Code of Conduct will be made available to the public through Council’s website.

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)****OPTIONS**

Council have the following options:

1. Adopt the proposed Councillor Code of Conduct;
2. Amend and adopt the Councillor Code of Conduct; or
3. Not adopt the proposed Councillor Code of Conduct.

CONCLUSION

Council is required to conduct a review of the Councillor Code of Conduct within 12 months of a general election. The proposed Councillor Code of Conduct is consistent with the requirements of the Local Government Act 1989 and has been revised in consultation with a Local Government law specialist.

By approving the Councillor Code of Conduct, Council is meeting its statutory obligations and actively and openly confirming its commitment to the practice of good governance.

Attachments

1. Table of changes to Councillor Code of Conduct
2. Proposed Councillor Code of Conduct 2013

RECOMMENDATION

That Council adopts the 2013 Councillor Code of Conduct and makes it available to the public.

Moved: Middlemiss

Seconded: White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

16.4

Councillor Code of Conduct

1	Table of changes to Councillor Code of Conduct.....	901
2	Proposed Councillor Code of Conduct 2013.....	903

Councillor Code of Conduct	Action Status	Comments
1. Clarify clause 11.1 (Mayor) to state that the Mayor's roles include – a. Meeting with persons and organisations on Council's behalf; b. Representing Council's position at such meetings; c. Inviting interested Councillors to attend such meetings; d. Keeping councillors informed of matters discussed at such meetings (currently via the Green Guide).	✓	Completed Inserted clauses 11.1.9 11.1.10 11.1.11 11.1.12
2. Amend clause 11.2 (Deputy Mayor) to provide that the provision only applies if Council has elected a Deputy Mayor.	✓	Completed
3. Expand clause 4 (Confidential information) to provide that – a. All discussions during an assembly of Councillors ("I & D" meetings) are confidential; b. All discussions between Councillors are confidential if one of the Councillors designates the discussion to be confidential; and c. All correspondence between Councillors designated "confidential" is confidential.	✓	Completed Inserted clauses 4.1.1 4.1.2 4.1.3
4. Clarify clause 11.3 (Councillors) to state that Councillors must not represent or speak on behalf of Council or another Councillor without authorisation.	✓	Completed Inserted clause 11.3.6
5. Expand clause 12.2 (Councillors/Councillors) to include relevant user provisions of the Social Media Policy prohibiting a Councillor when using social media to – a. Ensure that any information about Council/Councillors/organisation is accurate and factual; and b. Ensure no disparaging remarks are made about Council/Councillors/organisation/is not disparaging.	✓	Completed Inserted clauses 12.2.5 12.2.6
6. Expand clause 12.5 (Councillors/Officers) to provide that Councillor concerns with Officer conduct or performance are to be expressed only to the Chief Executive Officer.	✓	Completed Inserted clause 12.6
7. Review excerpts from Act and update accordingly	✓	Completed

LATROBE CITY COUNCIL

COUNCILLOR CODE OF CONDUCT

This Code, which incorporates the statutory requirements specified for a Code of Conduct in accordance with section 76C of the *Local Government Act 1989*, was adopted by resolution of the Latrobe City Council on <insert date> 2013.

1. Introduction

As councillors of the Latrobe City Council we are committed to working in the best interests of the people within our municipality and to discharging our responsibilities to the best of our skill and judgment.

2. Councillor Conduct Principles

We endorse and agree to the following Councillor Conduct Principles specified in sections 76B and 76BA of the Act:

- 2.1 In carrying out our role as councillors, we will:
 - 2.1.1 act with integrity; and
 - 2.1.2 impartially exercise our responsibilities in the interests of the local community; and
 - 2.1.3 not improperly seek to confer an advantage or disadvantage on any person.
- 2.2 In addition, in performing our role each councillor will:
 - 2.2.1 avoid conflicts between our public duties as a councillor and our personal interests and obligations;
 - 2.2.2 act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
 - 2.2.3 treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other councillors, council officers and other persons;
 - 2.2.4 exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
 - 2.2.5 endeavour to ensure that public resources are used prudently and solely in the public interest;
 - 2.2.6 act lawfully and in accordance with the trust placed in us as elected representatives;
 - 2.2.7 support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of councillor.

3. Council decision making

- 3.1 We are committed to making all decisions impartially and in the best interests of the whole community and acknowledge that effective decision-making is vital to the democratic process and an essential component of good governance. Accordingly:
- 3.1.1 We will actively and openly participate in the decision making process, striving to be informed to achieve the best outcome for the community;
 - 3.1.2 We will respect the views of the individual in the debate. However, we also accept that decisions are based on a majority vote; and
 - 3.1.3 We accept that no councillor can direct another councillor on how to vote on any decision.

4. Confidential information

Councillors acknowledge that we will comply with our obligations under section 77 of the *Local Government Act* 1989 in relation to confidential briefings or information (as defined under the Act) and recognise that this obligation extends to ensuring the safekeeping of confidential information.

- 4.1 This includes:
- 4.1.1 All discussions during a meeting that is deemed to constitute an assembly of Councillors, including Issues and Discussion sessions and briefings shall be confidential;
 - 4.1.2 All discussions between Councillors shall be deemed confidential if one or more Councillors designates the discussion to be confidential; and
 - 4.1.3 All correspondence between Councillors designated "confidential" shall be treated as confidential information as per the provisions of Section 77 Confidential Information in the Local Government Act 1989.

5. Access to and use of council information

- 5.1 We will treat Council information appropriately, by:
- 5.1.1 Not using information gained by virtue of our position as a councillor for any purpose other than to exercise our role as a councillor;
 - 5.1.2 Respecting the Council's policies in relation to public comments and communications with the media;
 - 5.1.3 Not releasing information deemed 'confidential information' in accordance with section 77 of the Act; and
 - 5.1.4 Recognising the requirements of the *Information Privacy Act 2000* regarding the access, use and release of personal information.
- 5.2 Councillors acknowledge that all requests made by councillors for briefings from council officers or access to information on council files should be

registered and reported. This obligation does not apply to requests for clarification/explanation of items on a forthcoming council agenda.

6. Use of council resources

- 6.1 Council resources are to be used effectively and economically by ensuring:
 - 6.1.1 We maintain adequate security over Council property, facilities and resources provided to us to assist in performing our role;
 - 6.1.2 we do not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and ensure payments are made where appropriate; and
 - 6.1.3 we do not use public funds or resources in a manner that is improper or unauthorised.

7. Relationships with Staff

- 7.1 As councillors we will work as part of the Council team with the Chief Executive Officer and other members of staff. There should be mutual respect and understanding between councillors and officers in relation to their respective roles, functions and responsibilities.
- 7.2 Our role is one of advocacy and leadership rather than management and administration. The Chief Executive Officer is responsible for all staff matters.
- 7.3 As councillors, we will be aware of the requirements of Section 76E of Local Government Act 1989 and must not seek to improperly direct or influence members of Council staff in the exercise of their duties. It is appropriate to notify either the relevant General Manager or Manager when specific issues or particular functions are required to be undertaken.

8. Communication and Media

We will endeavour to ensure that the messages communicated through the media are clear and consistent, and positively portray the Council as a decisive and responsible governing body.

- 8.1 The Mayor will provide official comment to the media on behalf of Council where the matter is of a political, controversial or sensitive nature. This includes:
 - 8.1.1 State-wide political issues affecting Local Government;
 - 8.1.2 Contentious local issues that impact the community that do not relate directly to the business of Council but to the representation of the community;
 - 8.1.3 Issues pertaining to policy and Council decisions;
 - 8.1.4 Issues relating to the strategic direction of the Council; and
 - 8.1.5 The Mayor may nominate to a councillor or other councillor to make official comment on behalf of the Council, where appropriate;

- 8.2 The CEO is the official spokesperson for all operational matters pertaining to the Latrobe City Council as an organisation including:
- 8.2.1 Staffing and structure of the organisation
 - 8.2.2 Corporate issues relating to service provision or the day-to-day business of Council.
- 8.3 The CEO may nominate a Council officer spokesperson if appropriate. As individual councillors we are entitled to express independent views through the media, however we will make it clear that any unofficial comment is a personal view, and does not represent the position of the Council as a whole.

9. Conflict of Interest Procedures

The Council is committed to making all decisions impartially and in the best interests of the whole community. It therefore recognises the importance of fully observing the requirements of the Act in regard to the disclosure of conflicts of interest.

For the purpose of this Code, “direct interest”, “indirect interest” and “conflicts of interest”, have the meanings specified in the Act.

- 9.1 We will comply with all the provisions of the Act in regard to Conflicts of Interest.

In addition to the requirements of the Act:

- 9.2 We will give early consideration to each matter to be considered by the Council, any special committee to which we belong, or assembly of councillors, to ascertain if we have a conflict of interest.
- 9.3 We recognise that the legal onus to determine whether a conflict of interest exists rests entirely with each individual councillor and that Council officers cannot offer any advice in relation to potential conflicts. If we cannot confidently say that we do not have a conflict of interest, we will declare a conflict of interest and comply with the relevant requirements as if we had a conflict of interest.
- 9.4 If we consider that we may be unable to vote on a matter because of a conflict of interest, we will notify, as soon as possible, the Mayor or the Committee Chair, depending on whether the matter is to be considered by the Council, a special committee, or an assembly of councillors, as well as the Chief Executive Officer.

10. Dispute Resolution Procedures

- 10.1 Before commencing any formal dispute resolution process, the councillors who are parties to any disagreement will endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.
- 10.2 In the event of any dispute occurring where councillors are unable to resolve interpersonal conflicts that adversely affect the operation of the Council, the parties to the dispute agree to work together to try to resolve

the dispute and will agree to the appointment of a mediator nominated by the Chief Executive Officer and acceptable to both parties, or failing agreement, nominated by the President of the Municipal Association of Victoria and appointed by the Chief Executive Officer, if they are unable to resolve the dispute within (insert appropriate number) days.

- 10.3 If a mediator is appointed, all councillors agree to cooperate with the dispute resolution process and use their best endeavours to assist the mediator when requested.
- 10.4 In the event that a dispute cannot be resolved through application of these processes, it may be referred to a Councillor Conduct Panel.
- 10.5 If the dispute relates to an apparent offence under the *Local Government Act* it should be referred to the Minister for Local Government and not the subject of an application to a Councillor Conduct Panel.
- 10.6 The dispute resolution procedure is not intended to resolve differences in policy or decision making, which are appropriately resolved through debate and voting in Council and Committee meetings

11. Roles within Latrobe City Council

We recognise that being clear about the different roles of the various parts of our organisation will assist us in maintaining good governance. We also recognise that by understanding our roles we can better communicate and work together.

