



# **LATROBE CITY COUNCIL**

## **AGENDA FOR THE COUNCIL MEETING**

**TO BE HELD IN THE MEETING ROOMS AT  
GIPPSLAND PERFORMING ARTS CENTRE,  
TRARALGON AND VIA AUDIO-VISUAL LINK  
AT 6:00PM ON  
01 MAY 2023  
CM590**

***Please note:***

*Opinions expressed or statements made by participants are the opinions or statements of those individuals and do not imply any form of endorsement by Council.*

*By attending a Council Meeting via audio-visual link those present will be recorded or their image captured. When participating in the meeting, consent is automatically given for those participating to be recorded and have images captured.*

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## **COUNCILLOR AND PUBLIC ATTENDANCE**

### **PLEASE NOTE**

PURSUANT TO SECTION 61 OF THE LOCAL GOVERNMENT ACT 2020, A COUNCILLOR MAY ATTEND THIS COUNCIL MEETING REMOTELY BY ELECTRONIC MEANS OF COMMUNICATION; AND

PURSUANT TO SECTION 66 OF THE LOCAL GOVERNMENT ACT 2020 THIS COUNCIL MEETING MAY BE CLOSED TO IN PERSON ATTENDANCE BY MEMBERS OF THE PUBLIC PROVIDED THE MEETING IS AVAILABLE THROUGH LIVE STREAM ON COUNCIL'S INTERNET SITE.

### **1. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**

*I would like to acknowledge that we are meeting here today on the traditional land of the Brayakaulung people of the Gunaikurnai nation and I pay respect to their elders past and present.*

*If there are other Elders present I would also like to acknowledge them.*

### **2. THE PRAYER**

### **3. APOLOGIES AND LEAVE OF ABSENCE**

### **4. ADOPTION OF MINUTES**

#### **Proposed Resolution:**

**That Council confirm the minutes of the Council Meeting held on 3 April 2023.**

### **5. DECLARATION OF INTERESTS**

## **6. PUBLIC PARTICIPATION TIME**

### **Public Questions on Notice**

In Accordance with the Council Meeting Policy, members of the public can lodge a question on notice before 12noon on the Friday before the day of the Council meeting in order for the question to be answered at the meeting.

### **Public Speakers**

An opportunity for members of the public to speak to an item on the agenda will be made available by necessary means. To participate, members of the public must have registered before 12noon on the day of the Council meeting.

# **STRATEGIC ITEMS FOR DECISION**

## 7. STRATEGIC ITEMS FOR DECISION

Item Number 7.1 01 May 2023

Regional City Planning and Assets

# TRARALGON FLOOD RECOVERY PROJECT STAGE 1 PROJECT REFERENCE GROUP

## PURPOSE

To seek Council's endorsement of the Terms of Reference, nominated Councillors and representative organisations for the Traralgon Flood Recovery Project Stage 1 Project Reference Group.

## EXECUTIVE SUMMARY

- Stage 1 of the Traralgon Flood Recovery Project (TFRP) has been funded via several streams of funding notably by Council, the State Government, and the Federal Government which includes the following projects
  - Multi Use Pavilion at the Traralgon Recreation Reserve; and
  - Indoor Multi Sports Hall at Glenview Park, Traralgon.
- As part of the proposed engagement for the TFRP Stage 1 project, a draft Project Reference Group (PRG) Terms of Reference (Attachment 1) has been prepared.
- The draft Terms of Reference for the TFRP Stage 1 PRG details a membership that comprises two sub-groups made up of the stakeholders specific to each portion of the overall project.
- A monthly meeting would be set for the PRG with the first hour dedicated to the sub-group for the Multi Use Pavilion project at the Traralgon Recreation Reserve and a second hour dedicated to the sub-group for the Indoor Multi Sports Hall project at Glenview Park.

## OFFICER'S RECOMMENDATION

### That Council:

1. **Adopts the Traralgon Flood Recovery Project Stage 1 PRG Terms of Reference (Attachment 1); and**
2. **Appoints Cr Darren Howe (Chair), Cr Dan Clancey and Cr Dale Harriman to the Traralgon Flood Recovery Project Stage 1 PRG.**

## BACKGROUND

The Traralgon Recreation Reserve is located within a floodway and has been impacted by multiple flood events in recent history. The June 2021 flood event caused considerable damage to a number of buildings within the Traralgon Recreation Reserve, and as a result Council has been provided \$4.75M by the State Government for the following projects:

1. Traralgon Recreation Reserve Flood Remediation Project (Multi Use Pavilion) – \$2.75M; and
2. Traralgon Indoor Multi Sports Hall Project at Glenview Park (Roller Derby) – \$2M.

Council also previously resolved to contribute a further \$1.6M on top of a previous commitment of \$2M to the overall project, as well as the contribution of LRCIP4 funding from the Federal Government for \$1.7M to the project.

## ANALYSIS

The TFRP PRG is proposed to comprise two separate sub-groups to align with the two projects funded as part of Stage 1 of the project.

Essentially, the overall PRG representatives from Council, being Councillors and officers, would sit on both sub-groups and thereby reduce the amount of resourcing required to oversee two separate PRG's.

The directly impacted user groups would be represented in the respective sub-group of the PRG and therefore Council officers are of the opinion that no public consultation is required to form this PRG.

The number of user groups represented for each of the projects is significant and that the infrastructure is essentially to be provided for the affected user groups at each site, as was the case on previous PRG's for Morwell Recreation Reserve, Ted Summerton Reserve and Gippsland Sports and Entertainment Park.

The proposed sub-group compositions are provided below.

### **PRG Subgroup 1: Traralgon Flood Recovery Project – Traralgon Recreation Reserve:**

- 1.1. Up to three Councillors, one of whom shall be nominated as Chair (to be the same three as PRG subgroup 2)
- 1.2. One representative of the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) where GLaWAC chooses to nominate a representative
- 1.3. Two representatives from the Traralgon Football Netball Club (1 x Football and 1 x Netball)
- 1.4. One representative from the Traralgon Boxing Club
- 1.5. One representative from the Ex-Students Cricket Club
- 1.6. One representative from Sport and Recreation Victoria (State Government)
- 1.7. LCC Officers
  - 1.7.1. 1 x Project Sponsor (GM RCPA)



- 1.7.2. 1 x Project Owner (Manager City Assets)
- 1.7.3. 1 x Coordinator Building Projects and Maintenance
- 1.7.4. 1 x Project Manager
- 1.7.5. 1 x Project Support Officer

**PRG Sub-group 2: Traralgon Flood Recovery Project – Glenview Park:**

- 2.1 Up to three Councillors, one of whom shall be nominated as Chair (to be the same three as PRG subgroup 1)
- 2.2 One representative of the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) where GLaWAC chooses to nominate a representative
- 2.3 One representative from the Gippsland Ranges Roller Derby
- 2.4 One representative from the Latrobe Valley Dodgeball League/Traralgon Trailblazers
- 2.5 One representative from the Ravens Equestrian Club
- 2.6 One representative from Sport and Recreation Victoria (State Government)
- 2.7 LCC Officers
  - 2.7.1 1 x Project Sponsor (GM RCPA)
  - 2.7.2 1 x Project Owner (Manager City Assets)
  - 2.7.3 1 x Coordinator Building Projects and Maintenance
  - 2.7.4 1 x Project Manager
  - 2.7.5 1 X Project Support Officer

**RISK ASSESSMENT**

RISK	RISK RATING	TREATMENT
<b>SERVICE DELIVERY</b> Lack of oversight /governance for the project from funding body (State Government)	<b>High</b> <i>Possible x Major</i>	Inclusion of a representative from Sport and Recreation Victoria (State Government) on the Project Reference Group
<b>FINANCIAL</b> Project costs exceeding the funding available	<b>Medium</b> <i>Possible x Moderate</i>	The establishment of a PRG will help mitigate financial risks by assisting value management of the projects with the affected user groups

RISK	RISK RATING	TREATMENT
<b>STRATEGIC</b> User groups not owning the project and being involved in the development of the scope and project related documentation	<p style="text-align: center;"><b>Low</b> <i>Possible x Major</i></p>	The establishment of a PRG will help mitigate strategic risks by taking a consultative approach to the delivery of each of the projects considering scope, budget, governing sporting guidelines etc.

#### CONSULTATION

No community consultation is currently proposed, instead officers would work directly with the groups that are required to provide a representative on the proposed sub-groups of the PRG.

#### COMMUNICATION

Officers have discussed the proposed PRG and its composition prior to developing this report, as well as the role the Traralgon Recreation Reserve and Showgrounds User Group Committee (the Committee) would play in the overall TFRP and determined a separate PRG makes sense for the scale of the project(s). Officers propose that the Committee and its members would be kept up to date by Council Officers regularly on project progress.

#### DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

The inclusion of key stakeholders will assist in the development and delivery of the project in line with user group expectations.

### **Cultural**

Nil

### **Health**

Nil

### **Environmental**

Nil

### **Economic**

Nil

### **Financial**

Nil

### **Attachments**

1. TRFP Stage 1 Terms of Reference

# 7.1

## Traralgon Flood Recovery Project Stage 1 Project Reference Group

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# Traralgon Flood Recovery Project (Stage 1) Project Reference Group *Terms of Reference*



May 2023





## CONTENTS:

1. **Establishment of the Project Reference Group (PRG)**
2. **Objectives**
3. **Membership**
  - Composition of the PRG
  - Length of appointment
  - Selection of members and filling of vacancies
  - Co-option of members
  - Attendance at meetings
  - Resignations
4. **Proceedings**
  - Chair
  - Meeting Schedule
  - Meeting procedures
  - Quorum
  - Voting
  - Minutes
  - Reports to Council
5. **Review of PRG and Duration of the PRG**
6. **Authority and Compliance Requirements**



## 1. Establishment of the Project Reference Group (PRG)

- 1.1. The Traralgon Flood Recovery Project (Stage 1) Project Reference Group (hereinafter referred to as the “PRG”), is a formally appointed Advisory PRG of Latrobe City Council for the purposes of providing advice to Council.
- 1.2. The membership of this PRG and these Terms of Reference will be adopted by resolution of Latrobe City Council at a Council Meeting.

## 2. Objectives

- 2.1. The PRG’s role is to report to the Council and provide appropriate advice, information and feedback on matters relevant to this Terms of Reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
- 2.2. The PRG is an advisory group only and has no delegated decision-making authority.
- 2.3. The PRG is established to:
  - 2.3.1. Provide an interface between Council and the user groups.
  - 2.3.2. Provide specific feedback the Project Team about elements of the project where members of the Traralgon Flood Recovery Project (Stage 1) PRG have specialist expertise.
  - 2.3.3. Provide advice to Council on issues relating to the development of the Traralgon Flood Recovery Project (Stage 1).
  - 2.3.4. Provide feedback and support for community engagement strategies with the user groups.
  - 2.3.5. Act as advocates for the project with the wider community.
- 2.4. The PRG will carry out the following in order to achieve the objectives set:
  - 2.4.1. Review progress of the Traralgon Flood Recovery Project (Stage 1) project relating to the development of design components.
    - 2.4.1.1. Schedule meetings as required to receive updates on the development of the Traralgon Flood Recovery Project (Stage 1).
    - 2.4.1.2. Contribute to the development of media and communication strategies.



2.4.1.3. Assist with the appointment of co-opted members, as deemed appropriate by the PRG, to contribute at particular stages of the project.

2.4.2. Policy and Strategy Development

2.4.2.1. Provide advice as part of a policy, strategy (or other relevant document) review or development processes as required from time to time.

2.4.3. Perform other activities related to this Terms of Reference as requested by the Council.

### 3. Membership

#### Composition of the PRG

The PRG shall comprise of two separate sub-groups, being:

#### 3.1. *Traralgon Flood Recovery Project – Traralgon Recreation Reserve:*

- 3.1.1. Up to three Councillors, one of whom shall be nominated as Chair (to be the same three as PRG subgroup 2)
- 3.1.2. One representative of the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) where GLaWAC chooses to nominate a representative
- 3.1.3. Two representatives from the Traralgon Football Netball Club (1 x Football and 1 x Netball)
- 3.1.4. One representative from the Traralgon Boxing Club
- 3.1.5. One representative from the Ex-Students Cricket Club
- 3.1.6. One representative from Sport and Recreation Victoria (State Government)
- 3.1.7. LCC Officers
  - 3.1.7.1. 1 x Project Sponsor (GM RCPA)
  - 3.1.7.2. 1 x Project Owner (Manager City Assets)
  - 3.1.7.3. 1 x Coordinator Building Projects
  - 3.1.7.4. 1 x Project Manager
  - 3.1.7.5. 1 x Project Support Officer





### 3.2. Traralgon Flood Recovery Project – Glenview Park:

- 3.2.1. Up to three Councillors, one of whom shall be nominated as Chair (to be the same three as PRG subgroup 1)
- 3.2.2. One representative of the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) where GLaWAC chooses to nominate a representative
- 3.2.3. One representative from the Gippsland Ranges Roller Derby
- 3.2.4. One representative from the Latrobe Valley Dodgeball League/Traralgon Trailblazers
- 3.2.5. One representative from the Ravens Equestrian Club
- 3.2.6. One representative from Sport and Recreation Victoria (State Government)
- 3.2.7. LCC Officers
  - 3.2.7.1. 1 x Project Sponsor (GM RCPA)
  - 3.2.7.2. 1 x Project Owner (Manager City Assets)
  - 3.2.7.3. 1 x Coordinator Building Projects
  - 3.2.7.4. 1 x Project Manager
  - 3.2.7.5. 1 x Project Support Officer

#### Length of appointment

- 3.3. Whilst a PRG shall remain in place for a period determined by Item 5.1, during that period the appointment of members shall be for a term as deemed appropriate by Council.
- 3.4. Prior to the expiration of each term, there will be a call for nominations for the next term. Current PRG members are able to re-nominate.

#### Selection of members and filling of vacancies

- 3.5. Latrobe City Council shall determine the original membership of a PRG based on nominations received from the nominated organisations listed in Items 3.1 and 3.2.
- 3.6. The PRG may fill any vacancies that occur within the determined year period of appointment, subject to the approval of the General Manager of the relevant division and endorsement of Council. Where a vacancy is filled in this way, the appointment shall be limited to the remainder of the period of the original appointment.



#### Co-option of members

- 3.7. With the approval of the Chair, the PRG may invite other individuals to participate in the proceedings of the PRG on a regular or an occasional basis and including in the proceedings of any sub-PRGs formed.

#### Attendance at meetings

- 3.8. All PRG members are expected to attend each meeting.
- 3.9. A member who misses two consecutive meetings without a formal apology may at the discretion of Latrobe City Council have their term of office revoked.
- 3.10. A member who is unable to attend the majority of meetings during the year may at the discretion of Latrobe City Council have their term of office revoked.

#### Resignations

- 3.11. All resignations from members of the PRG are to be submitted in writing to the General Manager of the relevant division, Latrobe City Council, PO Box 264, Morwell VIC 3840.

### **4. Proceedings**

#### Chair

- 4.1. The nominated Councillor shall Chair the meetings.
- 4.2. If the Councillor delegate is unavailable he/she shall delegate to the other nominated Councillor to chair the meeting.
- 4.3. If neither Councillor is available, the Chair may nominate a replacement from the current membership of the PRG to chair the meeting.

#### Meeting schedule

- 4.4. The PRG will determine its meeting schedule and times for each of the meetings. The duration of each PRG meeting should generally not exceed two hours.
- 4.5. Meetings of the PRG will be held monthly initially or as may be deemed necessary by Latrobe City Council or the PRG to fulfil the objectives of the PRG. Additional meetings may be held on an as-needs basis.

#### Meeting procedures

- 4.6. Meetings will follow standard meeting procedures as established in any guidance material and outlined in these terms of reference for Advisory PRGs provided (see appendix one for the agenda template).



4.7. PRG meetings and records are considered confidential and all requirements of the *Local Government Act 2020* in relation to confidentiality must be complied with.

4.8. All recommendations, proposals and advice must be directed through the Chair.

#### Quorum

4.9. A majority of the members constitutes a quorum.

4.10. If at any PRG meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be deemed adjourned.

#### Voting

4.11. There will be no official voting process, although all members shall have equal voting rights. Majority and minority opinions will be reflected in PRG minutes.

#### Minutes of the Meeting

4.12. A Latrobe City Officer or authorised agent shall take the minutes of each PRG meeting.

4.13. The minutes shall be in a standard format including a record of those present, apologies for absence, adoption of previous minutes and a list of adopted actions and resolutions of the PRG (see appendix two for the minutes template).

4.14. The minutes shall be stored in the Latrobe City Council corporate filing system (currently CiAnywhere electronic document and records management system).

4.15. The agenda shall be distributed at least 48 hours in advance of the meeting to all PRG members.

4.16. A copy of the minutes shall be distributed to all PRG members within 10 working days of the meeting.

#### Reports to Council

4.17. With the approval of the Chair, a report to Council may be tabled on the PRG's progress towards the objectives included in this Terms of Reference.

4.18. Reports to Council should reflect a consensus of view. Where consensus cannot be reached, the report should clearly outline any differing points of view.

4.19. Reports to Council will be co-ordinated through the General Manager of the relevant division that the PRG falls under.



## **5. Review of PRG and Duration of the PRG**

- 5.1. The PRG will cease to exist by resolution of the Council, or once the objectives at Item 2.3 are demonstrated to have been met, whichever occurs first.
- 5.2. A review of the PRG will take place at least once every three years at which time the Terms of Reference will also be reviewed.
- 5.3. A review will be conducted on a self-assessment basis (unless otherwise determined by Council) with appropriate input sought from the Council, the CEO, all PRG members, management and any other stakeholders, as determined by Council.
- 5.4. The review must consider:
  - 5.4.1. The PRG's achievements
  - 5.4.2. Whether there is a demonstrated need for the PRG to continue, and
  - 5.4.3. Any other relevant matter.

## **6. Authority and Compliance Requirements**

- 6.1. The PRG is a consultative PRG only and has no executive powers nor does it have any delegated decision making or financial authority.
- 6.2. Failure to comply with the provisions outlined in this draft Terms of Reference may result in termination of the Member's appointment at the discretion of Council.




## Appendix 1: Agenda Template



[Name] Advisory Committee			
Meeting Day, XX Month Year Time Commencing: 00:00am/pm Expected Finish Time: 00:00am/pm Location: (include specific meeting room and address)			
AGENDA ITEMS			
No.	Item	Responsible Officer	Attachment
1.	Welcome and Introduction	Chair	N/A
2.	Apologies	All	
3.	Declarations of Interest	All	
	<i>Members of the Committee are to declare any Conflicts of interest or any interests in matters listed on the agenda</i>		
4.	Confirmation of Minutes		
	<i>Confirmation of the previous minutes of the meeting.</i>		
5.	Matters arising from previous meeting	All	
	<i>Review of action progress from previous meetings</i>		
6.	Items for Consideration		
	<i>Matters being presented for discussion in accordance with the terms of reference</i>		
	•		
	•		
	•		
	•		
7.	General Business		
	•		
	•	All	
	•		



## Appendix 2: Minutes Template



**[Name] Advisory Committee Minutes**

Meeting Day, XX Month Year  
 Time Commenced: 00:00am/pm Finish Time: 00:00am/pm  
 Location: (include specific meeting room and address)

Meeting Chair: < Name >

No.	Item	Responsible Person	Timeframe
1.	<b>Present</b>		
2.	<b>Apologies</b>		
3.	<b>Interest Disclosures</b>		
	<p><i>Members of the Committee declare any Conflicts of interest or Interests in matters discussed at the meeting.</i></p> <p>The following members of the Committee declared a Conflict of Interest at the meeting and left the meeting whilst the matter was being discussed:</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p>		



**[Name] Advisory Committee Minutes**

Meeting Day, XX Month Year  
 Time Commenced: 00:00am/pm Finish Time: 00:00am/pm  
 Location: (include specific meeting room and address)

Meeting Chair: < Name >

No.	Item	Responsible Person	Timeframe
4.	<b>Confirmation of Minutes</b>		
	<i>That the minutes of the meeting held on [Date] of the [Name] Advisory Committee be confirmed.</i>		
5.	<b>Matters arising from previous meeting</b>		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul> 2. Item Heading Action(s): <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>		
6.	<b>Items for Consideration</b>		
	<i>List the item and action agreed as per agenda and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul> 2. Item Heading Action(s): <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul> 3. Item Heading Action(s): <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>		



[Name] Advisory Committee Minutes

Meeting Day, XX Month Year  
 Time Commenced: 00:00am/pm Finish Time: 00:00am/pm  
 Location: (include specific meeting room and address)

Meeting Chair: < Name >

No.	Item	Responsible Person	Timeframe
7.	<b>General Business</b>		
	<p>List the item and action agreed and assign any follow up actions and expected timeframes</p> <p>1. Item Heading            Action(s):</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul> <p>2. Item Heading            Action(s):</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>		
<b>Next Meeting:</b> <Provide details of the next meeting date, time and location>			



# RELEASE OF THE DRAFT FENCED DOG PARK IMPLEMENTATION PLAN FOR PUBLIC CONSULTATION

## PURPOSE

To present the Draft Fenced Dog Park Implementation Plan and seek Council approval to release it to the community for comment.

## EXECUTIVE SUMMARY

- The current Council Plan outlines a strategic direction to: *Develop the plan for staged development of dog parks across the towns of Latrobe City.*
- The Latrobe City Fenced Dog Park Guidelines were endorsed by Council at the Council Meeting held on 2 May 2022.
- Officers have since undertaken detailed assessments on 34 potential sites across the municipality using the criteria outlined in the guidelines and have developed the Draft Fenced Dog Park Implementation Plan (attached).
- To determine the recommended site for each town, a 'traffic light' rating was used for each criterion and a score was allocated against each colour (green scored two, orange scored one and red scored zero), and a total score was calculated.
- Current dog registrations per town, community enquiries since 2018 and responses from a 2018 survey were used to prioritise locations.
- Estimated associated costs over the next 10 years (if the full implementation plan is progressed) are construction: between \$650,000 and \$1.3 million, and maintenance: between \$5,000 (basic site) and \$13,500 (advanced site) per site, per annum.
- Funding has not currently been allocated or secured for delivery of the actions within this implementation plan.
- For the purpose of this plan, dog parks are being assessed at a township level (rather than a whole of Latrobe City approach) to reflect community requests received to date.

## OFFICER'S RECOMMENDATION

### That Council:

- 1. Releases the Draft Fenced Dog Park Implementation Plan for public consultation; and**
- 2. Is provided a future report detailing submissions received following the consultation phase.**

## BACKGROUND

The current Council Plan outlines a strategic direction to: *Develop the plan for staged development of dog parks across the towns of Latrobe City.*

The Latrobe City Fenced Dog Park Guidelines were endorsed by Council at the Council Meeting held on 2 May 2022. Based on these guidelines, assessments were completed on 34 sites across the municipality. Officers have now developed the Draft Fenced Dog Park Implementation Plan which is attached to this report.

Estimated associated costs over the next 10 years are construction: between \$650,000 and \$1.3 million, and maintenance: between \$5,000 (basic site) and \$13,500 (advanced site) per site, per annum. Funding has not currently been allocated or secured for the delivery of the actions within this implementation plan.

For the purpose of this plan, dog parks are being assessed at a township level (rather than a whole of Latrobe City approach) to reflect community requests received to date. Other benefits of planning dog parks at a township level include making them available to people who do not drive, and encouraging active living by locating them within walking distance. Also, visitation rates would likely be increased per site as the greater the distance, the less likely it is that people will attend.

As a requirement under the Gender Equality Act 2020, a Gender Impact Assessment (GIA) has been completed on the Draft Fenced Dog Park Implementation Plan. Findings from the GIA such as consideration for adequate lighting; using sites with high visibility; and having multiple entry / exit points are covered under the recommendations of the Fenced Dog Park Guidelines, along with applying Crime Prevention Through Environmental Design principles and designing for accessibility.

## ANALYSIS

To inform this Implementation Plan, detailed assessments have been undertaken on 34 sites across the municipality using criteria outlined in the Latrobe City Fenced Dog Park Guidelines. These sites are a combination of community suggestions and locations that have been otherwise identified as being able to support a suitable sized fenced dog park.

To determine the recommended site for each town, a 'traffic light' rating was used for each criterion. During this process, consideration was given to size; location; availability of facilities such as toilets and carparking; accessibility and; visibility. A score was then allocated against each colour (green scored two, orange scored one and red scored zero), and a total score was calculated. The detailed site assessments and recommendations are included in the plan, as well as a summary of the site assessments and the total score for each site. Locations were then prioritised in order of current dog registrations per town, community enquiries since 2018 and responses to a 2018 survey undertaken where people were asked "Which towns would you drive to, in order to visit a fenced off leash dog park – Churchill / Traralgon / Morwell / Moe Newborough?" (44 responses received).

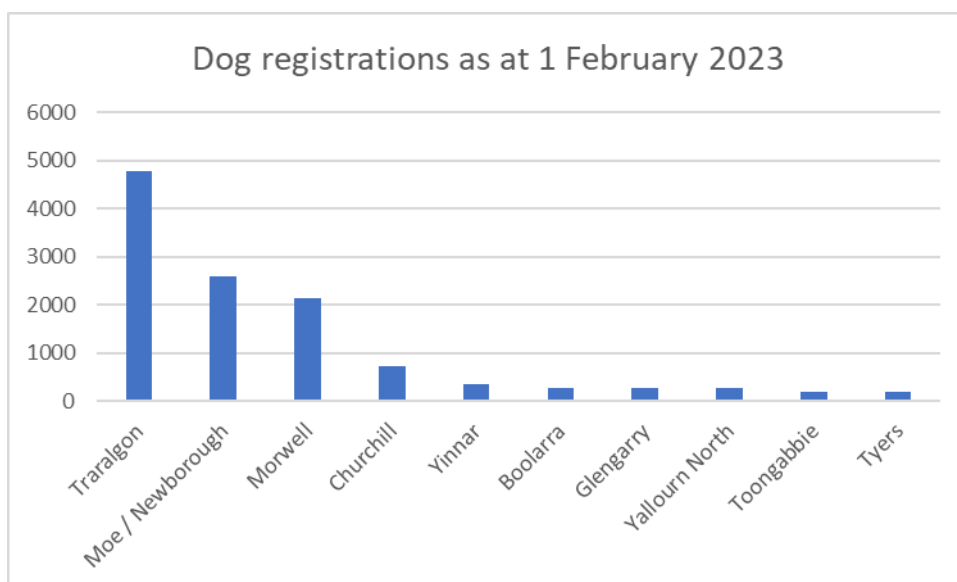


Figure 1 - Dog registrations

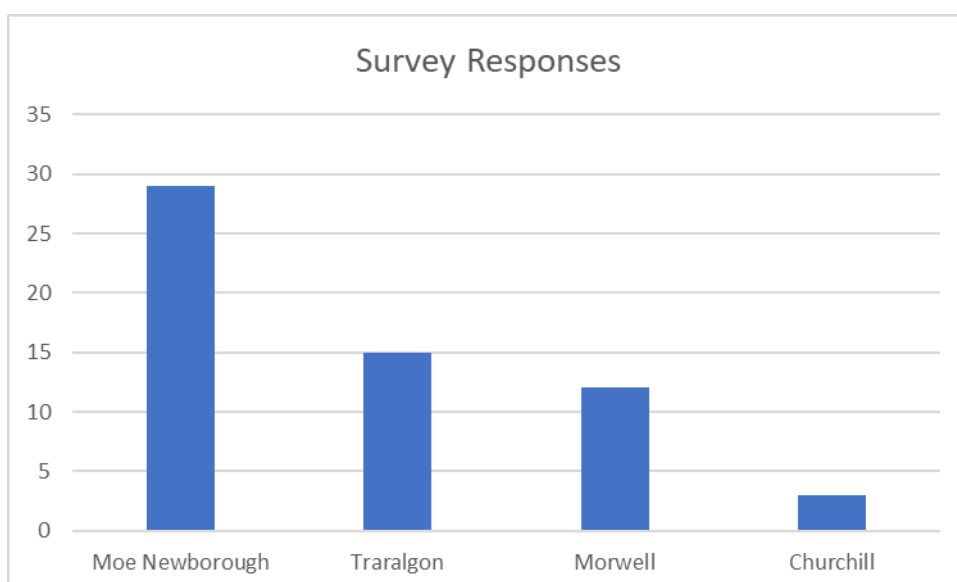


Figure 2 - Survey Responses

The recommended sites in order of priority have been tabled within the plan, along with associated delivery and maintenance costs, and summarised below. Traralgon, Morwell and Churchill have a second option listed in case the first option is not viable following further investigation.

Priority	Location	Site
1	Moe	Botanic Gardens
2	Traralgon	Burnett Park Traralgon West Sporting Complex
3	Morwell	Maryvale Road (behind Leisure Centre) Toners Lane

Priority	Location	Site
4	Churchill	Walker Parade & McDonald Way Switchback Road & Manning Drive
5	Boolarra	Near BMX Track
6	Yallourn North	Reserve Street & Latrobe River Road
7	Yinnar	Main Street & Alfred Drive
8	Glengarry	Main Street near Skate Park
9	Toongabbie	Rail Trail
10	Tyers	North of Recreation Reserve

Table 1 - Recommended sites

## RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<b>COMPLIANCE</b> Dog behaviour and infectious diseases such as Kennel Cough.	<b>Low</b> <i>Possible x Minor</i>	Ensure regular inspections are undertaken to identify and mitigate risks.
<b>SERVICE DELIVERY</b> Maintenance costs will be prohibitive and non-compliance of the patrons with regulations will result in negative public perception.	<b>Medium</b> <i>Possible x Moderate</i>	Design the parks in accordance with guidelines to limit ongoing service requirements.  Notify (signage) and educate dog owners about the risks and have Local Laws presence as required.

RISK	RISK RATING	TREATMENT
<b>FINANCIAL</b> Commitment to deliver dog parks in line with guidelines requires significant investment for construction as well as ongoing maintenance.	<b>Medium</b> <i>Possible x Moderate</i>	Ensure the community understands the financial implications of establishing suitable Dog Parks, be clear that funding has not been allocated, construct with ongoing maintenance requirements in mind and seek external grants if / when available.
<b>Strategic</b> Plan does not meet community expectations and community may not agree with recommendations.	<b>Medium</b> <i>Possible x Moderate</i>	Conduct appropriate consultation on the implementation plan, including explanation of methodology used to prioritise sites and locations.
Land use conflict now and into the future.	<b>Medium</b> <i>Possible x Moderate</i>	Follow the Fenced Dog Park Guidelines, as they consider both existing and future land uses.

## CONSULTATION

Extensive community consultation was undertaken in the lead up to and during the development of the Latrobe City Fenced Dog Park Guidelines. On 13 September 2017 Latrobe City Council received a petition signed by 2,673 people seeking support for fenced off leash dog parks to be constructed within the townships of Churchill, Moe, Morwell and Traralgon and between 19 March and 22 April 2018 community consultation was undertaken to determine the community's desire to have access to such facilities. Following this, a trial site was developed in Traralgon and both internal and external feedback was considered when developing the guidelines.

Following Council's approval, officers will undertake community consultation on the Draft Fenced Dog Park Implementation Plan to ensure the views expressed by the community are captured and considered. During this phase Officers will seek to further engage with internal teams such as Local Laws, Depot and Asset Planning to gather a broad range of feedback to ensure the implementation plan is realistic and viable for the next ten years.

## COMMUNICATION

Following approval, the Draft Fenced Dog Park Implementation Plan will be released to the community for comment and feedback for a six-week period via the 'Have Your Say' page on the website, social media and the Council Noticeboard.

## DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

With the growth of new residential areas within Latrobe City, the demand for public space for dog exercise is increasing. Fenced dog parks provide an off-leash option for dog owners to exercise and socialise their dogs providing opportunities for social connection, and contributes towards the strategic direction of both the Council Plan 2021-25 and Living Well Latrobe 2022-25.

### **Cultural**

Nil.

### **Health**

Dog Parks are known to provide significant health benefits to not only dogs, but their owners too. Dog Parks lead to social interaction with other like-minded people in an outdoor environment. This provides a significant mental health benefit, as well as the physical health benefit of undertaking mild exercise.

### **Environmental**

There are not considered to be any negative environmental impacts due to dog parks, as long as they are located and planned appropriately, as per the Fenced Dog Park Guidelines.

### **Economic**

There is potential that centrally located dog parks will generate income for nearby business due to increased activity in the area.

### **Financial**

Estimated associated costs over the next 10 years (if the full implementation plan is progressed) are construction: between \$650,000 and \$1.3 million, and maintenance: between \$5,000 (basic site) and \$13,500 (advanced site) per site, per annum. Funding has not currently been allocated or secured for delivery of the actions within this implementation plan.

### **Attachments**

1. Dog Park Implementation Plan

# 7.2

## Release of the Draft Fenced Dog Park Implementation Plan for Public Consultation

1 Dog Park Implementation Plan..... 33



**Latrobe***City*

# Fenced Dog Park Implementation Plan

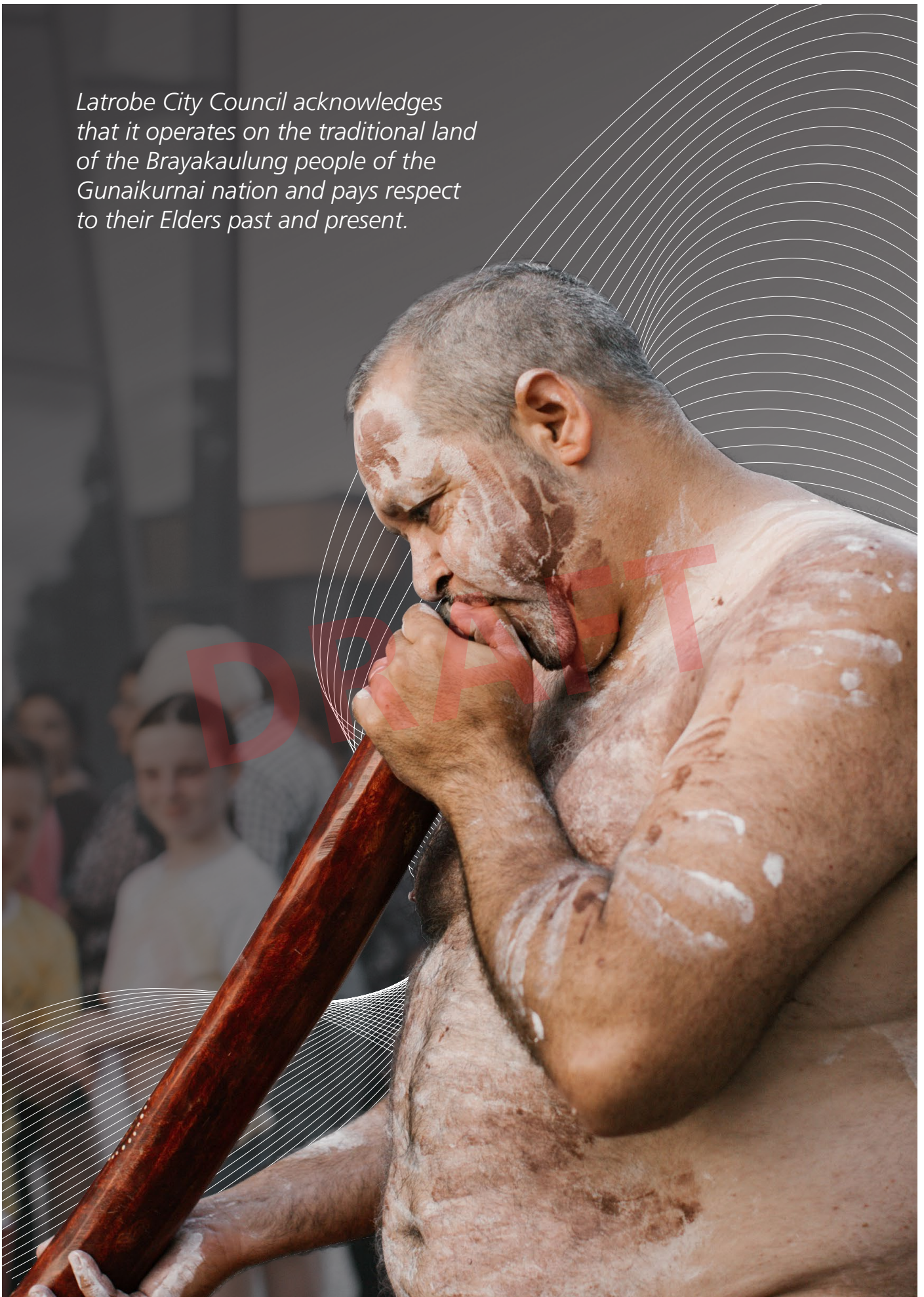
2024 - 2034

DRAFT



 **Latrobe***City*  
a new energy

*Latrobe City Council acknowledges  
that it operates on the traditional land  
of the Brayakaulung people of the  
Gunaikurnai nation and pays respect  
to their Elders past and present.*



## Our Community Vision

In 2031 Latrobe City will be known for being **smart, creative, healthy, sustainable and connected**. It will be the most liveable regional city and at the forefront of innovation.

Working together we are a diverse, connected and resilient community, supporting the equitable diversification of our economic base and transition towards a low emissions future.

We are known as a community that is equitable, liveable and sustainable, with a continued focus on healthy lifestyles supported by high quality recreational and cultural facilities and a natural environment that is nurtured and respected.

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## Introduction

To inform this Implementation Plan, detailed assessments have been undertaken on 34 sites across the municipality using criteria outlined in the *Latrobe City Fenced Dog Park Guidelines 2021*.

These sites are a combination of community suggestions and locations that have been otherwise identified as being able to support a suitable sized fenced dog park.



## Priority locations and costings

### MOE

Botanic Gardens

Priority	Town Priority Rating	Annual Maintenance
1	Registered dogs (Moe/Newborough) = 2,601	\$10,240
<b>Estimated Construction Cost</b>		<b>\$100,000 - \$150,000</b>

### TRARALGON

*Option One*

Burnett Park, Hickox Street

Priority	Town Priority Rating	Annual Maintenance
2	Registered dogs = 4,773	\$10,240
<b>Estimated Construction Cost</b>		<b>\$100,000 - \$150,000</b>

*Option Two*

Traralgon West Sporting Complex

Priority	Town Priority Rating	Annual Maintenance
2	Registered dogs = 4,773	\$10,240
<b>Estimated Construction Cost</b>		<b>\$100,000 - \$150,000</b>

### MORWELL

*Option One*

Maryvale Road (behind Leisure Centre)

Priority	Town Priority Rating	Annual Maintenance
3	Registered dogs = 2,124	\$10,240
<b>Estimated Construction Cost</b>		<b>\$100,000 - \$150,000</b>

*Option Two*

Toners Lane

Priority	Town Priority Rating	Annual Maintenance
3	Registered dogs = 2,124	\$13,360
<b>Estimated Construction Cost</b>		<b>\$300,000 +</b>

### CHURCHILL

*Option One*

Walker Parade and McDonald Way

Priority	Town Priority Rating	Annual Maintenance
4	Registered dogs = 730	\$5,040
<b>Estimated Construction Cost (plus additional cost for onsite carpark)</b>		<b>\$50,000 - \$100,000</b>

*Option Two*

Cnr Switchback Road and Manning Drive

Priority	Town Priority Rating	Annual Maintenance
4	Registered dogs = 730	\$5,040
<b>Estimated Construction Cost</b>		<b>\$50,000 - \$100,000</b>

### BOOLARRA

Near BMX Track

Priority	Town Priority Rating	Annual Maintenance
5	Registered dogs = 278	\$5,040
<b>Estimated Construction Cost</b>		<b>\$50,000 - \$100,000</b>

Note: Funding has not currently been allocated or secured for the delivery of this implementation plan.

## Priority locations and costings *(cont.)*

### YALLOURN NORTH

Reserve Street and Latrobe River Road

Priority	Town Priority Rating	Annual Maintenance
6	Registered dogs = 256	\$5,040
<b>Estimated Construction Cost (plus additional cost to add toilet)</b>		<b>\$50,000 - \$100,000</b>

### YINNAR

Main Street and Alfred Drive

Priority	Town Priority Rating	Annual Maintenance
7	Registered dogs = 354	\$5,040
<b>Estimated Construction Cost (plus additional cost to add toilet)</b>		<b>\$50,000 - \$100,000</b>

### GLENGARRY

Main Street near Skate Park

Priority	Town Priority Rating	Annual Maintenance
8	Registered dogs = 271	\$5,040
<b>Estimated Construction Cost</b>		<b>\$50,000 - \$100,000</b>

### TOONGABBIE

Rail Trail

Priority	Town Priority Rating	Annual Maintenance
9	Registered dogs = 189	\$5,040
<b>Estimated Construction Cost</b>		<b>\$50,000 - \$100,000</b>

### TYERS

North of Recreation Reserve

Priority	Town Priority Rating	Annual Maintenance
10	Registered dogs = 177	\$5,040
<b>Estimated Construction Cost</b>		<b>\$50,000 - \$100,000</b>

*Note: Funding has not currently been allocated or secured for the delivery of this implementation plan.*



## Summary Site Assessments

LOCATION	SCORE	JUSTIFICATION
<b>Traralgon</b>		
<b>Burnett Park</b> Hickox Street	21	High scoring - nominated as first priority
<b>Traralgon West Sporting Complex</b>	20	High scoring - nominated as second priority
<b>Doorty Park</b> Peterkin Street	19	Ruled out due to limited visibility
<b>Traralgon Railway Reserve</b>	18	Ruled out as location is a conservation reserve
<b>Victory / Newman Park</b>	18	Ruled out as West Gippsland Catchment Management Authority do not support
<b>Traralgon Recreation Reserve and Showgrounds</b>	15	Ruled out due to site being unavailable on game days
<b>Morwell</b>		
<b>Maryvale Road</b> (behind Leisure Centre)	21	High scoring - nominated as first priority
<b>Toners Lane</b>	20	High scoring - nominated as second priority
<b>Parkland</b> Next to Kernot Hall	14	Ruled out due to drainage issues, no natural shade, water and power unavailability and site not Council owned (Department of Education)
<b>Morwell Recreation Reserve</b>	11	Ruled out due to drainage issues, no natural shade, access issues on game days, close to sensitive vegetation (Eric Lubcke Reserve) and poor surveillance
<b>Moe / Newborough</b>		
<b>Moe Botanic Gardens</b>	22	High scoring - nominated as the priority site
<b>Cnr Narracan and Dinwoodie Drive</b>	21	Not nominated due to alternative site identified as higher priority
<b>WH Burrage Reserve</b>	18	Poor drainage, potential unavailability on game days and negative environmental impacts on vegetation
<b>Former school site</b> Lloyd Street	14	Ruled out due to parking issues
<b>HG Stoddart Park</b>	12	Ruled out due to poor surveillance, no available parking nearby and very close proximity to residential dwellings



LOCATION	SCORE	JUSTIFICATION
<b>Churchill</b>		
Cnr Walker Parade and McDonald Way	23	High scoring - nominated as first priority site
Cnr Switchback Rd and Manning Drive	21	High scoring - nominated as second priority above other locations (due to potential cost savings with fencing)
Cnr Switchback Road and Birch Drive	21	Not nominated due to alternative sites identified as higher priority
<b>Yinnar</b>		
Main Street and Alfred Drive	16	Nominated as the priority site
Yinnar Recreation Reserve	15	Low scoring - not a central location, near to agricultural users, long walk from residential area, access issues on game days
Charles Bond Park Wicks Street	14	Low scoring - directly abuts residential houses
Yinnar Road	13	Low scoring - this site is not central to Yinnar
RV Park (North Eastern corner of the site)	9	Very low scoring - not accessible for pedestrians, no shade, minimal surveillance if RV sites not in use
<b>Boolarra</b>		
Near BMX track	21	High scoring - nominated as priority site
Penaluna Street and Church Street	16	Low scoring - not accessible for pedestrians
Penaluna Street	13	Low scoring - site not central to Boolarra, not accessible for pedestrians, minimal shade and potential for water and power connection to be costly
<b>Yallourn North</b>		
Reserve Street and Latrobe River Road	19	High scoring – nominated as priority site
Third Street	17	Low scoring - not centrally located, close to residential dwellings, no footpath directly leading into site
Anderson Avenue Reserve	14	Low scoring - site close to residential dwellings and has some slope

## Summary Site Assessments *(cont.)*

LOCATION	SCORE	JUSTIFICATION
<b>Tyers</b>		
North of Recreation Reserve	20	High scoring – nominated as priority site
Bert Christensen Reserve	16	Ruled out due to parking issues
<b>Glengarry</b>		
Main Street	19	High scoring – nominated as priority site
Recreation Reserve	16	Low scoring - limited shade, no footpaths, unavailable on game days
<b>Toongabbie</b>		
Rail Trail	22	High scoring – nominated as the priority site

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## Attachments

- Detailed Site Assessments
- Recommendations

## ATTACHMENT 1 Detailed Site Assessments

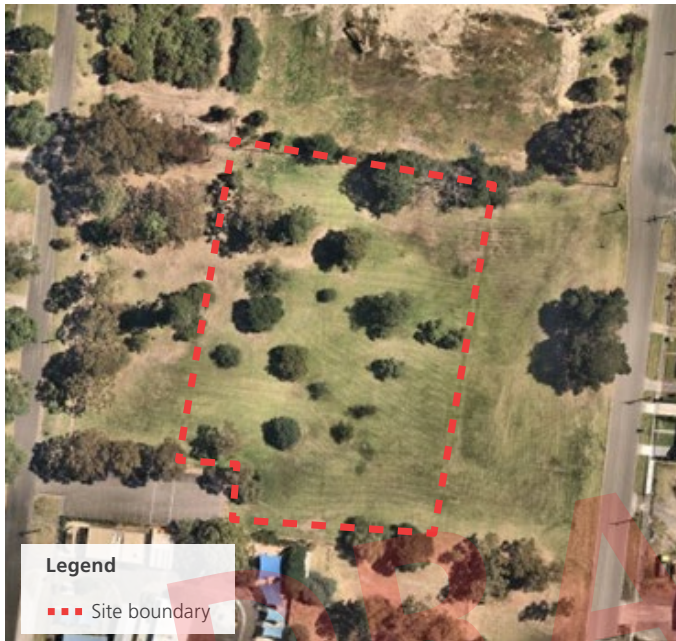
### TRARALGON



1. Burnett Park, Hickox Street
2. Traralgon West Sporting Complex
3. Doorty Park, Peterkin Street
4. Traralgon Railway Reserve
5. Victory / Newman Park
6. Traralgon Recreation Reserve and Showgrounds

**1. BURNETT PARK**

Hickox Street



**Site Analysis**

● **SIZE OF PARK**

Size is more than adequate to fit a large dog park and minimise degradation of surfaces.

● **LOCATION**

The site is not central to Traralgon’s population, being located south of two-thirds of Traralgon’s population. However it is known that a majority of dog park users come via car.

The site is accessible for pedestrians, however some major road crossings will be required for a majority of users.

● **SITE QUALITIES**

- No flooding/drainage issues
- Mature trees for shade
- Water/electricity runs along front
- Footpaths across roads at front and rear

● Car parking	● Car parking at site – used by school, however not used after hours or on weekends
● Adjacent activities/uses	● No adjacent activities, however Traralgon Railway Reserve is 350m away – a popular walking track ● Located close to school and some residential houses, but site large enough to set back fenced area to not produce acoustic issues
● Environmental sensitivity	● No environmental issues identified
● Access and traffic	● Very accessible via road
● Walking	● Not part of an overall trail network, however is accessible via pedestrian path network
● Site infrastructure	● Footpath through the site already ● Water connection available across road ● Power poles on nature strip ● Could utilise some of the existing fencing
● Visibility	● Site somewhat visible from the road
● Ownership	● DELWP owned land, with school car park built on this parcel as well
● Other:	● Site is currently listed as a dog off leash area in Latrobe City

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**ATTACHMENT 1**  
**Detailed Site Assessments (cont.)**

**2. TRARALGON WEST SPORTING COMPLEX**



**Site Analysis**

**● SIZE OF PARK**

4000m<sup>2</sup>

**● LOCATION**

The site is central to Traralgon’s population.

The site is accessible for pedestrians and along a popular walking track.

Close to residential dwellings.

**● SITE QUALITIES**

- Water/electricity runs along front of site
- Footpath through the site
- Carparking available
- Minimal shade

● Car parking	• Plenty available within the reserve
● Adjacent activities/uses	• Recreation reserve • Residential dwellings nearby
● Environmental sensitivity	• Nil
● Access and traffic	• Very accessible via road
● Walking	• Part of pathway network
● Site infrastructure	• Service connections all possible • Need all infrastructure constructed
● Visibility	• Great visibility
● Ownership	• Latrobe City owned
● Other:	• Is this area needed for overflow carparking at the reserve? If so, it might mean this site is not suitable

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**3. DOORTY PARK**

Peterkin Street



**Site Analysis**

● **SIZE OF PARK**

Can fit approximately 4000m<sup>2</sup>

● **LOCATION**

The site is central to Traralgon's population.

The site is accessible for pedestrians and along a popular walking track.

● **SITE QUALITIES**

- Elevated, undulated site with flooding issues close by
- Mature trees for shade
- Water/electricity runs along front of site
- Footpath through the site

● Car parking	● Car parking at front of site, used for Newman Park
● Adjacent activities/uses	● Close to multiple residential dwellings ● Regional play space located across the road
● Environmental sensitivity	● Needs to be located outside of flood plain (north side of footpath path).
● Access and traffic	● Very accessible via road
● Walking	● Part of an overall trail network
● Site infrastructure	● Footpath and bench seats through the site ● Water connection across road ● Power poles on nature strip ● Can use amenities at Newman Park
● Visibility	● Average
● Ownership	● Latrobe City owned
● Other:	● Site is currently listed as a dog off leash area in Latrobe City

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**ATTACHMENT 1**  
**Detailed Site Assessments (cont.)**

**4. TRARALGON RAILWAY RESERVE**



**Site Analysis**

● **SIZE OF PARK**

Space is adequate to provide well over 3000m2

● **LOCATION**

The site is central to Traralgon’s population.

The site is accessible for pedestrians and along a popular walking track.

● **SITE QUALITIES**

- Elevated, undulated site.
- Mature trees for shade
- Water/electricity runs along front of site
- Footpath through the site

● Car parking	• Car parking available in the reserve and on street
● Adjacent activities/uses	• Close to multiple residential dwellings • Conservation reserve
● Environmental sensitivity	• Conservation reserve
● Access and traffic	• Very accessible via road
● Walking	• Part of an overall trail network
● Site infrastructure	• Service connections all possible • Need all infrastructure constructed
● Visibility	• Good
● Ownership	• Latrobe City owned
● Other:	• Conservation reserve

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable



5. VICTORY/NEWMAN PARK



Site Analysis

● SIZE OF PARK

3000m<sup>2</sup>

● LOCATION

The site is central to Traralgon's population.

The site is accessible for pedestrians.

● SITE QUALITIES

- Elevated, undulated site.
- Mature trees for shade
- Part of a high use precinct

● Car parking	● Nil, would need to be constructed
● Adjacent activities/uses	● Regional play space ● Large passive park
● Environmental sensitivity	● Flood area
● Access and traffic	● Accessible via road
● Walking	● Part of an overall trail network, lacking pedestrian crossing on Whittakers Road
● Site infrastructure	● Service connections nearby ● Need all infrastructure constructed
● Visibility	● Good
● Ownership	● Latrobe City owned
● Other:	● Flood area / West Gippsland Catchment Management Authority not supportive

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

ATTACHMENT 1

Detailed Site Assessments (cont.)

6. TRARALGON REC RESERVE AND SHOWGROUNDS



Site Analysis

● SIZE OF PARK

Over 3000m2

● LOCATION

The site is central to Traralgon's population.

The site is accessible for pedestrians and along a popular walking track.

Close to residential dwellings.

● SITE QUALITIES

- Water/electricity available
- Carparking available
- Minimal shade

● Car parking	• Plenty available within the reserve
● Adjacent activities/uses	• Recreation reserve • Residential dwellings nearby
● Environmental sensitivity	• Nil
● Access and traffic	• Very accessible via road
● Walking	• Need footpaths constructed
● Site infrastructure	• Service connections all possible • Need all infrastructure constructed
● Visibility	• Average visibility when no sports training
● Ownership	• Latrobe City owned
● Other:	• Not accessible during football/netball games

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**MORWELL**



- 1. Maryvale Road
- 2. Toners Lane
- 3. Parkland next to Kernot Hall
- 4. Morwell Recreation Reserve

**ATTACHMENT 1**  
**Detailed Site Assessments (cont.)**

**1. MARYVALE ROAD**



**Site Analysis**

● **SIZE OF PARK**

3000m2 – potentially more

● **LOCATION**

The site is central to Morwell’s population.

The site is accessible for pedestrians.

Setback appropriately from residential dwellings.

● **SITE QUALITIES**

- Flat, no flooding issues
- Some mature trees for shade
- Picnic seating
- Path through site
- Water/electricity runs through site

● Car parking	• Ample parking at or nearby site
● Adjacent activities/uses	• Leisure Centre
● Environmental sensitivity	• None identified
● Access and traffic	• Very accessible via road
● Walking	• Part of an overall path network
● Site infrastructure	• Picnic settings • Water connection available • Power available • No toilet block, one in Leisure centre
● Visibility	• Good surveillance
● Ownership	• Latrobe City owned
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

2. TONERS LANE



Site Analysis

● SIZE OF PARK

Can fit well over 3000m2

● LOCATION

The site is not central to Morwell's population. (yet).

The site is accessible for pedestrians.

Setback appropriately from residential dwellings.

● SITE QUALITIES

- Elevated, undulated site
- Mature trees for shade
- Picnic seating
- Water/electricity runs along front of site

● Car parking	● Would need a formalised carpark constructed
● Adjacent activities/uses	● Toners Lane recreation precinct archery, dog training school as well as off road trail network ● New residential estate across Toners Lane
● Environmental sensitivity	● None identified
● Access and traffic	● Very accessible via road
● Walking	● Part of an overall trail network
● Site infrastructure	● Picnic settings ● Water connection across road ● Power across road ● No toilet block, closest one is one kilometre away at Latrobe Road
● Visibility	● Good surveillance
● Ownership	● Appears to be Energy Australia owned, however Council maintain
● Other:	● Heritage Overlay impacting the site

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**ATTACHMENT 1**  
**Detailed Site Assessments (cont.)**

**3. PARKLAND**

Next to Kernot Hall



**Site Analysis**

● **SIZE OF PARK**

Can fit well over 3000m<sup>2</sup>

● **LOCATION**

The site is central to Morwell's population.

The site is accessible for pedestrians.

Can we setback appropriately from residential dwellings.

● **SITE QUALITIES**

- Drainage issues
- No natural shade

● Car parking	• Ample parking at site
● Adjacent activities/uses	• Kernot Hall, TAFE, Kernot Lake walk and play area
● Environmental sensitivity	• Close proximity to Kernot Lake and creek
● Access and traffic	• Very accessible via road
● Walking	• Near a path network
● Site infrastructure	• No water readily available • Hard to get power to the site • Toilet block at Kernot Hall
● Visibility	• Reasonable surveillance
● Ownership	• Department of Education • Could be needed to expand TAFE in the future
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**4. MORWELL RECREATION RESERVE**



**Site Analysis**

**● SIZE OF PARK**

2500m<sup>2</sup>

**● LOCATION**

The site is not central to Morwell’s population.

The site is accessible for pedestrians.

Setback appropriately from residential dwellings.

**● SITE QUALITIES**

- Drainage issues
- No natural shade

● Car parking	● Ample parking at site
● Adjacent activities/uses	● Morwell Recreation Reserve – there may be issues accessing the dog park on gated game days
● Environmental sensitivity	● Close proximity to Eric Lubcke Reserve (sensitive vegetation)
● Access and traffic	● Very accessible via road
● Walking	● Part of an overall path network
● Site infrastructure	● No water readily available ● Power available ● Toilets in sports buildings to be made available
● Visibility	● Poor surveillance
● Ownership	● Latrobe City owned
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

ATTACHMENT 1

Detailed Site Assessments (cont.)

MOE/NEWBOROUGH



- 1. Moe Botanic Gardens
- 2. Cnr Narracan and Dinwoodie Drive
- 3. WH Burrage Reserve
- 4. Former school site, Lloyd Street
- 5. HG Stoddart Park



**1. MOE BOTANIC GARDENS**



**Site Analysis**

● **SIZE OF PARK**

5000m<sup>2</sup>

● **LOCATION**

The site is central to Moe/Newborough.

The site is accessible for pedestrians.

Well setback from residential dwellings.

● **SITE QUALITIES**

- Natural shade
- Land Subject to Inundation Overlay area, however not common to flood here
- Water and electricity readily available

● Car parking	● Ample parking at site
● Adjacent activities/uses	● Play space, tennis club, fitness equipment, walking trails, picnic facilities, toilets, rail trail
● Environmental sensitivity	● Nil
● Access and traffic	● Very accessible via road
● Walking	● Part of an overall path and trail network
● Site infrastructure	● Water and power readily available ● Toilet nearby
● Visibility	● Reasonable surveillance due to other activity at the site.
● Ownership	● Latrobe City owned
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**ATTACHMENT 1**  
**Detailed Site Assessments (cont.)**

**2. CNR NARRACAN AND DINWOODIE DRIVE**



**Site Analysis**

● **SIZE OF PARK**

4000m<sup>2</sup>

● **LOCATION**

The site is central to Moe/Newborough.

The site is accessible for pedestrians.

Well setback from residential dwellings.

● **SITE QUALITIES**

- Some natural shade
- Site has mounded areas for garden beds that could easily be removed and grassed as features, or kept
- Path runs through site
- Water and electricity available

● Car parking	● Road parking only, however space for some to be developed
● Adjacent activities/uses	● Walking paths ● Gardens
● Environmental sensitivity	● Nil
● Access and traffic	● Very accessible via road
● Walking	● Part of an overall path and trail network
● Site infrastructure	● Water and power readily available ● Footpath through the park
● Visibility	● Excellent surveillance
● Ownership	● Latrobe City owned
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**3. WH BURRAGE RESERVE**



**Site Analysis**

● **SIZE OF PARK**

Greater than 3500m<sup>2</sup>

● **LOCATION**

The site is central to Moe/Newborough.

The site is accessible for pedestrians.

Well setback from residential dwellings.

● **SITE QUALITIES**

- Poor drainage
- Lots of natural shade
- Path runs past site
- Water and electricity available nearby

● Car parking	● Plenty of carparking within the reserve
● Adjacent activities/uses	● Sporting reserve may mean the area is not available on weekends. ● Potential reduction in carparking availability
● Environmental sensitivity	● Vegetation likely to be impacted by required infrastructure
● Access and traffic	● Very accessible via road
● Walking	● Walkable via normal pedestrian paths
● Site infrastructure	● Water and power readily available ● No existing supporting infrastructure
● Visibility	● Excellent surveillance
● Ownership	● Latrobe City owned
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**ATTACHMENT 1**  
**Detailed Site Assessments (cont.)**

**4. FORMER SCHOOL SITE**  
Lloyd Street



**Site Analysis**

● **SIZE OF PARK**

Greater than 3500m<sup>2</sup>

● **LOCATION**

The site is central to Moe/Newborough.

The site is accessible for pedestrians.

Close to residential dwellings.

● **SITE QUALITIES**

- Lots of natural shade
- Path runs past site
- Water and electricity available

● Car parking	● Road parking only with lack of ability to add parking
● Adjacent activities/uses	● Walking paths ● Housing close by
● Environmental sensitivity	● Vegetation likely to be impacted by required infrastructure
● Access and traffic	● Very accessible via road
● Walking	● Walkable via normal pedestrian paths
● Site infrastructure	● Water and power readily available ● No existing supporting infrastructure
● Visibility	● Excellent surveillance
● Ownership	● Latrobe City owned
Other:	

● *Already suitable*    ● *Not ideal and/or may need further work to make suitable*    ● *Not suitable and unlikely able or feasible to make suitable*

**5. HG STODDART PARK**



**Site Analysis**

● **SIZE OF PARK**

7000m<sup>2</sup>

● **LOCATION**

The site very close to a lot of residential dwellings.

Poor surveillance.

The site is accessible for pedestrians.

● **SITE QUALITIES**

- Natural shade
- Existing parkland with little other use
- Electricity readily available, water can come from Burrage St main

● Car parking	● No parking available at the site
● Adjacent activities/uses	● Residential dwellings ● Play space, walking trails
● Environmental sensitivity	● Nil
● Access and traffic	● Not really accessible by car
● Walking	● Part of an overall path and trail network
● Site infrastructure	● Water and power available ● Park seat
● Visibility	● Poor surveillance with the whole site presenting back fences
● Ownership	● Latrobe City owned
● Other:	● Close proximity to households

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

ATTACHMENT 1

Detailed Site Assessments (cont.)

CHURCHILL



- 1. Cnr Walker Parade and McDonald Way
- 2. Cnr Switchback Road and Manning Drive
- 3. Cnr Switchback Road and Birch Drive

**1. CNR WALKER PDE AND MCDONALD WAY**



**Site Analysis**

**● SIZE OF PARK**

Far greater than 3500M2

**● LOCATION**

The site is central to Churchill.

The site is accessible for pedestrians.

Well setback from residential dwellings.

Very close proximity to shops/activity centre.

**● SITE QUALITIES**

- Some natural shade
- Path runs through site
- Water and electricity available

● Car parking	● Road parking only, however space for some to be developed
● Adjacent activities/uses	● Walking paths, local level playground
● Environmental sensitivity	● Nil
● Access and traffic	● Very accessible via road
● Walking	● Part of an overall footpath network
● Site infrastructure	● Water and power readily available ● Pathways
● Visibility	● Excellent surveillance
● Ownership	● Latrobe City owned
● Other:	● Ideal central location

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**ATTACHMENT 1**  
**Detailed Site Assessments (cont.)**

**2. CNR SWITCHBACK ROAD AND MANNING DRIVE**



**Site Analysis**

**● SIZE OF PARK**

Far greater than 3500M2 (7000m2)

**● LOCATION**

The site is west of Churchill's population.

The site is accessible for pedestrians.

Close to residential dwellings.

**● SITE QUALITIES**

- Natural shade
- Water and electricity available

● Car parking	● Parking available within Gaskin Park
● Adjacent activities/uses	● Gaskin Park Sporting Precinct across the road and cricket ground at end of street. ● Part of pathway network
● Environmental sensitivity	● Amount of vegetation could be an issue
● Access and traffic	● Very accessible via road
● Walking	● Accessible with standard pedestrian paths
● Site infrastructure	● Water and power accessible ● Fence on oval side ● No existing supporting infrastructure
● Visibility	● Excellent surveillance
● Ownership	● Latrobe City owned
● Other:	● Cost saving with fencing as Gaskin Oval fence could be utilised for one side

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable



**3. CNR SWITCHBACK ROAD AND BIRCH DRIVE**



**Site Analysis**

● **SIZE OF PARK**

Far greater than 3500m<sup>2</sup>

● **LOCATION**

The site is west of Churchill’s population.

The site is accessible for pedestrians.

Can easily be setback appropriately from residential dwellings.

● **SITE QUALITIES**

- Natural shade
- Water and electricity available

● Car parking	<ul style="list-style-type: none"> <li>• Road parking only, however space for some to be developed and could park at Gaskin Park</li> </ul>
● Adjacent activities/uses	<ul style="list-style-type: none"> <li>• Gaskin Park Sporting Precinct across the road and cricket ground at end of street.</li> <li>• Industrial area nearby</li> </ul>
● Environmental sensitivity	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
● Access and traffic	<ul style="list-style-type: none"> <li>• Very accessible via road</li> </ul>
● Walking	<ul style="list-style-type: none"> <li>• Accessible with standard pedestrian paths</li> </ul>
● Site infrastructure	<ul style="list-style-type: none"> <li>• Water and power accessible</li> <li>• Footpath adjacent</li> <li>• No other existing supporting infrastructure</li> </ul>
● Visibility	<ul style="list-style-type: none"> <li>• Excellent surveillance</li> </ul>
● Ownership	<ul style="list-style-type: none"> <li>• Latrobe City owned</li> </ul>
● Other:	<ul style="list-style-type: none"> <li>• Site is an existing off leash dog area</li> </ul>

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

ATTACHMENT 1

Detailed Site Assessments (cont.)

YINNAR



- 1. Main Street and Alfred Drive
- 2. Yinnar Recreation Reserve
- 3. Charles Bond Park, Wicks Street
- 4. Yinnar Road
- 5. N/E Space of RV Park

**1. MAIN STREET AND ALFRED DRIVE**



**Site Analysis**

**● SIZE OF PARK**

Less than 3000m2

**● LOCATION**

The site is not central to Yinnar.

The site is accessible for pedestrians.

Well setback from houses and would promote the use of the playground.

**● SITE QUALITIES**

- Some natural shade
- Path runs through site
- Electricity available, no water

● Car parking	● Road parking only, bus stop limiting Main St parking
● Adjacent activities/uses	● Walking paths, local level playground
● Environmental sensitivity	● Nil
● Access and traffic	● Very accessible via road
● Walking	● Part of an overall footpath network
● Site infrastructure	● Water and power nearby ● Pathways ● Fencing required
● Visibility	● Excellent surveillance
● Ownership	● Latrobe City owned
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

ATTACHMENT 1

Detailed Site Assessments (cont.)

2. YINNAR RECREATION RESERVE



Site Analysis

● SIZE OF PARK

Less than 1500m<sup>2</sup>

● LOCATION

The site is east of the Yinnar township.

The site is accessible for pedestrians.

Near agricultural uses.

● SITE QUALITIES

- Some Natural shade
- Path from town leads directly to site
- Electricity and water available

● Car parking	• Parking within the Recreation Reserve
● Adjacent activities/uses	• Recreation reserve • Farming area
● Environmental sensitivity	• Nil
● Access and traffic	• Very accessible via road
● Walking	• Part of an overall footpath/trail network • A long walk from residential area
● Site infrastructure	• Water and power available nearby • Pathways and Seating • Car parking • Public toilets
● Visibility	• Good surveillance from road
● Ownership	• Part Council part DELWP owned, committee managed
● Other:	• Access may be limited on game days

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**3. CHARLES BOND PARK**

Wicks Street



**Site Analysis**

● **SIZE OF PARK**

Less than 1500m<sup>2</sup>

● **LOCATION**

The site is central to Yinnar.

The site is accessible for pedestrians.

Very close to residential dwellings.

● **SITE QUALITIES**

- Natural shade
- Path runs through site
- Electricity and water available

● Car parking	● Road parking only
● Adjacent activities/uses	● Walking paths, playground ● Directly abuts residential houses
● Environmental sensitivity	● Nil
● Access and traffic	● Very accessible via road
● Walking	● Part of an overall footpath/trail network
● Site infrastructure	● Water and power available ● Pathways ● Seating
● Visibility	● Reasonable surveillance
● Ownership	● Latrobe City Council owned
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

ATTACHMENT 1

Detailed Site Assessments (cont.)

4. YINNAR ROAD



Site Analysis

● SIZE OF PARK

Less than 3000m2

● LOCATION

The site is not central to Yinnar.

The site is accessible for pedestrians.

Well setback from residential dwellings.

● SITE QUALITIES

- Natural shade
- Path runs through site
- Electricity and water available

● Car parking	• Road parking only
● Adjacent activities/uses	• Walking paths
● Environmental sensitivity	• Nil
● Access and traffic	• Vehicle access off busy road
● Walking	• Part of an overall footpath/trail network
● Site infrastructure	• Water and power readily available
	• Pathways
	• Picnic settings
● Visibility	• Reasonable surveillance
● Ownership	• Not determined
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**5. NORTH EASTERN CORNER OF RV PARK**



**Site Analysis**

**● SIZE OF PARK**

Less than 2000m<sup>2</sup>

**● LOCATION**

The site is central to Yinnar.

The site is not accessible for pedestrians.

Close to community uses.

**● SITE QUALITIES**

- No shade
- No electricity/water

● Car parking	● Main Street parking nearby
● Adjacent activities/uses	● RV Park
● Environmental sensitivity	● Possible noise issues next to RV site
● Access and traffic	● Very accessible via road
● Walking	● No pedestrian paths
● Site infrastructure	● Nil
● Visibility	● Minimal surveillance if RV site is not in use
● Ownership	● DELWP
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

ATTACHMENT 1

Detailed Site Assessments (cont.)

BOOLARRA



- 1. Near BMX Track
- 2. Penaluna Street and Church Street
- 3. Penaluna Street



1. NEAR BMX TRACK



Site Analysis

● SIZE OF PARK

Greater than 3500m2

● LOCATION

The site is central to Boolarra.

The site is accessible for pedestrians.

Well setback from residential dwellings.

● SITE QUALITIES

- Natural shade
- Electricity and water available

● Car parking	● Carparking at the main Railway Park
● Adjacent activities/uses	● Skate park/BMX track
● Environmental sensitivity	● Nil
● Access and traffic	● Accessible via road
● Walking	● Part of a greater path network
● Site infrastructure	● Water and power can be accessed ● Short stroll to Railway Park that provides toilets, water fountains, car parking, playground
● Visibility	● Good surveillance
● Ownership	● DELWP owned, Council maintained
● Other:	● May impede on Boolarra Folk Festival event space

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**ATTACHMENT 1**  
**Detailed Site Assessments (cont.)**

**2. PENALUNA ST AND CHURCH ST**



**Site Analysis**

● **SIZE OF PARK**

Greater than 3000m<sup>2</sup>

● **LOCATION**

The site is central to Boolarra.

The site is not accessible for pedestrians.

Close to residential dwelling.

● **SITE QUALITIES**

- Natural shade
- Electricity and water available
- Site has some steep sections, however good for drainage

● Car parking	• Road parking only
● Adjacent activities/uses	• Footpath next • Nearby residential dwellings
● Environmental sensitivity	• Nil
● Access and traffic	• Accessible via road
● Walking	• Dirt footpath access to site
● Site infrastructure	• Water and power can be accessed • Fencing needed all around the site
● Visibility	• Good surveillance
● Ownership	• DELWP owned, Council maintained
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**3. PENALUNA STREET**



**Site Analysis**

● **SIZE OF PARK**

Greater than 3500m2

● **LOCATION**

The site is central to Boolarra.

The site is not accessible for pedestrians.

Close to residential properties.

● **SITE QUALITIES**

- Minimal shade
- Electricity and water available

● Car parking	● Road parking only
● Adjacent activities/uses	● Skate park/BMX track across road ● Adjoins other public infrastructure (parks etc)
● Environmental sensitivity	● Nil
● Access and traffic	● Accessible via road
● Walking	● No footpath access to site
● Site infrastructure	● Water and power can be accessed but likely expensive ● Fenced on a few sides already
● Visibility	● Reasonable surveillance
● Ownership	● Crown land, DELWP owned
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

ATTACHMENT 1

Detailed Site Assessments (cont.)

YALLOURN NORTH



- 1. Reserve Street and Latrobe River Road
- 2. Third Street
- 3. Anderson Avenue Reserve

**1. RESERVE STREET AND LATROBE RIVER ROAD**



**Site Analysis**

**● SIZE OF PARK**

2500m<sup>2</sup>

**● LOCATION**

The site is central to Yallourn North.

The site is not accessible for pedestrians.

Well setback from residential dwellings.

**● SITE QUALITIES**

- Natural shade
- Electricity and water available

● Car parking	● Good car parking - share museum carpark
● Adjacent activities/uses	● Skate park/BMX track ● School ● Museum
● Environmental sensitivity	● Nil
● Access and traffic	● Accessible via road
● Walking	● Footpath access to site via Third Street
● Site infrastructure	● Water and power can be accessed
● Visibility	● Reasonable surveillance
● Ownership	● DELWP owned, Council maintained
● Other:	● Disused building on Third Street should be removed and replaced with single hole toilet

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

ATTACHMENT 1

Detailed Site Assessments (cont.)

2. THIRD STEET



Site Analysis

● SIZE OF PARK

Greater than 3500m<sup>2</sup>

● LOCATION

The site is on the eastern side of Yallourn North.

The site is accessible for pedestrians up until across the road.

In close proximity to residential dwellings.

● SITE QUALITIES

- Natural shade
- Electricity and water available

● Car parking

- Road parking
- Ability to improve gravel carparking

● Adjacent activities/uses

- Mining operation
- Residential dwellings across road

● Environmental sensitivity

- Nil

● Access and traffic

- Accessible via road

● Walking

- Footpath on other side of road
- Need to cross busy road to access the site

● Site infrastructure

- Water and power can be accessed
- Fence exists on one side

● Visibility

- Good surveillance

● Ownership

- Vicroads Reserve, Council maintained

Other:

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**3. ANDERSON AVE RESERVE**



**Site Analysis**

**● SIZE OF PARK**

Less than 3500m<sup>2</sup>

**● LOCATION**

The site is central to Yallourn North.

The site is accessible for pedestrians.

Very close to residential dwellings and playground.

**● SITE QUALITIES**

- Natural shade
- Electricity and water available

● Car parking	● Road parking
● Adjacent activities/uses	● Playground, fitness equipment ● Residential dwellings
● Environmental sensitivity	● Nil
● Access and traffic	● Accessible via road
● Walking	● Footpath runs beside it
● Site infrastructure	● Water and power can be accessed
● Visibility	● Reasonable surveillance
● Ownership	● Latrobe City Council owned
● Other:	● Site has some slope

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

ATTACHMENT 1

Detailed Site Assessments (cont.)

TYERS



- 1. North of Recreation Reserve
- 2. Bert Christensen Reserve



**1. NORTH OF RECREATION RESERVE**



**Site Analysis**

**● SIZE OF PARK**

Less than 3500m<sup>2</sup>

**● LOCATION**

The site is central to Tyers.

The site is accessible for pedestrians.

Very close proximity to shops.

**● SITE QUALITIES**

- Some natural shade
- Path runs through site
- Water and electricity available
- Good co-location with other recreation

● Car parking	● Shared parking with kindergarten
● Adjacent activities/uses	● Walking paths, district level playground ● Public toilets ● Recreation reserve
● Environmental sensitivity	● Nil
● Access and traffic	● Very accessible via road
● Walking	● Part of an overall footpath network
● Site infrastructure	● Water and power available ● Pathways ● Picnic settings and shelter
● Visibility	● Reasonable surveillance
● Ownership	● Latrobe City Council owned
● Other:	● Smaller than recommended area, however is not predicted to be a high use park

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**ATTACHMENT 1**  
**Detailed Site Assessments (cont.)**

**2. BERT CHRISTENSEN RESERVE**



**Site Analysis**

**● SIZE OF PARK**

2500m<sup>2</sup>

**● LOCATION**

The site is central to Tyers.

The site is accessible for pedestrians.

Very close proximity to shop.

**● SITE QUALITIES**

- Some natural shade
- Path runs through site

● Car parking	● Parking not too far away, but could result in people parking on busy road
● Adjacent activities/uses	<ul style="list-style-type: none"> <li>● Walking paths, district level playground (across road)</li> <li>● Public toilets (across road)</li> <li>● BBQ shelter</li> </ul>
● Environmental sensitivity	● Nil
● Access and traffic	● Very accessible via road, limited car parking
● Walking	● Part of an overall footpath network
● Site infrastructure	<ul style="list-style-type: none"> <li>● Water and power available</li> <li>● Pathways</li> <li>● Picnic settings and shelter</li> </ul>
● Visibility	● Reasonable surveillance
● Ownership	● Latrobe City Council owned
● Other:	● Smaller than recommended area, however is not predicted to be a high use park

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**GLENGARRY**



**Legend**

- 1 Site locations

- 1. Main Street
- 2. Recreation Reserve

ATTACHMENT 1

Detailed Site Assessments (cont.)

1. MAIN STREET



Site Analysis

● SIZE OF PARK

Less than 2500m2

● LOCATION

The site is central to Glengarry.

The site is accessible for pedestrians.

Very close proximity to shops and activity centre.

Close proximity to neighbours.

● SITE QUALITIES

- Shade
- Picnic settings
- Water and electricity available

● Car parking	● Plenty of carparking available on site
● Adjacent activities/uses	<ul style="list-style-type: none"> <li>● Skate park, BMX track</li> <li>● Short walk to playground, public toilet</li> <li>● Rail Trail</li> <li>● Cafe</li> </ul>
● Environmental sensitivity	● Nil
● Access and traffic	● Very accessible via road
● Walking	● No footpaths, but still walkable
● Site infrastructure	<ul style="list-style-type: none"> <li>● Water and power available</li> <li>● Water fountain nearby</li> </ul>
● Visibility	● Good surveillance
● Ownership	● DELWP owned, Council maintained
Other:	

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

**2. RECREATION RESERVE**



**Site Analysis**

● **SIZE OF PARK**

Greater than 3500m2

● **LOCATION**

The site is central to Glengarry.

The site is somewhat accessible for pedestrians.

Very close proximity to shops.

Close proximity to residential dwellings.

● **SITE QUALITIES**

- Limited shade
- Main function is sports
- Water and electricity available
- Good co-location with other recreation

● Car parking	● Parking within Rec Reserve
● Adjacent activities/uses	● Recreation reserve with playground ● Public toilets
● Environmental sensitivity	● Nil
● Access and traffic	● Very accessible via road
● Walking	● No footpaths, but still walkable
● Site infrastructure	● Water and power available ● Residential fencing could be used on two sides
● Visibility	● Average surveillance
● Ownership	● Committee of Management on DELWP land
● Other:	● Residents will not be able to access dog park on game days. Site is a Committee of Management, so maintenance may become an issue. Glengarry has very limited sites.

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

ATTACHMENT 1

Detailed Site Assessments (cont.)

TOONGABBIE



- 1. Rail Trail

1. RAIL TRAIL



Site Analysis

● SIZE OF PARK

Greater than 3500m2

● LOCATION

The site is central to Toongabbie.

The site is accessible for pedestrians.

Close proximity to public toilets .

Well setback from residential dwellings.

● SITE QUALITIES

- Some shade
- Water and electricity available
- Good co-location with other recreation

● Car parking	● Parking nearby
● Adjacent activities/uses	● Rail trail ● Public toilets
● Environmental sensitivity	● Nil
● Access and traffic	● Very accessible via road
● Walking	● Part of a greater trail network
● Site infrastructure	● Water and power available
● Visibility	● Very good surveillance
● Ownership	● DELWP land, Council maintained
● Other:	● Toongabbie has very limited other sites

● Already suitable    ● Not ideal and/or may need further work to make suitable    ● Not suitable and unlikely able or feasible to make suitable

## ATTACHMENT 2

## Recommendations

TOWN	PREFERRED LOCATION	CONDITIONS/FURTHER WORK REQUIRED
Traralgon	<i>Option one</i> <b>Burnett Park</b> Hickox Street	<ul style="list-style-type: none"> <li>• Agreement with DELWP required</li> </ul>
	<i>Option two</i> <b>Traralgon West Sporting Complex</b>	<ul style="list-style-type: none"> <li>• Community consultation required due to proximity to dwellings</li> </ul>
Morwell	<i>Option one</i> <b>Maryvale Road</b> (behind Leisure Centre)	<ul style="list-style-type: none"> <li>• Community consultation required due to proximity to dwellings</li> <li>• Location flagged for any potential expansion of the Leisure Centre</li> </ul>
	<i>Option two</i> <b>Toners Lane</b>	<ul style="list-style-type: none"> <li>• Carpark and toilets required</li> </ul>
Moe / Newborough	<b>Moe Botanic Gardens</b>	<ul style="list-style-type: none"> <li>• Consultation with Tennis Club, Rotary Club and nearby dwellings required</li> </ul>
Churchill	<i>Option one</i> <b>Cnr Walker Parade and McDonald Way</b>	<ul style="list-style-type: none"> <li>• Road parking only but space to develop onsite carpark</li> <li>• Community consultation required due to proximity to dwellings</li> </ul>
	<i>Option two</i> <b>Cnr Switchback Road and Manning Drive</b>	<ul style="list-style-type: none"> <li>• Community consultation required due to proximity to dwellings</li> </ul>
Yallourn North	<b>Reserve Street and Latrobe River Road</b>	<ul style="list-style-type: none"> <li>• Consider replacing building on Third Street with single hole toilet (additional cost)</li> <li>• Agreement with DELWP required</li> <li>• This site is only 2500m2 however feasible due to expected usage</li> </ul>
Tyers	<b>North of Recreation Reserve</b>	<ul style="list-style-type: none"> <li>• Community consultation required due to proximity to dwellings and shops</li> <li>• This site is less than 3500m2 however feasible due to expected usage</li> </ul>



TOWN	PREFERRED LOCATION	CONDITIONS/FURTHER WORK REQUIRED
Boolarra	Near BMX Track	<ul style="list-style-type: none"> <li>Community consultation required with other user groups (Boolarra Folk Festival)</li> <li>Agreement with DELWP required</li> </ul>
Glengarry	Main Street Near Skate Park	<ul style="list-style-type: none"> <li>Community consultation required due to proximity to dwellings and shops</li> <li>Agreement with DELWP required</li> <li>This site is less than 2500m2 however feasible due to expected usage</li> </ul>
Toongabbie	Rail Trail	<ul style="list-style-type: none"> <li>Agreement with DELWP required</li> </ul>
Yinnar	Corner Main Street and Alfred Drive	<ul style="list-style-type: none"> <li>This site is less than 3000m2 however feasible due to expected usage</li> <li>Community consultation required due to proximity to dwellings</li> <li>Carparking to be considered</li> </ul>

DRAFT







DRAFT



# OLD METHODIST CHURCH, TRARALGON - EXPRESSION OF INTEREST FOR FUTURE LOCATION AND USE

## PURPOSE

To seek endorsement of a public Expression of Interest (EOI) process to elicit proposals for the future of the Old Methodist Church (the Church) to inform Council decision making regarding its future and of an allocation of \$86,000 (plus GST) to effect the subsequent Council resolution on the future of the Church.

## EXECUTIVE SUMMARY

- The Former Methodist Church is currently vacant and housed in the forecourt at Traralgon Railway Station under a lease with Department of Transport (DOT), which has expired. The site is occupied by Council on a month-to-month basis.
- Council have been considering the future of the Church since the decision was made to transition the Visitor Information service from the Church to the new Gippsland Performing Arts Centre, in 2018.
- Council has no identified service use for the building and as such it is surplus to requirements.
- In November 2021 Council decided to demolish the building and consult in relation to the retention of heritage elements of the building.
- A *Structural Inspection and Assessment Report* (attached) conducted in 2021 confirmed that the building is in disrepair and unfit for use in its current state. Further, it will require significant renovation to meet *Disability Discrimination Act 1992* building standards subject to the nature of future use.
- A Heritage Assessment (attached) conducted in 2022 has determined the building has local historical value and makes several non-binding recommendations on this basis.
- Revised costings have been sourced (attached) and are summarised as follows (plus GST):
  - Demolish the building \$86,000
  - Refurbish the building in the current location \$340,000
  - Relocate and refurbish the building (within 20km) \$775,000
- At the December 2021 Council Meeting Council resolved to defer implementation of the Resolution made at the November 2021 Council meeting to demolish the Church, so that further community consultation on the future of the building could be undertaken.
- To date community consultation, which has included meetings with the Traralgon Community Development Association (TCDA) and the Traralgon and District Historical Society (TDHS) and a public meeting in November 2021, have revealed no specific future purpose for the building and Council has not received any further proposals.

- Council has previously decided to demolish the building and consult on this option however given the community feedback to date it may be worthwhile to consider the following consultation options:
  1. Undertake broad consultation on the demolition of the building (as proposed by the original decision).
  2. Consult with the community about retention of the building at the current location and its refurbishment and future use. This option would require approval by DOT.
  3. Undertake broad consultation on the future of the building to identify a service need based on relocation and refurbishment of the building at Council's cost.
  4. Undertake more specific consultation on future use of the building via an EOI process to elicit specific considered proposals for the future of the building and funded by others (noting Council could contribute the equivalent of the demolition cost as a foundation commitment).
- Other options also exist such as consulting with the community generally about the future of the building seeking to understand the broader community sentiment in relation to the future of the building. Without implementing a representative sample of the community this option is likely to lead to those with a specific interest providing feedback to Council, although this is a risk inherent in options 1-3 if assertive and appropriately informed engagement is not undertaken.
- The above options all have different challenges and opportunities, and it is likely that some members of the community, particularly those who have expressed concern about the building being demolished, will oppose the options other than Council funding the full cost to relocate and refurbish the building, regardless of any service need.
- Officers are of the opinion that option 4 provides the most appropriate avenue for Council to meet a range of strategic opportunities. However, it isn't without risk. If for example the community do not identify a service need or do not have the financial resources to relocate the building then it is likely that interested community members will request that Council consider alternative options such as Council retaining the building.
- Given the minimum cost to Council for the demolition of the building is \$86,000 (plus GST), it is recommended that Council allocates \$86,000 (plus GST) from the 2022/23 full year forecast surplus towards effecting the final resolution on future of the old Methodist Church.

## OFFICER'S RECOMMENDATION

### That Council:

1. **Allocates \$86,000 (plus GST) from the 2022/23 full year forecast surplus to be utilised in relation to the future of the old Methodist Church.**
2. **Undertake an expression of Interest seeking proposals for the future use and location of the Old Methodist Church as generally outlined in Attachment 1.**

## BACKGROUND

The Old Methodist Church is currently vacant and housed in the forecourt at Traralgon Railway Station under a lease with Department of Transport, which has expired. The site is occupied by Council on a month-to-month basis.

Council have been considering the future of the Church since the decision was made to transition the Visitor Information Service from the Church to the new Gippsland Performing Arts Centre, in 2018.

Council has no identified service use for the building and as such it is surplus to requirements.

In November 2021 Council decided to demolish the building and consult in relation to the retention of heritage elements of the building.

A *Structural Inspection and Assessment Report* (attached) conducted in 2021 confirmed that the building is in disrepair and unfit for use in its current state. Further, it will require significant renovation to meet *Disability Discrimination Act 1992* building standards subject to the nature of future use.

A Heritage Assessment (attached) conducted in 2022 has determined the building has local historical value and makes several non-binding recommendations on this basis.

Revised costings (Plus GST) have been sourced (attached) and are summarised as follows:

- Demolish the building \$86,000
- Refurbish the building in the current location \$340,000
- Relocate and refurbish the building (within 20km) \$775,000

At the December 2021 Council Meeting Council resolved to defer implementation of the resolution made at the November 2021 Council meeting to demolish the Church, so that further community consultation on the future of the building could be undertaken,

To date community consultation, which has included meetings with the Traralgon Community Development Association and the Traralgon Historical Society and a public meeting in November 2021, have revealed no specific future purpose for the building and Council has not received any further proposals.

Council has previously decided to demolish the building and consult on this option however given the community feedback to date the following consultation options have been considered.

- Undertake broad consultation on the demolition of the building (as proposed by the original decision).
- Consult with the community about retention of the building at the current location and its refurbishment and future use. This option would require approval by DOT.
- Undertake broad consultation on the future of the building to identify a service need based on relocation and refurbishment of the building at Council's cost.
- Undertake more specific consultation on future use of the building via an EOI process to elicit specific considered proposals for the future of the building and funded by others (although Council could contribute the equivalent of the demolition cost as a foundation commitment).

## ANALYSIS

To effect Council's resolution of December 2021, appropriate consultation options have been identified and prosecuted as follows:

1. Undertake broad consultation on the demolition of the building (as proposed by the original decision), salvaging items with social or cultural value from the building for display.
2. Consult with the community about retention of the building at the current location and its refurbishment and future use. This option would require approval by DOT, noting prior commitment to deliver the Precinct Masterplan which does not provide for the Church in its current situation.
3. Undertake broad consultation on the future of the building to identify a service need based on relocation and refurbishment of the building at Council's cost.
4. Undertake more specific consultation on future use of the building via an EOI process to elicit specific considered proposals for the future of the building and funded by others (noting Council could contribute the equivalent of the demolition cost or consider more if this was provided as an option in the EOI).

Analysis of the above options has revealed that options 1-3 are problematic in that they are:

- Too restrictive (option 1) or broad (option 3) to ensure considered community evaluation of the future of the Church.
- Assume allocation of considerable resources (option 3) that may not be available or prioritised.
- May not be able to be delivered as a long-term solution (option 2).
- Can be de-railed by ancillary issues relating to claims regarding the accuracy of reports and costings commissioned, as attached.
- Are potentially resource intensive.
- Will require assertive consultation to ensure a wide range of community views are canvassed.

Consultation by submission of an EOI (option 4) is the recommended approach, as it will deliver an outcome that optimally informs Council in deciding the future of the Church acknowledging:

- the protracted nature of considerations to date, and
- the varied views of those engaged both in respect of the future of the Church and the accuracy of reports and costings received

Following this process Council will be able to understand potential future uses and associated indicative locations for the building, proposed community contribution and Council funding required to facilitate proposals (if relevant). Any submissions received can then be assessed considering the recommendations of the heritage assessment, cost and amenity benefit to community, and the remaining options to demolish the building, and/or do nothing and leave in situ subject to land management permission.



An EOI seeking proposals for the future use of the building will be publicly exhibited and open to any interested community member or group. Guidance notes will be provided and officer support will be available to support development and lodgement of submissions, however the format of the EOI will be developed to ensure that is straightforward.

To assist community in considering and presenting their proposals the EOI documentation will include the following indicative information:

- Purpose of the EOI
- Eligibility to submit an EOI
- Mandatory inclusions
  - Use of the building
  - Proposed location of the building
  - Arrangements to undertake requisite works
  - Compliance with the Heritage Assessment and Council Strategy
  - Landowner permissions (if proposed situation is on private or land controlled by other government entities)
  - Estimated timeframe for delivery
- Indicative budget:
  - Potential funding sources and commitments for example community fund raising, grant applications, benevolent contributions, sponsorships
  - Additional Council contributions required
- Closing dates

Following closure of the EOI, submissions will be presented for consideration against the existing resolution to demolish the building.

This approach can be delivered utilising fewer resources, has the potential to yield the most productive outcomes, is less divisive and enables those who disagree with assessments and costs to address this in their submission. This approach also reduces the risk that those members of the community who have expressed concern about the building being demolished, will oppose options other than Council funding the full cost to relocate and refurbish the building, regardless of any service need.

At the time of writing the cost for demolition, which constitutes the minimum Council contribution as this point in time, is \$86,000 (plus GST). In addition, an estimated \$20,000 (plus GST) is required to remediate the site under the terms of the lease (Clause 12). These costs are currently unbudgeted however they constitute the minimum contribution Council will be required to make in the event the Church is to move from the site. Therefore, it is proposed that the funds recommended for inclusion in the EOI as an indicative minimum Council contribution are \$86,000 (plus GST) and will be accommodated from the 2022/23 full year forecast surplus position.

While Officers are of the opinion that an EOI process provides the most appropriate avenue for Council to meet a range of strategic opportunities it isn't without risk. If for example, the community do not identify a service need or do not have the financial resources to relocate the building, then Council is likely to be pressured to consider the alternative options to retain the building.

Additionally, Council should also note that if an acceptable outcome is not identified by the community, including provision of funding, then Council may need to determine that the resolution demolish the building stands.

An expression of Interest process is consistent with the initial intention of Council to consult on the demolition of the building however it provides the opportunity for those in the community who are interested in the retention of the local heritage significance to assist Council to find an appropriate solution.

**RISK ASSESSMENT**

RISK	RISK RATING	TREATMENT
<b>SERVICE DELIVERY</b> Risks to officers in facilitating the consultation	<p style="text-align: center;"><b>Low</b> <i>Unlikely x Minor</i></p>	Council has both systems and resources in place to manage the consultation
<b>FINANCIAL</b> Cost of consultation activities both direct and indirect.	<p style="text-align: center;"><b>Low</b> <i>Possible x Insignificant</i></p>	These will be absorbed as a cost of doing business.
<b>STRATEGIC</b> Some risk arising from disagreement with assessments sought, the prior resolution and consultation methodology proposed.	<p style="text-align: center;"><b>Medium</b> <i>Possible x Minor</i></p>	The Church is a passionate topic some community members this has translated into media attention.  A genuine approach to informed community engagement should mitigate strategic risk.