We agree on the following definitions of roles:

11.1 Mayor

The Mayor is the leader of Latrobe City Council and as such should be the leader of all Councillors. The Mayor has a key role to help all Councillors participate and work together in the interests of the Latrobe City Council's community.

In fostering good governance, the most important roles of the Mayor are:

- 11.1.1 to chair the Council meetings in a way which encourages the participation and involvement by all Councillors;
- 11.1.2 to encourage Councillors to treat each other with respect and courtesy;
- 11.1.3 to model the type of behaviour which Latrobe City Council expects of all Councillors;
- 11.1.4 to provide leadership in demonstrating and achieving good governance;
- 11.1.5 to work with the Chief Executive Officer in providing leadership to the entire organisation;
- 11.1.6 to be the public spokesperson in support of Council decisions;
- 11.1.7 to liaise with all Councillors with a view to facilitating the capacity of Councillors to work together and to identify any possible issues or

- problems which may require assistance in resolution; and
- 11.1.8 to be the leader of all Councillors and not to align themselves with any particular group of Councillors;
- 11.1.9 to meet with organisations and people on behalf of Council;
- 11.1.10 to represent Council's position at meetings;
- 11.1.11 shall use best endeavours to invite other Councillors to such meetings
- 11.1.12 to keep Councillors informed of matters discussed at meetings such as those outlined in the Councillor Bulletin newsletter.

11.2 Deputy Mayor

Council has a Deputy Mayor in order to enhance the leadership provided by the Mayor and also to ensure that Latrobe City Council can be represented by its political leadership wherever this is necessary or desirable. The Deputy Mayor should also assist the Mayor to facilitate the spirit of cooperation and inclusion between Councillors.

The appointment of a Deputy Mayor shall only apply when Council has elected to appoint a Councillor to the role of Deputy Mayor.

The Deputy Mayor is part of the leadership group and as such should participate in the meetings between the Mayor and the Chief Executive Officer.

The most important roles of the Deputy Mayor are:

- 11.2.1 to deputise for the Mayor as required when the issue or function relates to the entire municipality (when the issue or function is more ward based, the Mayor may nominate the ward Councillor to be his or her representative);
- 11.2.2 to liaise with all Councillors with a view to facilitating the capacity of Councillors to work together and to identify any possible issues or problems which may require assistance in resolution; and
- 11.2.3 to model leadership and good governance behaviour internally and externally.

11.3 Councillors

We have important roles to play in helping to achieve good governance. We recognise that we need to work together to achieve the best outcomes for the Latrobe City Council community.

These key elements are included in the role of a Councillor:

- 11.3.1 to advocate and represent to Council on behalf of the community;
- 11.3.2 to facilitate communication between Council and the community;
- 11.3.3 to debate the issues in an open, honest and informed manner to assist the decision-making process;
- 11.3.4 to keep the whole-of-municipality in mind when considering and addressing issues;
- 11.3.5 to listen to the various Latrobe City Council communities and ensure the communities are informed about Council's views; and

Councillors must not represent or speak on behalf of Council or another Councillor without written authorisation to do so.

11.4 Chief Executive Officer

A key role of the Chief Executive Officer at Latrobe City Council is to foster a culture of democratic governance in the organisation. The Latrobe City Council Administration recognises that it is part of the organisation and that the reason for its existence is to support the Council in reflecting the aspirations of the Latrobe City community. The Chief Executive Officer should support this process by:

- 11.4.1 ensuring the provision of the best possible advice to Council, (this is the highest priority in supporting good governance);
- 11.4.2 ensuring that this advice incorporates the political context of the issue - at Latrobe City Council, the organisation shouldn't "play politics", but recognises that issues have a political context and that sophisticated advice reflects this;
- 11.4.3 recognising that one of the highest priorities of the position is governance and devoting time to managing relationships and facilitating the decision-making processes;
- 11.4.4 modelling and leading the organisation in the culture of democratic governance;
- 11.4.5 ensuring that the organisation understands its role in democratic governance and providing appropriate training;
- 11.4.6 ensuring that all Councillors are treated with the courtesy and respect arising from their position;
- 11.4.7 facilitating good communication between the officers and Councillors through appropriate strategies including the weekly Bulletin;
- 11.4.8 not to align him or herself with any particular group of Councillors;
and
- 11.4.9 to encourage all parties to treat each other with courtesy and respect.

11.5 Latrobe City Officers

The role of the administration at Latrobe City Council is to implement Council's goals, strategies and services and to support democratic governance through its support of and advice to Council.

At Latrobe City Council, officers also play other roles at times. These include assisting Councillors with particular ward issues and providing Councillors with advice and information.

Councillors at Latrobe City Council should recognise that at times they do place demands on officers and understand that these expectations can raise issues for officers. Councillors and officers should use good and open communication in order to ensure that relationships are not adversely affected and that expectations are understood and negotiated.

12. Relationships

Good governance and a successful Code of Conduct at Latrobe City Council is based on good relationships between the different parts of the organisation.

12.1 Mayor/Councillors

A good relationship between the Mayor and Councillors will assist all in working together to deliver the community plan and Latrobe 2026 vision. It will also increase the public credibility of the Latrobe City Council. Councillors understand that:

- 12.1.1 the Mayor is the leader of the Council and this role should be respected by all Councillors;
- 12.1.2 the Mayor should facilitate an inclusive approach to decision-making and involvement in Council activities in general;
- 12.1.3 the Mayor is responsible for councillors' training and development and should work with the Chief Executive Officers to ensure that councillors receive necessary training opportunities; and
- 12.1.4 the Mayor is a source of assistance for councillors and also has the responsibility for facilitating resolution of any disputes between councillors.

12.2 Councillors/Councillors

Councillors need each other to achieve their individual and collective goals. Good relationships between councillors assist in achieving a successful Council, a pleasant working environment and a Council with public credibility. Councillors recognise that:

- 12.2.1 councillors should have good working relationships in order to succeed individually and collectively;
- 12.2.2 while they may have different views, councillors should treat each other with respect and courtesy;
- 12.2.3 disagreements, if they must be aired, should be expressed in a way that causes no detriment to individual councillors or the Council as a whole; and
- 12.2.4 councillors should not undermine each other, either within the organisation or in public.

In accordance with Council's Social Media Policy, councillors shall:

- 12.2.5 Ensure that any information about Council, Councillors or the organisation is accurate and factual; and
- 12.2.6 Ensure no disparaging remarks are made about Council, Councillors, or the organisation is not disparaging.

12.3 Mayor / Chief Executive Officer

This important relationship assists in the smooth running of the organisation through good communication and anticipation of issues. It should be outward looking – that is, focused on how the elected representatives and the organisation

can be supported to best achieve the organisations goals. We understand that:

- 12.3.1 the Mayor and Chief Executive Officer should work closely together and put energy into achieving a good working relationship;
- 12.3.2 the relationship between the Mayor and Chief Executive Officer should be characterised by consistency, openness and good communication - each has the responsibility to keep the other informed about important and relevant issues and good communication ensures that an understanding develops about what is important and relevant;
- 12.3.3 the Mayor and the Chief Executive Officer need to understand that each has different roles and authorities - while the Mayor is the leader of Latrobe City Council, this position has no specific authority, unlike the Chief Executive Officer who has particular authorities under the Local Government Act and the relationship between the Mayor and the Chief Executive Officer should be sensitive to this issue;
- 12.3.4 the relationship between the Mayor and the Chief Executive Officer should aim to facilitate involvement and inclusion amongst the Councillors and the organisation - it does not seek to concentrate power in the relationship;
- 12.3.5 to facilitate inclusion and information sharing, the Mayor and Chief Executive Officer will publish a list of key meetings attended in the previous week in the weekly Bulletin; and
- 12.3.6 the Mayor and the Chief Executive Officer recognise the importance of consistent communication and, to support this, should have fixed weekly meetings which also involve the Deputy Mayor.

12.4 Councillors / Chief Executive Officer

Good relationships between Councillors and the Chief Executive Officer assist good governance and support the Code of Conduct. The Chief Executive Officer is often able to assist Councillors in addressing constituent issues. Similarly Councillors can keep the Chief Executive Officer informed about issues which may require additional resources. Good relationships between the Chief Executive Officer and Councillors can develop the relationship between Councillors and officers.

The Chief Executive Officer is also accountable to Councillors when they sit as Council. Councillors sitting as Council, are also responsible for performance management of the Chief Executive Officer. At Latrobe City Council it is recognised that:

- 12.4.1 performance management of the Chief Executive Officer is important to the organisation achieving its goals and setting the goals for the Chief Executive Officer is as important as assessing whether they have been achieved;
- 12.4.2 Councillors should commit themselves to spending the necessary time to set the goals as well as assessing their achievement;
- 12.4.3 the relationship between Councillors and Chief Executive Officer is

based on a good understanding of each other's roles;

12.4.4 Councillors understand that the Chief Executive Officer can be a source of advice and support and that good communication between Councillors and the Chief Executive Officer can assist the Chief Executive Officer's role; and

12.4.5 all Councillors have an interest in the selection and performance of the Chief Executive Officer and will ensure that any sub-committees charged with responsibilities in these areas will be broadly representative of the whole Council.

12.5 Councillors/Officers

In general relationships between Councillors and the officers at Latrobe City Council should be based on:

12.5.1 a mutual understanding and respect for each others' roles;

12.5.2 a preparedness to identify, discuss and resolve issues and problems if they arise;

12.5.3 on the part of the officers, a respect for and commitment to democratic governance and the primacy of Council in the organisational structure; and

12.5.4 on the part of Councillors, an understanding that the officers carry, in addition to its normal bureaucratic role, an additional workload, which at other levels of government, is shared with electorate officers and researchers. This means that:

12.5.4.1 Councillor requests have implications both for workload and potential "politicisation" of officers and Councillors bear this in mind when requesting information and/or assistance from officers; and

12.5.4.2 Officers understand that they are the only direct resource Councillors have when they require information or assistance and should keep this in mind when they are approached.

12.6 On occasions where Councillors wish to express any concerns regarding officer conduct or performance, these concerns shall expressed directly to the Chief Executive Officer.

13. Councillor requests for information

We will from time to time request information from the Chief Executive Officer, General Managers and Managers.