**CONSULTATION**

This report recommends a methodology to progress community consultation on the future of the Church that meets community expectations, addresses the Council resolution, and produces concrete proposals for Council consideration.

**COMMUNICATION**

The community will be advised via public exhibition of the EOI process publicised using normal Council advertising arrangements.

All stakeholder groups previously engaged will be notified directly.

EOI documentation will include provision all relevant information to inform community.

**DECLARATIONS OF INTEREST**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

None identified

### **Cultural**

Noting that the Cultural Heritage recommendations and the non-binding nature of these, the recommended process provides community with an opportunity to demonstrate their willingness to preserve the perceived cultural benefits of the building through submission of proposals to address its future.

### **Health**

There are no health impacts arising from the recommendations in this report.

### **Environmental**

There are no environmental impacts arising from this report, noting that there will be environmental implications when the agreed outcomes are implemented. The nature of these will depend on the action taken and will be specially identified and addressed at this time.

### **Economic**

The recommendation itself poses no economic impact however proposals received would be considered based on potential economic impact, amongst other considerations as detailed in the assessment criterion in the EOI.

### **Financial**

The minimum cost to Council to the basis of the current costings is estimated to be \$106,000 (plus GST). This is comprised of a cost of \$20,000 to remediate the site and \$86,000 to demolish the building. Council has an option to allocate a contribution of \$86,000 to effect any future resolution on the future of the Old Methodist Church, noting that the remaining \$20,000 will be retained to remediate the site.

### **Attachments**

1. Heritage Report
2. Old Methodist Church Cost Estimate
3. Structural Assessment
4. Attachment 1 Draft Expression of Interest Criteria

# 7.3

## Old Methodist Church, Traralgon - Expression of interest for future location and use

1	Heritage Report.....	101
2	Old Methodist Church Cost Estimate .....	126
3	Structural Assessment.....	131
4	Attachment 1 Draft Expression of Interest Criteria.....	143

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**David Helms**  
HERITAGE PLANNING

1 June 2022

[REDACTED]  
Latrobe City Council  
PO Box 264  
MORWELL VIC 3840

Dear [REDACTED]

**Heritage Assessment – Former Traralgon Wesleyan Chapel (Methodist Church)**

The attached report provides an assessment of the heritage significance of the former Wesleyan Chapel (also known as the Traralgon Methodist Church).

Section 8 provides the findings arising from this assessment. In summary:

- The former Wesleyan Chapel is of local historic and representative significance to Latrobe City. Attachment 1 provides the statement of significance for this place.
- As a building of local significance conservation – that is retention, repair, and maintenance – of the former Wesleyan Chapel is the preferred option and if the building cannot remain on its current site, then it must be relocated.
- For relocation to occur a suitable site must be found, as well as a new use. In deciding this, the question of future ownership must also be determined. To assist with this process, interim management guidelines have been prepared in relation to potential location, use and ownership (see section 8.3).
- That said, the 2021 condition assessment has identified significant works necessary to make the building safe and to prevent further deterioration of the structure and while it does conclude that relocation of the building is possible, it will require repairs and bracing works to be carried out prior to relocation. The site also has restrictive access constraints, which would add costs to the project.

On this basis, the following recommendations are made:

- That Latrobe City:
  - Commissions a peer review of the 2021 building condition assessment by a consultant with experience in the maintenance and repair of heritage buildings to ensure the approach and recommendations are consistent with the Burra Charter and to gain a better understanding of the costs and issues.
  - Following completion of the peer review, Council in consultation with the local community further explores the feasibility of relocating the former Wesleyan Chapel, having regard to the interim management guidelines set out in this report (see section 8.3 for further details).
- Depending on the outcome of the above investigations there are two options:
  - If the option of relocation is feasible, then Latrobe City should commission a Conservation Management Plan (CMP) to identify the most appropriate way of caring for the heritage fabric of the former Wesleyan Chapel having regard to heritage significance. In doing so, it

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**HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL**

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will build upon the assessment and preliminary guidelines in this report and will address the most appropriate manner to respond to the building condition issues and need for relocation. It would also explore potential social values. The CMP should be prepared prior to any action associated with the relocation such as site acquisition, or sale of lease of the building (see section 8.3).

- If the option of relocation is not feasible, then Latrobe City should commission a heritage impact assessment by a suitably qualified consultant to identify strategies and actions to minimise the impacts of the demolition – for example, by potentially retaining some original features, which could become part of the TDHS collection, undertaking a photographic survey, or interpreting its history through various means such as on-site signage at the original site or a website page or similar.
- A further recommendation is for Latrobe City to find a suitable location for the ‘Diorama’ currently stored at the former Wesleyan Chapel. One option is for it to be donated to the Powerworks Visitor Centre at Morwell. It is understood the Traralgon & District Historical Society holds original copies of the historic photos in the foyer. Nonetheless, they should be offered to the Society or kept by Latrobe City Council.

Please contact me if you have any questions.

Kind regards



**David Helms**

## HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL

## Heritage assessment – Former Traralgon Wesleyan Chapel

### 1. PURPOSE

This report has been prepared for Latrobe City. The purpose is to:

*Conduct a site-specific heritage assessment of the former Traralgon Methodist Church building located at 41 Princes Street Traralgon (within the Traralgon Railway Station precinct) to determine whether the building is of heritage significance.*

This report is required as a redevelopment of the subject land is proposed and this will require the relocation or demolition of the building.

According to historic sources this building was originally known as the Wesleyan Chapel, as it was constructed for the Wesleyan Methodist Church, which is now part of the Uniting Church of Australia. Because of this, the building is referred to throughout this report as the former Wesleyan Chapel.

### 2. METHODOLOGY

This heritage assessment has been prepared in accordance with the Australia ICOMOS *Charter for Places of Cultural Significance*, 2013 (the *Burra Charter*) and its guidelines, and in accordance with relevant guidelines including Planning Practice Note 1: *Applying the heritage overlay* (PPN1). All terminology is consistent with the *Burra Charter*.

The key tasks have included:

- Historic research using selected primary (Public Records Office of Victoria public building file, newspaper articles available on-line via the Trove website, and building files, plans and reports and historic images held by Latrobe City) and secondary (local histories) sources.
- An inspection of the former Wesleyan Chapel, including the interior.
- Review of ‘Structural inspection and assessment of existing building Traralgon Visitor Information Centre’ (that is, the former Wesleyan Chapel) prepared 31 March 2021 by Hade Consulting for Latrobe City.
- A ‘desktop’ comparative analysis– this means the analysis has relied on information about the comparative heritage places in Latrobe City.
- Analysis against the Hercon criteria, and preparation of a statement of significance in the PPN1 format .
- Preparation of preliminary management guidelines to guide further investigation of future development options.

The kind assistance of Barbara Johnson, President of the Traralgon & District Historical Society (TDHS) and Linda Barraclough who provided information about the history of the former Wesleyan Chapel is gratefully acknowledged.

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**HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL**

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**3. EXISTING HERITAGE LISTINGS AND ASSESSMENTS**

The former Wesleyan Chapel is not currently included in the heritage overlay or any other statutory heritage register.

The former Wesleyan Chapel was assessed to be of local heritage significance by the *Traralgon Heritage Study*, prepared by Context in 1992. At that time, the building was on its original site, which is the property now known as 57 Post Office Place, Traralgon. The 1992 study included the following:

*The first Methodist Minister was appointed to Traralgon in 1877 and two years later the first church, a wooden building, was erected on the site of the Windsor's home at the corner of Argyle and Mills Streets. This building remains on the site and is one of the oldest buildings in Traralgon (the Star Hotel, 'Brooklea' and the 1855 part of Traralgon Park homestead may be the only older buildings). The simple Gothic building reflects early methods of construction and compares to churches in Moe and the old Narracan township.*

*In 1939, the red brick church which also exists on the site, was built next door. Later the wooden church was moved to the rear of the site. This church, unlike the other denominations, remained on the same site, which is not in the vicinity of Church Street.*

An interim heritage control was applied to the former Wesleyan Chapel on its original site. However, it expired and was not re-applied when the building was relocated to the present site c.1993.

The former Wesleyan Chapel was not assessed by the *Latrobe City Heritage Study 2008* (updated 2010). The 1939 Church (since demolished) was assessed and found not to satisfy the threshold of local significance.



## HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL

## 4. HISTORY

### 4.1. Contextual history

Traralgon is situated on the traditional lands of the Gunai Kurnai people. The Brataualung, a clan of the Gunai Kurnai, claimed the land south of the Latrobe River, while the Briakalong occupied land to the north (Context 2005:1).

Traralgon's origins date from the early pastoral period. Edward Hobson occupied the Traralgon run in 1844 and an accommodation house near Traralgon Creek provided shelter for travellers on the route between Melbourne and Sale. The town was surveyed in 1858, the first sale of township sites was conducted in 1859 and a census in 1861 revealed there were 36 residents.

The opening up of the land for selection around Traralgon contributed to the development of the town in the 1870s and the population grew steadily from 111 in 1871 to over 300 ten years later. Construction of the railway line between Sale and Melbourne, which was completed in stages from 1877 to 1879, was a major impetus to the town's growth and most development took place on the western side of the creek centred around Franklin Street, which led to the station. It was during this decade that the first community facilities were established beginning with the first school, which opened in May 1870, moved to a new building in 1872, which was replaced by another by the end of the decade as enrolments grew. The school was also used for church services until 1878 when the Presbyterian congregation constructed the first church in Traralgon, which was then used on alternate Sundays by the Methodist and Anglican congregations. This was soon followed by the Wesleyan (Methodist) Chapel, opened at the end of 1879, and the Anglican Church, built in 1880. The first Mechanics' Institute was established in 1876.

The growing importance of the town was recognised in 1879 when it became the centre of the Shire of Traralgon, which was separated from the Shire of Rosedale. Traralgon became the legal, administrative, and educational centre for its hinterland where dairying and saw milling were developing as major industries. In the 1880s four brickyards were operating, substantial public buildings including the first Shire Hall (1881), the imposing Post Office and Court House (1886) and the new Mechanics' Institute (1887) were constructed in the town and new subdivisions provided land for housing (Context 2005:1). By 1896 the population had grown to over 1,000.

The establishment of railway workshops in 1903 led to further growth and between 1901 and 1910 the population almost doubled to reach over 2,000 people.



Franklin Street looking south, c.1910 (State Library of Victoria)

## HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL

The next major period of growth began in the late 1930s when Australian Paper Manufacturers (APM) established a paper pulp mill at Maryvale, north-west of Traralgon. The pilot mill opened in 1936 and by 1939 the main mill was in operation. New homes to house the large labour force were constructed in Traralgon and between 1933 and 1954 the population more than trebled to almost 9,000. The establishment of other industries and the opening in 1956 of the Central Gippsland Hospital in Traralgon resulted in a further 4,000 residents by the early 1960s.

#### 4.2. Place history

While the first church services were held in people's homes or farm buildings – travelling Anglican minister, Francis Hales, held a service at the Hazelwood station in 1848 as he moved around Gippsland – once communities became established a church was often one of the first buildings they constructed. Here, people have performed some of their most important ceremonies and rituals (Context 2005:38).

The churches and their associated buildings, such as halls, residences, and schools, have made distinctive contributions to town streetscapes and rural districts throughout the region. Communities have had close affiliations with their churches, especially during times of sectarian rivalry when people's denominations greatly influenced their identity, work, and social contacts. Churches also contain community memorials to local people through stained glass windows, monuments, and plaques (Context 2005:38)

In 1875 the Wesleyan Conference instructed the Rev. William Williams, then stationed at Sale to make a 'thorough inspection' of the Traralgon district and report the result to the ensuing conference. After an excursion lasting three days Rev. Williams returned home 'well satisfied with the prospects for Methodism' in the districts he had visited. However, it was not until 1878 that the results were fully reported to the conference, which quickly appointed the Rev. William Batten to reside at Traralgon. Following his death in February 1879 he was replaced by the Rev. D.J. Flockart (*Gippsland Farmers' Journal and Traralgon, Heyfield & Rosedale News*, 26 July 1888).

The first services, with an average attendance of 25, were initially held once a fortnight in the common school, and then moved to the Presbyterian Church when it opened in 1878. The arrival of several Methodist families boosted the average congregation to about 50 and so in 1879 the Rev. Flockart prepared plans for a wooden building 20 feet by 32 feet, which was constructed by Messrs. Horne & Matthew who submitted the lowest tender of £200. It was described as a 'neat and compact little structure, and well fitted up inside' (*Gippsland Farmers' Journal and Traralgon, Heyfield & Rosedale News*, 26 July 1888; *Gippsland Times*, 7 November 1879, p.3).

The Wesleyan Chapel was completed and opened on Sunday, 5 November 1879. The opening was celebrated by a tea and public meeting held on the following Monday in the Traralgon Mechanics' Institute. Addresses were delivered by the Revs. Messrs. Adams, D.J. Flockart, R.C. Flockart, Hutchison, Moorhouse and Wilson and the united choir of the Wesleyan, Presbyterian, and Church of England 'rendered several pieces in great style' accompanied by Miss Kate Campbell at the organ (*Gippsland Times*, 7 November 1879, p.3).

Continuing growth in the town and the congregation resulted in the need for a larger building to provide accommodation for '120 persons more than formerly'. Designed by Mr. J. Kinder of Morwell, who acted as architect and clerk of works free of charge, the extended building was formally re-opened on Sunday 19 February 1888, under the presidency of Rev. F.G. Watsford. Addresses were given by the Revs. J. McBridge, Watsford, and Whitechurch and several anthems were rendered by the choir. The cost of the additions was partly funded by a bazaar organised by the women in the congregation and money raised during opening services, but a considerable debt remained on the building (*Traralgon Record*, 24 February 1888, p.2).

## HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL

In 1911 further additions were made at the rear of the Wesleyan Chapel at a cost of £45, for use as a kindergarten, Sunday School, and meeting room (see Figures 1 & 2).



Figure 1: At left, undated early (c.1900s) image of the Wesleyan Chapel; At right, 1911 working bee to build the kindergarten room additions – Rev. Jas. Wilson pictured second from left (standing) (Source: TDHS).

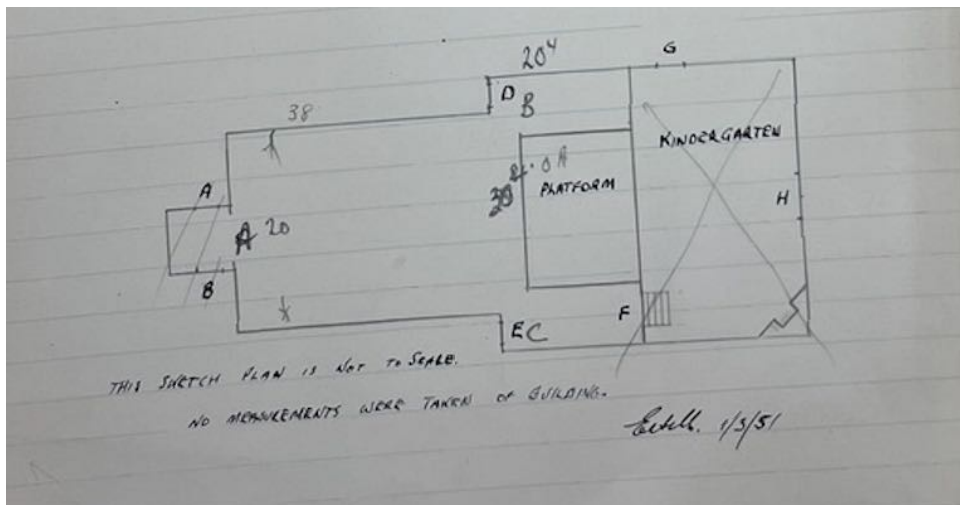


Figure 2: Plan dated 1951 showing the original layout of the former Wesleyan Chapel including the kindergarten room extension of 1911 at the rear (Source: PROV)

In 1937 the Rev. J.J. Webb initiated a fund for a new brick church. Designed by architect F.C. Armstrong of Melbourne, the foundation stone of the new church was laid on 12 August 1939 by Rev. D.J. Flockart and the official opening took place on 22 November 1939. Rev. E.B. Bond of Sale, Chairman of the District, performed the opening ceremony.

The new brick church was situated to the east of the old Wesleyan Chapel (see Figure 3), which was then used exclusively as the Sunday School Hall and kindergarten. It performed this role until 1955 when it was relocated to the rear of the site to make way for major additions to the church, which comprised a new Sunday School Hall with stage, kindergarten room, a fellowship room, kitchen, and office for the secretary. It appears that the porch and kindergarten extension to the Wesleyan Chapel were removed when it was relocated (see Figure 4).

HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL

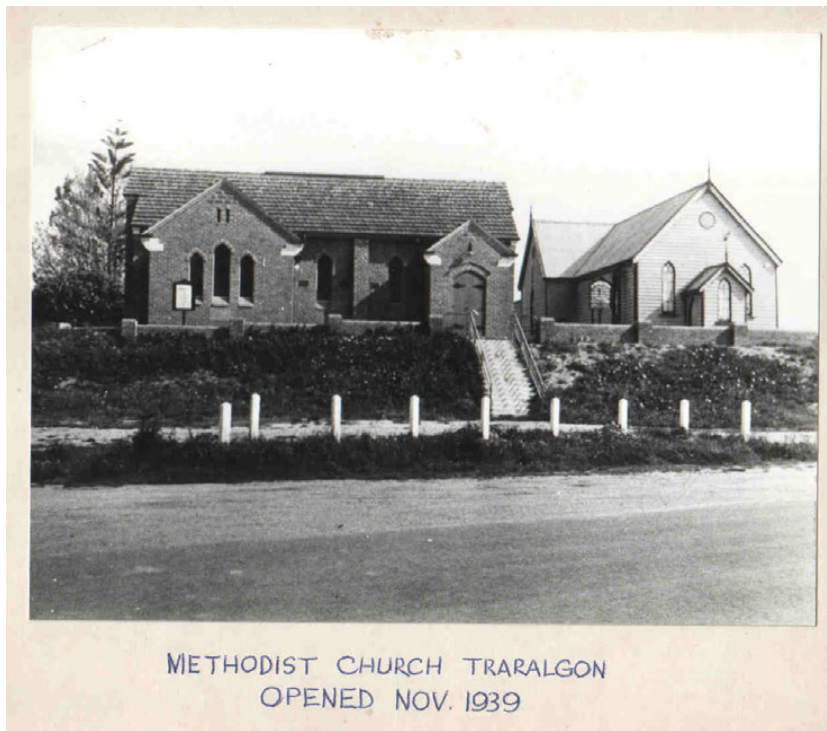


Figure 3: New brick church beside the former Wesleyan Chapel, c.1939 (Source: TDHS)

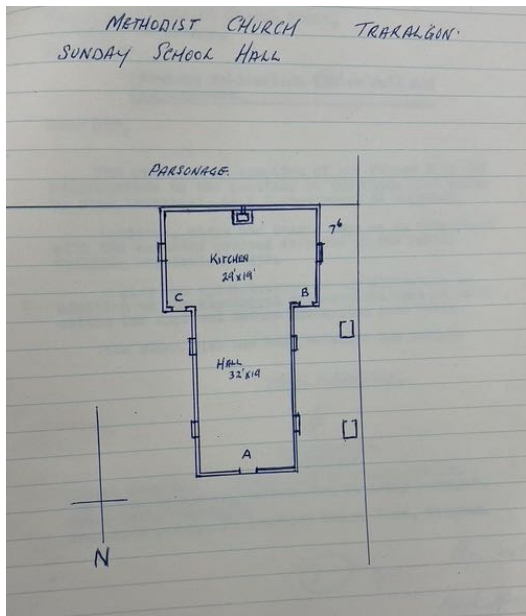


Figure 4: At left, extract of c.1956 plan showing the relocated building adjacent to the south boundary. Note the porch and kindergarten room shown in the 1951 plan in Figure 2 have been removed (Source: PROV); At right, undated image of the relocated church/hall (Source: TDHS)

## HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL

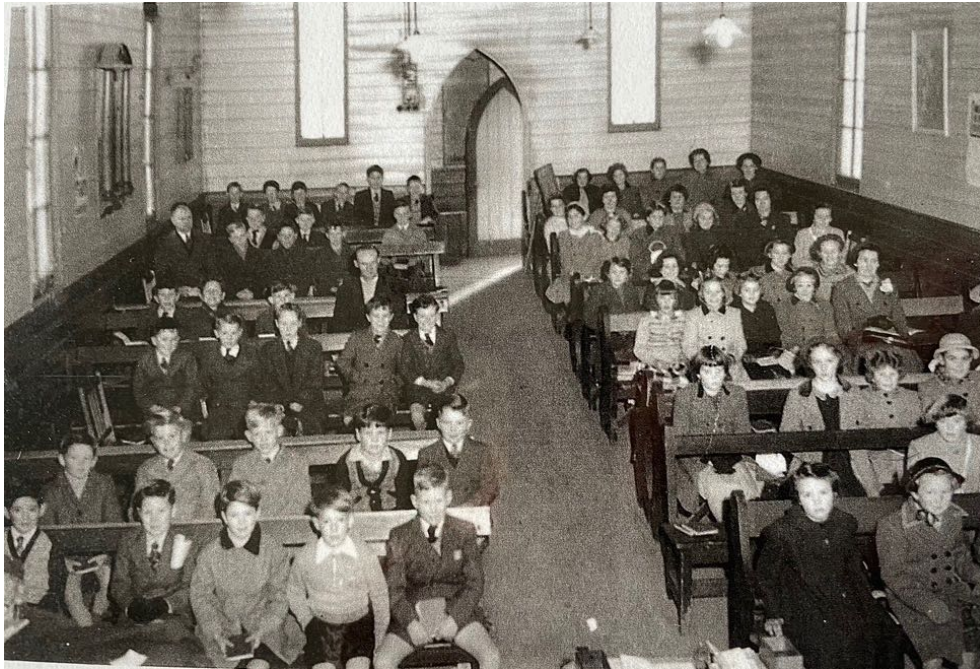


Figure 5: Sunday School children c.1950 in the former Wesleyan Chapel (n.d., but as the porch is visible this is prior to the relocation of the building in 1955) (Source: copy of an original photo donated by Lorraine Piechota to Latrobe City – Lorraine is one of the children in the photo).

In 1977 the Methodist and St Andrew's Presbyterian churches in Traralgon, and the rural congregations of Tyers, Glengarry and Toongabbie merged to form the Traralgon Parish and became part of the Uniting Church in Australia. Services were held jointly in both churches until 1992 when a new church was built in Park Lane. The original St Andrew's church was sold, and the 1939 Methodist Church was then used by the Salvation Army as their meeting place.

In recognition of its history, the Uniting Church offered the former Wesleyan Chapel free of charge to the Traralgon & District Historical Society (TDHS) provided it was relocated from the site. However, the Society did not have the resources to relocate the building and so it sought help from the City of Traralgon (Council Report, 1992:29).

At around the same time, the historic significance of the former Wesleyan Chapel had been formally recognized by its inclusion within the *Traralgon Heritage Study*. It was assessed to be of local heritage significance and an interim Historic Building Overlay control was applied to the site until November 1992, which was the date the *Traralgon Heritage Study* was due to be completed. The interim control meant that any demolition or removal of the building required a planning permit, and the views of the TDHS had to be considered (Council Report, 1992:29).

Because of this, the City of Traralgon established a taskforce to investigate the feasibility of relocating the Wesleyan Chapel. The taskforce considered requiring the Uniting Church to retain the building in its original location but decided this was not feasible as it would impact upon the future development of the site, which was within land then identified by Council as a future car park. The option of demolishing the building was also considered but was rejected as this would have resulted in Traralgon losing its oldest church, and Council would also lose the opportunity of acquiring a 95 sq m building at a relatively modest cost (\$33,000 compared with \$50,000 for a new building of this size) (Council Report, 1992:31).

The taskforce decided to relocate the Wesleyan Chapel to the present site in Princes Street adjacent to the railway. At the time, the site was in the process of being declared surplus to V-Line

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**HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL**

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requirements and was to be offered to Council at Valuer-General's valuation prior to sale.<sup>1</sup> In making this decision the Council identified the need to relocate the old church 'in a manner sympathetic to its original location', noting that it originally fronted onto Argyle Street, which historically was the early main street in Traralgon (ibid).

In consultation with TDHS the taskforce also recommended the Wesleyan Chapel upon relocation should be used as a tourist information centre and could also contain historic displays of materials held by the TDHS, as well as a sales area for local artwork (Council Report, 1992:31-32).

The building was relocated in accordance with the recommendations of the taskforce and was used as a visitor information centre for over 20 years. Upon relocation to the site, the porch was reconstructed, and a small gabled addition was made at the rear. Ramps were constructed leading to the side doors and internal partitions and toilets were installed.

In 1994 ownership and management of the former Wesleyan Chapel building transferred from the City of Traralgon to the newly constituted Latrobe City Council.

The use of the building ceased in early 2022 following the relocation of the visitor centre to new premises at the Gippsland Performing Arts Centre in Kay Street, Traralgon.

**4.3. Sources**

Context, *Traralgon Heritage Study*, 1992

Context, *Latrobe City Heritage Study Volume 1: Thematic environmental history*, 2008

Cuthill, William J., *The River of Little Fish*, 1970 online edition viewed at <https://www.traralgonhistory.asn.au/rolf.htm> on 11 March 2022.

'Minutes of the Ordinary Meeting of the Council of the City of Traralgon, 29 September 1992', Section 7, Report by Manager – Economic Development & Planning, Item 1: Wesleyan Church Taskforce (Council Report, 1992)

Public Records Office of Victoria (PROV)

State Library of Victoria (SLV) pictorial collection

Traralgon Centenary Committee, 'Traralgon Centenary 1846 1946' (State Library of Victoria collection)

Victorian Places website, viewed at [https://www.victorianplaces.com.au/rainbow\\_on\\_20\\_March\\_2022](https://www.victorianplaces.com.au/rainbow_on_20_March_2022)

Wilson, Rita (ed.), *From age to age. 100 years of Methodism in Traralgon June 1877-1977*, 1977

Information provided by Barbara Johnson, President TDHS, and Linda Barraclough.

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<sup>1</sup> Sale of the land to the City of Traralgon did not proceed. Council retained ownership of the building, but VicTrack is the owner of the land on which it stands.

## HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL

**5. DESCRIPTION**

The former Wesleyan Chapel is a Victorian Carpenter Gothic church (see Figure 6). 'T' shape in plan, it was built in three stages, two of which survive today:

- The 1879 building comprises the nave (which has dimensions of 32 feet x 20 feet, consistent with historic descriptions in newspapers and the PROV file).
- The 1888 addition comprises the rear section.



Figure 6: Former Wesleyan Chapel, 2022 (Source: David Helms)

Typical of the style, the building has weatherboard walls and lancet (pointed arch) timber doors and multi-pane windows (which incorporate 'hoppers' – inward opening sections – at the top). The exceptions are the two square head windows in the rear wall, which possibly date from the 1950s when the building was relocated, and the 1911 addition was removed. Other original details include the circular louvred vents in each gable end (the vent to the front gable is presently covered by a signboard). Internally, there are original beaded lining boards with a dado rail, and a coved ceiling of stained pine, which has circular patterned metal ventilation grills. The roof and walls are braced by steel rod collar ties. Please refer to Attachment 2, which contains additional images.

There are no objects or furniture associated with its former use as a church. There is, however, a diorama of the Latrobe Valley landscape and key features (towns, power stations, tourist attractions), which was reputedly created by the former State Electricity Commission of Victoria. While not associated with the historic use as a church, this is nonetheless of some historic interest as a distinctive object associated with the development of electricity supply, which is an important historic theme in Latrobe City.

Within the porch are several framed historic photos of the building – these are copies of originals held by the TDHS (some of which are used in this report) and are not, in themselves, important.

**5.1. Integrity and intactness**

Overall, the former Wesleyan Chapel has relatively good integrity, despite being moved twice in its history. Key features including the windows and doors appear to be original or early, as does the internal cladding materials to the walls and ceiling. Where materials or details have been replaced

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**HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL**

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this has generally been done 'like for like' using similar materials based on historic evidence. The following alterations and additions were made following its relocation to the present site:

- The porch was reconstructed close to the appearance shown in early photos.
- Finials of similar but not identical design to the originals shown in early photos were reinstated to the gable ends.
- A small gabled addition was made at the rear.
- Internally, partition walls have been inserted to create a toilet and office spaces at the south end.
- A signboard was attached to the front wall, partially covering one of the original vents.
- Installation of two square head timber multi-pane windows in the rear wall.

**5.2. Condition**

Assessment of the condition of this building was outside the scope of this study. However, Latrobe City commissioned Hade Consulting structural engineers to prepare a detailed building condition report. This was completed in March 2021.

In summary, the condition assessment identifies an extensive list of defects, many of which are rated 'severe' and require 'extensive and urgent repairs or replacement ... to make the building safe and to prevent further deterioration of the structure' (Hade Consulting, 2021:12).

Nonetheless, the report does conclude that relocation of the building is possible; however, it will require repairs and bracing works to be carried out prior to relocation. The site also has restrictive access constraints, which would add cost to the project (Hade Consulting, 2021:12).



## HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL

## 6. COMPARATIVE ANALYSIS

### 6.1. Carpenter Gothic churches in Latrobe City

According to Lewis (1991:34-5) by the end of the nineteenth century the Gothic style had been adopted by most of the Protestant churches in Australia and early churches were typically simple Carpenter Gothic buildings, often built by the congregations. Many initially comprised only a nave, with anterooms containing the vestry, chancel or choir added later as the resources of the congregation allowed. In larger towns, these early churches were sometimes replaced by more substantial buildings and became the church hall. Like schools and halls, churches were often moved according to need as areas declined or flourished.

Carpenter (or Carpenter's) Gothic style emerged in North America during the nineteenth century and later transferred to Australia where it was used in church design mostly from the 1870s to World War I, with some late examples (particularly in rural areas) dating from the interwar period. As explained by Apperly et al (1994:94) Carpenter Gothic was:

*... a style used for churches of modest size when economy of expenditure and simplicity of construction were important. It is, as the name suggests, an idiom, which made great use of timber, demonstrating how the tradesman, used, connected, expressed, and embellished the various timber components of the building.*

Carpenter Gothic buildings are relatively unadorned, and architectural or decorative elements drew upon the basic elements of the Academic Gothic or Free Gothic styles such as pointed arches, medium to steep gables, and buttresses. Models for at least some Victorian Carpenter Gothic designs were provided by the Ecclesiological Society in England, which encouraged the development of timber church architecture in the South Pacific region (Apperly et al, 1994:94).

Although originally a derogatory term implying 'academically uniformed Gothic Revival work produced by provincial tradesmen' (Lewis, 1991:158) it is now recognized that Carpenter Gothic buildings have quite often 'effortlessly achieved a genuine architectural quality not always attained by more pretentious structures' (Apperly et al, 1994:94).

Carpenter Gothic style churches were constructed in Latrobe City from the 1870s to as late as the 1930s when St Brigid's Catholic Church (1933-36) was built in Yallourn North. Most of the examples are simple and basic examples of the style.

Perhaps the finest Carpenter Gothic Church in Latrobe City is St David's Church of England at Toongabbie. Constructed by local builder Henry Bosustow in 1884, St David's is distinguished by the bell tower located at the front of the ridge line to the main roof, the stepped timber buttresses, and the elaborate decorative carved bargeboards. The interior is relatively intact and includes some early church furnishings.

The former Wesleyan Chapel is typical of the Carpenter Gothic churches constructed during the late nineteenth and early twentieth centuries. It has features that are typical of the Carpenter Gothic style including medium to steep roof gables and pointed arches to windows and doors and, despite being relocated on two occasions, it has relatively good integrity, which includes original internal finishes.

As a representative example it is notable for its early construction date – it is among seven nineteenth century churches in Latrobe City, but one of only two that date in part from the 1870s. The other example is St John's Church of England, Glengarry which comprises what is thought to be the 1879 church (now the chancel and vestry) with c.1900 additions. Of the others:

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**HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL**

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- Two churches date from the 1880s – St David’s, Toongabbie (1884) and Moe Uniting (former Wesleyan Methodist) Church (1887). The latter was altered when moved to its present site in 1951.
- Three churches date from the 1890s: Glengarry Uniting (former Wesleyan) Church (1891), St Columbkille’s Catholic Church, Glengarry (1893) and Holy Innocents’ Church of England, Middle Creek (1895).

The other nineteenth century church in Latrobe City is the former St Mary’s Church of England, Morwell. Constructed in 1886, this is a Gothic style church unusually constructed of brick with a timber front.

**6.2. Early buildings in Traralgon**

The former Wesleyan Chapel is the oldest church and one of the oldest buildings of any type in Traralgon. It is one of only three to date from the 1870s. The others are:

- The original section of the former Star Hotel in Peterkin Street, which is believed to date from c.1875.
- The timber cottage at 134 Dunbar Road, which reputedly dates from c.1878 or earlier. This much altered building is in poor condition.

Other surviving nineteenth century buildings in Traralgon include:

- The Railway Station, built in 1881 and extended in 1901.
- The former Court House and Post Office, 1886.
- Former Ostler’s House at Traralgon Hotel, c.1890.
- Traralgon Park Homestead, c.1895 (The original c.1855 section has been demolished).

There are also several houses, possibly constructed in the mid to late 1890s or early 1900s. Examples include the cottages at 10 and 11-13 Janette Street and 14 Roseneath Street, and the houses at 8-14 Henry Street.

All the other nineteenth century churches in Traralgon were demolished and replaced in the twentieth century, as were the other nineteenth century hotels.

**6.3. Sources**

Apperly, Richard, Irving, Robert & Reynolds, Peter, 1994, *A pictorial guide to identifying Australian architecture. Styles and terms from 1788 to the present*, Second edition, Harper Collins, Hong Kong

Lewis, Miles, 1981, *Victorian churches. Their origins, their story & their architecture*, National Trust of Australia, Melbourne

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**HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL**

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**7. ANALYSIS AGAINST HERCON CRITERIA**

This section provides an assessment of the former Wesleyan Chapel against the Hercon criteria. It is considered to satisfy Hercon criteria A, B & D at the local level for the reasons set out below.

**Criterion A**

*Importance to the course or pattern of our cultural or natural history (historical significance).*

The former Traralgon Wesleyan Chapel was the second church built in Traralgon and is now the oldest surviving church in Latrobe City. Dating from 1879 it is associated with the establishment and early development of the Wesleyan Methodist Church in the Gippsland region. It is also one of the oldest surviving buildings in Traralgon and provides evidence of the development that occurred at the time the railway line was opened when Traralgon grew to become one of the most important towns in the region.

**Criterion B:**

*Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).*

The former Traralgon Wesleyan Chapel is one of only three known surviving 1870s buildings in Traralgon, and one of only two 1870s churches in Latrobe City.

**Criterion C:**

*Potential to yield information that will contribute to understanding our cultural or natural history (research potential).*

Not applicable.

**Criterion D:**

*Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).*

The former Traralgon Wesleyan Chapel is an early example of a Carpenter Gothic Church with typical form and detailing including the steeply pitched gable roof, and lancet (pointed arch) multi-pane windows and doors and circular louvred vents in each gable end and original internal finishes including beaded lining boards with a dado rail, a coved ceiling of stained pine, which has circular patterned metal ventilation grills, and steel rod collar ties.

**Criterion E:**

*Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*

Not applicable.

**Criterion F:**

*Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).*

Not applicable.

**Criterion G:**

*Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).*

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**HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL**

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Full assessment of social significance was outside the scope of this study. As the use as a church building ceased more than three decades ago any social values associated with that use have become historic values (Criterion A).

The reaction to the proposal to demolish the building suggests there *may* still be strong community associations with the building simply because of it being known as one of the oldest buildings in Traralgon and this aspect of significance could be explored as part of future work (see Section 7).

**Criterion H:**

*Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).*

Not applicable.

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**HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL**

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**8. FINDINGS AND RECOMMENDATIONS**

The former Wesleyan Chapel is of local historic and representative significance to Latrobe City.

Attachment 1 provides the statement of significance for this place.

Despite its age, the former Wesleyan Chapel is unlikely to be of State heritage significance as there is nothing about the building or its history that is important at a State level and a nomination to the Victorian Heritage Register is not recommended.

**8.1. Discussion**

As a building of local significance conservation – that is retention, repair, and maintenance – of the former Wesleyan Chapel is the preferred option and if the building cannot remain on its current site then it must be relocated. Relocation is acceptable, as the building has already been moved and is no longer on its original site.

For relocation to occur a suitable site must be found, as well as a new use. In deciding this, the question of future ownership must also be determined. To assist with this process, interim management guidelines have been prepared in relation to potential location, use and ownership (see section 8.3).

The option of relocating the building is strongly preferred to demolishing the building. The significance of the former Wesleyan Chapel rests upon its construction date – it is an early building both in the context of Traralgon and the Latrobe Valley (and Gippsland) region. The importance of the former Wesleyan Chapel as an historic relic of early Traralgon was first recognised in 1992 by the then Traralgon City Council when it made the decision to save the building and relocate it to the present site. Since then, at least two other early (pre-1880) buildings in Traralgon have been lost. Consequently, very few buildings survive to illustrate this important period of post-contact history and if the former Wesleyan Chapel was to be demolished the ability to understand the early history of Traralgon would be further diminished.

That said, the 2021 condition assessment has identified significant works necessary to make the building safe and to prevent further deterioration of the structure and while it does conclude that relocation of the building is possible, it will require repairs and bracing works to be carried out prior to relocation. The site also has restrictive access constraints, which would add costs to the project.

**8.2. Recommendations**

On this basis, the following recommendations are made:

- As a first step, the 2021 condition assessment should be peer reviewed by a consultant with experience in the maintenance and repair of heritage buildings to ensure the approach and recommendations are consistent with the Burra Charter and to gain a better understanding of the costs and issues.
- Following the above, Council in consultation with the local community further explores the feasibility of relocating the former Wesleyan Chapel, having regard to the interim management guidelines set out in this report (see section 8.3). This should include consideration of potential external funding opportunities or partnerships with organisations such as Working Heritage, which has recently relocated a similar weatherboard church in Wollert that was threatened by a road upgrade (see [www.workingheritage.com.au](http://www.workingheritage.com.au)).
- Depending on the outcome of the above investigations there are two options:
  - If the option of relocation is feasible, then Latrobe City should commission a Conservation Management Plan (CMP) to identify the most appropriate way of caring for the heritage

**HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL**

fabric of the former Wesleyan Chapel having regard to heritage significance. In doing so, it will build upon the assessment and preliminary guidelines in this report and will address the most appropriate manner to respond to the building condition issues and need for relocation. It would also explore potential social values. The CMP should be prepared prior to any action associated with the relocation such as site acquisition, or sale of lease of the building (see section 8.3).

- If the option of relocation is not feasible, then Latrobe City should commission a heritage impact assessment by a suitably qualified consultant to identify strategies and actions to minimise the impacts of the demolition – for example, by potentially retaining some original features, which could become part of the TDHS collection, undertaking a photographic survey, or interpreting its history through various means such as on-site signage at the original site or a website page or similar.
- A further recommendation is for Latrobe City to find a suitable location for the ‘Diorama’ currently stored at the former Wesleyan Chapel. One option is for it to be donated the Powerworks Visitor Centre at Morwell.
- It is understood the TDHS holds original copies of the historic photos in the foyer. Nonetheless, they should be offered to the TDHS or kept by Latrobe City Council.

**8.3. Interim management guidelines**

The following interim management guidelines are recommended to assist with the further exploration of the potential relocation of the former Wesleyan Chapel:

*Location*

The new location should have the same or similar attributes to the present location:

- It should be physically within Traralgon and ideally close to the historic town centre.
- It should enable the building to be visible from the public realm.
- It should enable the building should be sited correctly – that is, with the front facing to and perpendicular to the frontage.

*Use*

The use of the former Wesleyan Chapel as a Visitor Information Centre is a good example of adaptive re-use. It enabled the building to continue to be used and accessed by the public and was in a location that is readily accessible. Minimal changes were required to the original building.

In considering adaptive re-use options, preference should similarly be given to uses that:

- Enable the conservation of culturally significant fabric and causes the minimum degree of change to it.
- Will require the minimum amount of change to the significant fabric.
- Ensure that the building is continually occupied or has a continuity of occupation that will ensure its security and maintenance.
- If ownership is retained by Latrobe City, provides an economic return that will subsidise the on-going maintenance of the building.
- Provides an opportunity for interpretation.

When determining a new use Latrobe City may also consider:

- The interest of the community in the asset.
- Means for harnessing community interest, and

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**HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL**

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- Potential community opposition likely to be created by a use that would impact upon the significance of the building.

*Ownership*


The issue of ownership will likely be determined following or in association with finding a suitable new location or appropriate new use. As a building that was originally privately owned, retaining public ownership is not essential to maintaining the significance of the building and it may be that selling the building is the best option for ensuring it can be relocated, and to enable an adaptive re-use (for example, residential conversion). Another option is a long-term lease.

Ideally, as discussed in section 8.2 a CMP should be prepared prior to the sale or lease of the building, so the future management and development options are clearly understood by both Council and the new owner/lessee, and Council may put in place appropriate controls or agreements to ensure the former Wesleyan Chapel is retained and conserved. For example, this could include:

- Applying a heritage control over the property in the new location.
- An agreed schedule of conservation or on-going maintenance works that must be carried out by the new owner/lessee.

## HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL

**Attachment 1 – Traralgon Wesleyan Chapel (former) Statement of Significance**

<b>Heritage Place:</b> Traralgon Wesleyan Chapel (former)	<b>PS ref no:</b> HOXX
	Insert location plan

**What is significant?**

The former Traralgon Wesleyan Chapel constructed in 1879 and the 1888 additions is significant. The original finishes to the interior including the wall and ceiling cladding and details also contribute to the significance of the place

Alterations and additions made following the relocation of the church in 1992 including the porch, the access ramps, the gabled section to the rear and the two windows in the rear wall, and internal partition walls, fixtures and counters are not significant.

**How is it significant?**

The former Traralgon Wesleyan Chapel is of local historic and representative significance to Latrobe City.

**Why is it significant?**

Historically, the former Traralgon Wesleyan Chapel was the second church built in Traralgon and is now the oldest surviving church in Latrobe City. Dating from 1879 it is associated with the establishment and early development of the Wesleyan Methodist Church in the Gippsland region. It is also one of the oldest surviving buildings in Traralgon and provides evidence of the development that occurred at the time the railway line was opened when Traralgon grew to become one of the most important towns in the region. (Criterion A)

The former Traralgon Wesleyan Chapel has rarity value as one of only three known surviving 1870s buildings in Traralgon, and one of only two 1870s churches in Latrobe City. (Criterion B)

The former Traralgon Wesleyan Chapel has representative significance as an early example of a Carpenter Gothic Church with typical form and detailing including the steeply pitched gable roof, and lancet (pointed arch) multi-pane windows and doors, circular louvred vents in each gable end and original internal finishes including beaded lining boards with a dado rail, a coved ceiling of stained pine, which has circular patterned metal ventilation grills, and steel rod collar ties. (Criterion D)



**HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL**

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**Primary source**

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*Heritage Assessment – Former Traralgon Wesleyan Chapel, 2022*

This document is an incorporated document in the Latrobe Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

## HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL

## Attachment 2 – Traralgon Wesleyan Chapel (former) images



Views of the front elevation showing the reconstructed porch and finials, as well as the signboard covering one of the circular gable vents



Views of the west side, note typical circular louvred vent in gable end (note visible deterioration to weatherboards at wall corners in the image at right).

HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL



At left, typical window in the 1879 section of the building. At right, one of two doors in the 1888 addition.



View of the interior looking toward the porch showing covered ceiling and steel rod collar tiles and non-original lights and fans. Note 'Diorama' in corner at right of left image, and bottom left

## HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL



At left, view looking toward the rear showing the non-original counter and partitions installed for the Visitor Centre use. At right, toilet addition.



At left, internal view of side door. At right, internal view of nave window

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**HERITAGE ASSESSMENT – FORMER TRARALGON WESLEYAN CHAPEL**

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*At left, view from pedestrian bridge showing substation at the rear. At right, non-original section added to the building upon relocation with non-original window at right.*

**Cost Control (Victoria) Pty. Ltd.**

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Latrobe City Council  
PO Box 264  
Morwell  
Victoria 3840

13<sup>th</sup> January 2023

Re: Traralgon Visitor Information Centre

We have pleasure in reporting our updated cost plan at feasibility stage on the above project in the amount of Three Hundred and Forty Thousand Dollars (\$340,000) plus GST as follows.

**Breakdown:**

Severe Condition Works	\$185,733
Moderate Condition Works	\$ 32,057
Slight Condition Works	\$ 3,102
Net Construction Cost	----- \$220,892
Design Contingency 20%	\$ 44,178
Cost Escalation Allowance 7%	\$ 18,555
Construction Contingency 20%	\$ 56,725
Total Construction Cost	----- \$340,351
<b>ROUNDED TO</b>	<b>\$340,000</b>

**Option 1 Demolish Building:**

Demolish Building	\$ 52,000
Make Good Site After Demolition	\$ 34,000
Total Construction Cost	----- \$ 86,000
<b>ROUNDED TO</b>	<b>\$ 86,000</b>

1/5

Quantity Surveying  
Contract Administration

Estimating  
Claims Assessment

**Option 2 Relocate Building Within 20km:**

Transport Building to New Location	\$170,800
Repairs to Building as per Conditions Report	\$220,892
Site Works at New Location	\$ 77,400
Make Good Site After Demolition	\$ 34,000
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Net Construction Cost	\$503,092
Design Contingency 20%	\$100,618
Cost Escalation Allowance 7%	\$ 42,260
Construction Contingency 20%	\$129,194
	-----
Total Construction Cost	\$775,164
	-----
<b>ROUNDED TO</b>	<b>\$775,000</b>

A copy of the cost plan is attached as an appendix.

The cost plan is based on preliminary documentation and is indicative only of the possible order of cost. All components of the cost plan will require confirmation once final design documentation is available. The cost plan assumes that the project will be appropriately documented prior to tender.

The cost plan is based on a minimum of five bona fide tenders being received from builders appropriate to the size and category of this project. If prices are obtained by negotiation or from a more restricted list of builders, it may be appropriate to allow a contingency for the reduced element of competition. No allowance has been made for staged or construction management forms of procurement.

**Market Conditions:**

We have not been able to quantify the effects of the COVID-19 pandemic and supply disruptions may have on the tender market and have assumed market conditions will be reasonably kept up to the date of tender.

**Reference Drawings:**

The cost plan has been prepared from the information attached to Drew Hade's e-mails to us dated 11<sup>th</sup> & 24<sup>th</sup> May 2021.

**Contingencies:**

Allowances of 20% each have been included for design and construction contingencies respectively.

**Cost Escalation:**

An allowance of 7% has been included for cost escalation assuming tenders are sought within the next 12 months.

**Exclusions:**

GST  
Effect of COVID-19 and supply disruptions on tender market conditions  
Asbestos removal  
Latent conditions including blinding concrete  
Site penalties including disposal of contaminated soil  
Diversion and / or upgrading of existing services  
Relocation costs (hire of temporary facility, removal of existing furniture & equipment)  
Loose furniture & equipment  
Out of hours working  
Consultant design fees  
Authority fees & charges including building permit  
Council project management fees

**Limitations**

This report is for the use only of the party to whom it is addressed and for no other purpose. No responsibility is accepted for any third party who may use or rely on the report (either in its entirety or part).

We trust we have correctly interpreted your requirements and thank you for the opportunity to be of assistance on this project.

Yours sincerely,



Chris Humble



FEASIBILITY STAGE  
COST PLANTRARALGON VISITOR  
INFORMATION CENTRE

13/1/2023

**REFURBISHMENT WORKS****Severe Condition Works**

Remove weatherboards to install bracing	m2	225	\$	80	\$	18,000
Install wall bacing	m2	225	\$	127	\$	28,575
Re-stump storage room	Item	1	\$	3,037	\$	3,037
Remove floorboards	m2	140	\$	63	\$	8,820
New engineered floor boards	m2	140	\$	257	\$	35,980
New weatherboard cladding, sarking & insulation	m2	225	\$	171	\$	38,475
Repair, re-seal windows & surrounds to western elevation	No	3	\$	1,325	\$	3,975
Replace doors & frames to western elevation	No	2	\$	4,638	\$	9,276
Replace base boards	m	55	\$	134	\$	7,370
Paint weatherboards, windows & doors externally	m2	260	\$	59	\$	15,340

**Moderate Condition Works**

Repair, re-seal windows & surrounds	No	7	\$	1,325	\$	9,275
Remove gutters	m	35	\$	39	\$	1,365
Remove downpipes	No	7	\$	133	\$	931
New colorbond gutters	m	35	\$	145	\$	5,075
New downpipes	No	7	\$	1,115	\$	7,805
Remove & re-clad internal western dado wall	m2	17	\$	276	\$	4,692

**Slight Condition Works**

Repair & repaint external eaves	m2	20	\$	141	\$	2,820
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SUB TOTAL						\$ 200,811
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BUILDER'S MARGIN	10%					\$ 20,081
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NET CONSTRUCTION COST						\$ 220,892
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DESIGN CONTINGENCY	20%					\$ 44,178
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SUB TOTAL						\$ 265,071
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COST ESCALATION	7%					\$ 18,555
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SUB TOTAL						\$ 283,625
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FEASIBILITY STAGE  
COST PLANTRARALGON VISITOR  
INFORMATION CENTRE

13/1/2023

CONSTRUCTION CONTINGENCY	20%	\$	56,725
TOTAL CONSTRUCTION COST		\$	340,351
ROUNDED TO		\$	340,000

**DEMOLISH BUILDING**

Demolition & cart away	Item	1	\$ 52,000	\$	52,000
Make good site after demolition	Item	1	\$ 34,000	\$	34,000
TOTAL CONSTRUCTION COST				\$	86,000
ROUNDED TO				\$	86,000

**RELOCATE BUILDING WITHIN 20km**

Prepare building prior to removal	Item	1	\$ 11,000	\$	11,000
Road Closure / Traffic Management	Item	1	\$ 33,000	\$	33,000
Transport cost	Item	1	\$ 82,800	\$	82,800
New foundations	Item	1	\$ 22,000	\$	22,000
Re-assemble building on new site	Item	1	\$ 22,000	\$	22,000
Repairs to building as per conditions report	Item	1	\$ 220,892	\$	220,892
Site works at new location - paving ramps etc	Item	1	\$ 44,200	\$	44,200
Services connections at new location	Item	1	\$ 33,200	\$	33,200
Make good original location site	Item	1	\$ 34,000	\$	34,000
NET CONSTRUCTION COST				\$	503,092
DESIGN CONTINGENCY	20%			\$	100,618
SUB TOTAL				\$	603,711
COST ESCALATION	7%			\$	42,260
SUB TOTAL				\$	645,970
CONSTRUCTION CONTINGENCY	20%			\$	129,194
TOTAL CONSTRUCTION COST				\$	775,164
ROUNDED TO				\$	775,000

5/5



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31 March 2021

Project Reference: 21022

Attn: [REDACTED]  
Latrobe City Council  
141 Commercial Road  
Morwell, Victoria 3840

Dear [REDACTED],

### **STRUCTURAL INSPECTION AND ASSESSMENT OF EXISTING BUILDING TRARALGON VISITOR INFORMATION CENTER**

Latrobe City Council is seeking a detailed building condition assessment report for the Visitor Information Centre located at located at 41 Princess Street Traralgon. The assessment shall determine its condition and suitability for relocation to another site yet to be determined.

## **1. Project Scope**

The scope of work for the engineering inspection and assessment included the following:

### **Visual On-Site Inspection**

- On-site visual inspection of the Visitor Information Centre in Traralgon
- Inspection to include observations on the basic internal and external fabric of the building along with the principle structural elements where they are visible and other notable features of the building such as windows, doors etc.
- Carry out the inspections in areas made accessible by the client.
- Record basic measurements relating to defects observed, such as crack width, verticality of walls out of plumb, condition of element, level of element deterioration etc.
- Collate photos and commentary on the items inspected.

### **Deliverables:**

- A condition report, including recommendations on suitability for building relocation (this report)

## **2. Existing Building**

The subject building is located at 42 Princess Street in Traralgon. The building was originally a church, which has undergone two building relocations in the past. The most recent relocation was completed in 1990 to its current location. The building is a single level timber framed and timber weatherboard clad structure.

The roof structure consists of a timber framed gable roof, with steel rod collar ties. The collar ties are arranged to provide outwards thrust restraint to the gable roof structure and to provide bracing to the end wall frame top plates.

The walls consist of hardwood timber studs, clad by timber weatherboards.

The floor consists of hardwood timber joists, over hardwood timber bearers. The bearers are supported on concrete stump foundations.



Figure 1 - Subject site

### 3. Discussions with the occupants

At the time of inspection, the building was occupied by two employees who regularly occupy the building during the buildings operational hours. The occupants pointed out the following items during the site inspection undertaken by Hade Consulting:

- The buildings floorboards have areas of damage that have been strategically covered by the placement of furniture, and there had been some localised repairs, and failures of flooring boards from 'high-heeled' foot traffic in the past.
- The building leaked during rainfall events in several locations, with areas of water damage pointed out around the amenities room and the eastern side entrance doorway.
- Reportedly the building 'sways' and 'moves' during high wind events, which is notable and discerning to the occupants.

## 4. Inspection Findings / Defects

### Condition Ratings

To help describe the condition of the structure a condition rating is given to the main 'elements' of the building/structure that have been assessed during the site inspection.

Recommendations on defect repair, or the requirement for further investigations are also provided for each of the elements that have been given a condition rating.

The condition ratings adopted for the assessment are as per the below:

Condition Rating		Description of Rating
NI	Not Inspected	Building element not Inspected due to access restrictions at the time of inspection
1	Negligible	Building element in good condition. No repair is currently needed, or defect of aesthetic nature only and repairs are optional.
2	Slight	Defect requires repair or maintenance within the next 5 years
3	Moderate	Defect requires repair or replacement within the next 1-2 years
4	Severe	Defect requires extensive and urgent repairs or replacement within the next 6-12 months



### Details of inspection

Drew Hade of Hade Consulting visited the site on Friday 26 March 2021. The inspection was limited to areas that were accessible at the time of inspection. The areas inspected included the following:



- Internal and external wall cladding and window/door framing (note that wall framing behind cladding was not visible)
- Internal ceiling linings (note that roof framing was concealed behind timber ceiling linings)
- Roofing and guttering, visible from ground and the adjacent train overpass structure
- Flooring, visible where exposed and not covered by furniture or fixtures.
- Floor framing and stump foundations, visible from through the base boards at various locations around the perimeter of the building.

**Condition Assessment**



The below table details the defects identified during the inspection. The defects with the highest ratings are listed first, and the lowest ratings last.



Defect ID	Condition Rating	Location	Element	Commentary	Recommendation	Image	
1	4	Severe	Building	Walls	Main building structure leans approx. 2 degrees to the east.	Undertake a detailed engineering assessment of the buildings bracing system, with likely augmentation required to install additional wall bracing elements to correct the building lean within the next 6-12 Months	
2	4	Severe	Building	Wall Bracing / Building Stability	The building appeared to lack internal bracing walls to stabilise the building to resist wind loads. This assessment is supported by reports from the occupants of 'building movement' and 'sway' during high wind events.	Undertake a detailed engineering assessment of the buildings bracing system, with likely augmentation required to install additional wall bracing elements to resist wind loads within the next 6-12 Months	Nil
3	4	Severe	Building	Foundations to rear storage room	Footings have subsided and 'dropped'. Noticeable tilt in the floor and cracking in walls	Restump lean-too building (storage room) foundations within the next 6-12 Months	

4	4	Severe	Floor	Floorboards	Damaged and failed in many areas. Health and safety risk to occupants tripping or falling through boards with high heeled shoes	Replace flooring within next 6-12 Months	 
5	4	Severe	Western Wall	External Cladding	Extensive biological decay, with evidence of water entering the building.	Cladding is beyond repair and requires replacement within the next 6-12 Months	

							
6	4	Severe	Western Wall	Windows	Extensive biological decay, with evidence of water entering the building.	Repair and re-seal all windows and window surrounds to make good and water-tight within the next 6-12 Months	



7	4	Severe	Western & eastern Walls	Doors	Extensive biological decay, with evidence of water entering the building.	Replace door frames/jamb and doors as required to make good and water-tight within the next 6-12 Months.	
8	4	Severe	Building perimeter	Base Boards	Extensive biological decay, with boards broken and falling off in places	Replace base boards in the next 6-12 Months	

9	3	Moderate	Eastern southern and northern Walls	Cladding	Localised areas of biological decay, with evidence of water entering the building.	Locally repair and reclad damaged areas, repaint entire façade within the next 1-2 years	
11	3	Moderate	Eastern southern and northern Walls	Windows	Localised areas of biological decay, with evidence of water entering the building.	Repair and re-seal all windows and window surrounds to make good and water-tight within the next 6-12 Months, re-paint	Nil
12	3	Moderate	Roof	Gutters	Leaking gutters generally to building perimeter and disconnected downpipes	Replace Guttering and downpipes in the next 1-2 years	

13	3	Moderate	Western Wall	Internal Cladding	Evidence of internal dato panel warping and 'loose' in places	Remove and re-clad with new or alternative wall cladding	
14	2	Slight	Roof	Eaves	Evidence of biological decay in some areas	Re-paint and repair damaged areas within the next 5 years	
15	1	Negligible	Roof	Roofing	Roofing weathered, however appears to be performing well	Nil	
15	1	Negligible	Floor	Joists/Bearers	Building element in good condition	Nil	

16	1	Negligible	Floor	Stumps	Building element in good condition	Nil	
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DRAFT

## 5. Health and Safety Risks

This section summarises defects and issues that present a risk to the safety of people.

Defect ID	Description of Risk	Controls to reduce risk
1 & 2	The building appeared to lack internal bracing walls to stabilise the building to resist wind loads. During high wind events there is a risk of building collapse or localised failures of the structure.	<ul style="list-style-type: none"> <li>- Limit access to the building in adverse weather where high winds are forecast.</li> <li>- Conduct an engineering assessment to verify the buildings bracing capacity and implement any findings of the assessment.</li> <li>- Prevent access and/or Demolish building</li> </ul>
4	Trips and slips due to damaged floorboards	<ul style="list-style-type: none"> <li>- Replace flooring.</li> <li>- Undertake localised repairs until flooring is replaced.</li> </ul>

## 6. Suitability for relocation

Based on the visual structural investigation undertaken, in the authors opinion the building is not suitable for relocation without undergoing extensive repairs and remedial works. If relocation is to be undertaken, the following structural works would be required as a minimum prior to any relocation works:

- Removal and replacement of the western cladding
- Removal and replacement of the western and eastern doors and surrounding cladding
- inspection and repairs of internal wall framing behind all removed cladding. It is assumed that the framing behind damaged cladding may be decaying.
- Bracing of the structure for the relocation stage
- Demolish and remove the southern lean-too structure (brochure storage room)

In addition to these works the following additional items will require further consideration prior to relocation:

- The building site is located on a small and congested parcel of land, with access around the building limited.
- The existing overpass walkway to the west is close to the building and would pose challenges for construction access.
- The princess highway would likely require temporary 'shutdown' during relocation works, given the proximity of the building to the highway.

- The rear substation building contains high voltage assets which would require protection during works and possibly restrictive works conditions imposed by the relevant authority.
- The repairs and recommended works contained within the condition assessment should be undertaken to ensure the structure has a reasonable design life after relocation.

## 7. Summary / Conclusion

In summary, the inspection and condition assessment identified an extensive list of defects within the building. Many of the defects are rated 'severe' and require extensive and urgent repairs or replacement within the next 6-12 months to make the building safe, and to prevent further deterioration of the structure.

The relocation of the building is possible, however it will require repairs and bracing works to be carried out prior to relocation. The site also has restrictive access constraints which would add cost to the project.

This report does not include the inspection and assessment of items or matters outside the scope of the requested inspection and report, and does not include areas which were inaccessible, not readily accessible or not completed at the time of inspection

If the conditions change or further clarification is required on the contents of this report please contact the undersigned.

Yours sincerely,



Drew Hade  
Structural Engineer, BE (Civil), RPEng (Struc), RBP EC 46554

# Expression of Interest

## Old Methodist Church Traralgon

### Indicative Scope

- Purpose of the EOI
- Eligibility to submit an EOI
- Mandatory inclusions
  - Use of the building
  - Proposed location of the building
  - Arrangements to undertake requisite works
  - Compliance with the Heritage Assessment and Council Strategy
  - Landowner permissions (if proposed situation is on private or land controlled by other government entities)
  - Estimated timeframe for delivery
- Indicative budget:
  - Potential funding sources and commitments for example community fund raising, grant applications, benevolent contributions, sponsorships
  - Additional Council contributions required
- Closing dates

## ADDITIONAL CAR PARKING - MOE (BUILD A CASE FOR VICTRACK AND INVITE BUSINESS PROPOSALS)

### PURPOSE

To respond to the 2019 Council Resolution to prepare a business case for additional car parking at the Moe Train Station, and to engage with the businesses to explore options for car parking in Moe.

### EXECUTIVE SUMMARY

- Council resolved on 1 April 2019 to prepare a business case to support additional commuter car parking in Moe, and to explore options from businesses to address parking demand.
- Since the resolution a number of projects have provided new car parks on VicTrack land. The Regional Car Park Fund project constructed 100 spaces west of the Moe Service Centre and once completed the Moe Revitalisation Project Stage 2 will provide 56 spaces to the east, a 17-space net increase at this site.
- Council does not own developable land close to the station or have a demonstrated history of paid parking with which to develop a commercial business case to provide new car parking.
- Officers are of the opinion that VicTrack should be requested to reinstate the previous informal parking access to Lot 11 and/or to increase the levels of maintenance of the site to be in keeping with the surrounding Moe CBD and that no further proposals be sought for additional car parking solutions.

### OFFICER'S RECOMMENDATION

#### That Council:

- 1. Notes the previous 1 April 2019 resolution to prepare a business case for car parking in Moe**
- 2. Writes to the Minister for Transport and Infrastructure requesting the reinstatement of public car parking access to Lot 11 and that it is developed in line with the Moe Rail Precinct Revitalisation Project Master Plan.**
- 3. Notes that no further business proposals for additional car parking solutions in Moe will be sought at this time.**



## BACKGROUND

At the 1 April 2019 Council Meeting, Councillors carried the following Notice of Motion:

*That Council:*

1. *Complete a report to build a case for VicTrack to provide an additional carpark for commuters in Moe; and*
2. *Invite Business proposals for additional car parking solutions in Moe.*

A significant period has elapsed since the resolution and the follow up report to progress the resolution has been outstanding until now.

### Existing Data Car Parking in Moe

In 2017 Council completed a Complementary Parking Measures Assessment which included a detailed analysis of parking issues and demands in Moe.

The study area is highlighted below in yellow with sub sections of parking coloured in accordance with their observed demand.



Figure 1 - Parking study area and peak occupancy

After considering the parking survey and community and stakeholder consultation, the study identified the following existing and emerging parking issues for Moe:

- Effective enforcement of time restrictions
- Community perception regarding parking availability does not align with reality
- Car dependency
- Number and locations of accessible spaces

Across the entire Moe CBD the peak occupancy across all spaces in 2016/17 was assessed as:

Peak occupancy	Moe
Unrestricted spaces	32.3%
Restricted spaces	56.6%
All spaces	40.8%

Table 1 - Peak occupancy for Moe

Commuter parking falls into unrestricted space category so that commuters can park for seven or more hours. The parking study also provided a more detailed Length of Stay Distribution to show that the demand at the time of survey is low for commuter parking, and well within the existing supply of parking resulting in the low peak unrestricted space occupancy rate of 32.3%.

**Moe Public Parking Length of Stay Distribution**

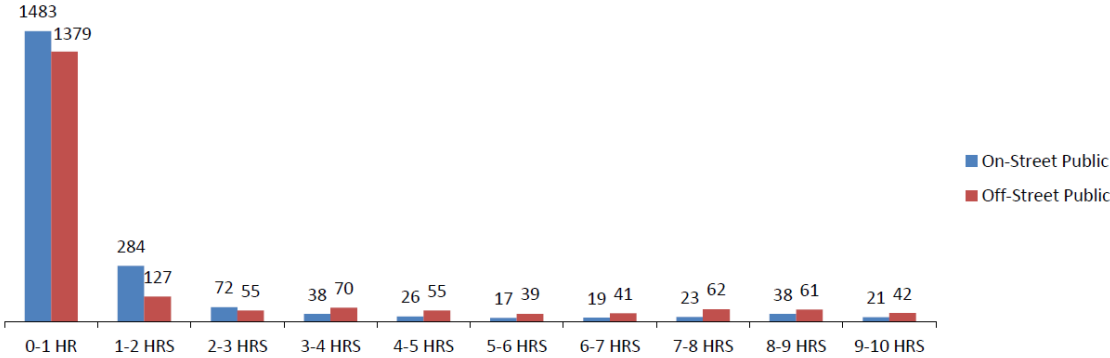


Figure 2 - Parking length of stay distribution

Since this study was undertaken there have been two parking related developments as discussed later in this report.

In 2023 an eight-week parking occupation survey was conducted of the on and off-street parking on Lloyd Street. It found that the station off-street car park was 100% utilised (excluding accessible which was 50%) and that the Lloyd Street on-street unrestricted angled parking had varied utilisation related to its distance from the station from 65% to 0%.

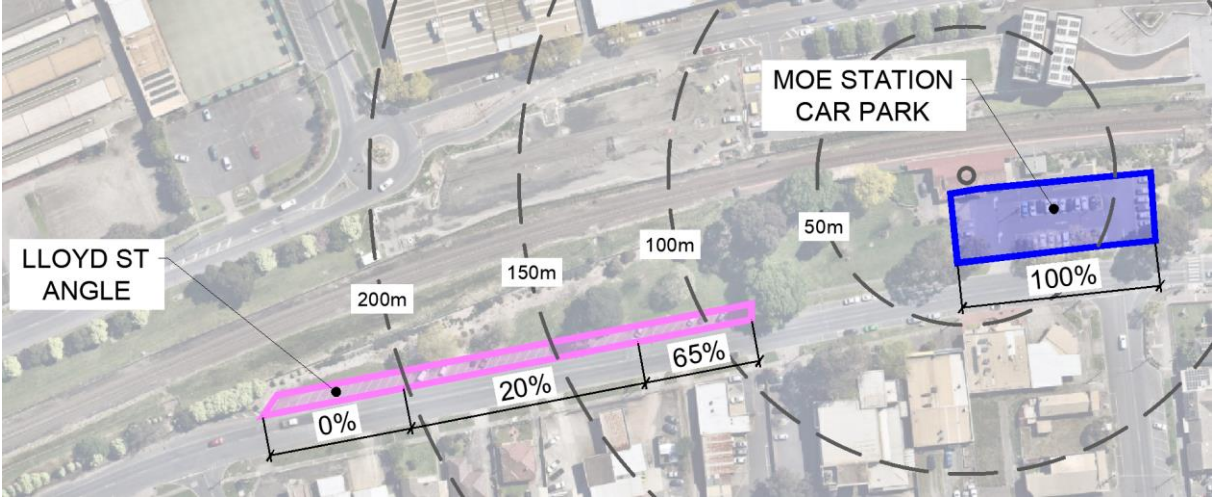


Figure 3 - Lloyd Street Parking Survey

Moe Station Parking Level of Service and Desirability

The distance travelled by a user from their parking location to their destination is strongly linked to their perceived level of service. Despite there being ample parking supply, if it is not close enough to a desired destination then that has negative impact on the users perceived level of service. A 200-metre distance between destination and park is considered a high level of service. This radius from the existing Moe station is shown below:

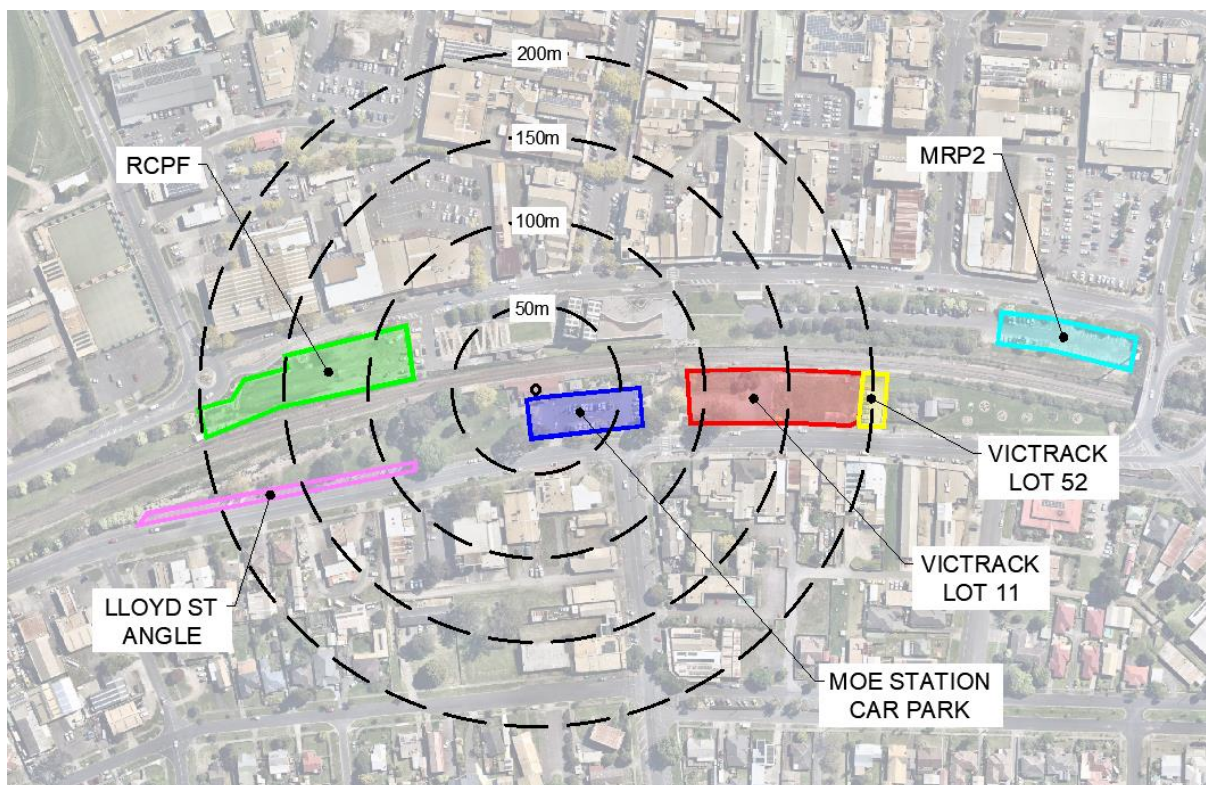


Figure 4 – 200-metre radius from Moe station

There are several sites within this high level of service radius but there is differing pedestrian lines of desire to the destination which may influence patronage. From traffic survey and observation, it would appear that the hierarchy of desirability is as follows:

1. Moe station off-street car park (Utilisation 100%)
2. VicTrack Lot 11 (when it was available)
3. VicTrack Lot 52 (currently available informal parking)
4. Lloyd Street angled on-street parking (utilisation ranging from within 100m 65% to greater than 200m 0%)
5. Regional Car Park Fund site West of Moe Library
6. Moe Revitalisation Project - Stage 2 site East of Moe Library

From this hierarchy it can be inferred that car park users approach the site from the East, prefer off-street parking, and are less inclined to park on the north side of railway tracks when the station is on the southern side.

#### Former Petrol Station Site – VicTrack Lot 11

On the South side of the railway in the Moe CBD there has experienced changing land use over the preceding decades. In the 2000's a petrol station operated on the VicTrack leased land Lot 11 which offered some additional parking supply immediately adjacent to the Moe Station platform.

The service station has since ceased operation and been demolished leaving the land vacant. Access has been previously provided to the public and a section of the disused site was utilised as an unsealed car park until it was fenced off.



Figure 5 - Service station Lot 11 (red) and adjacent Lot 52 (yellow) circa 2006



Figure 6 - Aerial imagery 2021 with no public access

This service station land is considered highly valuable in terms of demand for public parking location because it is within 200-metres of the station and adjacent to the railway pedestrian crossing point.

However, VicTrack or the Lessee have elected to remove public access to the site. This both lessens desirable community access to public transport links and introduces blight to the Moe CBD by not being maintained to similar levels as the surrounding areas.

Given there has been no further development on Lot 11, it is unclear if the site has been adequately remediated since its previous use as a petrol station. Environmental regulations have also been updated over time which increases the burden of meeting the remediation requirements. It is also not clear if the site presents a contamination risk to the surrounding area.

Council could make an application to lease or purchase Lot 11, however the unknown contamination liability is considered a high risk that would require treatment before an increase in car parking supply or open space could commence at Council cost.

## Current Parking Related Developments - Regional Car Park Fund and Moe Revitalisation Project Stage 2

Since the Parking Study was undertaken two car parking developments have been completed:

- Regional Car Park Fund (RCPF) – target for 100 spaces formal car space to replace existing informal parking area.
- Moe Revitalisation Project Stage 2 (MRP2) – removal of existing skate park and providing 60 car parks, which is an overall nett increase of available parking spaces.

The MRP2 site is a reconfiguration of existing parking and sits outside the 200 metre radius to the station. The RCPF site is within that radius and is both a formalisation of existing spaces and an increase in the total amount of spaces.

Therefore, the RCPF site and MRP2 is considered a genuine accomplishment in increasing the commuter parking opportunity in Moe.

### Moe Rail Precinct Revitalisation Project: Master Plan

The Moe Rail Precinct Revitalisation Project completed a master plan in 2009 for the Moe Station Precinct that considered the south side of the railway corridor.

It encourages a new built form interface between the west end of the Service Station site (Lot 11) and the south Station forecourt, containing small, convenience retail or similar uses, to provide an active frontage to the pedestrian link to the existing level crossing – shown in red on Figure 7.

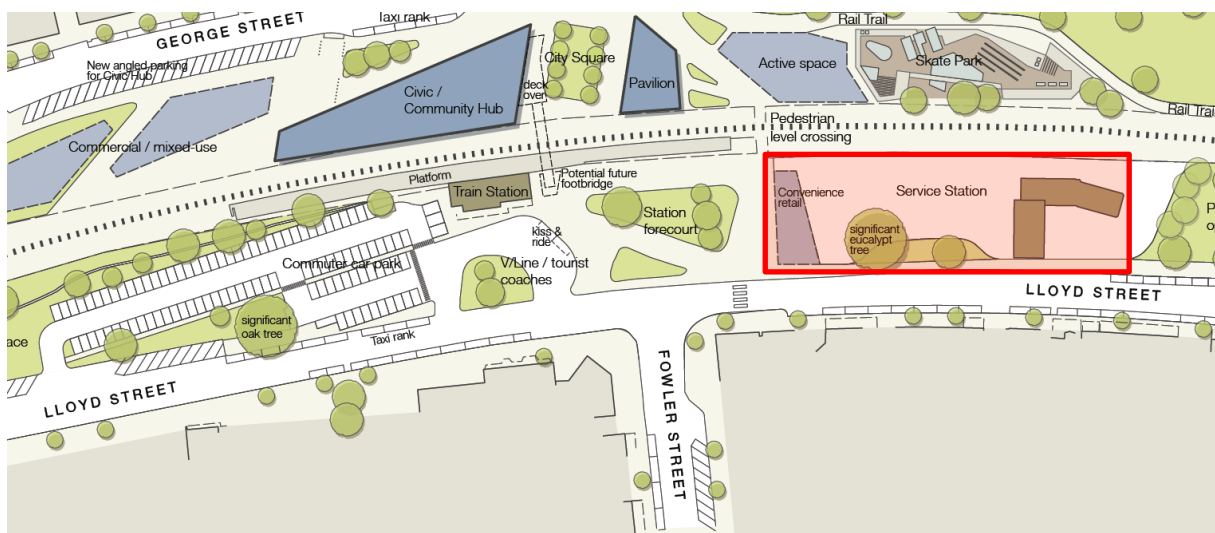


Figure 7 - Moe Rail Precinct Revitalisation Plan

It also expands bus connections and extends the commuter parking west from the existing station car park.

## ANALYSIS

### Options - Complete a report to build a case for VicTrack to provide an additional carpark for commuters in Moe

Given the overall low demand for commuter parking over repeated parking occupation surveys, despite discrete areas of parking stress, an objective case cannot be made based on car parking demand and available parking supply.

Furthermore, based on the provision of additional car parking North of the railway on VicTrack land at the RCPF and MRP2 sites, it can be demonstrated that VicTrack have agreed to the provision of additional formal car park sites on their land within the desirable catchment of Moe Station since the original resolution in 2019. Officers consider that the intent of resolution to increase the supply of commuter parking has been achieved through these works.

Community amenity can be pursued as a separate matter given that informal access was available for several years before being removed. Council could write to VicTrack requesting that community access be reinstated and/or that the site be maintained to a similar standard to the surrounding Moe CBD.

Officers consider there are the following options available to Council:

- CEO write to VicTrack to request reinstatement of public parking on Lot 11
- CEO write to VicTrack to request increased maintenance of Lot 11 or an agreement to allow Council to do so without incurring the contamination liability
- Supersede the Notice of Motion with a resolution that closes the matter

### Options - Invite Business proposals for additional car parking solutions in Moe for private led car park solutions

There are major hurdles in attracting private investment for any car park construction which have been elucidated through the RCPF project development process. In the station precinct that includes:

- Land – Council does not own developable land within a suitable distance to the station and there could be significant difficulty and liability in negotiating a new VicTrack lease to facilitate private investment within the station precinct.
- Demand – there is insufficient demonstrated parking stress or existing paid parking to build a business case for potential private investment.

Seeking an Expression of Interest when there is no feasible option for the stated goal is unlikely to result in a benefit to Council or other private developers.

Despite there being ample parking supply, consultation in the parking study revealed a user experience issue with drivers facing difficulty to find a park that they desire. There are Smart City solutions on the market aimed at that issue which use a variety of sensors, hardware, and software to monitor parking spaces and feed real time information to users so that they can find a park in a timely manner. These options can be available as an outright purchase or 'Software as a Service' model to improve the utilisation of existing spaces by directing users to areas of parking availability and providing a data set to inform enforcement. There are no funds available to undertake a trial of this type and there are other areas that are considered a higher priority in relation to parking stress.

Officers also consider there are the following options available to Council:

- Undertake an EOI process as stated in the Notice of Motion
- Undertake an EOI process for Smart City parking solutions for existing car parks
- Supersede the Notice of Motion with a resolution that closes the matter

**RISK ASSESSMENT**

RISK	RISK RATING	TREATMENT
<b>STRATEGIC RISK</b> Car park supply upgrades not prioritised to areas under parking stress	<b>Low</b> <i>Rare x Minor</i>	Upgrades to car park supply to be evidence driven
<b>REPUTATIONAL RISK</b> Community perception that car parks prioritised to other towns	<b>Medium</b> <i>Possible x Minor</i>	Upgrades to car park supply to be evidence driven.  Communications regarding RCPF works.

**CONSULTATION**

No consultation has been completed.

**COMMUNICATION**

It is recommended that further advocacy be completed with VicTrack.

**DECLARATIONS OF INTEREST**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.



## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

No social consequences are considered applicable.

### **Cultural**

No impacts on cultural values or belief systems.

### **Health**

Improved access to public transport could improve health outcomes

### **Environmental**

Improved access to public transport reduces potential vehicle emissions.

### **Economic**

An improvement in the maintenance of Lot 11 could lead to improved amenity and economic activity.

### **Financial**

Nil.

### **Attachments**

Nil

# PETITION - FOR NO B-DOUBLE TRUCKS TO BE ALLOWED IN RESIDENTIAL AREAS OF TRARALGON

## PURPOSE

To provide Council a detailed response to the petition received requesting Council liaise with Regional Roads Victoria to have the classification of Grey Street, Traralgon, revised to ban B-Double and other similar, noisy trucks.

## EXECUTIVE SUMMARY

- Latrobe City has been presented with a petition (Attachment 1) containing 55 signatures requesting Council liaise with Regional Roads Victoria (RRV) to have the classification of Grey Street, Traralgon, as an arterial road revised to ban B-Double and other similar, noisy trucks from residential areas such as Grey Street and Kay Street and to identify an alternative route away from such residential areas.
- The petition was tabled at the 3 April 2023 Ordinary Council Meeting, where it was resolved that a further report would be presented to Council in response to the petition.
- Officers contacted the local office of the Department of Transport and Planning (DTP), formerly VicRoads/Regional Roads Victoria, to request their consideration of the petition and to review the classification of Grey Street, Traralgon, as this is an arterial road under their management.
- DTP have not yet undertaken traffic counts but have committed to undertake counts during 2023 to further inform any curfew, whilst the most recent data on hand from 2020 showed:
  - 5700 vehicles on average use Grey Street within a 24-hour period
  - 9% of vehicles were heavy vehicles travelling east bound, whilst in the west bound direction 4% of vehicles were heavy vehicles. These are considered by Council officers to be within acceptable standards for a road of this classification.
- In February 2023 officers carried out a detailed review of the traffic flow along Kay Street and found that the heavy vehicle percentage is between 4-8%, which is considered by officers to be within acceptable standards for a road of this classification.
- It is officers' position that requesting DTP to implement an enforceable curfew for Grey Street, Traralgon, is a suitable response to the petition and that no further work is required to address heavy vehicles on Kay Street considering the findings from the recent traffic analysis.

## OFFICER'S RECOMMENDATION

### **That Council:**

- 1. Requests the General Manager Regional City Planning and Assets write to the Department of Transport and Planning to request the investigation, development and implementation of a suitable curfew for heavy vehicles along Grey Street, Traralgon, that is:**
  - a) not detrimental to existing local industry and heavy vehicle operators; and**
  - b) allows emergency and waste services vehicles the use of the road at all times.**
- 2. Undertakes no further action along Kay Street, Traralgon; and**
- 3. Advises the head petitioner of this resolution.**

## BACKGROUND

Council has been presented with a petition (Attachment 1) containing 55 signatures requesting Council liaise with RRV to have the classification of Grey Street, Traralgon revised.

The petition statement outlines the following:

*We, the undersigned citizens request that Latrobe City Council liaise with Regional Roads Victoria to have the classification of Grey Street, Traralgon, as an arterial road revised to ban B-Double and other similar, noisy trucks from residential areas such as Grey Street and Kay Street and to identify an alternative route away from such residential areas.*

Grey Street, Traralgon, is an arterial road under the management of the Department of Transport and Planning (DTP) whilst Kay Street is a Council managed road.

## ANALYSIS

After receiving the petition along with a handful of complaints regarding this matter, Officers have undertaken site visits and discussed the matter with representatives from DTP particularly in relation to Grey Street, Traralgon, and have also undertaken a review of the traffic conditions of Kay Street, Traralgon, between Breed Street and Swallow Grove, as the two named streets in the body of the petition statement.

There is no justification to consider that conventional use of the road would be unreasonable in the context of the surrounding residential area. Noting that Grey Street is an arterial road, zoned in the Transport Zone 2 (TRZ2), and is part of the principal road network, which is administered by VicRoads (Department of Transport and Planning). It provides necessary access from Princes Highway/Argyle Street to areas north and north-west of the Traralgon CBD.

### **Grey Street, Traralgon**

Grey Street, Traralgon, is an arterial road under the management of DTP and has been classified as such for many years if not decades and has always been a route available to larger vehicles such as trucks and busses for the use of haulage of timber, quarry products and other materials.

During recent discussions, DTP indicated a willingness to examine the implementation of a curfew which is proposed to limit the hours that heavy vehicles are permitted to use Grey Street and would be enforceable by the National Heavy Vehicle Regulator (NHVR), whereas the current curfew signage that exists on Grey Street between the Princes Highway/Argyle Street, and as shown in Figure 1, is not.



Figure 1: Grey Street Heavy Vehicle Curfew Signage

DTP has recently advised that they are working through the process with NHVR to confirm details including locations for signs and are also planning to contact local heavy vehicle operators, local industries such as quarries, power stations and paper mills to discuss curfew times that would not detrimentally impact their operations. Further work is also required to confirm the categories of heavy vehicles that would be restricted from using this road during this proposed curfew.

Traffic count data is due to be collected by DTP during 2023, however it is likely this data will be impacted by the closure of the Tyers Road due to the issues with the bridge over the Latrobe River – it is anticipated this closure may be having an impact on the heavy vehicle numbers using Grey Street, Traralgon.

The most recent traffic data provided by DTP for Grey Street, Traralgon, was from 2020 and indicated that the number of vehicles using Grey Street, in a 24 hour period to be 5700 vehicles on average with 9% of these vehicles considered heavy vehicles travelling east bound, whilst in the west bound direction only 4% of vehicle were found to be heavy vehicles. These percentages are considered to be within acceptable standards for a road of this classification

### **Kay Street, Traralgon**

Kay Street is classified as a 'Link' road under Council's Road Register which is the equal highest rank alongside 'Collector' for a road within the municipality's network. The classification of 'Link' road, as per Council's Road Management Plan, is based on the following functions:

- *High usage strategic Freight linkage routes.*
- *Heavy vehicle linkage from the State Arterial Road network to local commercial or industrial focal points.*
- *Also includes heavy vehicle bypass routes of major urban centres.*

Officers undertook a detailed review of the traffic flow along Kay Street in February 2023 and found that the Heavy Vehicle percentage is between 4-8%, which is considered by officers to be within acceptable standards for a road of this classification. It is important to note that this heavy vehicle count includes buses, fire trucks, garbage trucks, and all other larger truck combinations. A heavy vehicle is

any vehicle larger than a bus or two axle truck, Attachment 2 provides a list of vehicle classifications that the traffic counters recognise for reference. The vehicle classifications used for NHVR permitting are different with more focus groupings around vehicle gross weight Attachment 4 shows the different NHVR vehicle configurations.

The petition particularly notes B-Double trucks, which are a Class 2 combination and given the presence of roundabout on Grey Street, are unlikely to be present in high volumes. Semitrailer and/or Rigid Truck and Trailer combinations are more likely the truck combinations to use Grey Street.

Speed counts were also collected as part of the above analysis and the 85th percentile speed was assessed against the 60 km/h regulatory speed limit. The 85th percentile speed is the accepted traffic engineering parameter used when assessing vehicle speeds, it represents the speed that a reasonable person adopts and acknowledges that 15% may intentionally or accidentally not comply with a speed limit.

Council's Local Area Traffic Management Policy sets an 85th percentile speed intervention threshold of +10% of the regulatory speed limit. With the exception of the western end on Old Melbourne Road, the 85<sup>th</sup> percentile speed results for Kay Street do not meet this intervention threshold and the existing speed limit is considered acceptable.

These results are considered reflective of how road users react to the road environment to adjust their speeds and not just the regulatory speed limit. Where there is a higher density of properties speeds are lower along Kay Street and when there is a more rural front on Old Melbourne Road, speeds increase.

The Heavy Vehicle percentage and 85th percentile speeds on Kay Street have been assessed as acceptable and no further action is proposed.

Table 1 below provides a view of the data captured during the traffic analysis of February 2023, whilst Attachment 3 provides an aerial location and analysis of speed data.

Location of Count	ADT	% of Heavy Vehicles	85% Speed (km/h)
50 m west of Fairview St (opp #101)	4473	8	61.11
60m west of Broadford Crt (opp #141)west bound	4455	7	60.93
120m east of Kosciuszko St(opp.#185)west bound	4485	6	62.46
Midblock Kosciuszko St & Dawn Gr (opp. Kinder)	5113	7	59.85
180m west of Dawn Gr (opp #213) west bound	3047	7	61.2
70m east of Cooper Rd (opp #240)	5681	7	67.86
90m west of Elizabeth St (opp #198) east bound	3156	6	60.93
90m east of Gillies Cres (opp #178) east bound	3993	6	62.19
Midblock Cumberland Cr & Blundell Crt (opp #142) east bound	4230	4	60.75
40m west of Loch Park Rd (opp #86) east bound	4298	5	60.75
160m west of Breed St (opp #56) east bound	4327	7	62.28

Table 1: Kay Street, Traralgon - Traffic Analysis from Breed Street to Swallow Grove

## Alternative Routes

Figure 2 below details the possible routes to avoid use of Grey and Kay Streets, each route is detailed below.

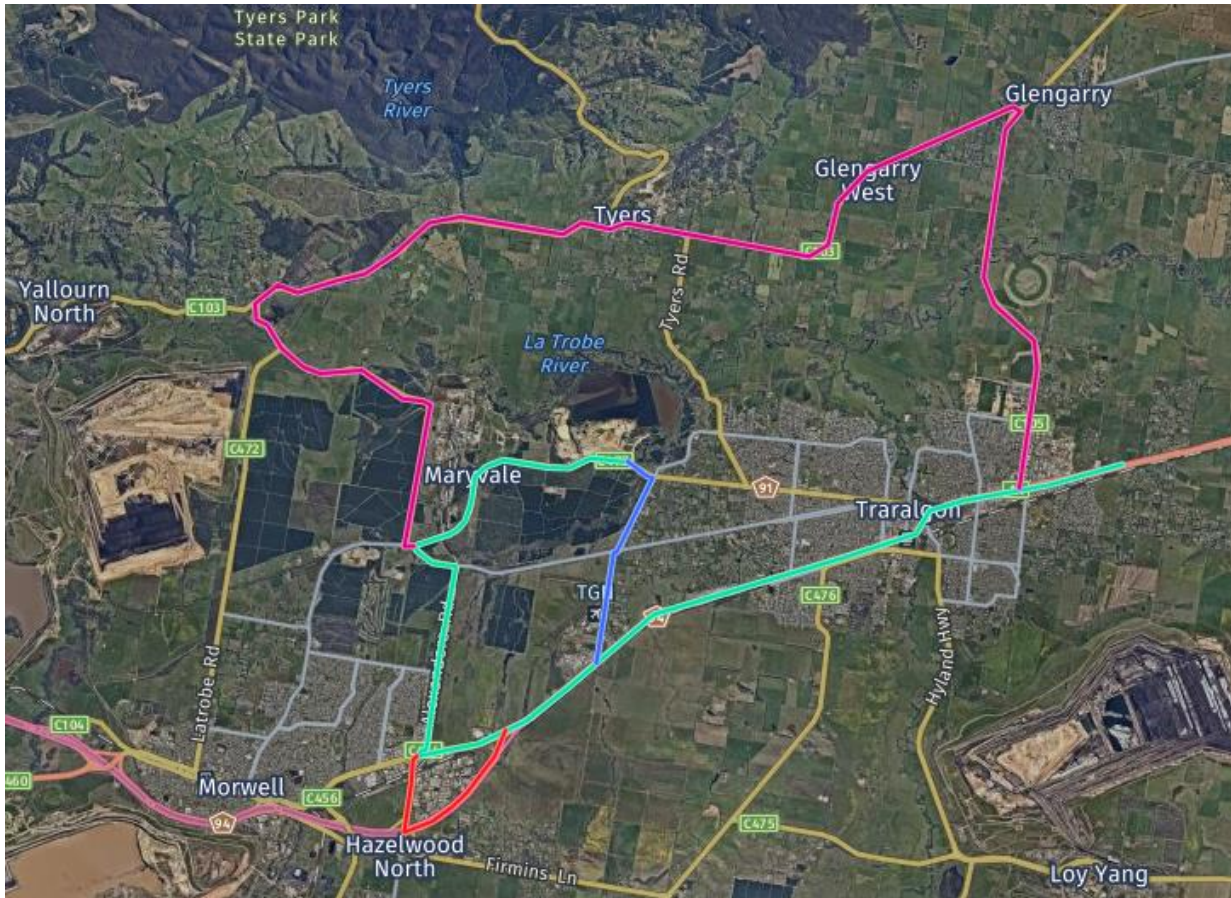


Figure 2: Route Options to Avoid Grey and Kay Streets

### Green Route:

*Traralgon West Road, Maryvale Road, Alexanders Road and Princes Highway*

This route is the shortest alternative consisting solely of DTP managed roads

### Green/Red Route:

*Traralgon West Road, Maryvale Road, Alexanders Road, Tramway Road, Princes Freeway and Princes Highway*

This route is the second longest alternative consisting solely of DTP managed roads

### Green/Pink Route:

*Traralgon West Road, Tanjil East Road, Brown Coalmine Road Road Glengarry West Road, Traralgon Maffra Road and Princes Highway*

This route is the longest route consisting solely of DTP managed roads

### Blue/Green Route:

*Traralgon West Road, Scrubby Lane, Airfield Road and Princes Highway*

This route is the shortest available alternative route, however, is made up of a combination of roads managed by DTP and Council.