Councillors recognise that such requests should be issues based. Councillor requests can significantly add to the workloads of officers and cannot always be responded to immediately. Officers understand that it is legitimate for Councillors to make information requests of officers.

The process for addressing councillor requests for Information is that Councillors address information requests to the Chief Executive Officer, General Managers or Managers via the Mayoral and Council Support division. Where the information

request does not, in the judgment of the Chief Executive Officer, General Manager or Manager, involve significant resources, the request will be met within a timeframe agreed on between the Chief Executive Officer, General Manager or Manager.

If the Chief Executive Officer, General Manager or Manager believes that the information request will involve significant resources, he or she will work with the requesting councillor to prepare a report to Council seeking an appropriate Council resolution for the request to be met. Generally, all councillor requests for information should be made through the Mayoral and Council Support division. From time to time direct requests may be made through the Chief Executive Officer, General Manager or Managers directly.

If a General Manager or Manager believe that the requests from a councillor or councillors are becoming excessive, he or she will report this to the Chief Executive Officer who will discuss it with the councillor/s concerned and then with the Mayor if the problem persists.

13.1 Requests via email

The protocol aims to ensure that all responses from officers to Councillors in respect to councillor requests for information is provided to all councillors.

The rationale for this approach is to ensure that all councillors are provided with information at the same time and within the same context. This process ensures that no councillor is either advantaged or disadvantaged in respect to access to information.

All councillors will be emailed a copy of the response provided following an individual councillor request for information. This protocol also removes from officers the delicate choice of what matters are of concern to all councillors. This process enables officers to remain well removed from the political processes in that all councillor requests for information are dealt with in a uniform, transparent and unbiased manner.

There is benefit in all councillors receiving notification of all requests and the responses as these can be used by councillors to inform them of trends and patterns of requests coming from other areas of Latrobe City. Such patterns may provide vital information at budget preparation discussions.

If a councillor makes a request which they believe is of a private or confidential nature, the email will be directed to the Chief Executive Officer. Discussions will take place between the Councillor and the Chief Executive Officer to determine if the Chief Executive Officer agrees that the item should remain confidential and not shared with all other councillors. If the Chief Executive Officer disagrees with the confidential nature of the email the councillor will have the opportunity to withdraw the request.

13.2 Councillor / Chief Executive, General Manager and Manager Community Relations

Councillor-officer communication should incorporate the following understandings:

13.2.1 councillor and officer's roles are complex and every effort is be made to understand where each is coming from;

13.2.2 formal advice to Council will only be provided from the Chief

Executive Officer and General Managers;

13.2.3 councillors do not have the authority to direct officers;

13.2.4 communication is based on respect for each other and is not be used to undermine other Councillors or officers;

13.2.5 officers will inform their manager about any contact with councillors;

13.2.6 a councillor who wishes to complain about an officer will speak only with the Chief Executive Officer; and

13.2.7 officers approaching councillors about organisational issues are referred to their Manager, General Manager or Chief Executive Officer.

Division 1A—Conduct and interests**s. 76AA****76AA Definitions**

In this Division—

assembly of Councillors (however titled) means a planned or scheduled meeting of at least 3 Councillors and one member of Council staff which considers matters that are intended or likely to be—

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee—

but does not include a meeting of the Council, a special committee of the Council, a club, association, peak body, political party or other organisation;

matter means a matter with which a Council, special committee or a member of council staff is concerned and that will require—

- (a) a power to be exercised, or a duty or function to be performed, or a decision to be made, by the Council or a special committee in respect of the matter;
- (b) a power to be exercised, or a duty or function to be performed, or a decision to be made by a member of council staff in respect of the matter;

relevant person means a person who is a—

- (a) Councillor; or
- (b) member of a special committee; or
- (c) member of Council staff.

76B Primary principle of Councillor conduct

It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must—

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person.

76BA General Councillor conduct principles

In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must—

- (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- (b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;

- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, council officers and other persons;
- (d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in him or her as an elected representative;
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

s. 76D

76C Councillor Code of Conduct

- (1) A Council must develop and approve a Councillor Code of Conduct for the Council within 12 months after the commencement of section 15 of the **Local Government Amendment (Councillor Conduct and Other Matters) Act 2008**.
- (2) A Council must review the Councillor Code of Conduct within the period of 12 months after a general election.
- (3) A Councillor Code of Conduct—
 - (a) must include the Councillor conduct principles;
 - (b) may set out processes for the purpose of resolving an internal dispute between Councillors;
 - * * * * *
 - (d) must include provisions in respect of any matter prescribed for the purpose of this section;
 - (e) may include any other matters relating to the conduct of Councillors which the Council considers appropriate.
 - * * * * *
- (5) A Councillor Code of Conduct must not be inconsistent with any Act or regulation.
- (5A) A Councillor Code of Conduct is inoperative to the extent that it is inconsistent with any Act or regulation.
- (6) A copy of the current Councillor Code of Conduct must be—
 - (a) given to each Councillor;
 - (b) available for inspection by the public at the Council office and any district offices.
- (7) On and from the commencement of section 15 of the **Local Government Amendment (Councillor Conduct and Other Matters) Act 2008**, a Councillor Code of Conduct is taken to include the Councillor conduct principles.

76D Misuse of position

- (1) A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position—

- (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- (b) to cause, or attempt to cause, detriment to the Council or another

person.

s. 76D

Penalty: 100 penalty units.

- (2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include—
 - (a) making improper use of information acquired as a result of the position he or she held or holds; or
 - (b) disclosing information that is confidential information within the meaning of section 77(2); or
 - (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or
 - (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
 - (e) using public funds or resources in a manner that is improper or unauthorised.
 - (f) failing to disclose a conflict of interest as required under this Division.
- (3) This section—
 - (a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of special committees; and
 - (b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.

76E Improper direction and improper influence

- (1) A Councillor must not improperly direct or improperly influence, or seek to improperly direct or improperly influence, a member of Council staff in the exercise of any power or in the performance of any duty or function by the member.
- (2) A Councillor must not direct, or seek to direct, a member of Council staff—
 - (a) in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
 - (b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
 - (c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or
 - (d) in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.

- (3) This section does not apply to a decision of the Council or a special committee that is made within the powers, duties or functions conferred under this or any other Act.

77 Confidential information

- (1) A person who is, or has been, a Councillor or a member of a special committee, must not release information that the person knows, or should reasonably know, is confidential information.
- (2) For the purposes of this section, information is *confidential information* if—
 - (a) the information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or
 - (b) the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or
 - (c) subject to subsection (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.
- (3) Confidential information referred to in subsection (2)(c) ceases to be confidential at the expiry of the period of 50 days after the designation is made unless subsection (2)(a) or (2)(b) applies to the information.

77A Direct and indirect interests

- (1) A relevant person has a conflict of interest in respect of a matter if the relevant person has a direct interest or indirect interest in the matter.
- (2) A relevant person has a direct interest in a matter if the relevant person has an interest of a kind described in section 77B.
- (3) A relevant person has an indirect interest in a matter if the relevant person has—
 - (a) a close association as specified in section 78; or
 - (b) an indirect financial interest as specified in section 78A; or
 - (c) a conflicting duty as specified in section 78B; or
 - (d) received an applicable gift as specified in section 78C; or
 - (e) become an interested party as specified in section 78D.
- (4) A relevant person does not have a conflict of interest in a matter if the direct interest or indirect interest of the relevant person is so remote or insignificant that the direct interest or indirect interest could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to the matter.
- (5) A relevant person does not have a conflict of interest in a matter if the direct interest or indirect interest the relevant person holds is one held as a resident, ratepayer or voter and the interest—

- (a) is held in common with other residents, ratepayers or voters; and
- (b) does not exceed the interests held by other residents, ratepayers or voters.

s. 77B**77B Direct interest**

- (1) A person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.
- (2) Without limiting subsection (1), a person has a direct interest in a matter if—
 - (a) there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way;
 - (b) The person has, or the person together with a member or members of the person's family have, a controlling interest in a company or other body that has a direct interest in the matter.
- (3) A person who has a membership in a club or organisation that has a direct interest in a matter –
 - (a) does not, by reason of that membership, have a direct interest in the matter under subsection (1); and
 - (b) does not have an indirect interest in the matter, by reason of that membership, unless the person has an indirect interest in the matter under section 78A, 78B or 78C.
- (4) In subsection (2), controlling interest has the same meaning as it has in section 72(2) of the *Payroll Tax Act 2007*.

78 Indirect interest by close association

- (1) In this section—
 - daughter** means a biological daughter, step-daughter, adopted daughter, or female child for whom the person has custodial responsibilities;
 - direct relative** means the spouse, domestic partner, son, daughter, mother, father, brother or sister of the person;
 - domestic partner** of a person means—
 - (a) a person who is in a registered relationship with the person; or
 - (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—
 - (i) for fee or reward; or

- (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

family member means—

- (a) a spouse or domestic partner of the person; or
- (b) a son, daughter, mother, father, brother or sister that regularly resides with the person;

s. 78A

relative means—

- (a) a direct relative of the person;
- (b) a direct relative of a person who is the direct relative of the person;

son means a biological son, step son, adopted son or male child for which the person has custodial responsibilities.

- (2) A person has an indirect interest by close association in a matter if—
 - (a) a family member of the person has a direct interest or an indirect interest in a matter; or
 - (b) a relative of the person has a direct interest in a matter; or
 - (c) a member of the person's household has a direct interest in a matter.
- (3) For the purposes of the definition of **domestic partner** in subsection (1)—
 - (a) **registered relationship** has the same meaning as in the **Relationships Act 2008**; and
 - (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and
 - (c) a person is not a domestic partner of another person only because they are co-tenants.

78A Indirect interest that is an indirect financial interest

- (1) A person has an indirect financial interest in a matter if the person is likely to receive a benefit or incur a loss, measurable in monetary terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.
- (2) Without limiting subsection (1), a person has an indirect financial interest that is a conflict of interest if—
 - (a) the person has a beneficial interest in shares of a company or other body that has a direct interest in the matter, except in the circumstances specified in subsection (3);
 - (b) the person is owed money from another person and that other person has a direct interest in the matter.
- (3) If a person, and family members of the person, hold shares in a company or body that has a direct or indirect interest in a matter with a combined total value that does not exceed \$10 000 and the total value of issued shares of the company or body exceeds \$10 million, the person's indirect financial interest is not a conflict of interest.

(4) Subsection (2)(b) does not apply if the other person is an authorised deposit-taking institution.