Council has previously undertaken upgrade works to Airfield Road between the Princes Highway and Old Melbourne Road to allow the removal of a load limit at this location to provide an additional route option for heavy vehicles to manoeuvre around the township of Traralgon. This route however is not as direct as that provided by Grey Street when seeking to connect to the Princes Highway and is also made up of Council managed roads that may see increased deterioration and subsequently more maintenance required.

The above alternative routes also include roads within rural living areas, such as Scrubby Lane, where residents will also be impacted by an increase in heavy vehicle movements, which again is moving the issue to another location at the detriment of other residents of the municipality. There would also be additional cost to industry in time, resource and depreciation of vehicles.

#### RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<p><b>COMPLIANCE</b></p> <p>Enforcement of the proposed curfew may be problematic and result in heavy vehicle operators not adhering to the restrictions</p>	<p><b>Low</b></p> <p><i>Possible x Insignificant</i></p>	<p>An adopted curfew on Grey Street would be managed and enforced by the National Heavy Vehicle Regulator (NHVR).</p>
<p><b>SERVICE DELIVERY</b></p> <p>Officers required to manage installation and maintenance of additional load limit infrastructure.</p> <p>Impact to emergency services or waste services vehicles due to a ban on heavy vehicles or a curfew.</p>	<p><b>Medium</b></p> <p><i>Possible x Minor</i></p> <p><b>High</b></p> <p><i>Likely x Moderate</i></p>	<p>Work with DTP to implement a suitable curfew on Grey Street, Traralgon only, as data does not support any measures on Kay Street, Traralgon</p> <p>Work with DTP to implement a suitable curfew on Grey Street, Traralgon only, as data does not support any measures on Kay Street, Traralgon, whilst ensuring appropriate exceptions are made for emergency and waste services vehicles etc.</p>
<p><b>FINANCIAL</b></p> <p>Council would be required to fund any load limit related infrastructure</p>	<p><b>Medium</b></p> <p><i>Possible x Minor</i></p>	<p>Work with DTP to implement a suitable curfew on Grey Street, Traralgon only, as data does not support any measures on Kay Street, Traralgon</p>



RISK	RISK RATING	TREATMENT
<p>Strategic</p> <p>Preventing the use of road by industry related vehicles having a detrimental impact on local industries and local businesses</p>	<p><b>High</b></p> <p><i>Likely x Moderate</i></p>	<p>Work with DTP to implement a suitable curfew on Grey Street, Traralgon that is not overly detrimental to local industry, businesses and existing heavy vehicle operators.</p>

#### CONSULTATION

Officers have consulted with the Department of Transport and Planning regarding the status of Grey Street, Traralgon. No further consultation has been conducted in relation to this matter.

#### COMMUNICATION

The head petitioner was advised via email of the petition being tabled at the 3 April 2023 Ordinary Council Meeting and as a result of that resolution, was advised of this report being presented at the 1 May meeting.

#### DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

The restriction of heavy vehicles on Grey Street, Traralgon may have positive social impacts such as improved bicycle and pedestrian movements along and across Grey Street, including for childcare and schools.

### **Cultural**

Not applicable

### **Health**

There are no direct health implications associated with this report, however there is an opportunity to provide a reduction in noise emanating from heavy vehicles along Grey Street, Traralgon by implementing a reasonable curfew, noting that this may push the impact on to other residents in rural living areas.

### **Environmental**

There are no direct environmental implications associated with this report, as the implementation of a curfew would not reduce the perceived pollution from heavy vehicles and instead would just result in relocation of this issue, and potentially increase pollution due to the additional distance they would be required to travel.

### **Economic**

A permanent or stringent curfew on Grey Street, Traralgon could be significantly detrimental to local industry and heavy vehicle operators but may also result in flow on costs to smaller businesses being passed on costs related to additional transport costs should a permanent curfew or restriction be placed on Grey Street, Traralgon.

### **Financial**

There are no direct financial costs associated with this report for Council, however there are likely costs to local industry and heavy vehicle operators.

### **Attachments**

#### 1. Petition Submission (Published Separately)

*This attachment is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. The petition contains personal information and details.*

#### 2. Traffic Counter Vehicle Classifications

#### 3. Kay Street Speed Analysis

#### 4. NHVR Vehicle Classifications


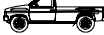
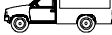


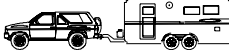
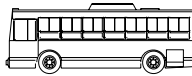


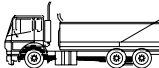



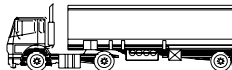


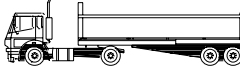





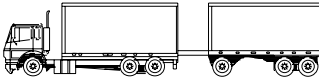
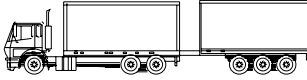
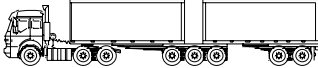

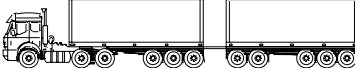

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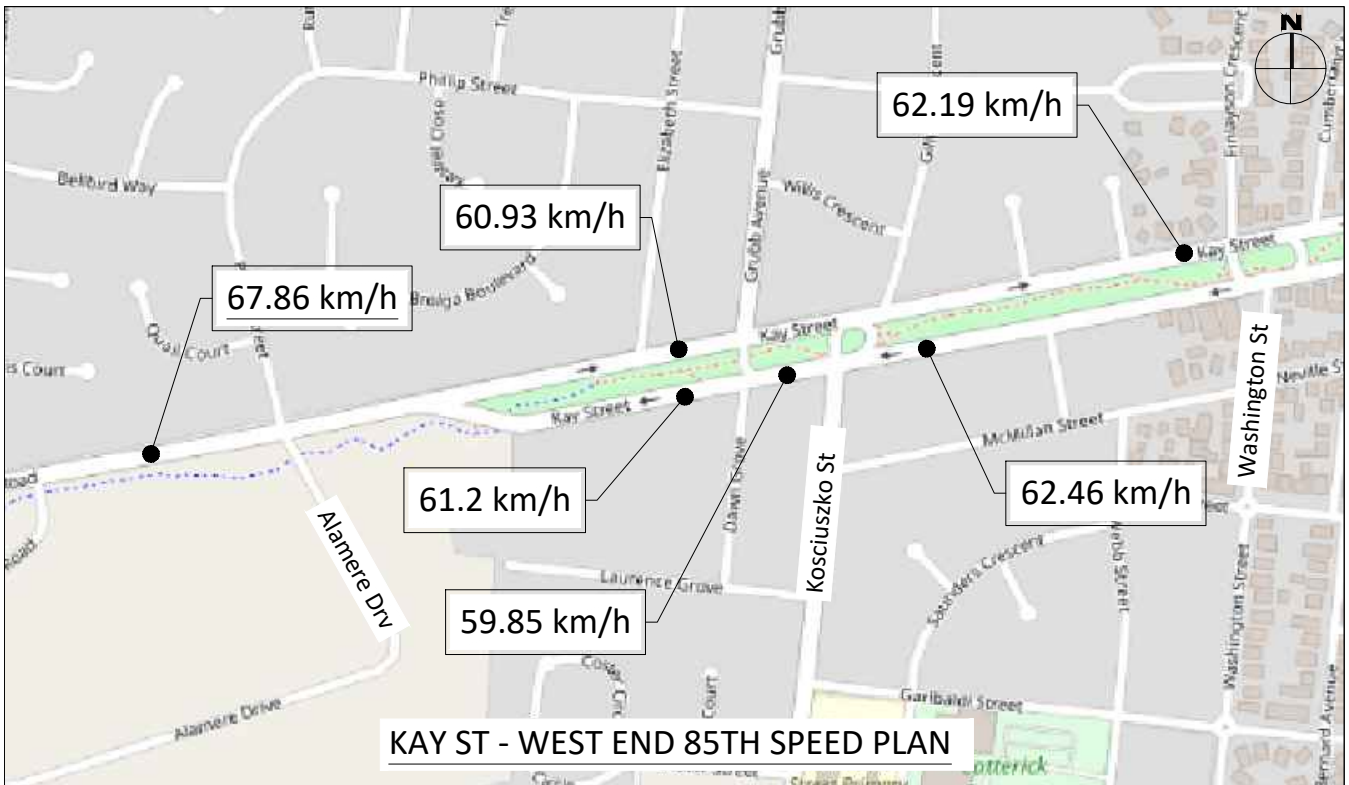
## **Petition - for no B-Double trucks to be allowed in residential areas of Traralgon**

<b>2</b>	<b>Traffic Counter Vehicle Classifications .....</b>	<b>164</b>
<b>3</b>	<b>Kay Street Speed Analysis .....</b>	<b>165</b>
<b>4</b>	<b>NHVR Vehicle Classifications.....</b>	<b>166</b>

# VEHICLE CLASSIFICATION SYSTEM

## AUSTRROADS

CLASS	LIGHT VEHICLES
1	SHORT Car, Van, Wagon, 4WD, Utility, Bicycle, Motorcycle <div style="display: flex; justify-content: space-around; margin-top: 10px;">     </div>
2	SHORT - TOWING Trailer, Caravan, Boat <div style="display: flex; justify-content: space-around; margin-top: 10px;">   </div>
HEAVY VEHICLES	
3	TWO AXLE TRUCK OR BUS *2 axles <div style="display: flex; justify-content: space-around; margin-top: 10px;">    </div>
4	THREE AXLE TRUCK OR BUS *3 axles, 2 axle groups <div style="display: flex; justify-content: space-around; margin-top: 10px;">   </div>
5	FOUR (or FIVE) AXLE TRUCK *4 (5) axles, 2 axle groups <div style="display: flex; justify-content: space-around; margin-top: 10px;">  </div>
6	THREE AXLE ARTICULATED *3 axles, 3 axle groups <div style="display: flex; justify-content: space-around; margin-top: 10px;">   </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;">   </div>
7	FOUR AXLE ARTICULATED *4 axles, 3 or 4 axle groups <div style="display: flex; justify-content: space-around; margin-top: 10px;">   </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;">  </div>
8	FIVE AXLE ARTICULATED *5 axles, 3+ axle groups <div style="display: flex; justify-content: space-around; margin-top: 10px;">   </div>
9	SIX AXLE ARTICULATED *6 axles, 3+ axle groups or 7+ axles, 3 axle groups <div style="display: flex; justify-content: space-around; margin-top: 10px;">   </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;">  </div>
LONG VEHICLES AND ROAD TRAINS	
10	B DOUBLE or HEAVY TRUCK and TRAILER *7+ axles, 4 axle groups <div style="display: flex; justify-content: space-around; margin-top: 10px;">   </div>
11	DOUBLE ROAD TRAIN *7+ axles, 5 or 6 axle groups <div style="display: flex; justify-content: space-around; margin-top: 10px;">  </div>
12	TRIPLE ROAD TRAIN *7+ axles, 7+ axle groups <div style="display: flex; justify-content: space-around; margin-top: 10px;">  </div>



**LATROBE CITY COUNCIL**

141 COMMERCIAL ROAD, MORWELL VICTORIA 3840 TEL: 1300 367 700



TITLE: **KAY STREET, TRARALGON SPEED CHECKS**

DESIGNED BY:	CHECKED BY:	SCALE:	SHEET: 01 OF 01
LEGEND:	STATUS:	REV:	SIZE:
	<b>FOR DISCUSSION</b> NOT TO BE USED FOR CONSTRUCTION	A	A4

DRAWING C:\USERS\DAWELK\ONE DRIVE - LATROBE CITY COUNCIL\DESIGNS IN PROGRESS\TRAFFIC ENGINEERING\SPEED REDUCTIONS\KAY STREET - SPEED\KAY ST SPEED\_REQUEST.DWG, SHEET: 01 (2) PLOTTED: Mon 03, 2023 AT 10:16 PM BY DANIEL KELABORA

## National Heavy Vehicle Regulator Common Heavy Freight Vehicle Configurations

Disclaimer: This chart shows some of the common heavy vehicle combinations used in Australia. In some circumstances, configurations and mass limits may be restricted. Heavy Vehicle Authorisations (Notices) describe these restrictions. Other heavy vehicle configurations may not be represented. Please visit [www.nhvr.gov.au/gav](http://www.nhvr.gov.au/gav) for more information.

	Description	Maximum Length (metres)	Maximum Regulatory Mass under GML (tonnes)	Maximum Regulatory Mass under CML (tonnes)	Maximum Regulatory Mass under HML (tonnes)
<b>1. COMMON RIGID TRUCKS - GENERAL ACCESS</b>					
(a)	2 Axle Rigid Truck	≤ 12.5	15.0	CML does not apply	-
(b)	3 Axle Rigid Truck	≤ 12.5	22.5	23.0	-
(c)	4 Axle Rigid Truck	≤ 12.5	26.0	27.0	-
(d)	4 Axle Twinsteer Rigid Truck	≤ 12.5	26.5	27.0	-
(e)	5 Axle Twinsteer Rigid Truck	≤ 12.5	30.0	31.0	-
<b>2. COMMON SEMITRAILER COMBINATIONS - GENERAL ACCESS</b>					
(a)	3 Axle Semitrailer	≤ 19.0	24.0	-	-
(b)	4 Axle Semitrailer	≤ 19.0	31.5	32.0	32.0
(c)	5 Axle Semitrailer	≤ 19.0	35.0	36.0	37.5
(d)	5 Axle Semitrailer	≤ 19.0	39.0	40.0	40.0
(e)	6 Axle Semitrailer	≤ 19.0	42.5	43.5	45.5
<b>3. COMMON RIGID TRUCK AND TRAILER COMBINATIONS (General access when complying with prescribed mass and dimension requirements)</b>					
(a)	2 Axle Truck and 2 Axle Dog Trailer	≤ 19.0	30.0	-	-
(b)	2 Axle Truck and 2 Axle Pig Trailer	≤ 19.0	30.0	CML does not apply	-
(c)	3 Axle Truck and 2 Axle Dog Trailer	≤ 19.0	40.5	41.0	-
(d)	3 Axle Truck and 2 Axle Pig Trailer	≤ 19.0	37.5	CML does not apply	-
(e)	3 Axle Truck and 3 Axle Dog Trailer	≤ 19.0	42.5	43.5	-
(f)	3 Axle Truck and 3 Axle Pig Trailer	≤ 19.0	40.5	CML does not apply	-
(g)	3 Axle Truck and 4 Axle Dog Trailer	≤ 19.0	42.5	43.5	-
(h)	4 Axle Truck and 3 Axle Dog Trailer	≤ 19.0	42.5	43.5	-
(i)	4 Axle Truck and 4 Axle Dog Trailer	≤ 19.0	42.5	43.5	-
<b>4. COMMON B-DOUBLE COMBINATIONS - CLASS 2</b>					
(a)	7 Axle B-double	≤ 19.0	55.5	57.0	57.0
(b)	8 Axle B-double	≤ 26.0	59.0	61.0	62.5
(c)	8 Axle B-double	≤ 26.0	59.0	61.0	62.5
(d)	9 Axle B-double	≤ 26.0	62.5	64.5	68.0
<b>5. COMMON TYPE 1 ROAD TRAINS - CLASS 2</b>					
(a)	9 Axle A-double	≤ 36.5	72.0	74.0	74.0
(b)	11 Axle A-double	≤ 36.5	79.0	81.0	85.0
(c)	12 Axle A-double	≤ 36.5	82.5	84.5	90.5
(d)	12 Axle Modular B-triple	≤ 35.0	82.5	84.5	90.5
(e)	12 Axle B-triple	≤ 36.5	82.5	84.5	90.5
(f)	14 Axle AB-triple	≤ 36.5	99.0	101.0	107.5
(g)	15 Axle AB-triple	≤ 36.5	102.5	104.5	113.0
(h)	11 Axle Rigid Truck and 2 Dog Trailers	≤ 36.5	88.5	90.5	91.0
<b>6. COMMON TYPE 2 ROAD TRAINS - CLASS 2</b>					
(a)	16 Axle A-triple	≤ 53.5	115.5	117.5	124.5
(b)	18 Axle A-triple	≤ 53.5	122.5	124.5	135.5
(c)	15 Axle AB-triple	≤ 44.0 - Classified by the NHVR as Type 1 when L ≤ 36.5m	102.5	104.5	113.0
(d)	13 Axle Rigid Truck and 2 Dog Trailers	≤ 47.5 - Classified by the NHVR as Type 1 when L ≤ 36.5m	95.5	97.5	102.0
(e)	17 Axle BAB-Quad	≤ 53.5	119.0	121.0	130.0
(f)	18 Axle BAB-Quad	≤ 53.5	122.5	124.5	135.5
(g)	17 Axle ABB-Quad	≤ 53.5	119.0	121.0	130.0
(h)	18 Axle ABB-Quad	≤ 53.5	122.5	124.5	135.5

\*Add one tonne if twinsteer axle group is load sharing. The mass of a dog trailer shall not exceed the mass of the towing vehicle under Schedule 1, Part 1, section 2(4) of the Heavy Vehicle (Mass, Dimension and Loading) National Regulation. Please note, additional limits are allowed for steer axles under Schedule 1, Part 2 of the Heavy Vehicle (Mass, Dimension and Loading) National Regulation. © Copyright National Heavy Vehicle Regulator 2019, creativecommons.org/licenses/by-sa/3.0/au

## National Heavy Vehicle Regulator Classes of Heavy Vehicles in the Heavy Vehicle National Law

Disclaimer: The Heavy Vehicle National Law (HVNL) provides for three classes of heavy vehicle as a means of managing access for different types of heavy vehicles. This chart shows some of the most common heavy vehicle combinations that are part of each vehicle class as defined in the Heavy Vehicle National Law (HVNL). It is not a comprehensive representation of the entire Australian heavy vehicle fleet. Other heavy vehicle configurations are used which are not represented. This fact sheet illustrates some common examples from the three different classes of heavy vehicles and is provided for guidance only. Definitions listed within the chart can be found under relevant sections in the Heavy Vehicle National Law (HVNL). For further information, contact the NHVR at 1300 MYNHVR (1300 696 487) or info@nhvr.gov.au or www.nhvr.gov.au/contact-us

### Class 1 Heavy Vehicles (examples for illustration purposes) February 2019

Special Purpose Vehicle (SPV)		Oversize Overmass Vehicles (OSOM)	
1	All Terrain Crane	15	Prime Mover and Low Loader (Gooseneck)
2	All Terrain Crane with Dolly	16	Prime Mover and Low Loader with Dolly (Gooseneck)
3	Pick and Carry Crane	17	Prime Mover and Platform Trailer (Gooseneck)
4	Truck Mounted Crane	18	Prime Mover and Extendable Trailer
5	Truck Mounted Drill Rig	19	Block Truck towing Drawn Platform
6	Truck Mounted Concrete Pump	20	Two Block Trucks towing Drawn Platform with Push Block Truck
7	Prime Mover Towing Drill Rig Trailer	<b>HVNL Definitions</b>	
8	Grader	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><b>HVNL s116 (1)</b> (1) A heavy vehicle is a <b>class 1 heavy vehicle</b> if, together with its load, does not comply with a prescribed mass requirement or prescribed dimension requirement applying to it, and— (a) it is a special purpose vehicle; or (b) it is an agricultural vehicle other than an agricultural trailer; or (c) it— (i) is a heavy vehicle carrying, or designed for the purpose of carrying, a large indivisible item, including, for example, a combination including a low loader; but (ii) is not a road train or B-double, or carrying a freight container designed for multi-modal transport.</p> <p>(2) An agricultural trailer is a <b>class 1 heavy vehicle</b>, irrespective of whether it, together with its load, does or does not comply with a prescribed mass requirement or prescribed dimension requirement applying to it.</p> </div> <div style="width: 45%;"> <p><b>HVNL s116 (4)</b> <b>Special purpose vehicle</b> means— (a) A motor vehicle or trailer, other than an agricultural vehicle or a tow truck, built for a purpose other than carrying goods; or (b) a concrete pump or fire truck.</p> <p><b>HVNL s5</b> <b>Agricultural vehicle</b> means an agricultural implement or agricultural machine.</p> <p><b>HVNL s5</b> <b>Agricultural trailer</b> means a trailer that is designed to carry a load and used exclusively to perform agricultural tasks, but does not include a semitrailer.</p> <p><b>HVNL s5</b> <b>Oversize vehicle</b> means a heavy vehicle that does not comply with a dimension requirement applying to it.</p> </div> </div>	
9	Firetruck	<p><b>NHVR Notes:</b> Not all SPV's and agricultural vehicles are Class 1 heavy vehicles. SPV's and agricultural vehicles (except agricultural trailers) which comply with prescribed mass and dimension requirements are general access vehicles.</p> <p><b>Overmass Vehicle:</b> A heavy vehicle or combination that does not comply with a prescribed mass requirement applying to it (including gross mass, axle or axle group mass).</p>	
Agricultural Vehicles (including implements and trailers)			
10	Combine Harvester		
11	Tractor		
12	Grain Auger		
13	Chaser Bin		
14	Cane Haul Out Truck		

### Class 2 Heavy Vehicles (examples for illustration purposes)

Freight Carrying Vehicles		Vehicles Exceeding 4.3m in Height (up to 4.6m high as per Schedule 6 of Heavy Vehicle (Mass, Dimension and Loading) National Regulation) (MDL)	
21	B-double	37	Vehicle Carrier
22	A-double	38	A-double (Livestock)
23	B-triple	39	B-triple (Livestock)
24	AB-triple	<b>HVNL Definitions</b>	
25	A-triple	<p><b>HVNL s136</b> A heavy vehicle is a <b>class 2 heavy vehicle</b> if— (a) it— (i) complies with the prescribed mass requirements and prescribed dimension requirements applying to it; and (ii) is— (A) a B-double; or (B) a road train; or (C) a bus, other than an articulated bus, that is longer than 12.5m; or (D) a combination designed and built to carry vehicles on more than 1 deck that, together with its load is longer than 19m or higher than 4.3m; or (E) a motor vehicle, or a combination, that is higher than 4.3m and is built to carry cattle, sheep, pigs or horses; or (b) it is a PBS vehicle.</p> <p><b>HVNL s5</b> <b>B-double</b> means a combination consisting of a prime mover towing 2 semitrailers, with the first semitrailer being attached directly to the prime mover by a fifth wheel coupling and the second semitrailer being mounted on the rear of the first semitrailer by a fifth wheel coupling on the first semitrailer.</p>	
26	BAB-Quad	<p><b>HVNL s5</b> <b>B-triple</b> means a combination consisting of a prime mover towing 3 semitrailers, with— (a) The first semitrailer being attached directly to the prime mover by a fifth wheel coupling; and (b) The second semitrailer being mounted on the rear of the first semitrailer by a fifth wheel coupling on the first semitrailer; and (c) The third semitrailer being mounted on the rear of the second semitrailer by a fifth wheel coupling on the second semitrailer.</p> <p><b>HVNL s5</b> <b>road train</b> means— (a) A B-triple; or (b) A combination, other than a B-double, consisting of a motor vehicle towing at least 2 trailers, excluding any converter dolly supporting a semitrailer.</p>	
27	ABB-Quad	<p><b>HVNL s5</b> <b>PBS vehicle</b> means a heavy vehicle that is the subject of a current PBS vehicle approval under Part 1.4.</p> <p><b>HVNL s5</b> <b>PBS vehicle approval</b> means a current approval issued for a heavy vehicle by the Regulator under section 23.</p>	
28	Rigid Truck and 2 Dog Trailers	<p><b>NHVR Notes:</b> <b>B-doubles:</b> Despite the shorter length, 19m B-doubles are classified as Class 2 Vehicles. General freight carrying vehicles that are longer than 19m require specific networks that are capable of handling these larger vehicles. This is usually managed by declaring route networks in gazette notices, but where a network does not exist, an operator may apply for a permit.</p> <p><b>Buses:</b> A bus, other than an articulated bus, that is longer than 12.5m but less than 14.5m, that complies with prescribed mass and dimension requirements is a class 2 heavy vehicle. These vehicles are also known as a 'Controlled Access Bus'</p>	
Performance Based Standards (PBS)			
32	Prime Mover and Quad Axle Semitrailer	<p><b>Vehicle carriers:</b> A vehicle carrier is a combination designed and built to carry vehicles on more than one deck that together with its load is longer than 19m or higher than 4.3m.</p> <p><b>Livestock vehicles:</b> A livestock vehicle is a heavy vehicle, or a combination, that may be higher than 4.3m and is built to carry cattle, sheep, pigs or horses.</p> <p><b>Performance Based Standards:</b> (PBS) An alternative compliance scheme for heavy vehicles setting minimum performance levels for safe and efficient operation (as opposed to standard prescriptive rules). Greater access is generally afforded for higher performance.</p>	
33	Rigid Truck and 5 Axle Dog Trailer		
34	B-double with Quad Axle Groups (up to 30m)		
35	A-double (up to 30m)		
Buses			
36	Controlled Access Bus		

### Class 3 Heavy Vehicles (examples for illustration purposes)

Freight Carrying Vehicles		HVNL Definitions	
40	Rigid Truck and Dog (over 42.5 tonnes GCM)	<p><b>NHVR Notes:</b> A truck and dog trailer combination whose dimensions and mass do not exceed prescribed mass and dimension requirements is a general access vehicle. If its mass or dimension limits exceed prescribed requirements, this combination is classified as a Class 3 vehicle.</p> <p><b>Examples of Class 3 vehicles include:</b> • A truck and dog trailer combination consisting of a rigid truck with 3 or 4 axles towing a dog trailer with 3 or 4 axles weighing more than 42.5t is an example of a class 3 heavy vehicle. • Other examples might include a B-double or road train transporting a load wider than 2.5m.</p>	
41	Prime Mover and Semitrailer towing Converter Dolly	<p><b>HVNL s116 (3)</b> (3) A heavy vehicle is a <b>class 3 heavy vehicle</b> if— (a) it, together with its load, does not comply with a prescribed mass requirement or prescribed dimension requirement applying to it; and (b) it is not a class 1 heavy vehicle.</p>	
42	B-double towing Converter Dolly		
43	Underhook/Underlift Tow Truck		

## National Heavy Vehicle Regulator

### PBS Vehicle Configurations

**Disclaimer:** This chart shows some of the NHVR-approved PBS heavy vehicle combinations used in Australia. Other heavy vehicle configurations may not be represented. The mass and length limits shown are from the Heavy Vehicle (Mass, Dimension and Loading) National Regulation (the MDL Regulation) and are provided for general guidance only. These limits are available only to vehicles that comply with all other regulatory requirements (e.g. width and height limits, tyre width, vehicle standards, load restraint, suspension type etc.). In some circumstances, other mass concessions and length limits may also be available. The NHVR website provides links to the MDL Regulation and to national and state Notices that may apply, depending on individual circumstances. For further information, contact the NHVR on 1300 MYNHVR (1300 696 487) at [info@nhvr.gov.au](mailto:info@nhvr.gov.au) or [www.nhvr.gov.au/contact-us](http://www.nhvr.gov.au/contact-us)

Common PBS vehicle configurations	Description	PBS level	Maximum length <sup>†</sup> (m)	Maximum permitted mass		
				GML (t)	CML (t)	HML (t)
<b>PBS TRUCK AND DOG TRAILERS</b>						
1	3-axle truck and 3-axle dog trailer	1 2	20.0 20.0	48.5 48.5	- 49.5	- 49.5
2	3-axle truck and 4-axle dog trailer	1 2	20.0 20.0	50.5 56.0	- 57.5	- 57.5
3	3-axle truck and 5-axle dog trailer	2	26.0	59.5	61.5	63.0
4	3-axle truck and 6-axle dog trailer	2	26.0	63.0	65.0	68.5
5	4-axle truck and 3-axle dog trailer	1 2	20.0 20.0	50.0 53.0	- 54.0	- 54.0
6	4-axle truck and 4-axle dog trailer	1 2	20.0 20.0	50.0 60.5	- 62.0	- 62.0
7	4-axle truck and 5-axle dog trailer	2	26.0	64.0	66.0	67.5
8	4-axle truck and 6-axle dog trailer	2	26.0	67.5	69.5	73.0
<b>PBS PRIME MOVER AND SEMITRAILERS</b>						
9	2-axle prime mover and 2-axle semitrailer	1	20.0	32.0	32.5	32.5
10	3-axle prime mover and 2-axle semitrailer	1	20.0	39.5	40.5	40.5
11	3-axle prime mover and 3-axle semitrailer	1	20.0	43.0	44.0	46.0
12	4-axle prime mover and 3-axle semitrailer	1	20.0	47.5	48.5	50.0
13	3-axle prime mover and quad-axle semitrailer	1	20.0	43.0	44.0*	50.5*
14	4-axle prime mover and quad-axle semitrailer	1 2	20.0 21.0	47.5 47.5	48.5* 48.5*	50.0* <sup>o</sup> 55.0* <sup>o</sup>
15	Prime mover and semitrailer with 2 axle groups (2-1) <sup>Δ</sup>	1	20.0	48.0	49.0	49.0
16	Prime mover and semitrailer with 2 axle groups (1-3) <sup>Δ</sup>	1	20.0	49.7	50.7	53.5 <sup>o</sup>
<b>PBS B-DOUBLES</b>						
17	3-axle prime mover B-double (2-2)	1 2 3	20.0 26.0 30.0	50.5 56.0 56.0	- 57.5 57.5	- 57.5 57.5
18	3-axle prime mover B-double (3-2)	1 2	20.0 26.0	50.5 59.5	- 61.5	- 63.0
19	3-axle prime mover B-double (3-3)	2 3	26.0 30.0	63.0 63.0	65.0 65.0	68.5 68.5
20	3-axle prime mover B-double (4-3)	2 3	26.0 30.0	63.0 63.0	65.0* 65.0*	73.0* 73.0*
21	3-axle prime mover B-double (4-4)	2 3	26.0 30.0	63.0 63.0	65.0* 65.0*	77.5* 77.5*
<b>PBS A-DOUBLES</b>						
22	3-axle prime mover A-double (2-2-2)	2	30.0	72.5	74.5	74.5
23	3-axle prime mover A-double (3-2-3)	2 3	30.0 36.5	79.5 79.5	81.5 81.5	85.0 85.5
24	3-axle prime mover A-double (3-3-3)	2 3	30.0 36.5	83.0 83.0	85.0 85.0	85.0 91.0
<b>PBS ROAD TRAINS</b>						
25	A-triple (3-3-3-3-3)	4	42.5	126.5	128.5	141.5
26	B-triple (3-3-3)	3	36.5	83.0	85.0	91.0
27	AB-triple (3-3-3-3)	3	36.5	103.0	105.0	110.0
28	BA-triple (3-3-3-3)	3	36.5	103.0	105.0	110.0
29	AB-double (1-2-1)	1 2	20.0 20.0	50.5 59.0	- 59.5	- 59.5
<b>PBS BUS</b>						
30	Bus	1	14.5	20.5	-	-
<b>PBS TRUCK AND PIG TRAILERS</b>						
31	3-axle truck and 2-axle pig trailer	1	20.0	38.0	38.5	38.5
32	4-axle truck and 2-axle pig trailer	1	20.0	42.5	43.0	43.0

<sup>†</sup> Vehicles may exceed the upper length in their level. Road manager approval and/or an individual route assessment will be required. \* Quad-axle mass limit (QML). The MDL Regulation allows quad-axle groups up to 27 tonnes provided a combination is PBS approved. <sup>o</sup> Operation of PBS vehicles on the PBS road network will require Road manager consent. <sup>Δ</sup> Vehicle Standards exemptions are required before a PBS vehicle approval is issued.



# **STATUTORY PLANNING**

## **8. STATUTORY PLANNING**

**Agenda Item: 8.1**

**Agenda Item: Amendment C127 (Bushfire and Rural Rezonings) -  
Consideration of Planning Panel Report**

**Sponsor: General Manager, Regional City Planning and Assets**

### **Proposed Resolution:**

#### **That Council:**

- 1. Allocate \$36,000+GST from the 2022/23 full year forecast surplus position for a co-contribution towards the work required by the Planning Panel.**
- 2. Having considered the Interim Planning Panel report and the Panel recommendations for Amendment C127, request consultants be appointed to undertake further work as recommended, including:**
  - a. Prepare a bushfire risk assessment that responds to Clause 13.02-1S (Bushfire Planning);**
  - b. Based on the findings of the bushfire risk assessment, make consequential changes to update the Latrobe City Rural Living Strategy 2020; and**
  - c. Based on the findings of the bushfire risk assessment and updated Latrobe City Rural Living Strategy, make consequential changes to Planning Scheme Amendment C127, including (as relevant) planning policy, proposed rezoning's and overlay controls.**
- 3. Apply to the Regional Planning Hubs program for funding to complete the further work as recommended by the Planning Panel.**
- 4. Advise those persons who made written submissions to Amendment C127 of Council's decision.**

#### **Executive Summary:**

- Amendment C127 proposes to implement the findings of the draft Latrobe Municipal Bushfire Risk Assessment 2020 (MBRA) and the draft Rural Living Strategy 2020 into the Latrobe Planning Scheme.
- Amendment C127 (Bushfire and Rural Rezonings) and Amendment C126 (Toongabbie Structure Plan) have been run concurrently and, accordingly, had a combined Planning Panel Hearing which was conducted from 11-14 October 2022. Amendment C126 was adopted by Council on 6 March 2023.
- The Planning Panel do not believe at this time the MBRA provides enough strategic justification. The Planning Panel report recommends that Council undertake further work, this work requires the CFA to consent to changes to the MBRA, draft Rural Living Strategy, Amendment documents and re-submit to the planning panel to issue a final report.

- There are two options available to Council:
  1. Undertake further work as recommended by the Planning Panel; or
  2. Abandon the amendment
- If Council wishes to pursue the rural rezoning component, including having new Rural Living Zone lots available, option 1 to progress the amendment is the best option as it is the timeliest and most cost effective. Undertaking the work at a later stage is going to cost more as data will be out of date, policy is likely to change and any amendment will need to be re-exhibited.

## **Background:**

Amendment C127 proposes to implement the findings of the draft Latrobe Municipal Bushfire Risk Assessment 2020 and the draft Rural Living Strategy 2020 into the Latrobe Planning Scheme. In particular, the amendment proposes to:

- Introduce numerous changes to local planning policy including the insertion of the Municipal Bushfire Risk Assessment Map;
- Rezone land in Toongabbie, Hazelwood North and Flynn from Farming Zone, Schedule 1 to Rural Living Zone, Schedule 1;
- Rezone land in Toongabbie from Farming Zone, Schedule 1 to Rural Living Zone, Schedule 2;
- Rezone land in Boolarra, Moe South, Traralgon South, Tyers, Yinnar, Koornalla from Farming Zone, Schedule 1 to Farming Zone, Schedule 2;
- Rezone publicly owned land in Koornalla and Flynn from Farming Zone, Schedule 1 to Public Park and Recreation Zone;
- Rezone publicly owned land in Koornalla from Farming Zone, Schedule 1 to Public Conservation and Resource Zone;
- Rezoning land to fix anomalies;
- Apply the Design and Development Overlay, Schedule 12 to precincts in Boolarra and Toongabbie; and
- Apply the Development Plan Overlay, Schedule 10 to land in Toongabbie.

The Amendment was exhibited from 24 June 2021 to 6 August 2021, at this time 46 submissions were received, including six submissions of support, three submissions supporting the amendment but requested minor changes and 37 submissions objecting the amendment which could not be resolved.

At the 4 July 2022 Ordinary Council Meeting, Council resolved to request the Minister for Planning to appoint a planning panel to consider all submissions received to the Amendment.

The following steps were undertaken following the Council resolution:

- A request to appoint the Planning Panel was made on 13 July 2022;
- A Planning Panel was appointed on 18 July 2022;
- The Directions Hearing was held on 29 August 2022; and
- The Panel Hearing ran for four days from 11–14 October 2022.

The Panel Report was received on 15 December 2022 (see Attachment 1).

The Panel Report considered both Amendment C127 and Amendment C126 (Toongabbie Structure Plan), the recommendations of the report for Amendment C126 was considered at the 6 March 2023 Ordinary Council Meeting.

The Planning Panel has issued an interim report for Amendment C127 indicating that further work is required to the amendment and it is premature for the panel to make final recommendations until this work is complete. In particular, the Planning Panel made the following recommendations:

2. *Undertake the following further work in consultation with, and to the satisfaction of, the Country Fire Authority prior to progressing Planning Scheme Amendment C127latr:*
  - a. *prepare a bushfire risk assessment that responds to Clause 13.02-1S (Bushfire planning)*
  - b. *based on the findings of the bushfire risk assessment, make consequential changes to update the Latrobe City Rural Living Strategy 2020*
  - c. *based on the findings of the bushfire risk assessment and updated Latrobe City Rural Living Strategy, make consequential changes to Planning Scheme Amendment C127latr, including (as relevant) planning policy, proposed rezonings and overlay controls.*
3. *Delete the Rural Living Zone – Schedule 1 from 106 Tyers-Walhalla Road, Tyers.*

#### Draft Municipal Bushfire Risk Assessment (MBRA)

The main issues raised as part of the Panel was part of the CFA submission. The Panel has given significant weight to the CFA submission and the lack of agreement between Council and CFA. The Panel considered it important for the CFA to support the bushfire risk assessment approach.

The Panel concluded that:

*Whilst the MBRA may be a useful document for other functions of Council and other agencies, in its current form it is not a suitable guide for settlement planning that prioritises the protection of human life.*

*The MBRA is not strategically justified with regard to planning policy and is not suitable to include in the Planning Scheme. That said, it contains a significant amount of valuable information that would be useful in developing a bushfire risk assessment that response to Clause 13.002-1S (Bushfire Planning). This should be done before the Amendment proceeds.*

*The Panel is not satisfied that Bushfire Risk map in its current form is appropriate to inform a planning scheme amendment or for inclusion in the Planning Scheme.*

## Draft Rural Living Strategy and Proposed Rezoning

The Panel's main concern with the draft Rural Living Strategy and proposed Rural Rezoning's is that part of the justification for the report and the Amendment relies on the MBRA. Due to the issues raised about the MBRA the Panel concluded that:

*The rural living rezonings should not proceed without further work relating to a strategic settlement plan in the context of a municipal wide bushfire risk assessment.*

It should be noted that the CFA have not expressed concern with the proposed rezoning of land from Farming Zone Schedule 1 to Farming Zone Schedule 2 in Boolarra, Moe South, Traralgon South, Tyers, Yinnar, Koornalla. The Panel has not made any specific comment regarding these rezoning's and Council officers believe that there is general acceptance to this approach.

This also applies to the rezoning's to Public Park and Recreation Zone and Public Conservation and Resource Zone in Koornalla and Flynn.

### Options to Progress Amendment C127

The following are the options to progress Amendment C127:

1. Undertake further work as recommended by the Planning Panel; or
2. Abandon the amendment

Each option is described below with details on the issues and opportunities each option provides.

#### *Option 1 - Undertake further work as recommended by the Planning Panel*

This option requires an appointment of the consultant to undertake the following:

- Prepare / update the MBRA that responds to Clause 13.02-1S (Bushfire Planning);
- Update the Latrobe City Council Rural Living Strategy in accordance with the MBRA recommendations;
- Prepare and update Planning Scheme Amendment documents and structure plan maps in accordance with the recommendations of the MBRA; and
- Undertake significant consultation with the CFA and other key parties regarding any of the proposed changes.

It is estimated that this work would cost an additional \$100,000 to complete and would take between 8–12 months. There is currently no budget available to complete this project. Discussions with the Department of Transport and Planning have indicated that an application could be made through the Regional Planning Hubs program. It was indicated in these discussions that a co-contribution from Council would assist the application.

The changes required will need to be prepared to the satisfaction of the CFA and then submitted to the Planning Panel for consideration for an updated Planning Panel report. There are likely to be additional Planning Panel costs with the re-submission of the Amendment for consideration.

The table below 1 identifies the issues and opportunities for option 1

Table 1 – Issues and Opportunities for option 1.

Issue	Opportunity
<p>There is currently no budget available to complete the additional work required. Additional funds will need to be allocated from Council for this work to be completed.</p> <p>Council has already spent \$199,517.38 on completing both the report and Planning Scheme Amendment. Further details are provided in the financial section below.</p> <p>Council officers do not have the expertise to complete this work internally.</p>	<p>The Planning Panel recommendations allow Council an opportunity to update the MBRA, Rural Living Strategy and Amendment documents to get an outcome for this amendment.</p> <p>Noting, Council may not get everything being sought in this amendment.</p> <p>There should be some opportunity for Rural Living development within the municipality.</p>
<p>Undertaking the further work means officers will be spending another 12-18 months working on the project.</p> <p>Council officers have spent over three years working on the project and Amendment and would have normally expected an outcome by now. As a result, other projects we that are waiting to be completed (Yallourn North Structure Plan, Moe Activity Centre Plan Review etc) will continue to be delayed.</p>	<p>Provides an opportunity to develop a stronger working relationship with the CFA to achieve an outcome that allows development whilst prioritising human life.</p>
<p>There have been difficulties obtaining detailed and specific advice from the CFA throughout the preparation of the project/ Planning Scheme Amendment.</p> <p>An appropriate engagement strategy will be imperative to ensure comments and consent are obtained in a timely matter.</p>	<p>Allows for submitters to have an outcome to the Planning Scheme Amendment.</p>

Issue	Opportunity
	<p data-bbox="847 257 1433 293">If the Amendment proceeds it will create:</p> <ul data-bbox="847 322 1465 1182" style="list-style-type: none"> <li data-bbox="847 322 1465 488">• 84 additional Rural Living allotments for the municipality giving a 15 year supply of Rural Living land;</li> <li data-bbox="847 501 1465 622">• The other Rural Living rezoning's won't add additional supply, but will correct zonings and include:</li> <li data-bbox="847 636 1465 779">• rezoning the highly fragmented area of Flynn from Farming Zone, Schedule 1 to Rural Living Zone, Schedule 1; and</li> <li data-bbox="847 792 1465 1182">• rezoning other highly fragmented areas in the Farming Zone, Schedule 1 (minimum lot size of 80 hectares and 100 hectares required for a dwelling without permission under the zone) to the Farming Zone, Schedule 2 (minimum lot size of 40 hectares and 40 hectares required for a dwelling without permission under the zone). This includes Koornalla.</li> </ul> <p data-bbox="847 1211 1433 1509">The draft MBRA is an important piece of work that recognises and measures the bushfire risk that is faced by our community and will allow the appropriate planning for future land use and development whilst prioritising the protection of human life and property.</p>



### *Option 2 – Abandoning the Amendment*

If Council do not wish to undertake the further work required, they must abandon the amendment under Section 28 of the *Planning and Environment Act 1987* (the Act).

The table below identifies the issues and opportunities for option 2.

Table 2 – Issues and Opportunities for Option 2

Issue	Opportunity
If Council wish to pursue rural rezoning's in the future, additional work and a new Planning Scheme Amendment will be required at that time. This work is likely to cost more due to the existing report not being able to be used as data will be out of date, policy would have likely changed and any new Planning Scheme Amendment will require exhibition of the Amendment.	Will allow for other work to be undertaken that is currently on hold and not as resource intensive as Amendment C127
The areas shown as 'future Rural Living opportunities' in the structure plans (such as the proposed Toongabbie Structure Plan) won't be able to be progressed until this work is completed and might require landowners to complete this work themselves.  The lodgement of multiple proponent led Planning Scheme Amendments would be resource intensive for the strategic planning team.	
People who have made a submission or have been waiting for this work to be completed may be unhappy with this outcome.	

Following consideration of both options, Council officers believe that option 1 is the best option to pursue rural rezoning opportunities and to have up to potentially 84 additional Rural Living allotments available in the future.

#### **Issues:**

##### *Communication*

Amendment C127 was subject to the prescribed processes in accordance with the public notices and consultation requirements of section 19 of the Act.

Undertaking further work as recommended by the Planning Panel will require the preparation of a detailed community engagement strategy to ensure Council officers are able to meaningfully engage with the CFA and get the required updates to the reports and consent to the Amendment. Representatives from the CFA have been contacted to commence early engagement and gauge interest in developing a project working group to ensure commitment to updating the strategy.

*Financial Implications*

The preparation of the MBRA was partly funded through the Department Transport and Planning (formerly DELWP) who contributed \$30,000 and Latrobe City Council \$75,626.20.

The total costs associated with the Amendment C127 component of the project is currently \$93,891.18 for the following:

- Peer review of draft MBRA and Planning Scheme Amendment documents \$13,249.50;
- Legal representation at the Planning Panel \$18,440.50
- Expert Witness at Planning Panel \$21,879; and
- Planning Panel Fees \$40,322.18

It is estimated that completing the work identified by the Planning Panel will cost up to \$100,000. A project brief is being prepared to seek expressions of interest for the work to be undertaken subject to the resolution of Council, but also to understand the costs of the work.

*RISK ANALYSIS*

RISK	RISK RATING	TREATMENT
SERVICE DELIVERY If option 1 is pursued, delays in other projects will continue due to the additional work required.	<b>High</b> <i>Possible x Moderate</i>	Communication of delays to key stakeholders on other projects.
SERVICE DELIVERY Bushfire consultants are limited in the market and Council officers may not be able to find a consultant who is willing to take on the work.	<b>High</b> <i>Possible x Moderate</i>	Expression of interests through preparation of a project brief is being undertaken to understand availability of consultants.

RISK	RISK RATING	TREATMENT
<p><b>FINANCIAL</b></p> <p>Additional costs for finalising the amendment approximately \$100,000</p>	<p>Option 1</p> <p><b>High</b></p> <p><i>Possible x Moderate</i></p> <p>Option 2</p> <p><b>Low</b></p> <p><i>Unlikely x Insignificant</i></p>	<p>Option 1</p> <p>Ensure procurement processes are followed and consultant selected offers value for money.</p> <p>Seek funding through Regional Planning Hubs to reduce Council financial costs to the project.</p> <p>Option 2</p> <p>Abandoning the amendment does not occur any additional costs in the first instance.</p>
<p><b>Strategic</b></p> <p>Submitters unhappy with time delays with the Amendment.</p>	<p><b>Medium</b></p> <p><i>Possible x Minor</i></p>	<p>Progress the consideration of the panel report to an ordinary Council Meeting for a decision.</p>

The planning scheme amendment process is shown in Figure 1 below, which identifies the current stage Amendment C127 is at in the process.

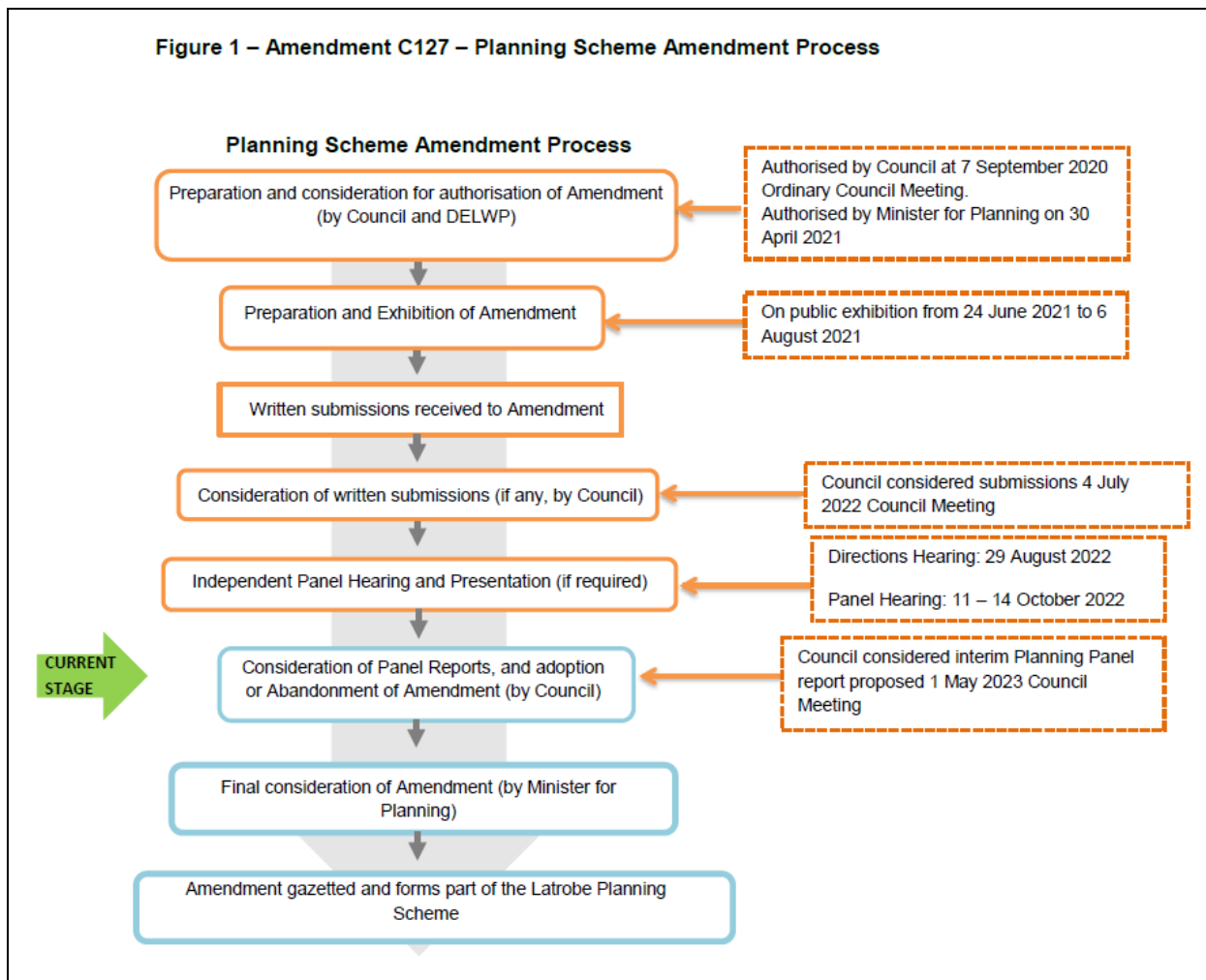


Figure 1 – Amendment C127 Planning Scheme Amendment Process

As this is an interim Planning Panel report, if further work is undertaken Council officer will be required to re-submit amended documents to the Planning Panel for consideration.

Re-exhibition of the amendment may be required and further reports would be presented Council for consideration.

Council, as a planning authority, has a number of duties and powers which are listed at section 12 of the Act. Under section 12(2) Council must have regard to (inter alia):

- The Minister’s directions;
- The Victoria Planning Provisions;
- Any strategic plan, policy statement, code or guideline which forms part of the Latrobe Planning Scheme;

- Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by Amendment C127; and
- Any social and economic effects.

Section 27(1) of the Act requires Council to consider the panel's report before deciding whether or not to adopt Amendment C127. The Planning Panel recommendations are for further work to be undertaken prior to considering the adoption of the final amendment.

#### *Health Implications*

There are no health implications associated with this report.

#### *Environmental Implications*

There are no environmental considerations as part of this report.

#### *Other*

There are no other considerations as part of this report.

#### **Declaration of Interests:**

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

#### **Supporting Documents:**

Nil

#### **Attachments**

1. Planning Panel Report

# 8.1

## **Amendment C127 (Bushfire and Rural Rezoning) - Consideration of Planning Panel Report**

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**Planning  
Panels  
Victoria**

**Latrobe Planning Scheme Amendment C126latr –  
Toongabbie Structure Plan  
Latrobe Planning Scheme Amendment C127latr –  
Bushfire and Rural Rezonings**

**Interim Panel Report**

*Planning and Environment Act 1987*

**15 December 2022**



**How will this report be used?**

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.  
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

*Planning and Environment Act 1987*

Interim Panel Report pursuant to section 25 of the PE Act

Latrobe Planning Scheme Amendment C126latr – Toongabbie Structure Plan

Latrobe Planning Scheme Amendment C127latr – Bushfire and Rural Rezonings

**15 December 2022**



Lisa Kendal, Chair



Geoffrey Carruthers, Member



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## Glossary and abbreviations

Amendment C105latr	Latrobe Planning Scheme Amendment C105latr - Live Work Latrobe
Amendment C126latr	Latrobe Planning Scheme Amendment C126latr – Toongabbie Structure Plan
Amendment C127latr	Latrobe Planning Scheme Amendment C127latr – Bushfire and rural rezonings
BMO	Bushfire Management Overlay
BPA	Bushfire Prone Area
Bushfire Design Guidelines	<i>Design Guidelines: Settlement Planning at the Bushfire Interface</i> (DELWP and CFA, 2020)
Bushfire Risk Map	Municipal Landscape Bushfire Risk Map
CFA	Country Fire Authority
CFA Fire Service Guideline	CFA Guideline <i>FSG LUP 008 – Strategic Land Use Planning – Bushfire</i>
Contamination Report	<i>Potentially Contaminated Land Report</i> (Latrobe City Council, 2020)
Council	Latrobe City Council
DELWP	Department of Environment, Land, Water and Planning
DDO12	Design and Development Overlay – Schedule 12
DoT	Department of Transport
DPO10	Development Plan Overlay – Schedule 10
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority Victoria
Flood Study	<i>Floodplain mapping for Toongabbie township</i> report (West Gippsland Catchment Management Authority, 2016)
FO	Floodway Overlay
FZ1	Farming Zone – Schedule 1
FZ2	Farming Zone – Schedule 2
GRGP	Gippsland Regional Growth Plan
GRZ4	General Residential Zone – Schedule 4
HVP	Hancock Victoria Plantations Pty Ltd
LDRZ	Low Density Residential Zone
LSIO	Land Subject to Inundation Overlay
MBRA	Draft Latrobe City Municipal Bushfire Risk Assessment (Fire Risk Consultants, 2020)
MPS	Municipal Planning Strategy

NRZ4	Neighbourhood Residential Zone – Schedule 4
PCRZ	Public Conservation and Resource Zone
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Latrobe Planning Scheme
PPN	Planning Practice Note
PPRZ	Public Park and Recreation Zone
PUZ2	Public Use Zone – Schedule 2
RLZ1	Rural Living Zone – Schedule 1
RLZ2	Rural Living Zone – Schedule 2
Rural Living Strategy	draft <i>Latrobe City Rural Living Strategy</i> (Latrobe City Council, 2020)
SUZ6	Special Use Zone – Schedule 6
Toongabbie Background Reports	<i>Toongabbie Structure Plan Background Reports</i> (Latrobe City Council, 2020)
Toongabbie Structure Plan Report	<i>Toongabbie Structure Plan Report</i> (Latrobe City Council, 2020)
Toongabbie TSP	Toongabbie Town Structure Plan
WGCMA	West Gippsland Catchment Management Authority

## Overview

Amendment summary	
The Amendment	Amendment C127latr
Common name	Bushfire and Rural Rezonings
Brief description	Implement the findings of the <i>Latrobe City Municipal Bushfire Risk Assessment 2020</i> and the <i>Latrobe City Rural Living Strategy 2020</i> , through the application of local policy and overlays and rezoning of land
Subject land	Municipal wide
Planning Authority	Latrobe City Council
Authorisation	30 April 2021
Exhibition	24 June to 6 August 2021
Submissions	46 (six in support, three in support subject to changes and 37 objecting)

Amendment summary	
The Amendment	Amendment C126latr
Common name	Toongabbie Structure Plan
Brief description	Implements the recommendations of the <i>Toongabbie Structure Plan Report, 2020</i> and the <i>Floodplain mapping for Toongabbie township</i> report prepared by the West Gippsland Catchment Management Authority in 2016
Subject land	Toongabbie township and surround land (see Figure 3)
Planning Authority	Latrobe City Council
Authorisation	28 January 2021
Exhibition	24 June to 6 August 2021
Submissions	12 (six in support, five objecting and one withdrawn)

**Panel process**

The Panel	Original appointment 18 July 2022: Lisa Kendal (Chair), Geoffrey Carruthers and Sally Conway Reconstituted Panel 30 August 2022: Lisa Kendal (Chair) and Geoffrey Carruthers
Directions Hearing	29 August 2022
Panel Hearing	11-14 October 2022
Site inspections	10 October 2022 (unaccompanied)
Parties to the Hearing	Latrobe City Council, represented by Miriam Turner and Kristy Crawford of Council and Jess Orsman of Maddocks, called bushfire evidence from Mark Potter of Fire Risk Consultants Country Fire Authority, represented by Kevin Hazell, Consultant Town Planner Delburn Wind Farm Pty Ltd, represented by Peter Marriot of OSMI Australia Geoffrey and Suzanne Somerville, represented by David Somerville Stuart Strachan Tristan Stewart Vic Sabrinskas Hancock Victoria Plantations, represented by John Carey of MinterEllison Submitters 31-45, represented by Christopher Constantine of Millar Merrigan Nick Anderson of NBA Group
Citation	Latrobe PSA C126latr and C127latr [2022] PPV
Date of this report	15 December 2022

## Executive summary

Latrobe City is a diverse municipality located in the Gippsland region between the Strzelecki Ranges and Baw Baw Plateau, approximately two hours east of Melbourne. It consists of a network of large, district and small towns, extensive areas of native and plantation forest and farmland.

Latrobe City is a high risk bushfire area. Bushfires have been a regular occurrence in the area for many years, some of which have caused major damage to property and loss of life. In the context of climate change, it is expected bushfires will occur more frequently and for longer periods.

Latrobe City Council proposes to amend the Latrobe Planning Scheme (Planning Scheme) to guide appropriate rural residential growth across the municipality, and specifically in Toongabbie, in response to bushfire risk. This is proposed through two concurrent amendments:

- Planning Scheme Amendment C127latr – Bushfire and rural rezonings (Amendment C127latr)
- Planning Scheme Amendment C126latr – Toongabbie Structure Plan (Amendment C126latr).

As Amendment C127latr sets the scene and context for Amendment C126latr, the Panel has considered the matters in that order.

### Amendment C127latr

Planning Scheme Amendment C127latr seek to implement recommendations of the draft *Latrobe City Municipal Bushfire Risk Assessment 2020* (MBRA) and draft *Latrobe City Rural Living Strategy 2020* (Rural Living Strategy) by:

- introducing the Municipal Landscape Bushfire Risk Map in the Municipal Planning Strategy
- introducing new local policy
- rezoning land in accordance with the Rural Living Strategy
- applying overlays to increase bushfire protection.

Of the 46 submissions received, six supported the Amendment, three supported it subject to changes and 37 objected.

The Amendment was opposed by the Country Fire Authority (CFA) who considered the MBRA has understated risk and failed to adequately respond to the requirements of Clauses 13.02 and 71.02-3 of the Planning Scheme, including to prioritise the protection of human life above all other policy considerations. At the core of the CFA's opposition is a serious concern about the methodology.

Council engaged Terramatrix to undertake an independent peer review of the MBRA. Terramatrix also identified significant concerns with the MBRA methodology, and concluded it may be better used to support a risk assessment process required by Clause 13.02-1S rather than be considered a risk assessment in its own right. Council's expert witness Mr Potter (who was also an author of the MBRA) agreed that the MBRA should not be considered or described as a bushfire risk assessment.

The lack of agreement between Council and the CFA is problematic and presents a significant dilemma. Consistent with bushfire planning guidance, the Panel considers it is important for the CFA to support the bushfire risk assessment approach.

Clause 13.02-1S (Bushfire planning) requires the relative risk of different locations to be assessed and growth directed to lower risk locations. This has not occurred as part of the MBRA or Rural Living Strategy, and therefore they should not be relied upon as a basis for settlement planning or decisions to rezone land.

Further work should be undertaken to the satisfaction of the CFA before Amendment C127latr proceeds, including:

- preparation of a bushfire risk assessment that responds to Clause 13.02-1S (Bushfire planning)
- consequential changes to update the Rural Living Strategy, based on the findings of the bushfire risk assessment
- consequential changes to the zones, overlays and polices proposed by the Amendment based on the findings of the bushfire risk assessment and updated Rural Living Strategy.

The Panel recognises the commitment of Council to enhance guidance relating to bushfire risk in the Planning Scheme. The Panel acknowledges the intent of MBRA, and considers it contains a significant amount of valuable information that provides the foundations for further work.

Given the Panel's finding that further work is required before Amendment C127latr proceeds, it is premature for the Panel to form a view on issues relating to drafting or to determine whether the requested rezonings are appropriate. In view of the CFA's comments on drafting, the Panel strongly encourages Council to consider how the content may be simplified and streamlined to avoid unnecessary complexity.

For the reasons set out in Chapter 3, the Panel considers this to be an interim report pending the completion of the further work recommended by the Panel. A final report will be prepared after that work has been undertaken.

### Recommendations

Based on the reasons set out in this Report, the Panel recommends:

- 1. Undertake the following further work in consultation with, and to the satisfaction of, the Country Fire Authority prior to progressing Planning Scheme Amendment C127latr:**
  - a) prepare a bushfire risk assessment that responds to Clause 13.02-1S (Bushfire planning)**
  - b) based on the findings of the bushfire risk assessment, make consequential changes to update the *Latrobe City Rural Living Strategy 2020***
  - c) based on the findings of the bushfire risk assessment and updated *Latrobe City Rural Living Strategy*, make consequential changes to Planning Scheme Amendment C127latr, including (as relevant) planning policy, proposed rezonings and overlay controls.**
- 2. Delete the Rural Living Zone – Schedule 1 from 106 Tyers-Walhalla Road, Tyers.**

### Amendment C126latr

Toongabbie is the northern most settlement in the municipality located 17 kilometres north of Traralgon and close to the Great Dividing Range, the Cowwarr Weir and Wellington Shire Council. Toongabbie is a small and relatively compact town providing limited services.



Amendment C126latr seeks to implement findings of the *Toongabbie Structure Plan Report* (Toongabbie Structure Plan) and *Toongabbie Structure Plan Background Reports and Floodplain mapping for Toongabbie Township* report by:

- introducing new local policy including the Toongabbie Town Structure Plan and Toongabbie Housing Framework Plan
- rezoning land for residential and public purposes
- amending the existing Land Subject to Inundation Overlay and introducing the Floodway Overlay to include areas identified as subject to flooding.

Of the 12 submissions received, six supported Amendment C126latr, five objected and one was withdrawn.

Toongabbie is located in a high bushfire risk area. The CFA raised the critical issue of whether the Toongabbie Structure Plan Report adequately considers bushfire risk and policy relating to bushfire planning. It considers the Toongabbie Structure Plan Report should not be relied on as it relates to growth areas. Other issues raised related to rezonings and contaminated land. No issues were raised regarding strategic justification of the Amendment.

The Toongabbie Structure Plan Report and *Toongabbie Bushfire Risk Assessment* (included in the *Toongabbie Structure Plan Background Reports*) rely on the MBRA. As discussed above, the Panel is not satisfied the MBRA is fit for purpose to inform planning decisions and settlement planning, including designation of land for rural living purposes. Accordingly, the Panel is concerned the *Toongabbie Bushfire Risk Assessment* is not based on an adequate assessment of bushfire risk and has not sufficiently assessed lower risk locations.

Consistent with its findings about the Rural Living Strategy, the Panel considers the bushfire risk assessment that has informed designation of growth areas in Toongabbie does not satisfy the requirements of Clause 13.02-1S and Clause 71.02-3, and has not given adequate weight to policy considerations which prioritise protection of life.

For Amendment C126latr to proceed, nominated growth areas should be designated 'potential growth areas subject to further bushfire risk assessment'. The further work recommended for Amendment C127latr should be completed before the Toongabbie growth areas are confirmed and progressed as part of a separate planning scheme amendment process.

The Panel identified inconsistencies between the Toongabbie Structure Plan Report and proposed application of the Low Density Residential Zone to land subject to inundation and flooding which should be resolved.

### Recommendations

Based on the reasons set out in this Report, the Panel recommends that Planning Scheme Amendment C126latr be adopted as exhibited subject to the following:

#### 3. Make the following changes to Amendment C126latr:

##### a) amend Clause 11.01-1L (Toongabbie) to:

- amend the strategies and Toongabbie Town Structure Plan map to designate 'First stage future rural living' and 'Second stage future rural living' areas as 'Potential future growth areas subject to bushfire risk assessment'
- amend the Toongabbie Town Structure Plan map to remove the Low Density Residential Zone designation from:

**9-17 Hower Street, Toongabbie**

**19-29 Hower Street**

**land in King Street**

- b) amend Clause 16.01-1L (Housing supply) to:**
- **update the Housing Framework Plan map to correct the housing change designation to land no longer proposed for rezoning to Low Density Residential Zone**
- c) delete the Low Density Residential Zone from:**
- 9-17 Hower Street, Toongabbie**  
**19-29 Hower Street**  
**land in King Street.**

## PART A INTRODUCTION AND PLANNING CONTEXT

# 1 Introduction and context

Latrobe City Council (Council) is seeking to amend the Latrobe Planning Scheme (Planning Scheme) to introduce enhanced bushfire provisions, update policy and rezone land to guide appropriate rural residential growth across the municipality.

Planning Scheme Amendment C127latr (Amendment C127latr) is a municipal wide amendment which seeks to implement the recommendations of the draft *Latrobe City Municipal Bushfire Risk Assessment 2020* (MBRA) and draft *Latrobe City Rural Living Strategy 2020* (Rural Living Strategy) into the Planning Scheme.

Planning Scheme Amendment C126latr (Amendment C126latr) relates to the small rural township of Toongabbie and seeks to implement the findings of the *Toongabbie Structure Plan Report* (Council, 2020) (Toongabbie Structure Plan Report) and *Toongabbie Structure Plan Background Reports* (Council, 2020) (Toongabbie Background Reports). It also implements recommendations of the *Floodplain mapping for Toongabbie Township* report (Flood Study) prepared in 2016 by the West Gippsland Catchment Management Authority (WGCMA).

Council is running the Amendments concurrently. As Amendment C127latr provides the bushfire risk and settlement planning context for Amendment C126latr, the Panel has considered the Amendments in this order.

Figure 1 shows the location of Latrobe City and Toongabbie.

Figure 1 Location of Latrobe City (outlined in white) and the small town of Toongabbie (marked in orange)



Source: Toongabbie Township Plan, page 11

## 1.1 Amendment C127latr description

Amendment C127latr is a municipal wide amendment which seeks to implement the introduce new local policy, rezone land to allow for rural living and apply overlays to increase bushfire protection.

Specifically, Amendment C127latr proposes to change the Municipal Planning Strategy (MPS) and local policy to:

- amend Clause 02.03 (Strategic directions) to include strategies relevant to bushfire risk
- amend Clause 02.04 (Strategic framework plans) to introduce the Municipal Landscape Bushfire Risk Map (Bushfire Risk Map) (see Figure 2)
- insert a new Clause 13.02-1L (Municipal landscape bushfire risk areas)
- amend Clause 11.01-1L (Tyers) to update the Tyers Town Structure Plan to remove an area from 'Future rural living'
- amend the following local policy provisions to include strategies relevant to bushfire risk:
  - Clause 12.03-1L (Rivers and Waterways)
  - Clause 14.01-1L (Subdivision in Farming Zone Schedule 1)
  - Clause 14.01-3L (Forestry and Timber Production)
  - Clause 15.01-3L (Subdivision Design)
  - Clause 17.04-1L (Major Attractions and Commercial Tourism in Latrobe)
  - Clause 17.04-1L (Facilitating Rural Tourism)
- amend Clause 16.01-3L (Rural Residential Development) to support further analysis of areas identified for future rural living in the Rural Framework Plan at Clause 02.04-5.

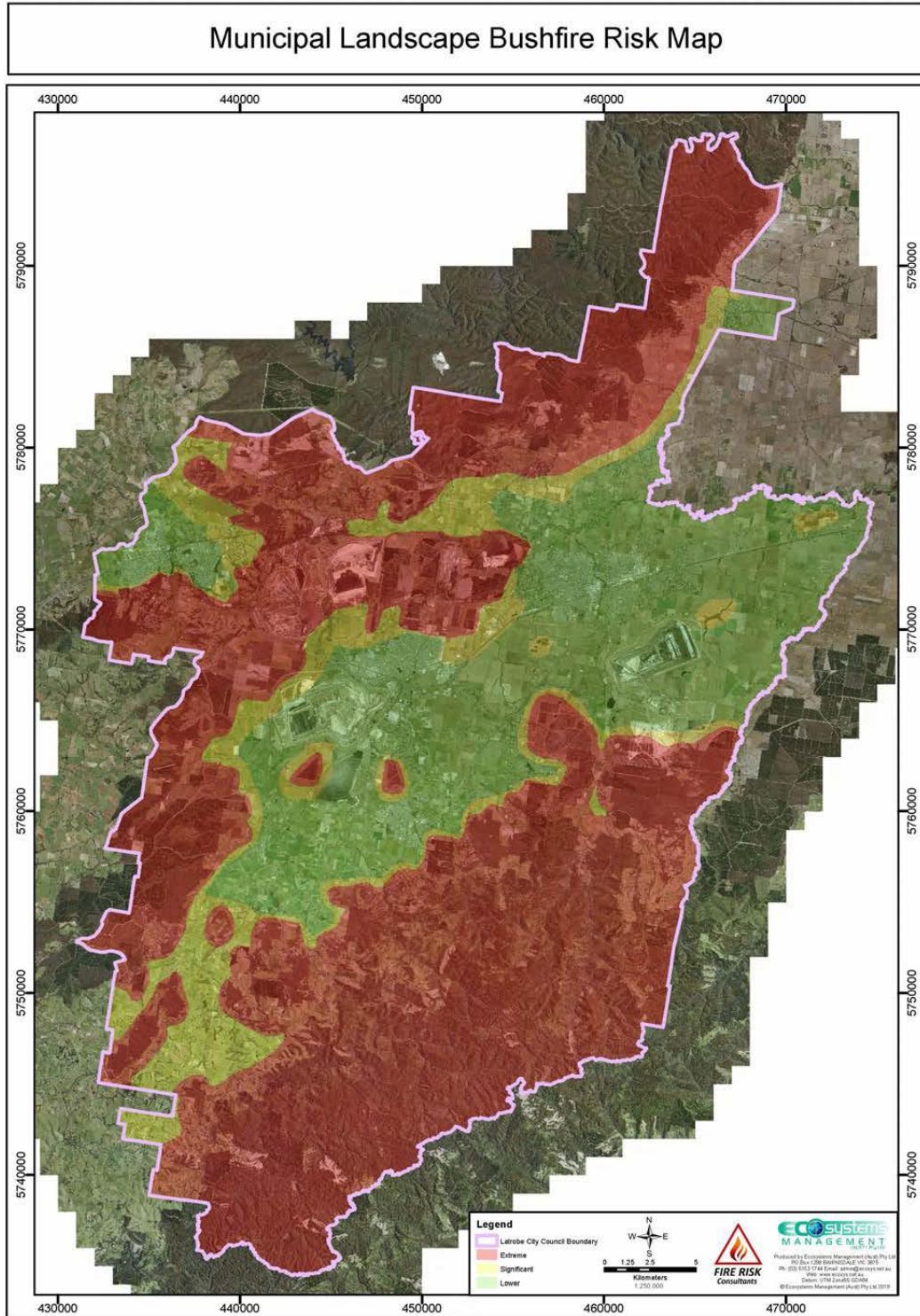
Amendment C127latr proposes to rezone:

- land in Boolarra Precinct C, Boolarra Precinct E, Moe South Precinct A, Traralgon South Precinct E, Traralgon South Precinct F, Tyers Precinct D, Yinnar Precinct B and privately owned land in Koornalla Precinct A from Farming Zone 1 (FZ1) to Farming Zone – Schedule 2 (FZ2)
- publicly owned land in Koornalla Precinct A that does not abut Traralgon Creek from FZ1 to Public Park and Recreation Zone (PPRZ)
- publicly owned land in Koornalla Precinct A that abuts Traralgon Creek from FZ1 to Public Conservation and Resource Zone (PCRZ)
- Hazelwood North Precinct F, Toongabbie Precinct C, Toongabbie Precinct D, a portion of Toongabbie Precinct H and privately owned land in Flynn Precinct A from FZ1 to Rural Living Zone – Schedule 1 (RLZ1)
- 106 Tyers-Walhalla Road, Tyers from Special Use Zone Schedule 6 (SUZ6) to RLZ1
- a portion of Toongabbie Precinct H from FZ1 to Rural Living Zone – Schedule 2 (RLZ2)
- publicly owned land in Flynn Precinct A from FZ1 to PPRZ
- various parcels of land to fix anomalies.

It proposes to introduce and apply the following overlay controls:

- Design and Development Overlay – Schedule 12 (DDO12) relating to development of residential land at significant bushfire risk and apply it to Boolarra Precinct F, Boolarra Precinct G and Toongabbie Precinct H
- Development Plan Overlay – Schedule 10 (DPO10) relating to future planning of precincts with consideration to the bushfire risk and apply it to new greenfield rural living precincts C and D in Toongabbie.

Figure 2 Bushfire Risk Map



Source: MBRA

Amendment C127latr seeks to make a range of changes to the operational provisions of the Planning Scheme, including to:

- update the Schedule to Clause 72.03 (What does this planning scheme consist of?)
- amend the Schedule to Clause 72.08 (Background documents) to include the MBRA, the Rural Living Strategy and the *Design Guidelines: Settlement Planning at the Bushfire Interface 2020* (Bushfire Design Guidelines) prepared by Department of Environment, Land, Water and Planning (DELWP) and Country Fire Authority (CFA)
- amend the Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions)
- amend the Schedule to Clause 74.02 (Further Strategic Work).

## 1.2 Amendment C126latr description

Amendment C126latr applies to land in and around Toongabbie (see Figure 3) and seeks to amend local policy and introduce background documents. Specifically, it proposes to:

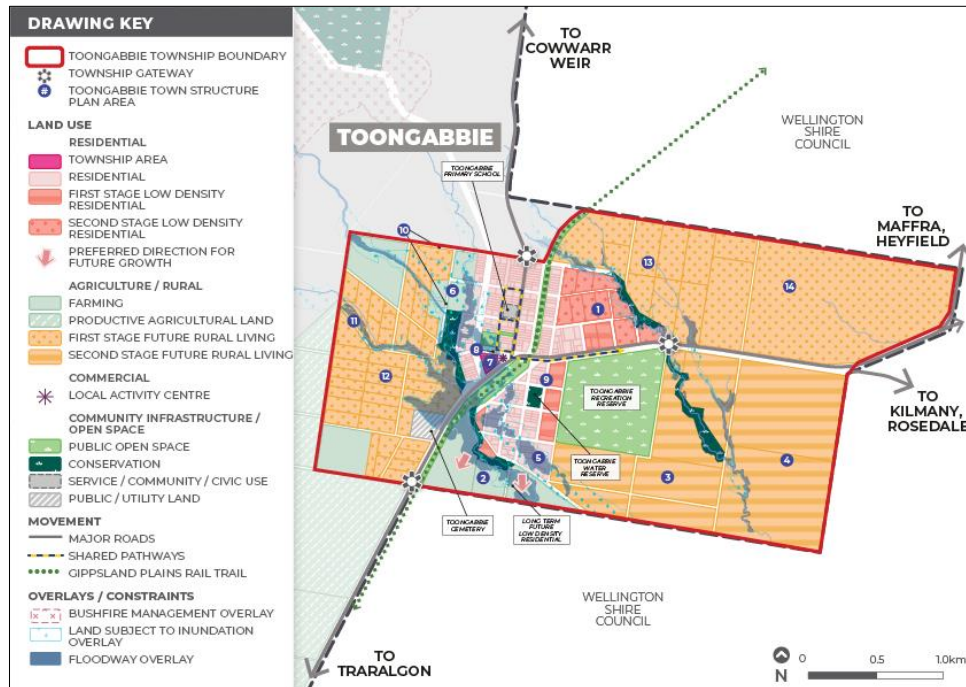
- insert a new Clause 11.01-1L (Toongabbie), including key strategies, policy documents and the Toongabbie Town Structure Plan (Toongabbie TSP) (see Figure 4)
- amend Clause 12.01-1L (Protection of biodiversity) to include key strategies and policy guidelines
- amend Clause 16.01-1L (Housing supply) to include the amended Toongabbie Housing Framework Plan
- amend Clause 72.08 (Operational provisions) to include the Toongabbie Structure Plan Report and Toongabbie Background Reports as background documents.

Figure 3 Toongabbie township boundary shown in blue



Source: Exhibited C126latr Explanatory Report

Figure 4 Toongabbie Town Structure Plan



Source: Exhibited Clause 11.01-1L (Toongabbie)

Amendment C126latr proposes to rezone land in and around Toongabbie, including:

- extensive areas of existing residential land from Neighbourhood Residential Zone – Schedule 4 (NRZ4) to a new Neighbourhood Residential Zone – Schedule 5 (Toongabbie Residential Area) (NRZ5)
- land at 52 Ries Street, 49-57 Heywood Street, 21-33 Heywood Street, 77-81 Main Street from NRZ4 to Low Density Residential Zone (LDRZ)
- land in King Street from split zoned FZ1 and NRZ4 to LDRZ
- 9-17 Hower Street and 19-29 Hower Street from FZ1 to LDRZ
- 15-25 Victoria Street from split zoned Public Use Zone – Schedule 2 (PUZ2) and NRZ4 to PUZ2
- 15-17 Cowen Street, 2-8 Victoria Street, 11 Victoria Street, 12 Victoria Street and 1-5 Goodwin Street from NRZ4 to General Residential Zone – Schedule 4 (GRZ4)
- parts of Main Street, Traralgon-Maffra Road, Russells Road, Humphrey Road and Hower Street from FZ1 to PCRZ.

Amendment C126latr also amends the Land Subject to Inundation Overlay (LSIO) and introduces the Floodway Overlay (FO) to include areas identified within the Flood Study.

### 1.3 Strategic studies and background documents

#### (i) Municipal Bushfire Risk Assessment

The MBRA was prepared as a multi-purpose document to assess bushfire risk and assist with long term strategic land use planning across the municipality. The MBRA underpins the proposed Planning Scheme changes relating to bushfire through both Amendments.



The MBRA seeks to inform land use outcomes in combination with fuel management prioritisation. It has three key objectives:

- prepare a Municipal Bushfire Risk Profile Report to inform future land use planning and decision making
- undertake detailed assessments of bushfire risk for selected precincts
- translate necessary bushfire risk considerations into recommendations.

Council explained it had developed the MBRA following extensive stakeholder engagement with government agencies, including the CFA, and key landowners and community associations across the small town and rural communities in high risk landscapes.

The MBRA contains:

- a detailed assessment of 13 small towns and rural localities surrounding existing settlements that may have the ability to be rezoned for rural living purposes
- a municipal wide bushfire risk assessment to identify locations with higher and lower bushfire risk to inform settlement planning.

Bushfire risk is assessed with consideration of 13 risk indicators:

- overall fuel hazard
- proximity to dwellings
- ignition history
- Phoenix impact risk
- political/social
- access/egress
- demographics/vulnerability
- bushfire attack potential
- topographical influence
- landscape risk assessment
- Victorian Fire Risk Register
- Bushfire Management Overlay mapping
- Bushfire Prone Area mapping.

The risk level of each small town/locality was assessed by scoring each of the risk indicators, and determining an aggregate score to assess the overall risk level of each precinct. The findings are extrapolated into the municipal wide Bushfire Risk Map, proposed for inclusion in the Planning Scheme (see Figure 2). The map shows the municipality is divided into three risk levels; extreme (red), significant (yellow) and lower (green) (see Figure 5).

The MBRA contains 24 recommendations to Council to support community safety, preparedness and resilience, eleven of which relate to land use planning. It recommends the Bushfire Management Overlay (BMO) be applied to all locations identified as extreme (red) risk level, and fire management and planning treatments for the 13 localities. The report explains when the municipal wide fire management and planning treatments are applied together, it is expected communities will be safer.

**Figure 5 Fire risk levels**

Risk level	Description
Extreme	<ul style="list-style-type: none"> <li>• Pose an extreme risk to lifesafety</li> <li>• Limited access and egress options available.</li> <li>• Vegetation close to the site.</li> <li>• Significant ember attack would impact the area.</li> </ul>
Significant	<ul style="list-style-type: none"> <li>• Pose a significant risk to lifesafety</li> <li>• Mitigation options are available.</li> <li>• Development will likely reduce the risk to adjoining land and on the site.</li> <li>• Access and egress options</li> </ul>
Lower	<ul style="list-style-type: none"> <li>• Pose a lower risk to life safety</li> <li>• Little Vegetation is present.</li> <li>• Excellent access and egress is available.</li> </ul>

Source: MBRA, page 40

**(ii) Rural Living Strategy**

The Rural Living Strategy provides a preliminary assessment of locations considered suitable for rezoning rural land to RLZ and FZ2, including corrections rezoning opportunities.

It includes 13 detailed precinct assessments and specific rezoning recommendations informed by:

- the *Latrobe City Rural Land Use Strategy 2019*
- Latrobe Planning Scheme Amendment C105latr - Live Work Latrobe (Amendment C105latr) submissions and panel process
- policy and directions in the Planning Scheme, particularly the small town structure plans
- relevant planning practice notes
- bushfire risk assessment in the MBRA
- rural living land supply and demand.

The land supply and demand forecasts (based on 2019 data) indicate under a high growth scenario, 7,322 additional dwellings will be needed in Latrobe by 2036 of which 10 per cent is estimated to be demand for rural living. Accounting for land constraints that may prevent some existing RLZ lots from being developed, it is estimated there is a shortfall of 102 lots to meet the forecast 15 year demand. Council noted it was likely the COVID-19 pandemic had further increased demand for rural living lots.

In summary, the Rural Living Strategy recommends the following Planning Scheme changes:

- application of the BMO, consistent with the MBRA
- rezoning of rural land to FZ2 and RLZ, including rezoning to 'fix anomalies'
- applying a DDO to some precincts zoned RLZ
- applying a DPO to new greenfield rural living precincts
- corrections rezoning of public land to PPRZ and PCRZ
- introducing a new local bushfire policy at Clause 13.02-1L that incorporates the Bushfire Risk Map
- introducing the MBRA and Rural Living Strategy as background documents.

**(iii) Toongabbie Structure Plan Report and Toongabbie Background Reports**

The Toongabbie Structure Plan Report seeks to inform strategic planning decision making to accommodate growth and development in Toongabbie for the next 15 to 20 years. It builds on the strategic work undertaken by Council for *Live Work Latrobe* implemented through Amendment

C105latr. It was developed through preparation of various studies which collectively form the Toongabbie Background Reports, including:

- Consultation Report
- Context Report
- Infrastructure and Servicing Assessment
- Flora and Fauna Assessment
- Toongabbie Bushfire Risk Assessment.

The Toongabbie Structure Plan Report includes the Toongabbie TSP (see Figure 4) and strategic directions to:

- maintain the historic, cultural and historic values of the town
- retain the quiet, rural atmosphere
- improve infrastructure
- maintain key views and vistas
- provide for open space and community infrastructure
- enhance the town centre core.

It includes a range of actions for implementation, including Planning Scheme recommendations to introduce new local policy including the Toongabbie TSP, and to rezone residential land to LDRZ, NRZ5 and GRZ4 and rural residential land to RLZ.

#### **(iv) Toongabbie Flood Study**

The Flood Study is intended to be used for statutory and strategic planning processes and emergency management and determines the nature and extent of flooding in Toongabbie through modelling of design flood flows, levels and velocities.

Amendment C126latr proposes to update the extent of the LSIO and introduce the FO. The Toongabbie TSP has relied on this information in identifying areas for growth and development. Urban development on flood-prone land is discouraged except when agreed with the WGCMA.

#### **(v) Potentially Contaminated Land Report**

The *Potentially Contaminated Land Report* (Contamination Report) prepared by Council in 2020 includes the overall objective to identify potentially contaminated land in Toongabbie. It informed Amendment C126latr but is not included Toongabbie Background Reports. The Contamination Report was prepared in accordance with Planning Practice Note 30 (PPN30) and Ministerial Directions 1 and 19 and in consultation with the Environment Protection Authority Victoria (EPA).

Amendment C126latr proposes to rezone two properties from FZ to a zone allowing sensitive use, both of which were assessed as low contamination potential. The only site identified as potentially contaminated is the Toongabbie General Store at 43 High Street, Toongabbie. This site is zoned Township Zone, which does allow for sensitive uses, however the land is not proposed for rezoning through the Amendment.

## **1.4 Background and chronology**

### **(i) Chronology**

Council provided a detailed chronology of Amendment C127latr and C126latr in its Part A submissions, which the Panel has summarised in Tables 1 and 2 respectively.

**Table 1** C127latr chronology of events

Date	Event
September 2018	Rural rezonings proposed through Amendment C105latr placed on hold due to Amendment VC140
April 2019	Council commissioned the MBRA
6 May 2019	Council resolved to submit Amendment C105latr to Minister for Planning for approval, with the component relating to rural land rezoning removed while Council prepared the MBRA
10 September 2019	Preliminary engagement on the MBRA methodology and preliminary recommendations to 12 stakeholders, including the CFA
April 2020	Draft MBRA and Rural Living Strategy completed
May – July 2020	Engagement with external stakeholders, other Council teams and DELWP on the draft MBRA and Rural Living Strategy
7 September 2020	Council resolved to seek authorisation to prepare Amendment C127latr
October 2020 – March 2021	Ongoing engagement with CFA and lodgement of request for authorisation of Amendment C127latr
30 April 2021	Council received authorised to prepare the Amendment, with conditions
24 June to 6 August 2021	Amendment C127latr was exhibited alongside Amendment C126latr
August 2021 – July 2022	Consideration of submissions, and continued post exhibition engagement with submitters to resolve issues including CFA and EPA
4 July 2022	Council resolved to request a Panel to consider submissions
11 July 2022	Panel requested
11-14 October 2022	Public Hearing

**Table 2** C126latr chronology of events

Date	Event
2019-2020	Stakeholder engagement was undertaken, including a survey from 25 March – 5 April 2019 and workshops from 12 September – 8 October 2019. Toongabbie Background Reports were completed
6 July 2020	Council resolved to endorse draft Toongabbie Structure Plan Report and Background Report for public exhibition and to seek authorisation to prepare an amendment. Exhibition was delayed pending gazettal of Amendment C122latr (Planning Policy Framework Translation) and authorisation of Amendment C127latr
28 January 2021	Council received authorisation to prepare an amendment, with conditions
28 May 2021	Amendment C122latr was gazetted
24 June to 6 August 2021	Amendment C127latr was exhibited alongside Amendment C126latr
August 2021 – July 2022	Consideration of submissions, including those received for C127latr
4 July 2022	Council resolved to request a Panel to consider submissions
11 July 2022	Panel requested

Date	Event
11-14 October 2022	Public Hearing

## (ii) Authorisation of Amendment C127latr

The authorisation of Amendment C127latr included conditions relating to:

- removing the proposed application of the BMO and the BMO – Schedule 2
- amending the suite of local policy ordinance consistent with DELWP feedback
- reviewing the DDO12 and DPO10, including removal of the reference to referral of all applications to the relevant fire authority in the DDO12, and allowing DELWP officers further review before exhibition
- removing changes to Clause 66.04
- the CFA being notified during exhibition of the Amendment.

Regarding removal of the BMO and Schedule 2, the letter stated:

Regarding Conditions 1 and 2, I note that officers of the Department of Environment, Land, Water and Planning advised council officers via email on 13 October 2020 that DELWP would not support the proposal to introduce additional Bushfire Management Overlay areas. This advice was given on the basis that the risk-based methodology used to inform the proposal is inconsistent with DELWP's methodology, which is based on an assessment of existing hazards.

## 1.5 Procedural issues

### (i) CFA representation

Before the Directions Hearing, the Panel received correspondence from the CFA advising it intended to engage bushfire and planning consultant Mr Hazell to represent it as an advocate at the Hearing. The CFA noted Mr Hazell had previously worked for Council in preparing background work for the Toongabbie Structure Plan Report. CFA advised it did not believe this created a conflict of interest as Council had not relied on this work, and due to the amount of time that had passed since the work had been completed. The Panel provided parties an opportunity to comment on this matter, and no concerns were raised.

### (ii) Joint Statement

The Panel issued a direction for Council and the CFA to meet and prepare a Joint Statement before the Hearing that sets out the issues in agreement and issues in dispute (as relevant to both Amendments), relating to:

- accuracy and recommendations of the MBRA
- the Amendments, including proposed policy, rezonings and overlay provisions.

The Panel issued a direction for Council to include in its Part B submission:

... a detailed response to submissions and evidence, including any unresolved issues raised in submissions by the Country Fire Authority/identified in the Joint Statement between Council and the Country Fire Authority.

At the Hearing, the Panel asked the CFA to provide a detailed position on each unresolved issue during its submission to the Panel.

**(iii) Millar Merrigan submissions**

Millar Merrigan, representing submitters 31 – 45, advised it would table documents relating to a separate 96A combined permit and planning scheme amendment application for development of land at Clarkes Road, Hazelwood North, by way of background.

To ensure the Panel and parties would have sufficient understanding of the issues to be raised by Millar Merrigan, the Panel directed Council to provide a summary of the 96A application, a chronology of events and summary of key issues as relevant to C127latr. This information was provided through Council's Part A Submission for Amendment C127latr.

**(iv) Without prejudice drafting session and further material**

A without prejudice drafting session was held on the final day of the Hearing. The Panel agreed to accept further written material from Dr Strachan (Submitter 15) documenting his suggested changes to Amendment C127latr, as discussed during the drafting session. In closing, the Panel issued directions for distribution of this material and providing time for Council to respond.

Council considered some of this material to be new content, and sought clarification from the Panel on whether it would accept the material circulated by Dr Strachan. The Panel determined to accept the further material on the basis that it provided written documentation of Dr Strachan's comments on the Amendment documents, and would explain and provide context to his suggested changes. The Panel invited Council to comment on what it considered to be new material in its reply submissions. Council provided final comments on the material on 18 October 2022.

**1.6 Summary of issues raised in submissions****(i) Amendment C127latr**

Council advised that of the 46 submissions received, six supported Amendment C127latr, three supported it subject to changes and 37 objected.

DELWP (Gippsland Region) and WGCMA did not object to the Amendment. The Department of Transport (DoT) did not object to the Amendment but made requests for particular items relating to transport to be included in the requirements for a development plan under DPO10.

Threshold issues raised by the CFA and a number of submitters are whether:

- the underlying strategic work, specifically the MBRA, was 'fit for purpose' to inform changes to the Planning Scheme
- the Rural Living Strategy is appropriate to guide rural rezonings, given its reliance on the MBRA.

Other key issues are whether:

- the MBRA, Bushfire Risk Map and Rural Living Strategy should be included as background documents in the Planning Scheme
- bushfire should be the primary consideration for rezonings, and whether the nominated level of bushfire risk in the MBRA is accurate and appropriate
- specific requests for rezoning rural land are appropriate
- fragmentation of farmland has been adequately considered
- 'corrections' rezonings are strategically justified

- proposed local policy relating to managing bushfire risk in timber coups is appropriate.