(5) For the purposes of determining the value of shares under this section, the share value is to be taken from—

s. 78B

(a) the close of business on the most recent of 30 June or 31 December; or

(b) if the person has lodged an ordinary return since the most recent of 30 June or 31 December, the close of business on the date the return was submitted.

78B Indirect interest because of conflicting duties

(1) A person has an indirect interest in a matter because of a conflicting duty if the person—

(a) is a manager or a member of a governing body of a company or body that has a direct interest in a matter;

(b) is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter;

(c) is a trustee for a person who has a direct interest in a matter.

(2) A person has an indirect interest in a matter because of a conflicting duty if the person held a position or role specified in subsection (1) and, in that position or role, dealt with the matter.

(3) A person does not have an indirect interest because of a conflicting duty if—

(a) the person is, or has been, only an employee in the service of the Crown or of a body established by or under any Act for a public purpose and the person has no current or expected responsibilities as that employee in relation to a matter;

(b) the person only holds a position in a not-for-profit organisation for which the person receives no remuneration and the person was appointed to the relevant special committee of the Council to be a representative of the non-for-profit organisation;

(ba) the person only holds a position, with the Council's approval as a representative of the Council, in an organisation for which the person receives no remuneration;

78C Indirect interest because of receipt of an applicable gift

- (1) In this section, **applicable gift** means one or more gifts with a total value of \$200 or more, received from a person or persons specified in subsection (2), in the 5 years preceding the decision or the exercise of the power, duty or function.
- (2) A person has an indirect interest in a matter if the person has received an applicable gift, directly or indirectly, from—
- (a) a person who has a direct interest in the matter; or
 - (b) a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter; or
 - (c) a person who gives the applicable gift to the person on behalf of a person, company or body that has a direct interest in the matter.

s.78D

78D Indirect interest as a consequence of becoming an interested party

A person has an indirect interest in a matter if the person has become an interested party in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter.

79 Disclosure of conflict of interest

- (1) If a Councillor or member of a special committee has a conflict of interest in a matter which is to be, or is likely to be, considered or discussed at a meeting of the Council or the special committee, the Councillor or member must, if he or she is attending the meeting, disclose the conflict of interest in accordance with subsection (2).
- (2) A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest—
- (a) by either—
 - (i) advising the Council or special committee at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or
 - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
 - (b) classifying the type of interest that has given rise to the conflict as either—
 - (i) a direct interest; or
 - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, or 78D; and
 - (c) describing the nature of the interest; and
 - (d) if the Councillor or member advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

s. 79A

- (3) For the purpose of section 79(2)(a)(i), if a Councillor or member of a special Committee has a conflict of interest in two or more matters which are to be considered or discussed consecutively at a meeting of the Council or the special committee, the Councillor or member may make full disclosure of each of those interests immediately before the first matter is considered at the meeting.
- (5) The Chief Executive Officer must—
- (a) keep written disclosures given to him or her under this section in a secure place for 3 years after the date the Councillor or member of a special committee who made the disclosure ceases to be Councillor or member of a committee; and
 - (b) destroy the written disclosure when the 3 year period referred to in paragraph (a) has expired.
- (6) While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must—
- (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
 - (b) remain outside the room and any gallery or other area in view or hearing of the room.
- (7) The Mayor or the Chairperson of the special committee must cause the Councillor or member of a special committee to be notified that he or she may return to the room after—
- (a) consideration of the matter; and
 - (b) all votes on the matter.
- (8) If a Councillor or member of a special committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting—
- (a) the declaration of the conflict of interest; and
 - (b) the classification of the interest that has given rise to the conflict, and if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- (9) Unless section 80 applies, a Councillor or member of a special committee who fails to comply with this section is guilty of an offence.

Penalty: 100 penalty units.

79A Conflict of interest defence

It is a defence to a prosecution under section 79(9), 80A(3), 80B(2) or 80C(2) if the relevant person proves that he or she did not know—

- (a) that he or she had a conflict of interest in relation to the matter; or
- (b) that a matter in respect of which he or she had a conflict of interest was considered or discussed at the relevant meeting.

79B Conflicting personal interest

- (1) This section does not apply to a Councillor or member of a special committee who has a conflict of interest in the matter.

- (2) If a Councillor or a member of a special committee considers that he or she has a personal interest in relation to a matter that is in conflict with his or her public duty in relation to the matter, the Councillor or member may, immediately before the matter is considered at the relevant meeting, apply to the Council or special committee to be exempted from voting on the matter.
- (3) If a Councillor or member of a special committee makes an application under subsection (2), he or she must give reasons in support of the application.
- (4) A Council or special committee may consent to an application made under subsection (2) and must not unreasonably withhold consent.
- (5) If a Council or special committee consents to an application under subsection (4), sections 79(6), 79(7), 79(8) and 79(9) apply as if the personal interest that is the subject of an application under subsection (2) were a conflict of interest specified under this Act.

79C Certain situations where Councillor taken to not have a conflict of interest

- (1) A Councillor is taken to not have a conflict of interest for the purposes of this Division if the matter relates to—
 - (a) the nomination or appointment by the Council of the Councillor to a position for which the Councillor will not be remunerated;
 - (b) the election of the Mayor under section 71 or the appointment of an acting Mayor under section 73(3);
 - (c) a decision in relation to the payment of allowances to the Mayor or Councillors under section 74 or 74C(2);
 - (d) the adoption of a policy in relation to the reimbursement of expenses under section 75A;
 - (e) the adoption of a Councillor Code of Conduct under section 76C;
 - (f) an application to a Councillor Conduct Panel or VCAT under Division 1B;
 - (g) an application for an exemption under section 80;
 - (h) the appointment of members and Chairpersons of special committees;
 - (i) a resolution that has the effect of making the Councillors eligible or ineligible for the superannuation guarantee under taxation legislation.
- (2) If a budget or revised budget to be approved by a Council includes funding for a matter in respect of which a Councillor has a conflict of interest the Councillor is taken to not have a conflict of interest for the purposes of approving the budget or revised budget if—
 - (a) the Council approved the matter and the proposed funding previously; and
 - (b) the Councillor disclosed the nature of the conflict of interest under this Division when the decision in respect of the funding was originally considered and made.

79D Person may make submission despite conflict of interest

- (1) Subject to subsection (2), a relevant person who has a conflict of interest in a matter and who has made a written submission under section 223 in respect of the matter, may present his or her submission under section 223(1)(b) to the Council or committee of the Council.
- (2) The relevant person who has a conflict of interest in a matter must not be at the meeting of the Council or committee of the Council any longer than is required for the person to be heard in support of the person's written submission.

80 Exemption by Minister

- (1) Despite section 79—
 - (a) a Council may apply, in writing, to the Minister for an exemption of any Councillor from any or all of the provisions of section 79 if the Council is of the opinion that the transaction of any Council or special committee business would be impeded because of the number of Councillors affected by section 79;

- (b) a Chief Executive Officer of a Council may apply, in writing, to the Minister, after receiving written declarations of conflicts of interest from a majority of Councillors, for an exemption of those Councillors from any or all of the provisions of section 79.
- (1A) After reviewing an application received from a Council or a Chief Executive Officer, the Minister may require the Council or Chief Executive Officer to provide additional information in respect of the application, including copies of the written declarations of conflicts of interests made by Councillors under section 79.
- (1B) In considering an application made by a Council or Chief Executive Officer, the Minister must have regard to—
 - (a) the extent of the conflicts of interest of the Councillors; and
 - (b) the public interest.
- (2) The Minister may, after considering an application under subsection (1B), exempt in writing a Councillor from any or all of the provisions of section 79 for an unlimited or specified period, subject to any conditions the Minister thinks fit.
- (3) The Minister may revoke an exemption.

s. 80A

80A Requirements to be observed by an assembly of Councillors

- (1) At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of—
 - (a) the names of all Councillors and members of Council staff attending;
 - (b) the matters considered;
 - (c) any conflict of interest disclosures made by a Councillor attending under subsection (3).
- (2) The Chief Executive Officer must ensure that the written record of an assembly of Councillors is—
 - (a) kept for a period of 4 years after the date of the assembly; and
 - (b) made available for public inspection at the offices of the Council for a period of 12 months after the date of the assembly.
- (3) If a Councillor attending an assembly of Councillors knows that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must, at the time set out in subsection (4), disclose to the assembly that he or she has a conflict of interest and leave the assembly whilst the matter is being considered by the assembly.
Penalty: 100 penalty units.
- (4) A Councillor must disclose the conflict of interest either—
 - (a) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
 - (b) if the Councillor realises that he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that he or she has a conflict of interest.

80B Members of Council staff to disclose conflicts of interest in respect of delegated functions

s. 80C

(1) This section applies to a member of Council staff who has been delegated a power, duty or function of the Council under section 98 or under another Act, either directly or indirectly.

- (2) A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must—
- (a) not exercise the power or discharge the duty or function; and
 - (b) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest to—
 - (i) the Mayor, in writing, as soon as he or she becomes aware of the conflict of interest in the matter; and
 - (ii) the Council by no later than the next ordinary meeting of the Council.
 - (c) in the case of any other member of staff, disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as he or she becomes aware of the conflict of interest in the matter.

Penalty: 100 penalty units.

80C Persons to disclose interests to Council when providing advice

- (1) This section applies to Council staff and persons engaged under a contract to provide advice or services to the Council or a special committee.
- (2) A person who is providing advice or a report to a meeting of the Council or a special committee, and who has a direct or indirect interest in a matter to which the advice or report relates, must disclose the type of interest when providing the advice or report and before the advice or report is considered by the Council or the committee.

Penalty: 60 penalty units.
- (3) A disclosure made by a person under subsection (2) must be recorded in the minutes of the meeting.
- (4) A person who has made a disclosure under subsection (2) must disclose the nature of the interest if required to make that disclosure by the Council or committee.
- (5) Sections 77A to 78E apply to a person to whom this section applies as if the person were a relevant person under this Division.

81 Register of interests

- (1) In this section—

nominated officer means the senior officers of the Council and any other member of the Council staff nominated by the Chief Executive Officer;

relative has the same meaning as relative has in section 78;

return period in relation to the ordinary return of a Councillor, member of a special committee or nominated officer means—

- (a) if the last return of the Councillor, member of a special committee or nominated officer was a primary return, the period between the date of the primary return and the date the ordinary return is submitted; or
 - (b) if the last return of the Councillor, member of a special committee or nominated officer was an ordinary return, the period between the date of that return and the date the current ordinary return is submitted.
- (2) A person who becomes a Councillor or a member of a special committee must submit a primary return in the prescribed form to the Chief Executive Officer within—
 - (a) in the case of a Councillor—
 - (i) 30 days of election day; or
 - (ii) 7 days of making the oath of office of a Councillor; or
 - (b) 30 days of becoming a member of a special committee.

Penalty: 60 penalty units.
- (2A) A Council may exempt a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return.
- (2B) The Council must review any exemptions in force under subsection (2A) within the period of 12 months after a general election.
- (3) If a person is re-elected or re-appointed or upon completion of his or her term of office as a Councillor or member of a special committee, the Councillor or member of a special committee does not have to submit a new primary return.
- (4) Any person who becomes a nominated officer must within 30 days of becoming a nominated officer submit a primary return in the prescribed form to the Chief Executive Officer.

Penalty: 60 penalty units.
- (4A) Any person who becomes a nominated officer solely because of the amendment made to this Act by section 8 of the **Local Government (Amendment) Act 1994** is deemed for the purposes of subsection (4) to have become a nominated officer on the date section 8 of that Act came into operation.
- (5) A Councillor, a member of a special committee or a nominated officer must submit an ordinary return in the prescribed form to the Chief Executive Officer on—
 - (a) 30 June or within 40 days of 30 June; and
 - (b) 31 December or within 40 days of 31 December.

Penalty: 60 penalty units.
- (6) A Councillor, a member of a special committee or a nominated officer must disclose the following information in the primary return as at the date of the primary return—
 - (a) the name of any company or other body in which he or she holds any office whether as a director or otherwise;

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(b) the name or description of any company or body in which he or she holds a beneficial interest unless the total value of the interest does not exceed \$10 000 and the total value of issued shares of the company or body exceeds \$10 million;

(c) the address or description of any land in the municipal district of the Council or in a municipal district which adjoins that municipal district in which he or she has any beneficial interest other than by way of security for any debt;

(d) a concise description of any trust in which he or she holds a beneficial interest or of which he or she is a trustee and a member of his or her family holds a beneficial interest;

(e) any other substantial interest whether of a pecuniary nature or not of him or her or of a member of his or her family of which he or she is aware and which he or she considers might appear to raise a material conflict between his or her private interest and his or her public duty as a Councillor, a member of a special committee or nominated officer.

Penalty: 60 penalty units.

* * * * *

(7) A Councillor, a member of a special committee or a nominated officer must disclose in an ordinary return the following information in relation to the return period—

(a) if he or she has held an office whether as director or otherwise in any company or body, corporate or unincorporate—the name of the company or body;

(b) the name or description of any company or body in which he or she holds or has held a beneficial interest unless the total value of the interest does or did not exceed \$10 000 and the total value of issued shares of the company or body exceeds \$10 million;

(c) the address or description of any land in the municipal district of the Council or in a municipal district which adjoins that municipal district in which he or she had any beneficial interest other than by way of security for any debt;

(d) a concise description of any trust in which he or she held a beneficial interest or of which he or she is a trustee and a member of his or her family held a beneficial interest;

(e) particulars of any gift of or above the amount or value of \$200 received by him or her, either directly or indirectly, from a person other than a relative (within the meaning of section 78) of him or her;

(f) any other substantial interest whether of a pecuniary nature or not of him or her or of a member of his or her family of which he or she is aware and which he or she considers might appear to raise a material conflict between his or her private interest and his or her public duty as a Councillor, member of a special committee or nominated officer.

Penalty: 60 penalty units.

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- (9) The Chief Executive Officer must maintain a register of the interests of Councillors, members of special committees and nominated officers consisting of the last 3 returns that those Councillors, members and officers were required to submit under this section.
- (10) The Chief Executive Officer must allow a person to inspect the register if that person has previously made written application to the Chief Executive Officer to do so and the application meets the requirements of the regulations.
- (11) The register may be inspected at the office of the Council during normal office hours.
- (12) The Chief Executive Officer must take all reasonable steps to ensure that no person other than a person who has made application has access to or is permitted to inspect the register or any return.
- (13) A person must not publish any information derived from the register unless that information is a fair and accurate summary or copy of the information derived from the register.
- (13A) The Chief Executive Officer must maintain a record of the names of persons who have inspected the register of interests under subsection (10).
- (13B) A Councillor, a member of special committee or a nominated officer, whose interests are recorded in the register may inspect the recorded names of people kept under subsection (13A) who have inspected his or her personal records.
- (14) A person employed by the Council must not, whether before or after he or she ceases to be so employed, make a record of, divulge or communicate to any person any information in relation to a matter dealt with by this section that is gained by or conveyed to him or her during his or her employment with the Council or make use of that information for any purpose other than the discharge of his or her official duties under this section.
Penalty: 60 penalty units.
- (16) As soon as practicable after a person ceases to be a Councillor or a member of a special committee or a nominated officer, the Chief Executive Officer must remove all the returns submitted by that person from the register.

Division 1B—Councillor Conduct Panels

81A Definitions

In this Division—

CCP Registrar means a member of Council staff who is not the Chief Executive Officer and who is appointed in writing by the Chief Executive Officer to be the Councillor Conduct Panel Registrar for the Council under clause 8(1) of Schedule 5;

Councillor Conduct Panel means a panel of 2 people established by the MAV under Schedule 5;

gross misconduct by a Councillor means behaviour that—

(a) contravenes—

(i) the Councillor conduct principles; and

- (ii) a section of this Act, the contravention of which has a penalty of at least 10 penalty units; or
- (b) demonstrates that a Councillor is not of good character or is otherwise not a fit and proper person to hold the office of Councillor;

MAV means the body corporate known as the Municipal Association of Victoria established under the **Municipal Association Act 1907**;

misconduct by a Councillor means—

- (a) conduct by a Councillor that is in breach of the Councillor Code of Conduct; or
- (b) the failure of a Councillor to comply with a direction of a Councillor Conduct Panel where the Panel has not made a finding of misconduct against the Councillor;

serious misconduct by a Councillor means—

- (a) the failure of a Councillor to comply with a direction of a Councillor Conduct Panel following a finding of misconduct made by the Councillor Conduct Panel in respect of the Councillor; or
- (b) the failure of a Councillor to cease conduct that contravenes the Councillor Code of Conduct after a Councillor Conduct Panel or VCAT has made a finding of misconduct or serious misconduct against the Councillor in respect of that behaviour; or
- (c) conduct by a Councillor that contravenes the Councillor conduct principles after the Councillor has had a previous finding of misconduct, serious misconduct or gross misconduct made against them by a Councillor Conduct Panel or VCAT in the last 4 years; or
- (d) conduct by a Councillor that contravenes—
 - (i) the Councillor conduct principles; and
 - (ii) section 76E or 77.

81B Application to Councillor Conduct Panel

- (1) An application for a Councillor Conduct Panel to make a finding of misconduct against a Councillor, or to authorise an application to VCAT for a finding of serious misconduct, may be made by—
 - (a) the Council, following a resolution of the Council to make an application to a Councillor Conduct Panel under this section in respect of a Councillor's conduct; or
 - (b) a Councillor; or
 - (c) a group of Councillors.
- (2) An application made by a Councillor or group of Councillors must be lodged with the CCP Registrar.
- (3) An application made under this section must—
 - (a) specify the ground or grounds for the application;
 - (b) set out the circumstances, actions or inactions of the Councillor who is the subject of the application that are alleged as constituting misconduct or serious misconduct;

- (c) if the Councillor Code of Conduct provides processes for resolving internal disputes between Councillors—
 - (i) the reasons why the matter cannot be resolved by those processes; or
 - (ii) if those processes were used, the reasons why the matter was not resolved through those processes;
- (d) if the application is made by the Council or a group of Councillors, state the name and address of the Councillor whom the Council has, or group have, appointed as representative of the Council or group.

81C Dismissal of application

Councillor Conduct Panel may dismiss an application made by a Councillor or group of Councillors under section 81B at any time if—

- (a) the application is frivolous, vexatious, misconceived or lacking in substance; or
- (b) insufficient reasons have been given to explain why the matter cannot be resolved by internal dispute resolution processes.

81D Referral to VCAT

- (1) A Councillor who is the subject of an application made under section 81B (the *respondent*) may apply to the Councillor Conduct Panel for referral of the matter to VCAT at any time before the Panel determines the matter.
- (2) A Councillor Conduct Panel must refer an application made under section 81B to VCAT for determination if the respondent makes an application under subsection (1).
- (3) A Councillor Conduct Panel may refer an application made under section 81B to VCAT for determination if the Panel considers that it cannot make a determination because a person fails to attend a Panel hearing or to provide information that the Panel has requested.
- (4) If an application made under section 81B has been referred to VCAT for determination, a Councillor Conduct Panel must—
 - (a) in writing, advise the applicant, the respondent, the relevant Council and the Minister of the referral;
 - (b) provide VCAT with a copy of the application made under section 81B and any other documents the Panel considers relevant to the application.
- (5) The applicant in the application made under section 81B is taken to be the applicant in the application referred to VCAT under this section.

81E Application on grounds of gross misconduct

- (1) VCAT may hear an application made by the Secretary that alleges gross misconduct by a Councillor.
- (2) An application made under subsection (1) may only be made by the Secretary.

81F Parties to a VCAT proceeding

- (1) The applicant and respondent are parties to a proceeding referred to, or commenced in, VCAT under section 81D, 81E or 81J(1)(b).
- (2) In addition to any other parties, the following may request to be joined as parties to a VCAT proceeding referred to, or commenced, under section 81D or 81J(1)(b)—
 - (a) the Secretary;
 - (b) the relevant Council.

81G Notice of a Councillor Conduct Panel

- (1) A Councillor Conduct Panel must—
 - (a) fix a time and, subject to subsection (2), a place that is within the municipal district of the relevant Council, for the hearing to be conducted; and
 - (b) serve by post a notice of the time and place of the hearing on the applicant, respondent and Council.
- (2) For the purposes of subsection (1)(a), a Councillor Conduct Panel may fix a place for the hearing that is not within the municipal district of the relevant Council if the Panel considers it necessary or appropriate in the circumstances.

81H Procedures

- (1) A Councillor Conduct Panel may—
 - (a) request a person to attend a hearing and answer questions;
 - (b) request information from the applicant, the respondent or the Council, including confidential information held by the Council.
- (2) Members of a Councillor Conduct Panel that are provided with confidential information must ensure that the information is not released to the public.