The Panel has not addressed issues relating to approval of Delburn Wind Farm as this is subject to a separate approvals process.

#### (ii) **Amendment C126latr**

Council advised that of the 12 submissions received, six supported Amendment C126latr, five objected and one was withdrawn.

DELWP and DoT made supportive submissions with clarification sought on the protection of waterways and green corridors and high value habitats in roadside verges respectively.

A critical issue raised by the CFA was whether bushfire hazard and risk has been adequately assessed in accordance with planning policy, and designated growth areas are appropriate with regard to bushfire risk.

Other key issues are whether:

- the Toongabbie Structure Plan Report and Toongabbie Background Reports are appropriate to inform changes to the Planning Scheme, and should be included as background documents
- the land rezoning adequately considers flooding
- specific requests for rezoning rural land are appropriate.

EPA submitted the Environmental Audit Overlay (EAO) should be applied to 43 High Street, Toongabbie (the Toongabbie General Store).

## 1.7 The Panel's approach

The Panel has assessed the Amendments against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendments, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in this Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in this Report.

As the MBRA and Rural Living Strategy proposed for introduction through Amendment C127latr provide the bushfire risk and settlement planning context for Amendment C126latr, the Panel has considered the Amendments in this order in this Report.

The Report is structured under the following headings:

- Part A: Introduction and planning context
- Part B: Amendment C127latr
  - Threshold issues and strategic justification
  - Hancock Victoria Plantations
  - Rural rezonings
- Part C: Amendment C126latr
  - Toongabbie growth areas and bushfire risk

- Other issues.



## 2 Planning context

Table 3 below identifies planning context relevant to the Amendments. Appendix A provides further details regarding relevant provisions and policies.

**Table 3** Planning context

	Relevant references
<b>Victorian planning objectives</b>	Section 4 of the <i>Planning and Environment Act 1987</i> (PE Act) including: <ul style="list-style-type: none"> <li>- providing for the fair, orderly, economic and sustainable use, and development of land</li> <li>- protecting resources and maintain ecological processes</li> <li>- securing a pleasant, efficient and safe working, living and recreational environment</li> <li>- facilitating development in accordance with the objectives of planning</li> <li>- balancing the present and future interests of all Victorians</li> </ul>
<b>Municipal planning strategy</b>	Clause 02.03-1 (Settlement) Clause 02.03-2 (Environmental and landscape values) Clause 02.03-3 (Environmental risks and amenity) Clause 02.03-4 (Natural resource management) Clause 02.03-5 (Built environment and heritage) Clause 02.03-6 (Housing) Clause 02.03-7 (Economic development) Clause 02.03-9 (Infrastructure)
<b>Planning policies</b>	Clause 11 (Settlement) Clause 12 (Environmental and landscape values) Clause 13 (Environmental risks and amenity), in particular Clause 13.02-1S (Bushfire planning) and Clause 13.02-1L (Bushfire prone areas) Clause 14 (Natural resource management) Clause 15 (Built environment and heritage) Clause 16 (Housing) Clause 17 (Economic development) Clause 18 (Transport) Clause 19 (Infrastructure)
<b>Other planning strategies and policies</b>	Gippsland Regional Growth Plan
<b>Planning scheme provisions</b>	Clause 32.09 (Neighbourhood Residential Zone) Clause 32.05 (Township Zone) Clause 35.03 (Rural Living Zone) Clause 35.07 (Farming Zone) Clause 43.02 (Design and Development Overlay) Clause 43.04 (Development Plan Overlay)

	<p>Clause 44.03 (Floodway Overlay)</p> <p>Clause 44.30 (Land Subject to Inundation Overlay)</p> <p>Clause 53.02 (Bushfire Planning)</p> <p>Clause 71.02-3 (Integrated decision making)</p>
<b>Planning scheme amendments</b>	<p>Amendment VC140: Bushfire State Planning Policy</p> <p>Amendment VC203: Update to Victoria Planning Provisions to align with the <i>Environment Protection Act 2017</i></p> <p>Amendment C105latr: Live Work Latrobe</p> <p>Amendment C122latr: Planning Policy Framework Translation and Planning Scheme Review</p> <p>Amendment C131latr: Flood Mapping Update (in progress)</p>
<b>Ministerial directions</b>	<p>Ministerial Direction 1: Potentially Contaminated Land</p> <p>Ministerial Direction 11: Strategic Assessment of Amendments</p> <p>Ministerial Direction 19: Preparation and content of amendments that may significantly impact the environment, amenity and human health</p>
<b>Planning practice notes and other guides</b>	<p>The following Planning Practice Notes (PPN) apply:</p> <ul style="list-style-type: none"> <li>- PPN02: Public Land Zones</li> <li>- PPN07: Vegetation Protection in Urban Areas</li> <li>- PPN10: Writing Schedules</li> <li>- PPN12: Applying Flood Provisions in Planning Schemes</li> <li>- PPN28: Using the Neighbourhood Character Provisions in Planning</li> <li>- PPN30: Potentially contaminated land</li> <li>- PPN37: Rural Residential Development</li> <li>- PPN42: Applying the Rural Zones</li> <li>- PPN43: Understanding Neighbourhood Character</li> <li>- PPN46: Strategic assessment guidelines, 2018</li> <li>- PPN64: Local Planning for Bushfire Protection</li> <li>- PPN90: Planning for Housing</li> <li>- PPN91: Using the Residential Zones</li> </ul> <p>Other relevant guidance includes:</p> <ul style="list-style-type: none"> <li>- Planning Advisory Note 68: Bushfire State Planning Policy</li> <li>- Design Guidelines: Settlement Planning at the Bushfire Interface, 2019</li> <li>- Planning Permit Applications in the Bushfire Management Overlay: Technical Guide (DELWP, 2017) (BMO Technical Guide)</li> </ul>

## PART B AMENDMENT C127LATR

## 3 Threshold issues and strategic justification

### 3.1 Background

Council explained the MBRA and Rural Living Strategy were prepared to inform Amendment C127latr. The Latrobe *Planning Scheme Review* 2014 identified the need for strategic planning to better reflect the new requirements of the Victorian Bushfires Royal Commission 2009 and to identify where development is not appropriate. Amendment C127latr proposes new rural living in locations with a lower bushfire risk profile as informed by the Bushfire Risk Map.

Two key Planning Scheme provisions guide bushfire planning:

- Clause 13.02-1S (Bushfire Planning) includes an objective to strengthen the resilience of communities to bushfire through risk-based planning that prioritises the protection of human life. Strategies relate to:
  - protection of human life
  - bushfire hazard identification and assessment
  - settlement planning
  - areas of biodiversity conservation value
  - use and development control in a Bushfire Prone Area (BPA).
- Clause 71.02-3 (Integrated decision making) requires integrated decision making to address aspects of economic, environmental and social wellbeing affected by land use and development. Within this context, the clause requires planning authorities to balance conflicting objectives in favour of net community benefit and sustainable development, however in bushfire affected areas the clause requires the protection of human life over all other policy considerations.

Council considered Amendment C127latr was consistent with and directly responded to Clause 13.02-1S (Bushfire planning), as it seeks to:

- provide an adequate supply of land for rural living housing to meet the forecast needs of the community for the next 15 years and with consideration of PPN37
- consider environmental values and avoid negative environmental impacts as a result of land rezoning
- rezone land with appropriate consideration of environmental risk, specifically bushfire and priority for protection of human life
- protect agricultural land, and facilitation of rural tourism in appropriate locations
- protect cultural heritage
- ensure appropriate provision and sequencing of infrastructure and services.

### 3.2 Municipal Bushfire Risk Assessment and Bushfire Risk Map

#### (i) The issues

The issues are whether the:

- MBRA is fit for purpose for Planning Scheme decision making
- MBRA should be included in the Planning Scheme as a background document
- Bushfire Risk Map should be included in the Planning Scheme.

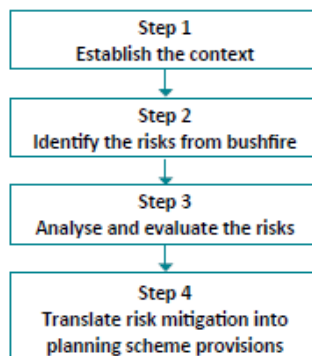
**(ii) Evidence and submissions****Council**

Council submitted the MBRA provided a sound assessment of bushfire risk at a municipal wide and township scale, and represented the most comprehensive view of bushfire risk and hazard across the municipality. The MBRA was prepared as a multi-purpose, multi-disciplinary document to be used for bushfire planning and management across all the functions of Council. It was intended to inform long term strategic land use planning in combination with fuel management prioritisation and decision making. Council considered it appropriate for the MBRA to be introduced to the Planning Scheme as a background document.

Council submitted the MBRA responded to Clause 13.02-1S, with its purpose to provide a picture of the municipality's landscape bushfire risk that would assist land use planning decisions. The MBRA has been prepared with PPN64 and the associated four step approach as a central guide for the project's methodology and objectives (see Figure 6). Consistent with PPN64, the MBRA sought to provide a spatial representation of municipal-wide bushfire risk and to apply relevant local bushfire policy.

Figure 6 PPN64 Four step approach to considering bushfire

Four-step approach to considering bushfire



Council explained the MBRA was prepared in consultation with a wide range of key stakeholders, including community, agency, and government stakeholders, including the CFA and the Municipal Fire Management Planning Committee. Council also consulted with communities in identified high risk locations. Council provided extensive details of its engagement process.

Council provided an overview of the purpose and methodology used to compile the Bushfire Risk Map. It was prepared with consideration of CFA Guideline *FSG LUP 008 – Strategic Land Use Planning – Bushfire* (CFA Fire Service Guideline), and amongst other things, it intends to identify areas of the municipality “*where development should be avoided, where development can proceed following in-depth analysis of bushfire risk and areas where development can proceed with no or little restrictions*”.

The three risk levels on the Bushfire Risk Map are specified in the policies included in Amendment C127latr, generally directing growth towards the green areas, and only allowing for growth in higher risk areas if a site specific assessment demonstrates the risk is acceptable or can be managed to an acceptable level.

Council noted the Bushfire Risk Map showed an increase in the bushfire risk profile when compared to previous information available on bushfire risk in the municipality.

Council was of the view that the MBRA, Bushfire Risk Map, and the precinct scale bushfire risk assessments in combination respond to the requirements of Clause 13.02, Planning Practice Notes and relevant guidelines.

Council emphasised there were no existing precedents for landscape-scale bushfire risk assessments elsewhere, and *“in the absence of an established method to follow, Council made extensive efforts to collaborate and consult with the CFA and other government agencies to draw on their bushfire expertise in preparing the MBRA”*.

Council considered the CFA had confused the role of the MBRA and misunderstood that planning decisions need to be made in the context of residential growth and other policy considerations.

Council emphasised that while the CFA was not comfortable with the MBRA, it had generally agreed that the Bushfire Risk Map is generally reflective of areas of risk at a wider scale. The Bushfire Risk Map was not intended to replace the need for site based assessments where these are triggered by the BMO. Council considered the CFA had incorrectly concluded implementation of the MBRA into local policy would negate the need for a full assessment of bushfire risk for each development.

Council stressed it was *“extremely keen and eager to work with the CFA to refine amendment documentation prior to having these documents adopted by Council and progressing the Amendment”*, however *“repeated efforts to engage with the CFA and obtain meaningful, detailed feedback in an effort to develop a document that they were comfortable with”* had failed.

Council engaged Terramatrix to undertake a peer review of the MBRA, in response to submissions from the CFA on Amendment C127latr. Council provided a copy of the Terramatrix peer report *Review of the Municipal Bushfire Risk Assessment* (November, 2021) with its Part B submission. The Terramatrix report found:

The methodology for creating the whole-of-municipality risk map and its relationship to the precinct-scale assessments is not clear, and it is noted that the two scales of assessment give different risk ratings for some precincts. The traffic light assessments and map are easily communicable risk information products.

The development of an effective risk assessment process or tool is a difficult undertaking, that needs to bring together complex concepts of bushfire hazard, the risk management process and statistical and spatial analysis. There are significant methodological limitations with the [MBRA], that detract from the underlying usefulness of the component risk and hazard information it incorporates. The attempt to quantify the diverse 'risk indicators' and aggregate them into numerical risk scores is particularly problematic.

While Terramatrix agreed with the CFA that the Bushfire Risk Map was *“generally reflective of areas of risk at a wider scale”* it noted that establishing the context of the assessment is inherently subjective and can be difficult to draw boundaries on a map that satisfies all stakeholders. A map in the Planning Scheme can become out of date over time.

The peer review concluded:

- the MBRA is best described as an aggregate of bushfire hazard and risk information products
- the development of an effective risk assessment process or tool is a difficult undertaking that needs to bring together complex concepts of bushfire hazard, risk management process and statistical and spatial analysis

- the MBRA exhibits significant methodological limitations – in particular, the attempt to quantify the diverse risk indicators and aggregate them into a numerical risk score is problematic
- the discrepancy between locality assessments and the municipal wide Bushfire Risk Map is confusing
- the traffic light system is an easily communicable approach that could be adjusted to better align with the CFA's approach
- it agreed with the CFA that the MBRA is better as a supporting tool for a risk assessment required by Clause 13.02-1S, rather than being considered a risk assessment in its own right, which can justify development, development controls or specific bushfire protection measures.

In that context, Terramatrix proposed to identify how the Amendments “*can incorporate at least some elements*” of the MBRA analysis and findings in a way that addresses the CFA's concerns. Council relied on the Terramatrix suggested changes to the Amendment and decided to proceed to the Panel process for Amendment C127latr without resolving the remaining outstanding matters directly with the CFA.

In its verbal submissions at the Hearing, Council explained the Terramatrix report:

- is in a draft form and was never finalised
- it should be read in the context of qualifications in the report and the context that it was a critique of another consultant's report and “*came from a negative position*”
- focusses on acceptable levels of risk, stating:
  - Planning Practice Note 64 states that ‘central to local planning for bushfire is determining the level of risk and whether the risk has been reduced to an acceptable level’ but also states that ‘directing development to the lowest risk locations is the most effective way to prioritise the protection of human life’ (DELWP, 2015)
- assessment of lowest risk areas would require a different approach depending on the geographic assessment
- Clause 13.02-1S requires the broader landscape to be considered but provides no equivalent metrics for this – there is inherent ambiguity in applying the policy.

Council suggested extensive post-exhibition changes to Amendment C127latr as a result of submissions and the Terramatrix advice.

#### **Mr Potter**

Mr Potter, one of the authors of the MBRA, gave evidence for Council. Mr Potter provided an overview of bushfire history in the municipality, and the scope and method used for preparing the MBRA, including the stakeholder engagement process. He noted the municipality was one of only a handful in Victoria that has the real possibility of being impacted by a campaign (long duration) fire event, due its proximity to the Great Dividing Range to the north and the Strzelecki Ranges in the south.

Mr Potter emphasised the importance of the planning system for managing bushfire risk. He referred to the Commonwealth of Australian Governments report prepared in 2002, *Natural disasters in Australia – Reforming mitigation, relief and recovery arrangements*, which stated:

Land use planning which takes into account natural hazard risks has been identified as the single most important mitigation measure in preventing future disaster losses in areas of new development.

He explained this view is supported by the 2009 Victorian Bushfires Royal Commission.

Mr Potter was of the view the MBRA appropriately identifies the level of bushfire risk across the municipality, with a strong focus on the 13 localities selected by Council. He considered the MBRA:

- defines the importance of considering the integration between fire prevention treatments and the strategic management of bushfire risk through the Planning Scheme
- includes recommendations across both fire prevention treatments and planning provisions, which would assist with managing bushfire risk, directing population growth to safer areas, and ensuring the fire prevention treatments are addressing bushfire risk now and into the future.

Mr Potter considered the thirteen bushfire risk indicators combined formed a full picture of bushfire risk across the municipality. Quoting from the MBRA, he stated:

The background to each of the indicators is varied with some being developed through detailed scientific research while others utilise expert judgement. When these indicators are aligned, a determination of bushfire risk can be made to inform treatment planning.

Mr Potter gave evidence that the three risk levels on the Bushfire Risk Map are guided by the CFA Fire Service Guideline. It was intended to assist decision makers in their consideration and consistent application of Clause 13.02-1S.

Mr Potter explained, when the MBRA was developed, introduction and implementation of Clause 13.02-1S was still considered new (introduced in late 2017 through Amendment VC140) and there was uncertainty as to how to apply the policy. While the MBRA does not provide a specific response to all the policy requirements, the report does contain information relevant to the objectives of Clause 13.02-1S. He was satisfied Council had adequately assessed each precinct against the objectives of Clause 13.02-1S in its preparation of the Rural Living Strategy.

Mr Potter rejected the majority of issues raised in the CFA submission (discussed below). He was of the view the MBRA had adequately considered safer locations and that safer locations could be identified for each locality. He explained the MBRA used the following hierarchy to consider safer locations:

- Within the locality, are there areas considered as 'safer' when compared with other areas within the locality? If so, direct development towards these locations.
- If there are no areas considered safer, direct development away from the locality or identify landscape altering solutions that will enable the landscape risk to be reduced to then create safer areas.
- This process is developed in line with the concept that safer areas can be within an existing locality and through carefully planned developments, may reduce the risk of bushfire to the existing community.

Under cross examination by the CFA, Mr Potter:

- explained he was inclined to assess relative risk of locations, starting at the local level to see what management techniques can be used to achieve acceptable risk or to provide safe areas, rather than taking a regional approach
- agreed the scoring for several of the risk assessment indicators was subjective
- agreed there were some discrepancies between the interactive Bushfire Risk Map and the precinct assessments in the MBRA, and some variability in application of the buffers around bushfire hazards.

In response to questions from the Panel, Mr Potter:

- stated an agreed State government methodology for a municipal wide bushfire assessment would have been useful



- explained if the project started now it would be “*done completely differently*”, specifically by directly addressing the elements of Clause 13.02-1S, and the layout of the report would be different
- suggested the map may be better renamed as a ‘spatial map of bushfire considerations’ rather than a ‘risk map’.

## CFA

The CFA submitted the most directive Planning Scheme provision relating to bushfire was Clause 71.02-3 (Integrated decision making) which states “*in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations*”. Further, there are three key policies in Clause 13.02-1S (Bushfire planning) central to the decision making framework:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

It submitted Clause 13.02-1S strategies required:

- hazard identification and assessment by applying the best available science to identify conditions (vegetation, topography and climate) that create bushfire hazard
- consideration of hazard at a range of scales and locational factors to assess “*alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis*”
- “*achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall*”.

The CFA acknowledged municipal scale bushfire risk assessment is complex and presents a number of challenges; it is a dynamic hazard where modelling has significant limitations. It stated this was:

... why there are currently no land use planning based landscape bushfire mapping available and why there is such a strong emphasis on undertaking assessments of bushfire in the landscape over such significant distances within existing bushfire planning policy. It is an area of research that continues.

The CFA attached to its submission correspondence between the CFA and Council relating to the draft MBRA and the Amendments. It explained the CFA had consistently communicated its concerns regarding the MBRA and the associated settings for direction of growth within certain localities. The CFA sought substantial changes to both the draft MBRA and Rural Living Strategy before it would be comfortable supporting their adoption for Planning Scheme purposes.

During the preparation of Amendment C127latr, the CFA advised Council the:

- purpose of the document is unclear, specifically:
  - whether it was a risk document, fire prevention aid, planning report or combination and associated concerns with how it would be used
  - how Clauses 13.02-1S (Bushfire planning) and 71.02-3 (Integrated decision making) had been addressed
- risk framework and language is confusing

- approach to risk assessment may result in an inappropriate risk profile not suited to planning.

Other concerns related to:

- reliance on detailed bushfire risk assessment at the planning permit application stage rather than at the planning scheme amendment stage
- suitability of the Bushfire Risk Map
- consideration of practical implementation of fire prevention activities
- reliance on data outside of the planning system
- the lack of demographic profile assessment
- planning for vulnerable populations
- consideration of fire history and all relevant data in framing future settlement growth
- objection to the reliance on the CFA Fire Service Guideline which has since been withdrawn.

CFA strongly recommended “*reframing the report to clearly address each relevant policy*” in Clause 13.02-1S.

The CFA was concerned that while the MBRA is intended to be a municipal wide assessment and produces a Bushfire Risk Map for the entire municipality, it only considers 13 locations in detail. It excludes large parts of the municipality, including the larger townships of Moe, Morwell, and Traralgon, and extensive parts of the rural hinterland, while reaching conclusions on their level of bushfire risk. This may result in unintended consequences with the MBRA and Bushfire Risk Map guiding and directing development into areas that have had minimal assessment.

The CFA was concerned the MBRA relied too heavily on fire prevention works, and considered the MBRA had taken a fire management planning approach. Many of the ‘bushfire risk indicators’ are more commonly found in fire prevention planning activities. These ‘bushfire risk indicators’ do not give effect to the considerations in Clause 13.02-1S (Bushfire planning), and there was no certainty these can be delivered. The CFA stated it could not commit to the level of works anticipated in the MBRA at this stage. The consequences are that the assessment “*underplays potential fire behaviour and relies heavily on assumptions that fire authority interventions are likely*”.

Further, the CFA was concerned about the scoring of the proposed ‘bushfire risk indicators’ with many attributes. It considered the thresholds between the different risk levels had no described logic or evidentiary basis and the use of a score is of limited utility to planning decision making.

While the CFA acknowledged that fire prevention and planning outcomes must have greater integration, ultimately there are three determinative factors used in land use planning decisions:

- landscape bushfire considerations
- alternative locations for growth
- a greater emphasis on existing low fuel areas for shelter.

The CFA expressed concerns with the legacy that would be created if the MBRA is referenced in the Planning Scheme. It considered that it was unclear how the Planning Scheme would operate in the context of the MBRA, and was concerned there may be unintended consequences.

While the CFA agreed the Bushfire Risk Map was generally reflective of areas of risk as a wider scale, it did not support its inclusion in the Planning Scheme on the basis:

- it was unclear if assessments informing the Bushfire Risk Map were undertaken of the whole municipality

- the use of the three tiered traffic light system invites Planning Scheme users to conclude that:
  - green areas equate to low risk, when the entirety of the green area is not low risk, and in fact includes high risk areas
  - yellow areas equate to an undefined risk, when the yellow is a high risk area
  - red areas generally equate to non-grassland hazards
- Amendment C127latr proposed the green areas for growth, whilst concurrently directing development to the yellow and red areas
- there were inconsistencies between the MBRA and Bushfire Risk Map (for example see Figure 7).

**Figure 7 Traralgon South - example of inconsistencies between precinct assessment (left) and municipal Bushfire Risk Map (right)**

Traralgon South



Source: CFA submissions

The CFA did not consider Clause 02.04-9 an appropriate location for the Bushfire Risk Map as this part of the Planning Scheme is for strategic directions and not for contextual information.

Further, the CFA was concerned the post exhibition changes proposed by Council (which the CFA understood resulted from the Terramatrix peer review of the MBRA) introduced another spatial framework which contradicts the Bushfire Risk Map.

The CFA provided without prejudice advice on what the Panel may recommend if it supported proceeding with implementing the MBRA and Bushfire Risk Map through Amendment C127latr:

- changing the name of the map so no reference is made to 'risk'
- removing the traffic light colour system, and consideration of a 'non-emotive' approach, for examples Areas A, B and C with associated hazard descriptions
- relocating the map from the MPS to Clause 13.02-1L
- removing all language from policy that purports to direct or minimise future assessments, or that does not prejudice Clause 13.02-1S assessments or suggest a meaningful reliance on the MBRA

The CFA also put forward without prejudice changes to elements of the DDO and DPO.

#### **Joint Statement**

The Joint Statement prepared by Council and the CFA in response to Panel directions identified 24 issues, of which 14 remained unresolved prior to the Hearing. The Joint Statement identified areas

of agreement and disagreement in relation to the specific policy, rezoning and overlay provisions of both Amendments.

Regarding the accuracy and recommendations in the MBRA, Council and the CFA only agreed on one issue:

- the three spatial areas identified from the MBRA and shown on the Bushfire Risk Map can be generally used in the Planning Scheme, subject to proposed changes. CFA expanded on these changes in its submission, and fundamentally it did not support directing development based on the findings of the MBRA.

Areas of disagreement relate to:

- whether the methodology of the MBRA was appropriate, including:
  - consistency with the assessment required under Clause 13.02-1S (Bushfire planning)
  - whether it is fit for purpose for Planning Scheme decision making
- the approach to consideration of fire management treatments was appropriate, and if they need to be relied on for the conclusions of the assessment
- how the MBRA should be used in the Planning Scheme, including specificity of recommendations and use as a background document
- whether the three spatial areas required adjustments from what was exhibited, including changing their names and clarification of their purpose for land use decision making
- whether the Amendment precludes the need for further planning assessment, including consideration of Clause 13.02-1S (Bushfire planning)
- whether grassland areas in proximity to landscape scale forest hazards are high risk and not appropriate to be designated as lower risk.

#### **Other submitters**

Several submitters raised issues with the MBRA, in particular:

- whether it appropriately considers and responds to the findings of the 2009 Bushfires Royal Commission
- it is flawed because it should consider proposed conditions resulting from a development proposal, not only current conditions
- the scoring which put land in a different risk category by only one point was not an appropriate measure of risk
- the approach to safer areas in each locality, as explained by Mr Potter, was unacceptable and not consistent with Clause 13.02-1S
- the Terramatrix report provides many opinions on the MBRA that should be tested, discussed and alternatives proposed
- there should be greater community representation and consultation.

#### **Council closing submission**

The Panel sought to understand Council's views if it were to recommend references to the Bushfire Risk Map be removed from the Amendment, as suggested by the CFA. Council responded that inclusion of the Bushfire Risk Map sought to achieve the directions of PPN64, and Council considered *"it is appropriate to provide a spatial representation of bushfire considerations in the Planning Scheme with associated local policy"*.

Council explained it had originally intended to implement the findings of the MBRA through expansion of the BMO, however this was not supported by DELWP as the mapping methodology was not consistent with guidance.<sup>1</sup> It explained:

Given the removal of the BMO as an option, pursuant to PPN64, local policy drafting was seen as a solution.

Three Clause 13.02-1L policies were originally drafted. One for each level of risk. The CFA were not supportive of this approach and extensive amendments were then made to drafted 13.02-1L policies, including the combination of the three policies into one Clause 13.02-1L.

The Panel sought further information about the Joint Statement process, including why further explanation of each party's position, and a history of these positions was not included. Council explained the meetings with the CFA to prepare the Joint Statement, and that two versions of the Joint Statement were prepared – the first version with commentary on the issues. It stated:

At this point, the CFA made the decision to remove all commentary, and the next version sent to Council for review was a bare list of issue statements with little-to-no context. This version was difficult to understand and was inconsistently worded. Council reviewed this, making extensive changes to grammar to make the issues clearer to the panel – but where Council could not understand the CFA's points, they sent back their reviewed version with comment boxes seeking clarification.

CFA accepted all changes but deleted comment boxes and did not reply to Council's questions for clarification.

Given the statement was directed to be a joint statement signed by Council and the CFA, the version provided to Panel under Directions 21, 22 and 23 was limited in detail as this was the version to which the CFA would agree to be a signatory.

Council disagreed with the CFA that the State planning policy was clear with regard to landscape scale bushfire risk assessment requirements, stating:

As the author of that policy, perhaps the policy is clear to Mr Hazel and that is why in his own words, he has no difficulty applying it. Respectfully Council disagrees, and we concur with the ambiguities in Clause 13.02-1S as outlined by Terramatrix in their report. Nonetheless, we are not here to criticise the drafting of Clause 13.02-1S as that is not productive.

Council referenced Planning Advisory Note 68 which explains the requirements of new bushfire settlement planning strategies, which states "*The settlement planning strategy requires authorities to address bushfire risk at the settlement scale rather than delaying bushfire protection until the subdivision and/or construction phase*". It considered this guidance and PPN64 clearly support the need and purpose of the MBRA and Bushfire Risk Map by addressing bushfire risk through a strategic and spatial tool.

Regarding whether the MBRA is fit for purpose, Council submitted:

- the MBRA and Bushfire Risk Map satisfies its primary purpose of providing strategic guidance for settlement growth and development
- the MBRA satisfactorily guides appropriate and safe rezoning and development
- the Rural Living Strategy satisfies the locality level assessment with respect to areas proposed for rezoning at this stage.

While the traffic light colour system on the Bushfire Risk Map (red, yellow and green) is consistent with a universal representation of bushfire danger, and was proposed in response to early feedback from the CFA, it would be content to use alternative descriptors as suggested by the CFA. It noted:

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<sup>1</sup> Planning Advisory Note 46: Bushfire Management Overlay Mapping Methodology and Criteria

However, it is worth noting the use of “traffic light” colouring systems in the context of bushfire risk. Bushfire danger is almost universally represented using these colouring systems. Therefore, [Council] says that the colouring used on the map would be read with this context in mind.

In response to the CFA’s submission that it will not commit to fire prevention requirements outlined in the MBRA, Council submitted there is no basis to doubt that fire prevention activities/management interventions will continue to be required and carried out in Latrobe into the future, and are relevant as part of site context when considering bushfire risk.

Council emphasised that no other party had brought expert evidence to the Panel Hearing to contest the MBRA.

### (iii) Panel discussion

#### Background and CFA concerns

There is little doubt that the City of Latrobe presents a comparatively unique high bushfire risk scenario within a State-wide context. The MBRA describes the history of experience of bushfire and that bushfires have destroyed or threatened land and property in the municipality for many years. Major bushfires including those in 1939, 1944, 1983, 2006-07, 2009, 2014 and 2019 have resulted in the loss of life and property. Since 2011 there has been a major bushfire every 3 to 4 years.

The landscape is conducive to the ongoing threat of major bushfires every fire season due to the large tracts of forest and plantations intermingled with residential developments and townships. Large areas of farmland also contribute to the risk of bushfires and may allow for rapid spread of bushfires towards community assets. The ‘precautionary principle’ should be applied to bushfire planning in Latrobe, given its history of campaign bushfires and ongoing risk.

The 2009 Victorian Bushfire Royal Commission clearly directed that protection of human life is paramount. The MBRA acknowledges “*the primacy of life is a key Planning Scheme focus*”.

As identified by Mr Potter, the planning system is an extremely important tool for managing bushfire risk. Consequently, this is an important Amendment which seeks to update the Planning Scheme to better manage bushfire risk in Latrobe City. In this context, submitters including the CFA were generally of the view Council’s intention to better reflect bushfire risk considerations in the Planning Scheme was commendable.

The Panel acknowledges the efforts of Council to establish an understanding of bushfire risk across the municipality and to introduce appropriate planning provisions in response.

Despite extensive engagement over several years, Council and the CFA have not reached agreement on whether the MBRA is fit for purpose to guide Planning Scheme decision making and inform appropriate settlement planning. Both parties expressed frustration they had not been able to engage productively on the matter. This culminated in a Joint Statement that included minimal information and was of little assistance to the Panel. The Panel subsequently sought further clarification from Council and the CFA to better understand the history and their position on unresolved issues. It was apparent to the Panel that further collaboration between the parties was unlikely during the Hearing process.

As the Panel sees it, Council and the CFA have essentially reached an impasse – the CFA fundamentally disagrees with the methodology of the MBRA as it relies on fire prevention and

management interventions that are subjective and not guaranteed. Regardless, Council has persisted with the MBRA and Amendment C127latr despite explicit lack of support from the CFA.

The Panel acknowledges Mr Potter's expertise in bushfire protection and emergency management. While Mr Potter was able to explain many aspects of the MBRA process and assessment indicators, he advised the Panel his expertise was not in the planning system and he was not able to speak in detail to the response to bushfire planning policy. As a co-author of the MBRA he was not able to provide an independent peer review of the report.

The Panel has given significant weight to Mr Potter's evidence that:

- had the report been prepared now with a methodology based on Clause 13.02 requirements it is likely to be considerably different report
- there are inconsistencies between the municipal wide Bushfire Risk Map and detailed locality/precinct assessments
- several indicators and the associated scoring system is subjective
- with reference to PPN64, the MBRA and associated Bushfire Risk Map should be renamed a 'spatial map of bushfire considerations' rather than 'bushfire risk assessment'.

The Panel accepts the Terramatrix report as an independent review of the MBRA tabled by Council.<sup>2</sup> Terramatrix identified significant concerns with the MBRA methodology, and concluded it may be better used to support a risk assessment process required by Clause 13.02-1S rather than be considered a risk assessment in its own right. This is consistent with Mr Potter's evidence at the Hearing that the name should change from 'bushfire risk' to 'bushfire considerations'. The Bushfire Risk Map is a 'spatial map of bushfire considerations'.

The Panel has given significant weight to the submissions of the CFA. While CFA did not call an expert witness, the Panel notes its advocate at the Hearing was acknowledged by Council as the author of the State bushfire planning policy and an expert in bushfire planning.

The lack of agreement between Council and the CFA is problematic and presents a significant dilemma. The Panel considers it is important for the CFA to support the bushfire risk assessment approach. This is consistent with:

- Clause 13.02-1S which directs early consultation with relevant fire authorities to receive their recommendations and implement appropriate bushfire protection measures
- PPN64 which states engagement with the relevant fire authority is essential when considering bushfire as part of a strategic planning exercise.

#### **Is the MBRA fit for purpose?**

The following Panel discussion of the MBRA is in the context that:

- Latrobe City has high bushfire risk and the strategic planning work relating to bushfire is important
- the CFA considers the Amendment has merit and supports "*its underlying intent and much of its justification*", but strongly objects the MBRA in its current form.

Council stressed to the Panel this is the first municipal wide bushfire risk assessment intended for implementation into a planning scheme, and is of interest to several local government authorities.

<sup>2</sup> Document 22, Attachment 6

Endorsement of the background work and Amendment is likely to set precedent for future projects.

While there is no agreed State government methodology for a municipal wide bushfire risk assessment, useful guidance exists including:

- the BMO Technical Guide which explains the approach to a bushfire hazard landscape assessment. It states a landscape assessment:
  - provides factual information on the bushfire hazard (vegetation extent and slope)
  - provides information on key features of the general locality that are relevant to better understanding the protection provided by the location
  - provides contextual information on a site.
- PPN64 which explains how to identify bushfire hazard. It states:
  - identifying bushfire hazard is a factual and evidence-based process
  - local planning for bushfire protection should consider all bushfire hazards that can be potentially harmful, including grasslands and vegetation outside of land subject to the BMO
  - bushfire hazard should be considered when undertaking strategic planning and when considering development proposals
  - considering bushfire during strategic planning ensures that strategies and direction embed bushfire considerations.

The Panel notes the CFA's advice that planning based landscape scale bushfire mapping is an evolving area of research.

The Panel accepts the CFA's advice that there are three determinative factors in land use planning decisions:

- landscape bushfire considerations – the scale of bushfire anticipated and the effect this may have on future development
- alternative locations for growth – a critical consideration for land use planning considerations but less relevant to fire prevention planning as the risk is already present
- a greater emphasis on existing low fuel areas for shelter (safe areas) when identifying acceptable locations for growth.

The Panel has address each of these factors below.

#### ***Landscape bushfire considerations***

In determining landscape bushfire considerations, the MBRA is based on an integrated approach which includes a range of scientific indicators as required by policy, including bushfire hazard considerations such as vegetation, topography and climate and subjective, plus variable indicators such as community awareness and preparedness and Socio Economic Indexes for Areas (SEIFA), which measures the relative level of socio-economic disadvantage. The MBRA justifies this approach on the basis:

- there are a “*range of tools, systems and risk assessment processes*” used in Victoria, some of which are aligned and others used for very specific purposes, and relying on “*one area is a flawed approach*”
- these indicators are combined to form a full picture of bushfire risk.

This approach is confusing and does not align with strategic planning guidance which requires application of the “*best available science*” to identify bushfire hazard and undertake appropriate risk assessment.



The Panel agrees with the CFA that the combined evidenced-based and subjective indicators may have resulted in the level of risk being understated. The assessment of fire management and prevention indicators may indicate risk is reduced, however ongoing implementation cannot be guaranteed. The CFA explicitly stated it could not commit to the level of anticipated works.

According to Clause 13.02-1S a bushfire risk assessment intended to be relied on in directing future growth must be based on an assessment of hazard and risk using the best information and science available at the time. The Panel is concerned the inclusion of subjective and variable indicators, including of fire management and prevention indicators, is not consistent with planning policy requirements and should not be relied on for bushfire planning purposes.

Additionally, as acknowledged by Mr Potter, the scoring of many of the indicators is subjective. The Panel is concerned the scores and thresholds between different risk levels has no evidentiary base and are therefore unreliable. The Panel is also concerned there are discrepancies in the MBRA between allocated risk levels for the detailed locality risk assessments and the municipal wide Bushfire Risk Map, as was demonstrated during the Hearing by the CFA and agreed by Mr Potter.

The MBRA should be based on evidence based indicators, ideally agreed with the CFA, and a consistent approach to risk assessment to avoid discrepancies between local and municipal scale assessment. Before Amendment C127latr proceeds, further work should be undertaken to the satisfaction of the CFA that is consistent with Clause 13.02 bushfire hazard identification and assessment requirements.

#### ***Alternative locations for growth***

Regarding the policy requirement to direct “*population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire*”:

- Council relies on the combined assessment of the MBRA and Rural Living Strategy to assess alternative locations for growth. As the MBRA may have underestimate bushfire risk, it does not, in the Panel’s view, provide a satisfactory basis to assess “*alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis*”. This is discussed further in Chapter 3.3.
- Mr Potter explained that safe locations could be identified for each locality, but no assessment had been undertaken to ensure that safe areas are available. As a critical policy requirement this assessment should be an integral part of the MBRA and used to inform its recommendations and any future settlement planning decisions.

The CFA strongly opposed the MBRA on the basis the methodology is not sound and does not reflect the best information and science available to understand bushfire hazard and assess risk. The Panel has similar concerns to the CFA - the implications of getting this wrong may present an unacceptable risk and lead to potentially catastrophic outcomes.

The Panel notes Council initially intended to use the MBRA as the basis for introducing extended areas of BMO. This approach was rejected by DELWP and the CFA as the methodology was not consistent with guidance. Consequently, the MBRA contains recommendations to extend the BMO which adds to confusion about the purpose of the document.

While the MBRA may be a useful document for other functions of Council and other agencies, in its current form it is not a suitable guide for settlement planning that prioritises the protection of human life.

In summary, the Panel is not satisfied the MBRA has adequately addressed the three determinative factors identified by the CFA in land use planning decisions, or adequately considered and responded to the requirements of Clause 13.02-1S (Bushfire planning). The methodology based on combined risk indicators is confusing and the purpose of the MBRA is unclear; it is not clear what is intended or how it should be implemented, particularly how it should be applied to planning decision making.

The MBRA is not strategically justified with regard to planning policy and is not suitable to include in the Planning Scheme. That said, it contains a significant amount of valuable information that would be useful in developing a bushfire risk assessment that responds to Clause 13.02-1S (Bushfire planning). This should be done before the Amendment proceeds.

#### **Is the Bushfire Risk Map appropriate to include in the Planning Scheme?**

The Bushfire Risk Map is derived from the MBRA. Based on the combination of evidence based and variable indicators, the Panel accepts the Bushfire Risk Map may represent a general picture of bushfire risk at 'a moment in time', however it should not be relied on as an enduring assessment suitable to underpin settlement planning and planning provisions. Further it may become outdated as conditions change.

The Panel has a number of other concerns relating to the Bushfire Risk Map:

- the methodology for the municipal wide map is not clear, as described above, and there are some discrepancies and inconsistencies in the mapping in the MBRA and Bushfire Risk Map
- the CFA Fire Service Guidelines relied on for methodology are no longer current
- the proposed traffic light colour system is problematic and potentially confusing with consideration of State-wide risk rating categories used for other purposes.

The Panel is not satisfied the Bushfire Risk Map in its current form is appropriate to inform a planning scheme amendment or for inclusion in the Planning Scheme.

### **3.3 Rural Living Strategy**

#### **(i) The issues**

The issues are whether the Rural Living Strategy:

- adequately responds to bushfire planning policy by "*directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire*"
- should be included in the Planning Scheme as a background document.

#### **(ii) Submissions**

##### **Council**

Council was satisfied the policy requirements relating to bushfire planning were satisfied through the combined assessment of the MBRA and the Rural Living Strategy. Council relied on the Bushfire Risk Map to direct growth and development to low risk locations.

Council detailed the process of strategic assessment to identify suitable rural living rezonings in the Rural Living Strategy, including:

- initial identification of possible land for rezoning
- assessment against the bushfire risk in the MBRA
- directing growth to 'green' areas on the Bushfire Risk Map and undertaking due diligence for those areas
- assessment against PPNs 37, 42 and 64 (see Appendix A)
- for all precincts that meet the due diligence assessments, final assessment involved a determination of risk acceptability against Clause 13.02 (Bushfire).

The Rural Living Strategy includes recommendations to:

- rezone land from FZ to FZ2 and RLZ for rural living purposes
- apply overlay provisions to afford protection from bushfire risk, including:
  - applying the DDO12 to:
    - existing LDRZ areas in Boolarra that have been identified as being outside of the green bushfire risk area, and not BMO, that are yet to be developed to the density allowed by the zone; and
    - Precinct H in Toongabbie that is in not in the green bushfire risk area, and not the BMO, and is already fragmented in a manner that sees it operate as a defacto rural living precinct (note, this is a precinct that is proposed to be correction rezoned from Farming Zone to Rural Living Zone).
  - applying the DPO10 to:
    - Precincts C and D in Toongabbie that are proposed to be rezoned from FZ1 to RLZ1, where the BMO doesn't apply, and green bushfire risk has been identified.

Council explained the overlay provisions are intended to:

...inform safe layout and design and are limited to locations with lower bushfire risk, being locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 as required by Clause 13.02.

Council considered a critical question for the Panel is *"what is the risk and is it acceptable?"*. It considered the concept of acceptable risk is important, and in line with PPN64 *"the Amendment does not need to achieve a scenario where there is 'no' risk, but rather the bar is whether the risk is acceptable"*.

It submitted:

- the 'corrections' rezonings do not introduce new bushfire risk
- the new rural living locations are accompanied by planning provisions to inform safe layout and design, and are limited to locations with lower bushfire risk
- the rural rezonings and overlay controls will ensure protection of human life, coupled with land management interventions to maintain and lower residual risk; *"together these actions have the opportunity to create a net reduction in fire risk to these locations"*
- further site by site assessment under Clause 13.02-1S will be required for development proposals where bushfire risk exists.

Council submitted when taking account of measures for fire prevention outside of the Planning Scheme in conjunction with controls in the Planning Scheme *"the risk introduced by the Amendment by allowing new development is acceptable"*.

The Terramatrix peer review explained it understood the CFA's views were that application of the Clause 13.02-1S settlement planning strategy requiring assessment of *"alternative low risk"*

*locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis*” meant population growth should be directed to the lowest risk locations, not just low risk locations (noting there was no definition). It stated this strategy of risk avoidance is valid, however usually pursued if the activity is totally discretionary.

Terramatrix noted that PPN64 references both acceptable and lowest risk, noting acceptable risk is hard to define. It stated:

*If ‘lowest’ risk, what should be the context of the assessment?*

If we accept that Clause 13.02-1S requires population growth and development to be directed to the lowest risk area, then the strategic planning context and geographic context of the risk assessment are of fundamental importance.

It considered it a dilemma that the geographic context and scale (such as township scale assessment versus a municipal or Statewide assessment) will influence determination of what is considered lowest risk.

#### **CFA**

The CFA did not support including the Rural Living Strategy as a background document in the Planning Scheme. During preparation of the strategic work the CFA had advised Council it would not support the document in its current form. Its primary concern was reliance of the Rural Living Strategy on the MBRA to direct growth across the municipality. The CFA explained:

The Rural Living Strategy takes the MBRA and the MBRA map [Bushfire Risk Map] and uses it, with limited further or meaningful assessment, to confirm a level of c13.02-1S Bushfire Planning consistency. Where a c13.02-1S Bushfire Planning analysis is necessary, the Rural Living Strategy cross-references back to the MBRA, where the relevant information is not always found.

This circular but inconclusive process leaves critical considerations unanswered, including policies on directing development to low risk locations, assessing alternative locations for growth and assessing whether low fuel areas are available and there is safe access to them.

The CFA disagreed with the methodology used to prepare the Rural Living Strategy, and considered it may potentially create real risks to life and property, stating:

It appears that the 'short falls' of the [Municipal] Bushfire Risk Assessment have attempted to be fixed in the draft Rural Living Strategy. This however results in a strategic document relying on an inadequate bushfire risk assessment and therefore the recommendations are not likely to be supported by CFA, regardless of the content of the finalised strategy.

The CFA submitted the Rural Living Strategy, founded on the flawed MBRA, does not satisfactorily achieve the requirements of settlement planning guidance in Clause 13.02-1S. It was concerned alternative lower risk locations had not been adequately assessed and considered. For example:

... the policy seems to support directing development to townships such as Glengary, Boolarra and Toongabbie, where nearby landscape risks are high to extreme.

There are a number of larger and more suitable locations to encourage growth that are at a lower risk of bushfire. Rural residential areas or the implementation of older planning policies should not be developed/undertaken at the expense of community or life safety.

The CFA explained it had been advocating to planning authorities over many years that bushfire risk avoidance in settlement planning should be considered and resolved as the basis for an amendment being approved. It is difficult to retrospectively apply bushfire planning policy after land has been rezoned.

While in its original submission the CFA considered the Amendment had failed to provide any supporting bushfire information to justify rezoning the sites that had been grouped under the

'anomalies' banner, in its Hearing submission the CFA clarified it had no concern with rezonings of land from FZ1 to FZ2. It accepted Council's advice that the:

- existing lot sizes are unlikely to result in new entitlements for subdivision
- change is driven by planning policy intended to facilitate rural tourism.

#### **Other submitters**

Dr Strachan was concerned Amendment C127latr was out of step with the general principles of the ensuring the protection of human life. He considered greater consideration should be given to restructuring the whole municipality to reduce the population exposed to natural disasters and bushfire risk. He submitted:

- it may be the more appropriate planning solution will allow for greater intensification of population and services but in safer locations
- if compliance with Section 13.02 means there is a cap on population growth in Latrobe City there may be a need to consider the strategic geographical structure of the municipality.