81I Conduct of a Councillor Conduct Panel

- (1) A Councillor Conduct Panel must not make a determination under section 81J until it has conducted a hearing.
- (2) The following applies to a hearing of a Councillor Conduct Panel—
 - (a) the proceedings must be conducted with as little formality and technicality as the requirements of this Act and the proper consideration of the matter permit;
 - (b) there is no right to representation at the hearing except if the Panel considers that a party requires representation to ensure that the hearing is conducted fairly;
 - (c) the proceedings must not be open to the public;
 - (d) if the hearing is based on an application made by Council or group of Councillors, the appointed representative must represent the Council or group of Councillors at the hearing;
 - (e) the Panel is not bound by rules of evidence but may inform itself in any way it thinks fit;
 - (f) the Panel is bound by the rules of natural justice;
 - (g) the procedure of a Panel is otherwise in its discretion.

- (3) At the hearing of an application, the Councillor Conduct Panel must provide the respondent with an opportunity to be heard.

81J Determinations by a Councillor Conduct Panel

- (1) After a Councillor Conduct Panel has conducted a hearing, the Panel may—
- (a) make a finding of misconduct against a Councillor; or
- (b) authorise an applicant to make an application to VCAT if the Panel considers that there are reasonable grounds on which VCAT may make a finding of serious misconduct against a Councillor; or
- (c) whether or not a finding of misconduct against a Councillor has been made, make a finding that remedial action is required; or
- (d) in addition to any findings made under paragraphs (a) to (c), direct that the Council amend its Councillor Code of Conduct in a particular way or to address a particular issue; or
- (e) dismiss the application.
- (2) If a Councillor Conduct Panel makes a finding of misconduct against a Councillor, the Panel may—
- (a) reprimand that Councillor; or
- (b) direct that Councillor to make an apology in a form or manner determined by the Panel; or
- (c) direct that Councillor to take leave of absence for a period specified by the Panel not exceeding 2 months, commencing on a date specified by the Panel.
- (3) If a Councillor Conduct Panel makes a finding that remedial action is required under subsection (1)(c), the Panel may—
- (a) direct the Councillor who is the subject of the application to attend mediation; or
- (b) direct the Councillor who is the subject of the application to attend training; or
- (c) direct the Councillor who is the subject of the application to attend counselling.
- (4) For the purposes of subsection (3), a Councillor Conduct Panel may set reasonable conditions in respect of how or when remedial action is to be undertaken.
- (5) Any necessary expenses incurred by Councillors in attending mediation, training or counselling must be paid by the Council.
- (6) If a Councillor Conduct Panel directs the Council to amend its Councillor Code of Conduct, the Council must comply with that direction within 3 months of the direction being made.
- (7) This section does not apply to a Councillor Conduct Panel formed for the purposes of hearing a referral from VCAT under section 81L.

s. 81J

81K Findings and orders by VCAT

(1) In the case of an application referred to, or commenced in, VCAT under sections 81D, 81E or 81J(1)(b), VCAT may make any of the following findings—

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- misconduct;
- (a) that a Councillor has engaged in conduct that constitutes misconduct;
 - (b) that a Councillor has engaged in conduct that constitutes serious misconduct;
 - (c) that a Councillor has engaged in conduct that constitutes gross misconduct.
- (2) VCAT may, in relation to a finding of misconduct under subsection (1)(a)—
- (a) reprimand that Councillor; or
 - (b) make any or all of the following orders—
 - (i) that the Councillor must make an apology in a form and manner determined by VCAT;
 - (ii) that the Councillor must take leave of absence for a period specified by VCAT not exceeding 2 months and commencing on a date specified by VCAT.
- (3) VCAT may make any or all of the following orders in relation to a finding of serious misconduct under subsection (1)(b)—
- (a) that the Councillor is suspended from office for a period specified by VCAT not exceeding 6 months;
 - (b) that the Councillor is ineligible to hold the office of Mayor for a period specified by VCAT not exceeding 4 years;
 - (c) that the Councillor is ineligible to chair a special committee of the Council for a period specified by VCAT not exceeding 4 years.
- (4) VCAT may make any or all of the following orders in relation to a finding of gross misconduct under subsection (1)(c)—
- (a) that the Councillor is disqualified for a period specified by VCAT not exceeding 4 years and his or her office is vacated;
 - (b) that the Councillor is suspended from office for a period specified by VCAT not exceeding 6 months;
 - (c) that the Councillor is ineligible to hold the office of Mayor for a period specified by VCAT not exceeding 4 years.
- (5) If VCAT makes a finding of serious misconduct or gross misconduct by a Councillor, the Councillor becomes ineligible to hold the office of Mayor for the remainder of the Council's term, unless VCAT otherwise orders.

81L Referral by VCAT to Councillor Conduct Panel

- (1) VCAT may refer a matter to a Councillor Conduct Panel, whether or not VCAT has made a finding under section 81K, if VCAT considers that—
- (a) remedial action is required; or
 - (b) the Councillor Code of Conduct requires amendment.
- (2) A Councillor Conduct Panel formed for the purposes of this section may—
- (a) direct the Councillor who is the subject of the referral to attend mediation; or

- (b) direct the Councillor who is the subject of the referral to attend training; or
 - (c) direct the Councillor who is the subject of the referral to attend counselling;
 - (d) direct that the Council amend its Councillor Code of Conduct in a particular way or to address a particular issue.
- (3) For the purposes of subsections (2)(a), (2)(b) and (2)(c), a Councillor Conduct Panel may set reasonable conditions in respect of how or when remedial action is to be undertaken.
- (4) Any necessary expenses incurred by Councillors in attending mediation, training or counselling must be paid by the Council.
- (5) If a Councillor Conduct Panel directs the Council to amend its Councillor Code of Conduct, the Council must comply with that direction within 3 months of the direction being made.

81M Notice of determinations and tabling of decisions

s. 81M

- (1) After a Councillor Conduct Panel has made a determination under section 81J, the Panel must give a copy of the decision to—
- (a) the Council; and
 - (b) the parties to the matter; and
 - (c) the Minister.
- (2) A copy of the decision given to the Council under subsection (1)(a) must be tabled at the next ordinary meeting of the Council and recorded in the minutes for that meeting.
- (3) A Councillor Conduct Panel must give a written statement of reasons for the decision, within 28 days of making a determination, to—
- (a) the Council; and
 - (b) the parties to the matter; and
 - (c) the Minister.
- (4) A statement of reasons provided in accordance with subsection (3) is taken to be a statement of reasons provided in accordance with section 46(1) of the **Victorian Civil and Administrative Tribunal Act 1998**.
- (5) A record of the decision of VCAT, made in respect of an application or review under this Division in relation to a Councillor of a Council, must be tabled at the next ordinary meeting of the Council and recorded in the minutes of that meeting.

81N Suspension of matters during election period

- (1) Applications and proceedings made and conducted under this Division must be suspended during the election period for a general election.
- (2) If an application is made to a Councillor Conduct Panel or VCAT for a finding of misconduct or serious misconduct against a person who is a Councillor before a general election, and that person is not returned to the office of Councillor as a result of the general election, the application made against that person who was a Councillor before the election lapses.

- (3) If an application is made to a Councillor Conduct Panel or VCAT for a finding of misconduct or serious misconduct against a person who is a Councillor before a general election, and that person is returned to the office of Councillor as a result of the general election, the application made against the Councillor may resume, whether or not the applicants were returned as a result of the general election.
- (4) An application under section 81E against a person who is a Councillor before a general election must resume after the general election is held whether or not the person is returned to the office of Councillor.

81O Breach of Act by Councillor

- (1) This section applies if it appears to a Councillor Conduct Panel that a Councillor has committed an offence under this Act.
- (2) A Councillor Conduct Panel must by notice in writing notify the Secretary that a Councillor appears to have committed an offence under this Act as soon as the Panel becomes aware of the apparent offence.

s. 81P

81P Investigation by inspector of municipal administration

- (1) The Secretary may at any time (whether or not the Secretary has received a notice under section 81O), by notice, require a Councillor Conduct Panel to suspend or stop the Panel's consideration of a matter.
- (2) If the Secretary has given notice to a Councillor Conduct Panel under subsection (1), the Secretary must refer the matter that was before the Panel to an inspector of municipal administration for investigation under section 223B.
- (3) The inspector of municipal administration must commence an investigation into a matter referred to him or her within 28 days of the referral under subsection (2).

81Q Review by VCAT

- (1) In this section, **party** means the applicant or respondent to an application made to, and matter heard by, a Councillor Conduct Panel, under this Division.
- (2) Subject to subsection (3), a party who is affected by the decision made by a Councillor Conduct Panel under this Division may apply to VCAT for review of the decision.
- (3) A person is not entitled to apply for review of a decision made by a Councillor Conduct Panel to—
 - (a) dismiss the application because it is frivolous, vexatious, misconceived or lacking in substance; or
 - (b) dismiss the application because insufficient reasons have been given to explain why the matter cannot be resolved by internal dispute processes; or
 - (c) authorise or not authorise an applicant to make an application to VCAT on the grounds of serious misconduct by a Councillor.

81R Time period for making application to VCAT

An application for review under section 81Q must be made within 28 days of the Councillor Conduct Panel giving a statement of reasons under section 81M.

81S Councillor Conduct Panels

Schedule 5 has effect with respect to the establishment of Councillor Conduct Panels.

ORGANISATIONAL EXCELLENCE

17. ORGANISATIONAL EXCELLENCE

17.1 RECORDING OF COUNCIL AND COMMITTEE MEETINGS

General Manager

Organisational Excellence

For Decision

PURPOSE

The purpose of this report is to present the summary findings in relation to a request to investigate the audio or video recording of council and committee meetings for the purpose of ensuring the accuracy of formal minutes.

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

Objective: To provide open, transparent and accountable governance and

Theme 4: Advocacy for and consultation with our community

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

Strategic Direction

Theme 3: Conduct all Council and committee meetings in strict accordance with the law and in an open and transparent manner.

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Theme 4: Strengthen our region by actively leading and encouraging partnerships with other local governments, industry and community agencies.

Legislation –

Local Government Act 1989

Public Records Act 1973

Information Privacy Act 2000

Health Records Act 2001

Freedom of Information Act 1982

Evidence Act 2008

BACKGROUND

A Councillor formally requested Officers to review and scope options and appropriate policies to enable Council to consider should it choose to initiate the audio or video recording of Council and committee meetings to enable accuracy of minute taking. Officers had previously conducted initial research in relation to possible solutions pertaining to this request on 13 May and 29 July 2013.

Information provided to Council included:

- Options for a video or audio solution:
- A table featuring 10 Councils recording solutions, with additional desktop research on the status of recording of Victorian Councils.

In addition, the information included a summary of what would be required to be completed should Council wish to progress with a preferred solution, including:

- Local Law 1 update requirements;
- The need for the development of a supporting policy/procedure;
- Risks and mitigation strategies would need to be identified, actioned and monitored
- A Review process would need to be developed;
- The need for a feasibility assessment from a bandwidth and IT perspective; and
- Cost estimates and resource implications would require further scoping.

Council had requested Officers to undertake research on policy examples in place at other Councils and provide examples for further discussion. State Legislation varies in relation to recording and access of recordings to Council and Committee Meetings, therefore, three Victorian Councils' policies and guidelines were attached to assist in Councillor discussions.

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- The City of Melbourne (guidelines)
- Hobson Bay (audio recording of Council and Special Committee meetings (including podcasting))
- Colac Otway Shire Council (audio recording of Ordinary Council, Special Council and all Planning Committee meetings)

It is noted that the City of Greater Bendigo broadcast Council meetings via podcast on **Phoenix FM 106.7Mhz** however they have no published Council policy.

The current practice for Committee minute recording is as follows:

1. Manual recording of minutes by a secretariat or minute taker:
2. Distribution of draft minutes to Committee members with the opportunity for appropriate amendments to be made prior to the minutes being formally endorsed as a true and correct record of the meeting.

It has only been by exception that draft minutes have required minor amendments. Latrobe City Council current practices for the recording of Council Committee meeting minutes have not resulted in formal complaints by attendees. This would indicate that current practices do not present a risk to Council.

In August 2013, Council discussed and agreed to commence the formal documentation of questions on notice at Council meetings. In addition, for accuracy purposes at Issues and Discussion meetings Council agreed to formally document action items and questions on notice via PowerPoint.

ISSUES SUMMARY

LEGISLATIVE AND STORAGE CONSTRAINTS

The Public Record Office Victoria advised that any audio or video recording of Council or Committee meetings must adhere to specific retention schedule guidelines as outlined in the Public Records 1973. Secure storage of audio recordings can only be accessed by Council staff who are authorised to do so as delegated by the Chief Executive Officer. The purpose of access to audio recordings should only be provided for the purpose of preparing and verifying minutes of meetings and complying with any court orders, warrants, subpoenas or legislation. A retention period is applicable and retention must be in accordance with the following guidelines:

- Audio or video recordings of meetings are to be stored and destroyed as soon as their original purpose is served: or

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- 4 years after their creation (whichever is the latter) except where retention for a longer period is otherwise required or recommended.
- There may be significant interim and longer term storage issues relating to audio or video recordings. In the event that Council elects to audio record Council and committee meetings for the purposes of capturing minutes, it is only after the minutes have been formally confirmed and endorsed as correct that in most instances the audio recording can be destroyed. This will require scoping of secure storage areas for recordings and these must adhere to the public records office audio or video recording storage requirements. Latrobe City Council currently has limited storage capacity for audio or video recordings in any format.

RESOURCE IMPLICATIONS

Should Council wish to progress to record all Committee meetings, this would incorporate 80 committees and place significant time, cost and resource pressures on the organisation. In addition, if Council chooses to record all Committee meetings, the average time that would be taken for an officer to transcribe minutes would be 1-2 hours at the conclusion of each Committee meeting. Officers would still be required to be in attendance at most Committee meetings as part of their role.

Council would need to determine Committee definitions and parameters for the purposes of recording and transcription of Council and Committee meetings. In addition, Council would also need to identify by exception which Committees would not require recording. If Council wished to record verbatim all Council and Committee meetings with a full transcription and summary of minutes, this would significantly increase the total cost of recording.

As outlined in the table in the section below costs for the recording of Council meetings only could range as high as \$200K for establishment and \$40K per annum once staff resources are considered. If the 80 committee meetings were also included the establishment and ongoing costs would rise substantially especially in the area of staff resource costs. A further assessment of the financial and resource risk is outlined further in this report. Currently there has been no 2013/2014 budget allocation for establishment costs. This is in addition to the development and approval process for policies and procedures and relevant communications and notices to current Council Committees

To record both Council and Committee meeting minutes also requires Council to weigh up the true cost versus community benefit. The establishment and annual cost may be significant and previous reports have outlined the limited number of community members who listen to audio recordings and pod casts of Council meetings.

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FINANCIAL AND RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

Financial and resource implications may be significant and if Council was to progress, this would require Council to reallocate funds from the current 2013/2014 budget towards this initiative.

The cost estimate table below represents the establishment and ongoing costs for a variety of solutions adopted by a number of Councils. As previously noted this does not include any costs for recording of Council committees.

Council/	Solution	System operating since	Estimated Set up Costs	Estimated Annual Value	Estimated Annual Resource Implications	Statistics
Melbourne City Council	Audio <i>pre recorded</i>	Resumed 2013	N/A <i>plug and record into existing PA</i>	unavailable	unavailable	unavailable
Greater Dandenong City Council	Video <i>live stream with delay</i> 2 cameras	2004	\$33,000	\$12,000	\$6,000 existing resource	75 views per meeting
Wellington Shire Council	Video <i>live stream with delay</i>	2002	\$5,000	\$12,000 + archiving	\$3,600 existing resource	unavailable
Mornington Peninsula Council	Audio <i>pre recorded</i>	2012	\$4,500	unavailable	\$1,800 existing resource	35 hits per month
Hobsons Bay City Council	Audio <i>pre recorded</i>	2012	unavailable	unavailable	\$1,450 existing resource	25-50 per month
Nillumbik Shire Council	Video <i>pre recorded only available upon request</i>	2012	\$160,000 +	\$40,000	\$3,600 existing resource	unavailable
Port Stephens Council	Video <i>live stream with delay</i> Ceased operating	2012	\$20,000	\$10,000	\$3,600 existing resource	unavailable
Warringah Council	Video <i>live stream with delay</i>	unavailable	\$100,000 +	No annual value available	unavailable	unavailable
Wollongong City Council	Video <i>live stream with delay</i>	2012	18,500	\$20,000	\$3,600	Avg 60 per meeting

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Gold Coast City Council	Video <i>live stream with delay</i>	2012	18,500	\$20,000	\$3,600	unavailable
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Colac Otway Shire Council advised Latrobe City Council that they audio record Statutory, Special, Planning and ordinary Committee meetings. There is no recording of other Committee meetings. Colac Otway Shire hold Council meetings mainly in Colac, and on several occasions each year the meetings change location throughout their municipality. All recordings are on discs and are stored in a purpose build strong room. Technical officers are on site for all recorded meetings. The start-up costs were estimated at \$18, 000 and the annual estimated cost to resource the recording of meetings was estimated by Colac Otway Shire at \$25, 000. This cost is exclusive of storage and disposal of disks in accordance with the Public Records Office of Victoria guidelines. Council would need to consider risks associated with access and storage of recordings and allocate additional budget towards this as part of any establishment costs.

A further risk is that community members may not wish to be recorded. This could have a negative impact on the level of community participation at Council meetings.

Latrobe City Council current practices for the recording of Council Committee meeting minutes is not formally outlined as a corporate risk. In addition, current practices have not resulted in formal complaints by attendees.

INTERNAL/EXTERNAL CONSULTATION

There was no external community consultation conducted to inform this report, however there was significant benchmarking and consultation with a range of other Councils to identify a broad range of current policies, processes and practices which pertain to this report.

OPTIONS

There are two options for Council to consider

1. Note this report and endorse the Officers' recommendation.
2. Not endorse this report recommendations and request for Officers to progress to scope full implementation to record all Council and Committee meetings for the purposes of minute taking.

CONCLUSION

There is minimal community benefit and significant resource implications and costs to Council to record both Council and Committee meetings for the purposes of the recording of minutes. Council would benefit by commencing the recording of questions on notice and action items via PowerPoint during Council meetings and Issues and Discussions

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

meetings. This would enable clarity in a timely manner when Council makes any request for clarification or further information.

Attachments

1. Information Paper - Audio Recording of Council and Committee Meetings

RECOMMENDATION

1. That Council maintain the current practices for capturing the minutes of all Council and Committee meetings.
2. That from 16 September 2013, Council formally documents via PowerPoint during all Council and Issues and Discussion meetings all questions on notice and action items.

ALTERNATE MOTION

That Council develop a policy to implement a recording system based on the Colac-Otway Shire Council model and that a report be provided to Council at the first ordinary Council meeting in November 2013.

That from 16 September 2013, Council formally documents via PowerPoint during all Council and Issues and Discussion meetings all questions on notice and action items.

Moved: Cr Rossiter

Seconded: Cr Sindt

That the Motion be adopted.

For the Motion

Councillor/s Rossiter, Harriman, Gibson

Against the Motion

Councillor/s Gibbons, Middlemiss, White, Sindt, O'Callaghan

The Acting Mayor confirmed that the Motion had been LOST

RECOMMENDATION

- 1. That Council maintain the current practices for capturing the minutes of all Council and Committee meetings.**
- 2. That from 16 September 2013, Council formally documents via PowerPoint during all Council and Issues and Discussion meetings all questions on notice and action items.**

Moved: Cr Sindt
Seconded: Cr White

That the Recommendation be adopted.

For the Recommendation

Councillor/s Gibbons, Middlemiss, White, Sindt, O'Callaghan

Against the Recommendation

Councillor/s Rossiter, Harriman, Gibson

The Acting Mayor confirmed that the Recommendation had been CARRIED

17.1

Recording of Council and Committee meetings

- 1 Information Paper - Audio Recording of Council and Committee Meetings..... 951**

Audio Recording of Council and Committee Meetings

1 Audio Recording of Council and Committee Meetings – Colac Otway Shire	2
2 Recording of Council and Committee Meetings Guidelines – City of Melbourne	6
3 Audio Recording of council and committee meetings – Hobsons Bay	7



AUDIO RECORDING OF COUNCIL MEETINGS POLICY

Policy No: 18.6

Date Adopted: 21/11/07

File No: GEN01688

Revised: 26/3/10

1. INTRODUCTION

Local Law no 4 – 2005 Processes of Municipal Government provides for the recording of meetings.

“Clause 35 – Recording of Meetings

The Chief Executive Officer is responsible for arranging the electronic recording of all Ordinary and Special Council Meetings if so directed by resolution.

Clause 36 – Prohibition of Unauthorised Recording of Meetings

Except as provided in clause 35 no video or audio recording of proceedings of Council meetings shall be permitted without specific approval by resolution of the meeting.”

2. RELATIONSHIP WITH COUNCIL PLAN

The Colac Otway Shire is committed to strong community Leadership, Governance and advocacy services. The 'Audio Recording of Council Meetings' policy is a part of having important governance procedures and policies in place.

3. PURPOSE

The purpose of this policy is to specify the arrangements for creating, storing, using/disclosing and disposing of audio recordings of Ordinary and Special Council meetings and Planning Committee meetings.

4. APPLICATION

This policy applies to:

- Councillors and members of the public requesting access to records of audio recordings of Council and Committee meetings;
- Staff involved in creating, storing, providing access to, managing and disposing of audio recordings of Council and Committee meetings.

5. DEFINITION OF AUDIO RECORDING

“Audio recording” in this document means any recording made by any electronic device capable of recording sound. This includes but is not limited to recordings made by video camera, cassette recorder or digital audio tape and stored on compact disc (CD) or in any other format.

6. PRINCIPLES

6.1 Creation of audio recordings

6.1.1 Purpose of audio recordings

Audio recordings will be made of:

- All Ordinary Council meetings
- All Special Council meetings
- All Planning Committee meetings

for the purpose of verifying the accuracy of the minutes of the meetings.

Confidential matters as provided by Section 89(2) of the Local Government Act 1989 will not be recorded.

6.1.2 Audio recordings by individuals

Clause 36 of Council's Local Law no. 4:

"Except as provided in clause 35 no video or audio recording of proceedings of Council meetings shall be permitted without specific approval by resolution of the meeting."

Council does not generally permit individuals to make audio recordings of meetings. Individuals are required to make a written request addressed to the Council (General Manager Corporate & Community Services) should they seek to obtain permission to do so.

6.2 Notice of recording

Notice will be provided to the members of the public attending meetings that an audio recording of the meeting will be made.

The wording of the notice will be as follows:

'An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

The notice will be displayed/expressed in the following manner:

- On agenda for relevant meeting of Council;
- On notices at the entry doors and within the Council Meeting room;
- On a notice located at the table where people address Council meetings;
- Verbally by the Chairperson at the commencement of each session of an open meeting.

6.3 Storage of recordings

6.3.1 Secure storage

Audio recordings will be stored securely so that only, Council staff authorised to do so by the General Manager of Corporate & Community Services, can access them.

6.3.2 Retention

Audio recordings of meetings will be stored and destroyed as soon as their original purpose is served or 4 years after their creation (whichever is the later) except where retention for a longer period is otherwise required or recommended under the Public Records Office, Victorian General Retention and Disposal Authority for Records of Local Government.

6.4 Access to recordings

6.4.1 Purpose of access

Access to audio recordings will only be provided for the purpose of:

- preparing and verifying the accuracy of minutes of meetings;
- complying with court orders, warrants, subpoenas or legislation such as the *Freedom of Information Act 1982*.

6.4.2 Access by staff

Audio recordings will only be accessed by staff with the General Manager's approval for the purposes outlined above. Access may be approved up until the time that the audio recordings are destroyed.

6.4.3 Access by councillors

Audio recordings can only be accessed by Councillors with the Chief Executive Officer or General Manager's approval for the purposes outlined above. Any access to Councillors approved must take place in the Council Offices in a location designated by the General Manager.

Access can only be provided up until such time as the minutes of the meeting to which the audio recording relates are confirmed. Copies of audio recordings and transcripts of audio recordings cannot be provided unless required by law.

6.4.4 Access by members of the public

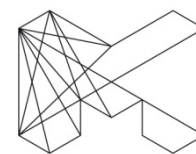
Audio recordings of meetings cannot be made available to the public or disclosed to a third party, except as allowed under the Freedom of Information Act 1982, or any other law.

7. RELATED LEGISLATION

- *Public Records Act 1973*
- *Information Privacy Act 2000*
- *Health Records Act 2001*
- *Freedom of Information 1982*

8. IMPLEMENTATION AND REVIEW

This policy will be implemented by Council and is subject to periodic review.



CITY OF MELBOURNE

Guidelines for the Recording of Council and Committee Proceedings

1. In accordance with the Council resolution of 26 March 2013, audio recordings of all open sessions of Council and Committee meetings will be made available on Council's website. The published minutes of Council and Committee meetings will remain the official record of proceedings and decisions.
2. Audio recordings of closed sessions of Council and Committee meetings will not be made available to members of the public, except where Council is required to do so by law.
3. Councillors will be provided, on request, with the opportunity to listen to the audio file, as appropriate, in relation to any specified confidential item considered at a Council or Committee meeting.
4. Transcriptions of specific items at Council and Committee meetings will be provided to Councillors through an external service provider, on request.
5. Except where Council may be required to retain them for a longer period under the *Public Records Act 1973*, audio recordings of Council and Committee meetings (open and closed sessions) will be destroyed after four years.
6. Signage informing members of the public that the meeting is being recorded will be clearly displayed at the entrance to the Council Meeting Room and the two entrances to the Public Gallery in the Council Chamber.
7. At the commencement of each meeting, the Chair of the meeting will notify members of the public that the meeting is being recorded and that a recording of the open session of the meeting will be made available on Council's website.
8. Members of the public must receive the permission of the Council or Committee before taping or filming open Council or Committee proceedings.

***Committee** means the *Future Melbourne Committee*.

POLICY:	AUDIO RECORDING OF COUNCIL AND SPECIAL COMMITTEE MEETINGS (INCLUDING PODCASTING)
DATE ADOPTED BY THE COUNCIL:	3 APRIL 2012
DATE AMENDMENT ADOPTED BY THE COUNCIL:	26 MARCH 2013
DIRECTORATE:	ORGANISATION DEVELOPMENT
DEPARTMENT:	GOVERNANCE
RESPONSIBLE OFFICER:	MANAGER GOVERNANCE AND COMMUNICATION

POLICY OBJECTIVE

- To specify the arrangements for audio-recording and podcasting ordinary and special Council meetings;
- To note that special committee meetings may also be audio-recorded; and
- To specify the arrangements for providing access to audio recordings.

BACKGROUND

The *Local Government Act 1989* (the Act) requires minutes of Council and special committee meetings to be kept. The minutes must contain accurate details of the meeting proceedings and the resolutions. While there is no obligation to do so, the Council has elected to audio-record Council meetings to assist in preparing and verifying the minutes. Where the Council establishes a special committee under section 86 of the Act, those meetings may also be recorded.

A podcast is an audio file that is made available on a website. Audio of Ordinary and Special Council meetings will be available for download via the Council website, providing increased public access and transparency to Council discussions and decision making.

POLICY AND PRINCIPLES

- Council meetings will be audio-recorded to assist in the preparation and verification of the minutes. The minute secretary is responsible for arranging, storing and disposing of audio recordings. Meetings of any special committees established by the Council may also be recorded.
- Any other person wanting to audio-record a Council or special committee meeting must first obtain the approval of the Chairperson. In considering the request, the Chairperson will determine whether there are any objections.
- Audio recordings of Ordinary and Special Council meetings will be made available for download on the internet via the Council's website not later than the day following the meeting and will be retained and made publicly available for 12 months following the meeting date.
- Members of the public may purchase copies of recordings for a fee of \$1.00.

- Requests from Councillors for copies of recordings or transcripts will be subject to the approval of the Chief Executive Officer. Any such copies or transcripts will be provided to all Councillors.
- Requests for transcripts of recordings from members of the public will be processed in accordance with the provisions of the *Freedom of Information Act 1982*.
- Recordings of meetings (or parts of meetings) closed to members of the public in accordance with the confidentiality provisions of section 89(2) of the *Local Government Act 1989* are exempt from public access and will only be made available to Councillors and the Corporate Management Team. Podcasting will not apply to such meetings or parts of meetings.
- Audio recordings will be retained for the term of the current Council and previous Council term, after which time the recordings will be archived and retained in accordance with applicable public record standards. Council meeting recordings posted on the Council website are for information purposes only. The confirmed minutes are the official record of the meeting.
- Due to the nature of technical equipment, the Council does not guarantee that audio recordings or podcasts will be continuous or fault-free.
- Future recording technology that may become available and/or implemented by the Council will not affect the intent or operation of this policy.

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 *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 ASSEMBLY OF COUNCILLORS

Agenda item *Assembly of Councillors* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.3 CONFIDENTIAL ITEMS

Agenda item *Confidential Items* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.4 LCC-112 RECONSTRUCTION OF JAMES STREET, MORWELL

Agenda item *LCC-112 RECONSTRUCTION OF JAMES STREET, MORWELL* is designated as confidential as it relates to contractual matters (s89 2d)

18.5 SPORTING SPONSORSHIP APPLICATION

Agenda item *Sporting Sponsorship Application* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.6 SPONSORSHIP APPLICATION

Agenda item *Sponsorship Application* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.7 COMMUNITY GRANTS REQUEST FOR CHANGE TO PROJECT 1757

Agenda item *COMMUNITY GRANTS REQUEST FOR CHANGE TO PROJECT 1757* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.8 BUILDING VICTORIA'S ORGANICS RECOVERY PROPOSAL

Agenda item *Building Victoria's Organics Recovery Proposal* is designated as confidential as it relates to contractual matters (s89 2d)

18.9 SPONSORSHIP APPLICATION

Agenda item *Sponsorship Application* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.10 PROCEDURAL BREACHES ADVISORY COMMITTEE

Agenda item *Procedural Breaches Advisory Committee* 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)

18.11 2013/21 - NOTICE OF RESCISSION - 18.7 REVIEW OF GOVERNANCE PROCESSES ASSOCIATED WITH THE MOE ACTIVITY CENTRE PLAN/MOE RAIL PRECINCT REVITALISATION PROJECT

Agenda item *2013/21 - NOTICE OF RESCISSION - 18.7 REVIEW OF GOVERNANCE PROCESSES ASSOCIATED WITH THE MOE ACTIVITY CENTRE PLAN/MOE RAIL PRECINCT REVITALISATION PROJECT* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Moved: Rossiter

Seconded: Harriman

CARRIED UNANIMOUSLY

**ORDINARY COUNCIL MEETING MINUTES
16 SEPTEMBER 2013 (CM420)**

The Meeting closed to the public at 9.50 pm

The meeting re-opened to the public at 10.40 pm

There being no further business the meeting was declared closed at 10.40 pm

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____