He suggested relocating entire township populations is not impossible, if the bushfire risk to human life is unacceptable. He explained several towns in Australia have been relocated to reduce the flood risk, and the townships of Traralgon South and Yallourn were previously relocated to permit coal mining.

Dr Strachan raised specific concerns regarding Koornalla, citing it as an example of quasi-rural living reinforced by rezoning to RLZ or FZ2. He considered Koornalla needed further consideration to manage environmental risks and to assess its suitability for subdivision and land use.

Dr Strachan was concerned that 'discretionary approvals' issued by Council over the past ten years had resulted in a large number of lots under the minimum lot size. This resulted in an increase to population in these areas, and risk to community that was not based on a considered assessment of the impacts. He submitted subdivision and dwellings on lots below 40 hectares should be prohibited throughout the Koornalla, Callignee and Traralgon South districts.

In the context of prioritising protection of life above all other policy considerations, Nick Anderson of NBA Group advocated for accelerated development of his client's land at Moe-Newborough for rural living purposes. He submitted:

A vast majority of the existing urban areas of Moe-Newborough are not within a BPA and are capable of providing a BAL-LOW to ensure that a place where human life can be better protected from the effects of bushfire is readily available. These areas are within 100-200m of the subject land.

He considered the proposal:

- would reduce fire risk to existing communities by removing any grassland threat
- may take the pressure off demand for land in higher risk areas.

He did not consider this option had been adequately considered in the Rural Living Strategy.

#### **Council closing submissions**

In closing Council stressed that a full Clause 13.02-1S assessment would be required for each precinct identified in the MBRA has having potential for growth, as well as considering other relevant considerations such as demand and infrastructure.

Regarding rezonings in Koornalla, Callignee and Traralgon South districts, Council responded to Dr Strachan's concerns stating:

.. it is pertinent for Council to confirm that no zoning changes are proposed in Koomalla, Traralgon South or Callignee that would increase the development potential of land beyond what already exists. The CFA have confirmed this and do not object to any rezonings proposed by Council as part of this Amendment in these locations.

Council was satisfied the Rural Living Strategy included adequate assessment of environmental and landscape constraints as required by PPN37 and PPN42.

### **(iii) Discussion**

PPN64 states:

Central to local planning for bushfire is determining the level of risk and whether the risk has been reduced to an acceptable level.

Directing development to the lowest risk locations is the most effective way to prioritise the protection of human life. This should be the key strategy to enhance resilience to bushfire.

...

Due to the devastating impacts of bushfire there are some locations where the bushfire risk cannot be reduced to an acceptable level. Decision making for other areas should be informed by a thorough understanding of bushfire as part of local planning activities.

The Panel report for Amendment C105latr states:

- the location of any future rural living areas will require careful analysis to ensure that future development is not enabled in areas that have an unacceptable level of bushfire risk and where objective relating to the primacy of human life cannot be achieved.

The Rural Living Strategy relies on the MBRA to guide suitable locations for growth. The MBRA assesses relative risk within each locality, and relies on a combination of landscape and management treatments to understand and manage relative risk.

As discussed in Chapter 3.2, the Panel does not accept the methodology underpinning the MBRA is appropriate for settlement planning purposes. The MBRA directs growth to 'green' areas, and the CFA was not satisfied the 'green' areas represent lower risk areas. It provided examples where 'green' areas may be higher risk. The Panel agrees with the CFA the risk level assessment of the MBRA is inconsistent and not suitable to direct where growth should occur.

Bushfire history and anticipated future trends for Latrobe City necessitates a more elevated and demonstrable level of protection of human life outcomes. A settlement strategy that responds to a strategic bushfire landscape risk assessment and directs growth to the lower risk areas across the municipality may require a rethink of priority and sequencing of growth areas.

In the context of the known bushfire risk and the requirement for planning authorities to prioritise protection of life above all other planning policy considerations, it is important to take a precautionary approach and ensure that risk has been appropriately assessed prior to rezoning land, and not rely on assessment at the planning permit application stage. The Panel agrees with the CFA it can be difficult to retrospectively apply Clause 13.02-1S when land has been rezoned.

Council suggested the Panel consider whether Amendment C127latr achieves an acceptable level of risk. With the high level of uncertainty around the findings and recommendations of the MBRA and the Rural Living Strategy, the Panel is not able to confidently determine whether Amendment C127latr achieves an acceptable level of risk. In its current form, the Panel is concerned the Amendment may direct growth to areas that are not lower risk, which may result in unintended and potentially catastrophic consequences.

In order to prioritise protection of human life, a relative assessment of risk areas must be undertaken in accordance with an accepted landscape scale bushfire risk assessment. Clause 13.02-1S settlement planning strategy requires assessment of alternative lower risk locations for settlement growth at a range of scales. As discussed in Chapter 3.2, a bushfire risk assessment that responds to Clause 13.02-1S is needed to determine acceptable risk, and to inform settlement planning, development controls and specific bushfire protection measures if required.

This has not occurred as part of the MBRA or the Rural Living Strategy, which have missed the opportunity to strategically plan for settlement growth across Latrobe that directs development to the lowest risk locations based on a proper risk assessment. This is an important step in assessing acceptable risk.

The lower risk locations within the municipality need to be properly identified on the basis of a proper bushfire risk assessment that responds to the requirements of Clause 13.02. Further consideration should also be given to identifying alternative locations for growth and directing development toward lower risk locations within the municipality. As discussed in Chapter 3.2, this requires a greater emphasis on existing low fuel areas for shelter when identifying acceptable locations for growth.

The rural living zone rezonings should not proceed without further work relating to a strategic settlement plan in the context of a municipal wide bushfire risk assessment.

### 3.4 Conclusions and recommendations

For the reasons discussed above, and as set out in the following chapters, the Panel concludes:

- The Amendment is not adequately strategically justified in the absence of a proper bushfire risk assessment prepared to the satisfaction of the CFA.
- The MBRA:
  - does not adequately respond to the requirements of Clause 13.02-1S (Bushfire planning) and its purpose is not clear
  - is not 'fit for purpose' to inform changes to the Planning Scheme.
- It is not appropriate to rely on the MBRA for settlement planning and rural rezoning decisions.
- Consequently, the Rural Living Strategy does not adequately respond to bushfire planning policy, and it is not clear whether it directs growth to lower risk locations or ensures availability and access to safe areas.
- The MBRA, Bushfire Risk Map and Rural Living Strategy in their current forms should not be included in the Planning Scheme.
- Further work should be undertaken to the satisfaction of the CFA and Council before Amendment C127latr proceeds.

The Panel recommends:

**Undertake the following further work in consultation with, and to the satisfaction of, the Country Fire Authority prior to progressing Planning Scheme Amendment C127latr:**

- a) **prepare a bushfire risk assessment that responds to Clause 13.02-1S (Bushfire planning)**
- b) **based on the findings of the bushfire risk assessment, make consequential changes to update the *Latrobe City Rural Living Strategy 2020***

- c) **based on the findings of the bushfire risk assessment and updated *Latrobe City Rural Living Strategy*, make consequential changes to Planning Scheme Amendment C127latr, including (as relevant) planning policy, proposed rezonings and overlay controls.**



## 4 Hancock Victoria Plantations

### (i) What is proposed?

The Amendment includes:

- Clause 02.03-4 (Natural resource management):  
Timber  
Encourage the establishment of new timber coup operations in locations where there is no increase in the level of bushfire risk to existing development, and where any associated risk can be acceptably mitigated.
- Clause 14.01-3L (Forestry and timber production):  
Ensure the establishment of new timber production facilities does not increase the level of bushfire risk on surrounding vulnerable land uses.

### (ii) Issues

The issue is whether the policy changes proposed by Hancock Victoria Plantations Pty Ltd (HVP) are appropriate.

### (iii) Submissions

In its original submission, HVP submitted it was concerned with the wording of Clause 14.01-3L as it *“could be used to limit the establishment of new plantations in Gippsland, which is inconsistent with current Government policy”*.

Council submitted a post exhibition change for Clause 14.01-3L to state:

Ensure [the establishment of new](#) timber production [facilities](#) does not increase the level of bushfire risk on surrounding [vulnerable](#) land uses.

Council explained the proposed policy change:

... to read so as to apply to proposals to establish new timber production facilities, as opposed to established facilities. However, it is in the interest of the community for harvesting activities and timber coup operations to have regard to reducing bushfire risk. It is also noted that existing use rights will apply.

In its Hearing submission, HVP objected to inclusion of policy content relating to timber coups in both Clause 02.03-4 and the amended Clause 14.01-3L.

HVP provided further context in relation to its timber coups and operations. It explained it is one of Australia's largest private timber plantation companies, managing approximately 240,000 ha of land across Victoria, from Gippsland in the east through to the border with South Australia, and extending up to the northeast of the State. Approximately 165,000 hectares are pine and eucalypt plantations managed for timber production. HVP is also the custodian of 50,000 ha of native forest which, as a matter of policy and practice, is not harvested but managed for environmental and conservation values.

In Latrobe City, 38,570 hectares of land is under its management, which represents 27 per cent of the 142,600 hectares of the plantations in the municipality. HVP has just entered an agreement with the Victorian Government to expand its operations. This involves acquiring new land, preparing sites, and planting and managing the plantations.

HVP explained how bushfire management was ‘front and centre’ for planning and management of its operations.

It considered the drafting which includes the words 'no increase' and 'does not increase' is problematic as it can be read, and potentially interpreted, as absolute. There is no sense of balance in the wording, and the wording sits at odds with other Planning Scheme provisions that seek to grow and support expansion of the industry.

HVP submitted that in reality new timber plantations are likely to be developed on cleared land, and this is explicitly supported in planning policy at Clause 14.01-3S. HVP explained:

It could easily be said that simply planting one tree in a cleared location, let alone an entire plantation, will 'increase' the bushfire risk. Such an interpretation could lead to an application being refused on policy grounds irrespective of the extent of that risk or any measures which might be implemented to mitigate those risks.

HVP explained that its concerns are not theoretical in the context of its expansion plans.

It was not satisfied that the post exhibition changes proposed by Council resolved its concerns, noting the proposed change is superfluous as the ongoing use and development of existing plantations is already protected by existing use rights. HVP submitted:

- the wording creates potential impediments to any future timber plantation within the municipality, irrespective of its scale
- deleting these MPS and policy clauses will not mean the issue of bushfire risks will not be considered as part of any planning permit application for a timber plantation, as this is required through Clause 13.02-1S.

It submitted without prejudice alternative drafting for consideration of the Panel that referenced the CFA Forest Industry Guidelines.

Council did not propose further changes in response to HVP's submissions in the drafting session.

#### **(iv) Discussion and conclusions**

The Panel agrees with HVP that the wording in the proposed clauses may give rise to uncertainty in assessing permit applications for its operations. The proposed clauses do not address the balance of policy considerations or apply the nuance required to assess the impacts of timber operations and associated bushfire management strategies.

Planning permit applications for expansion of timber operations will need to be assessed with consideration to Clause 13.02-1S which requires consideration of human life over all other policy considerations. The Panel does not consider the required planning assessment of bushfire risk is diminished in the absence of the proposed clauses. Further, the proposed clauses are not necessary, as consideration of the matters referred to in the proposed clauses is already required under Clause 13.02.

The Panel concludes the following changes should be made to Amendment C127latr:

- Amend Clause 02.03-4 (Natural resource management) to remove the clause:  
*Encourage the establishment of new timber coup operations in locations where there is no increase in the level of bushfire risk to existing development, and where any associated risk can be acceptably mitigated.*
- Amend Clause 14.01-3L (Forestry and timber production) to remove the clause:  
*Ensure the establishment of new timber production facilities does not increase the level of bushfire risk on surrounding vulnerable land uses.*

## 5 Rural rezonings

### 5.1 Requests for rezoning

#### (i) The issue

The issue is whether the proposed site specific requests for rezoning are appropriate.

#### (ii) Submissions

Many submitters requested their land to be rezoned to RLZ.<sup>3</sup> Council did not support these requests, and provided reasons including lack of strategic justification and inconsistency with the MBRA and Rural Living Strategy findings. A summary of submissions requesting rezoning and Council's response is provided at Appendix E.

Council indicated it would support a post exhibition change to rezone land in Pincini Court, Boolarra to RLZ if the CFA was supportive, on the basis it would not increase subdivision or development potential of the land. The CFA did not comment on the rezoning of Pincini Court, and generally did not support the rezonings in the absence of further work (see Chapter 3.3).

Submitter 15 requested Traralgon Creek/Road be retained in FZ1 rather than rezoned to FZ2 based on potential for fire, flood and landslip. Council regarded the area appropriate for FZ2 based on the area currently operating as a defacto rural living area.

Submitter 30 requested 219 Afflecks Road, Toongabbie, not be rezoned from FZ to RLZ. The submitter was concerned the rezoning would impact on gun licences and have other impacts on the rural amenity and lifestyle of the area. Further, the area is not sufficiently serviced in terms of roads, drainage and an increase in population would place greater demands on town services. Council considered the land was suitable for rezoning to RLZ based on the assessment in the Toongabbie Town Structure Plan.

#### (iii) Discussion and conclusion

Consistent with the findings of Chapter 3, in the absence of an acceptable bushfire risk assessment and updates to the Rural Living Strategy, it is premature for the Panel to form a view on whether the requested rezonings are appropriate.

The Panel concludes:

- The further work recommended in Chapter 3 of this Report should be completed prior to reviewing requests for rezoning.

### 5.2 106 Tyers - Walhalla Road, Tyers

#### (i) The issue

The issues is whether the property at 106 Tyers-Walhalla Road, Tyers should be rezoned from SUZ6 to RLZ1 as proposed by the Amendment.

<sup>3</sup> Submitter 2, 5, 8, 9, 10, 11, 12, 14, 19, 20, 21, 22, 23, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45

**(ii) Submissions**

Submitter 46 requested the property at 106 Tyers-Walhalla Road, Tyers be removed from the Amendment, due to high potential for contamination and the family's uncertainty as to how to proceed at this point in time. Council supported this request and proposed a post-exhibition change to delete the property from the Amendment.

**(iii) Discussion and conclusion**

Council supported the request from Submitter 46. The Panel accepts the landowner is not currently seeking to rezone the land and this is supported by Council, and it is appropriate to remove the property from the Amendment. This would allow further work to be undertaken to understand the constraints in the context of a specific proposal.

The Panel concludes:

- The property at 106 Tyers-Walhalla Road, Tyers, should be removed from Amendment C127latr.

**(iv) Recommendation**

The Panel recommends:

**Delete the Rural Living Zone – Schedule 1 from 106 Tyers-Walhalla Road, Tyers.**

## PART C AMENDMENT C126LATR

## 6 Strategic justification

### (i) Submissions

Council explained that Amendment C126latr would provide a clear land use planning and development framework for Toongabbie and would facilitate greater housing choice and diversity.

Council's Part A submission explained the strategic context and assessment of the Amendment, with consideration of planning policies, Ministerial Directions, planning guidance and background reports. It also explained the rationale for proposed planning provisions.

There were no submissions objecting to the intent or strategic justification of the Amendment.

### (ii) Discussion and conclusions

The Panel agrees with Council Amendment C126latr is strategically justified. The Toongabbie Structure Plan Report provides a framework for orderly planning of the growth and development of Toongabbie. Its strategic directions are sound and identifies and implements important environmental controls, such as flooding overlays, and seeks to enhance township values and assets.

Issues raised in relation to the Amendment primarily focussed on bushfire risk, but did not raise concern with the underlying intent or strategic directions. Other chapters of this Report address issues relating to proposed rezoning of land, application of the LDRZ on land subject to flooding and potentially contaminated land.

The Toongabbie Structure Plan Report and Toongabbie Background Reports are appropriate to include as background documents, subject to the recommendations of this Report.

For the reasons set out in this report, the Panel concludes that the Amendment:

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

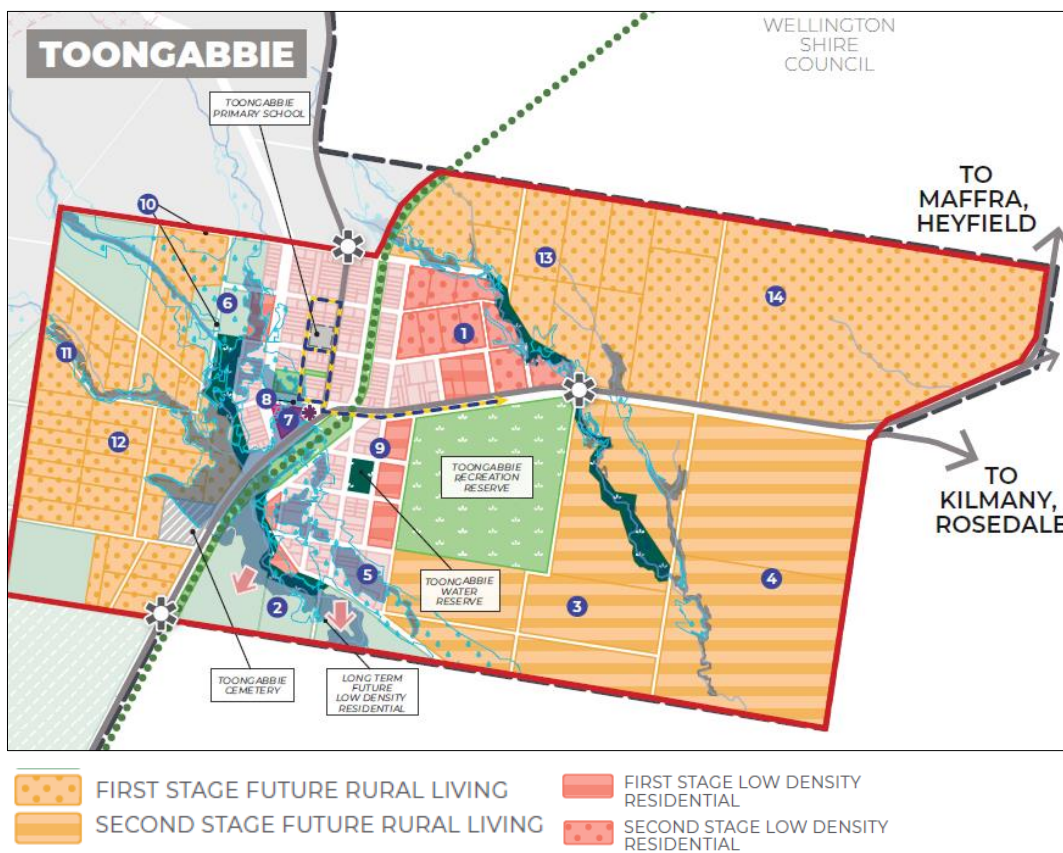
## 7 Toongabbie growth areas and bushfire risk

### (i) Context

The Toongabbie TSP proposes future rural living growth areas (Figure 8). Areas designated as:

- First Stage Low Density Residential are proposed for rezoning to LDRZ through Amendment C126latr
- First Stage Future Rural Living Zone are proposed for rezoning to RLZ through Amendment C127latr.

Figure 8 Toongabbie future rural living growth areas



Source: Toongabbie Structure Plan Report (enlarged by the Panel)

### (ii) The issues

The issues are whether:

- the Toongabbie Structure Plan Report adequately considers bushfire risk and policy relating to bushfire planning
- extent and location of growth areas is appropriate, with consideration of demand, infrastructure provision, protection of agricultural land and bushfire risk.

**(iii) Submissions**

The Toongabbie TSP proposed for inclusion in local policy shows areas for growth around the town (see Figure 8).

Council explained the Toongabbie Structure Plan Report was informed by both the municipal wide MBRA proposed through Amendment C127latr and the Toongabbie Bushfire Risk Assessment:

The Toongabbie Background Report was influenced by the MBRA, but also contained assessments of bushfire risk under Clause 13.02S for particular residential growth areas in Toongabbie, which determined the rezoning in this Amendment and future potential growth/rezoning identified in the Structure Plan at Clause 11.01.

Council acknowledged the CFA's concerns with the Toongabbie Structure Plan Report recommendations relating to growth areas. On matters of bushfire risk, Council deferred to its submissions on Amendment C127latr.

Council was of the view the Amendment is consistent with the DELWP Bushfire Design Guidelines, stating the Structure Plan has "*considered bushfire hazard in directing growth and distribution of uses based on outcomes of a thorough risk assessment, developed in consultation with relevant authorities including the CFA*".

Regarding protection of agricultural land, Council submitted the Toongabbie Structure Plan Report was consistent with the municipal-wide agricultural capability assessment undertaken as part of Live Work Latrobe Rural Land Use Strategy (May 2019). Accordingly, land of high agricultural class was omitted from rural residential considerations.

Council rejected the CFA's submission to the Panel regarding the suitability of growth areas for rural living, in the context of bushfire risk. Council submitted the CFA had not provided any evidence in support of its position, nor did it test its views with Council's expert Mr Potter.

Council did not call evidence from Mr Potter in relation to bushfire risk associated with the Toongabbie Structure Plan. He only addressed the assessment of municipal wide bushfire risks.

The CFA did not support the introduction of the Toongabbie Structure Plan Report or Toongabbie Background Reports to the Planning Scheme on the basis of bushfire risk. It objected to the inclusion of local policy under Clause 11.01-1L (Toongabbie) which relates to future rural residential development in Areas 4, 12 and 14, and reference to these areas on the Toongabbie Structure Plan. It did not support the rezoning of land to RLZ in Areas 12 or 14 proposed through Amendment C127latr.

The CFA submitted that Toongabbie is a high risk settlement, which may be subject to bushfires and grassfires. The risk of bushfire is increased due to its geographic location and proximity to forested areas to the north west and south west. It noted existing and proposed settlement areas would be subject to extended periods of ember attack in a bushfire event and that grassfire will impact the edges and may penetrate settlement areas. It submitted that while the central, lower density part of the town has a low fuel area, the township has limited access to places of absolute or enhanced safety as roads are extensively affected by grasslands and may themselves be affected by fire.

The CFA considered the rural living style of growth proposed for Toongabbie presents unique bushfire risks, as set out the DELWP Bushfire Design Guidelines. It submitted the promotion of large lots is problematic from a fire risk perspective as it creates a 'soft edge' which is least helpful to risk management and creates an enlarged settlement edge that will require defending.



The CFA did not object to Toongabbie growing, however submitted that full consideration of Clause 13.02-1S is critical. The CFA submitted that while there is no evidentiary basis to justify the proposed growth in Toongabbie, regarding the proposed growth areas (the Area numbers relate to areas shown on Figure 8):

- Areas 3 and 13 (east of Toongabbie) – these may be suitable for rural living if comprehensively assessed against Clause 13.02-1S (which has not yet occurred). The area is a short distance from the centre of Toongabbie, is on the side of Toongabbie away from the forest fire hazard and interface treatments may provide protection or allow for movement to low fuel areas in proximity. Area 13 may also provide some protective benefit for development to the south which may be taken into consideration.
- Area 12 (west of Toongabbie) – intensifying development on the west is highly problematic and is not likely to be a preferred area for growth from a bushfire perspective. There are alternative and better locations for growth around Toongabbie and across the municipality.
- Areas 4 and 14 (far east of Toongabbie) – the areas are distant from low fuel areas in the centre of town and may be exposed to grassfires. Development of the areas would result in an extended settlement edge that would require ongoing management and fire mitigation. The land abuts an adjacent municipality and would rely on another planning authority for fire mitigation measures. While the risk may be able to be managed, it is important to ask why the risk needs to be created.

The CFA did not raise concerns with other parts of Amendment C126latr, including the proposed rezoning of land to NRZ5 and LDRZ in the four areas immediately adjoining the existing town.

Other submitters raised concerns relating to the Toongabbie Structure Plan Report including:

- protection of agricultural land
- whether the projected demand for LDRZ land is likely to be understated in the land supply and demand analysis, and further rezoning may be required to meet demand
- whether township infrastructure will be adequate to support projected growth.

#### **(iv) Discussion**

The Panel acknowledges the substantial work undertaken by Council to inform the Toongabbie Structure Plan Report and associated Toongabbie Background Reports. Introducing a town structure plan for Toongabbie to the Planning Scheme will help provide certainty about growth, associated provision of infrastructure and services and management of environmental risks.

The Panel accepts the CFA's advice that Toongabbie is located in a high bushfire risk area. An appropriate bushfire risk assessment is essential to meet planning policy requirements and ensure acceptable outcomes for the community.

The Toongabbie Bushfire Risk Assessment explains, following Amendment VC140 the rezoning of rural living precincts was deferred until the bushfire risk had been determined on a municipal level, to inform the best locations for new rural living precincts.

The Toongabbie Structure Plan Report and Toongabbie Bushfire Risk Assessment rely on the MBRA. As discussed in Chapter 3.2, the Panel is not satisfied the MBRA is fit for purpose to inform settlement planning decisions, including designation of land for rural living rezonings in Toongabbie. The Panel is concerned the Toongabbie Bushfire Risk Assessment is not based on an

adequate assessment of bushfire risk and has not sufficiently assessed lower risk locations, noting it states:

- directing population growth and new settlements to low risk locations... is only achievable at a neighbourhood scale for a town structure plan.

Consistent with its concerns about the Rural Living Strategy, the Panel considers the bushfire risk assessment undertaken to date does not satisfy the requirements of Clause 13.02-1S and Clause 71.02-3, and is not suitable for informing the growth areas proposed in the Toongabbie Structure Plan Report and Toongabbie TSP.

The Toongabbie Bushfire Risk Assessment states:

In the context of strategic planning decisions, these strategies need to be balanced and consider the 'net increase in risk to existing and future residents'. While it is necessary to ensure that the protection of human life is prioritised when decisions are made, the strategies are not 'mandatory requirements' in Clause 13.02-1S in the Planning Scheme and as each situation varies, each strategy needs to be considered as appropriate to ensure that decisions are consistent with the State policy objectives and that planning decisions are integrated.

While the Panel accepts that Clause 13.02 is a policy and does not impose mandatory requirements, the Panel is concerned the assessment may not have given adequate weight to policy considerations which prioritise protection of life above other policy drivers.

The Panel accepts the CFA's concerns regarding the proposed growth areas, and notes while it considers Areas 3 and 13 may be suitable for growth, this needs to be confirmed following further bushfire risk assessment.

For these reasons, the Panel does not support the designation of growth areas as currently portrayed in the Toongabbie Structure Plan and as identified in local policy at Clause 11.01-1L (Toongabbie). Instead, the potential growth areas should be identified as 'subject to further bushfire risk assessment'. As noted by the CFA, the risk assessment should include consideration of alternative lower risk growth locations within the locality and across the municipality.

Consistent with the Panel's recommendations in Chapter 3, before growth areas for Toongabbie can be confirmed, further work should be undertaken to the satisfaction of the CFA to prepare a bushfire risk assessment that responds to Clause 13.02.1S (Bushfire planning) and associated settlement planning.

Regarding other submitter concerns:

- the Panel accepts Council's submission that township planning has been undertaken in the context of its Rural Land Strategy and has adequately considered protection of agricultural land
- the Panel is satisfied the land supply and demand assessment and infrastructure needs have been taken into consideration in the Toongabbie Structure Plan Report. An update of the Rural Living Strategy as recommended will consider distribution of land supply across the municipality in response to bushfire risk.

#### **(v) Conclusions and recommendation**

The Panel concludes:

- While the Toongabbie TSP is generally strategically justified, the Structure Plan does not adequately consider bushfire risk of growth areas.

- Proposed growth areas in the Toongabbie Structure Plan Report and Toongabbie TSP should be designated as ‘potential rural living subject to bushfire risk assessment’.
- Further work should be undertaken to the satisfaction of the CFA before growth areas in Toongabbie are confirmed, consistent with the Panel’s recommendations in Chapter 3 of this Report.

The Panel recommends:

**Make the following changes to Amendment C126latr:**

**a) amend Clause 11.01-1L (Toongabbie) to:**

- **amend the strategies and the Toongabbie Town Structure Plan map to designate ‘First stage future rural living’ and ‘Second stage future rural living’ areas as ‘Potential future growth areas subject to bushfire risk assessment’.**

## 8 Other issues

### 8.1 Flood Study and land rezoning

#### (i) Context

Clause 02.03 (Strategic directions) states:

##### **Floodplain management**

Flooding is a natural hazard that can severely disrupt communities and may cause extensive damage, stock loss and, in extreme cases, loss of life.

Planning for flooding seeks to:

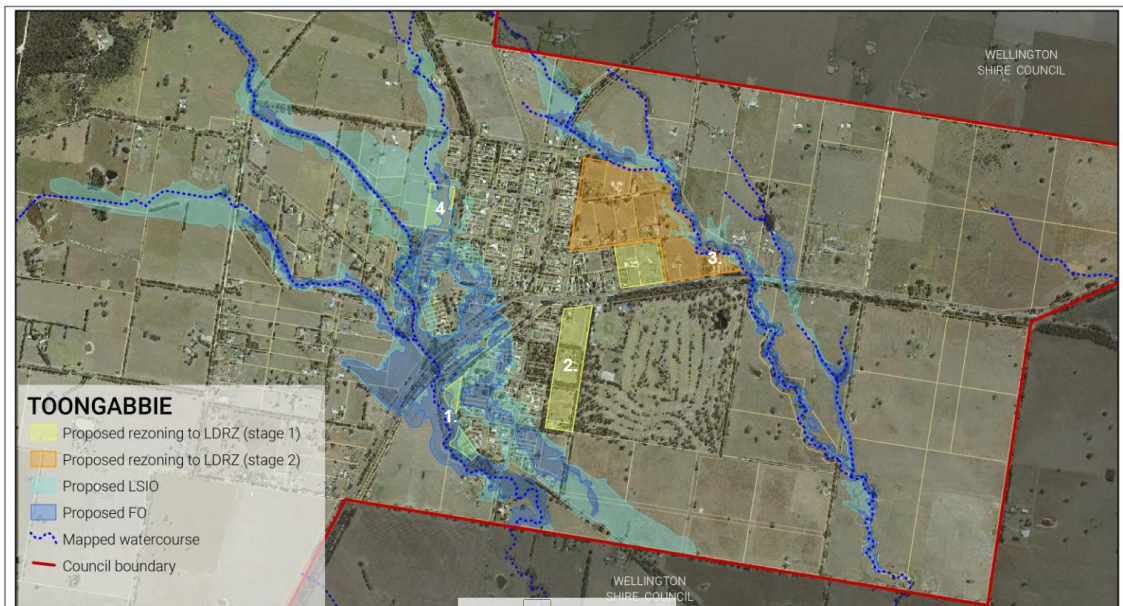
- Reduce the damage and costs associated with flood events.

Amendment C126latr proposes to introduce the FO to Toongabbie, based on the flood layers in the Flood Study. The Toongabbie Structure Plan Report states the LDRZ should only be applied to lots “not affected by the FO or LSIO”.<sup>4</sup>

The Panel observed that land proposed for rezoning is affected, in some areas, extensively by the expanded LSIO and new FO, and sought clarification from Council on how flooding had been considered with regard to land proposed for rezoning. The Panel considered this issue in the context of understanding strategic justification of the rezonings proposed in the Amendment.

Council provided a map showing the combined proposed rezonings and the LSIO and FO (see Figure 9).

**Figure 9 Toongabbie proposed rezonings and LSIO – FO overlays**

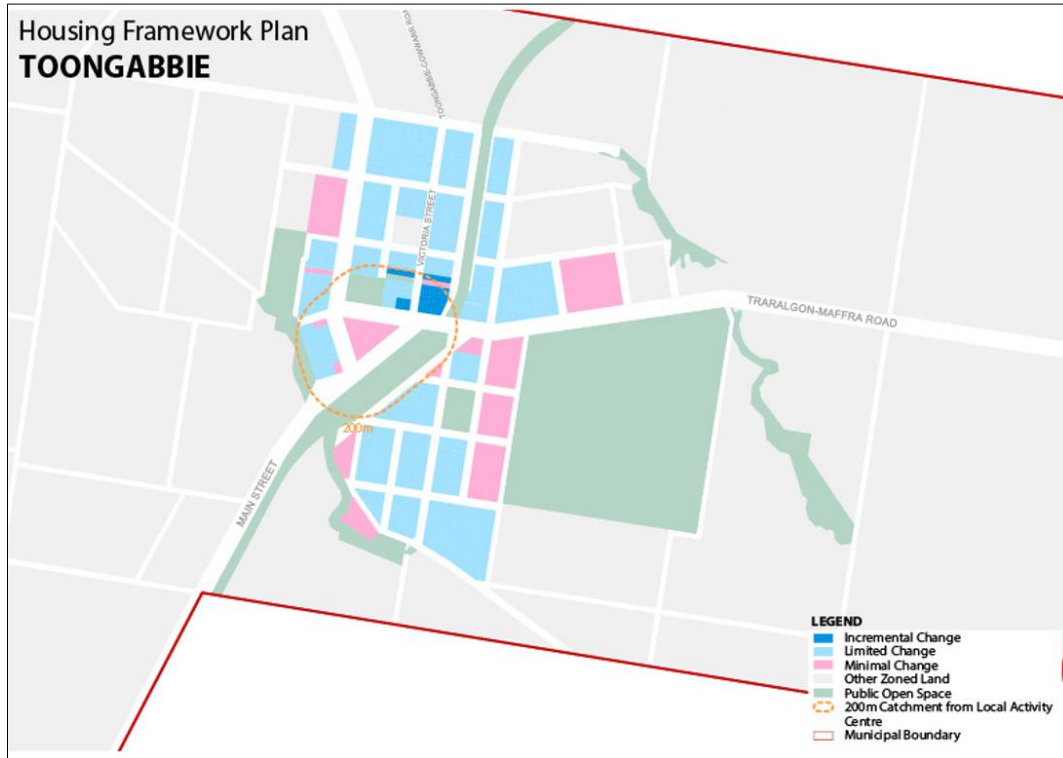


Source: Document 40

<sup>4</sup> Toongabbie Structure Plan Report, page 63

The areas proposed for LDRZ are shown on the Housing Framework Plan as 'minimal change areas' in proposed Clause 16.01-1L (Housing supply) (see Figure 10).

**Figure 10 Toongabbie Housing Framework Plan**



**(ii) The issue**

The issue is whether the proposed rezoning to LDRZ in areas subject to inundation or flooding is appropriate.

**(iii) Submissions**

Council submitted implementation of the Flood Study in the Planning Scheme was supported by planning policy, specifically:

- Clause 13-03-1S (Floodplain management), by mitigating flood risk by applying planning controls to land identified as liable to inundation by a 1 in 100 year flood event
- Clause 14.02-1S (Catchment planning and management), by rezoning Toongabbie Creek frontage land to PCRZ to protect natural drainage corridors.

Council explained:

- the Amendment accounted for development potential, land capability, floodplain land and PPN12: Applying Flood Provisions in the Planning Scheme
- the LSIO, last updated in 2012, applies to the Toongabbie Creek as a designated waterway
- Toongabbie has large sections of land covered by the LSIO predominantly on FZ1 land to the east and west of the study area, descending from the north to the south in a curved, vertical direction

- applying the updated flood modelling to the study area would manage flood risk based on current information and to guide planning decisions
- Amendment C126latr discourages urban development on flood-prone land, except when agreed with the WGCMA.

Regarding lot size and waste water treatment, Council explained:

- the LDRZ directs a minimum lot size is 0.2 hectares where reticulated sewerage can service the lot, and a minimum 0.4 hectares with no reticulated sewerage
- the minimum lot size ensures the lot is large enough to treat and retain all wastewater, but small enough to be maintained without the need for agricultural techniques or equipment
- it is responsible for the approval and on-going oversight of on-site wastewater management systems, which are described as septic tanks and secondary treatment systems.

Council described the process of assessing flood constraints when identifying land for rezoning to GRZ4 and LDRZ. Lots proposed for first stage rezoning to LDRZ located to the south and west of the study area are proposed to have LSIO and FO applied over large portions of the lots, resulting in reduced development potential. Council submitted LDRZ was a suitable zone to mitigate physical infrastructure constraints. It advised:

The Amendment rezones land free of flooding constraints within 200m of the Toongabbie Township 'core' from NRZ4 to GRZ4. The rezoning will encourage infill development of aged care facilities as desired by the community.

Council advised the WGCMA was consulted during the drafting of the Amendment, and its referral response was supportive. The LSIO and FO would require a planning permit application for most buildings and works, and referral to the WGCMA.

In response to a question from the Panel, Council sought updated advice from its Coordinator Health Services and Municipal Recovery Manager in relation to sewerage treatment in land subject to inundation.<sup>5</sup> In summary, the advice was:

- Stage 1 land proposed for rezoning:
  - The land at Howard Street and Main Street Toongabbie would be able to treat and contain waste on site and meet required setbacks with secondary treatment.
  - The land at Hower street would be classed as high risk and would be limited in meeting the minimum of 30 metre setbacks to waterway, and this would only be achieved if secondary treatment systems were installed. Effluent disposal areas would be constrained. A land capability assessment would need to be undertaken for rezoning and sizing for the lots.
  - The land at Semmens Road would have trouble treating and containing wastewater and meeting setbacks for new developments outside the overlay.
  - Some of the lots along Howe street will have trouble meeting the setbacks to waterways and having sufficient land available for on-site wastewater disposal.
- Stage 2 land proposed for rezoning:

<sup>5</sup> Document 40, dated 12 October 2022

- There are serious concerns for lots to the north of the township closest to the waterway and flood overlay area. There is evidence of inundation nearby, and appropriate setbacks will not be able to be achieved.
- The other proposed lots in Stage 2 could treat and contain wastewater on site. All systems being installed must be secondary treatment.
- Land Capability Assessments must be provided to develop each lot and there may be restrictions on the size of development permitted for each lot to allow for wastewater envelopes to be accommodated.

Gippsland Water advised Council in its referral response that servicing areas outside of the current sewer district in Toongabbie did not meet the financial criteria for servicing land. This would mean that any new LDRZ areas must be serviced by septic tanks and secondary treatment plants.

A new wastewater treatment plant for Toongabbie would require buffers, and EPA approvals. Lagoon based treatment and discharge to farmland, golf course, recreation reserve or similar may be worth investigating if there is a future trigger to replace the rising main between Toongabbie and Glengarry and will result in a lower lifecycle cost than upgrading the current system.

Council regarded this as a long term consideration, as there is still capacity in the sewer district, and growth can be managed through low density housing options which do not have to be connected to reticulated services. Council's position was that the LDRZ is an appropriate zone to mitigate the physical infrastructure constraints within Toongabbie, for land on the fringe of the residential area, allowing for subdivision into lots which are large enough to contain all wastewater on site.

#### **(iv) Discussion**

Implementation of the Flood Study into the Planning Scheme is an important component of Amendment C126latr. Introduction of flooding overlay controls will help ensure the community is protected and environmental risks are managed.

The consequential implications for land rezoning must be considered. Flood prone land should not be rezoned for residential purposes unless there is a compelling reason to do so in the context of strategic directions and planning policy.

In reviewing the map provided by Council, the Panel observes the following Stage 1 areas proposed for rezoning to LDRZ are significantly affected by the LSIO and FO (the area numbers below relate to Stage 1 areas shown on Figure 9):

- Area 1 – 9-17 Hower Street and 19-29 Hower Street from FZ1 to LDRZ
- Area 4 – land in King Street proposed for rezoning from FZ1 and NR4 to LDRZ.

This is inconsistent with the Toongabbie Structure Plan Report which directs the LDRZ should not be applied to lots affected by the FO and LSIO.

Gippsland Water does not consider it viable to service these areas with reticulated sewer mains. Council's Coordinator Health Services identifies major development constraints and concerns about treating wastewater onsite for some of the land proposed to be rezoned LDRZ.<sup>6</sup> Septic tanks and secondary treatment plants would have to be sited completely outside the LSIO and FO

<sup>6</sup> Note: the Panel has retained street names as written in the email from Council's Coordinator Health Services, which differs at times from the property addresses and streets referred to in the Amendment documents.

boundaries in order to ensure no pollution risk to the waterways and neighbouring properties. Whether this approach can comply with the Septic Code of Practice on a 0.4 hectare lot to the satisfaction of Council's Engineers cannot be determined by the Panel, based upon the information submitted.<sup>7</sup>

The advice of Gippsland Water and Council's Coordinator Health Services in relation to the treatment of sewerage and wastewater in a floodplain has been significant in informing the Panel's opinion.

For these reasons, the Panel was not persuaded that rezoning land for residential development within designated flood prone areas is appropriate or consistent with planning policy. Council should discourage development on flood-prone land, even when WGCMA might agree, and should only advance rezonings where Clause 02.03 is satisfied. Directing development to sites where secondary treatments plants will probably be required in order to gain EPA approval will add cost and time delay to residential development.

In the context of updated advice from the Coordinator Health Services, servicing restrictions and the Toongabbie Structure Plan Report which directs not to rezone flood prone land to LDRZ, the Panel finds that properties subject to the LSIO and FO should not be rezoned to LDRZ.

Regarding the land at 9 – 17 Hower Street, Council proposed a post exhibition change to retain FZ1 in response to a submission (see Chapter 8.2). The Panel supports retaining the FZ1 on this land, which resolves the issue relating to flooding.

If the properties in Areas 1 and 4 are not rezoned LDRZ, consequential changes will need to be made to the:

- Toongabbie TSP in Clause 11.01-1L (Toongabbie)
- Housing Framework Plan in Clause 16.01-1L (Housing supply).

The Panel notes there appears to be a discrepancy with the exhibited Toongabbie TSP at Clause 11.01-1L (Toongabbie), which does not show Area 4 for Stage 1 LDRZ (see Figure 11), and the Town Structure Plan map in the Toongabbie Structure Plan Report. The exhibited Clause 11.01-1L (Toongabbie) is consistent with the Panel recommendations to remove the LDRZ from this land.

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<sup>7</sup> EPA Publication 891.4, July 2016



Figure 11 Area 4 – Stage 1 LDRZ not shaded



Source: Panel modified Toongabbie TSP, exhibited Clause 11.01-1L

#### (v) Conclusions and recommendations

The Panel concludes:

- The following properties should not be rezoned to LDRZ (area reference see Figure 9):
  - Area 1 – 9-17 Hower Street and 19-29 Hower Street proposed for rezoning from FZ1 to LDRZ
  - Area 4 – land in King Street proposed for rezoning from FZ1 and NRZ4 to LDRZ.
- Consequential changes will be required to the Toongabbie TSP at Clause 11.01-1L (Toongabbie) and Housing Framework Plan at Clause 16.01-1L (Housing supply), to remove the properties no longer to be zoned LDRZ and show appropriate housing change area designation.

The Panel recommends:

#### Make the following changes to Amendment C126latr:

- a) delete the Low Density Residential Zone from the following properties:
  - 9-17 Hower Street, Toongabbie
  - 19-29 Hower Street
  - land in King Street
- b) amend Clause 11.01-1L (Toongabbie) to:
  - amend the Toongabbie Town Structure Plan map to remove the Low Density Residential Zone designation from the following properties:
    - 9-17 Hower Street, Toongabbie
    - 19-29 Hower Street
    - land in King Street
- c) amend Clause 16.01-1L (Housing supply) to:
  - update the Housing Framework Plan map to correct the housing change designation to land no longer proposed for rezoning to Low Density Residential Zone.

## 8.2 Submissions regarding rezoning

### (i) The issue

The issue is whether the proposed site specific requests for rezoning are appropriate.

### (ii) Submissions

The following table provides a summary of submitter requests relating to rezoning as part of Amendment C126latr and Council's response.

**Table 4** Amendment C126latr submissions regarding rezoning

Submissions	Council response
<p>Submitter 5</p> <p>Requested to retain 9 – 17 Hower Street as FZ rather than rezone to LDRZ as proposed.</p>	<p>Council submitted a post exhibition change to remove the LDRZ from the property. It agreed it was not appropriate to rezone the property to LDRZ as part of the Amendment and advised the Panel this issue had been resolved.</p>
<p>Submitter 6</p> <p>Requested 18 – 34 Sparks Lane, Toongabbie be included in the first stage rezoning of LDRZ rather than the second stage.</p>	<p>No change proposed. Council submitted this would be out of sequence and would cause servicing and infrastructure issues.</p>
<p>Submitter 9</p> <p>Objected to the Amendment on the basis its land at 215 Guyatts Rd, Toongabbie was not proposed for rezoning.</p>	<p>No change proposed. The submitter made submission in relation to Amendment C127latr and C126latr. Submission 9 does not provide adequate justification for the land in question to be reconsidered for rural rezoning, largely due to the bushfire risk identified, nor have changes to the Bushfire Risk Map been justified.</p>
<p>Submitter 12</p> <p>Requested 219 Afflecks Road, Toongabbie, not be rezoned from FZ for rural living purposes.</p>	<p>No change proposed. The submitter made submission in relation to Amendment C127latr and C126latr. The Toongabbie Town Structure Plan is being implemented as part of Amendment C126latr, and has assessed and identified the needs for Toongabbie in relation to land use and services. The site is appropriate for rural living and is designated as a growth area.</p>

### (iii) Discussion

Council supported the request of Submitter 5 to retain 9 – 17 Hower Street as FZ instead of rezoning to LDRZ. The Panel supports this request and post exhibition change proposed by Council, noting the property is affected by the LSIO and FO. This is consistent with the Panel's recommendation in Chapter 8.1 to not rezone land subject to inundation and flooding.

The Panel supports Council's position in relation to 18 – 34 Sparks Lane, Toongabbie and 215 Guyatts Road. The property at 18 – 34 Sparks Lane, Toongabbie is identified for rezoning to LDRZ in the future. It is centrally located and may be suitable for rezoning when servicing and other strategic considerations have been assessed, particularly in light of the Panel's recommendations

relating to growth areas (see Chapter 6). The property at 215 Guyatts Road is well outside of the township boundary and is not appropriate to rezone for residential purposes.

The Panel has recommended in Chapter 6 that the proposed rural living growth areas for Toongabbie are designated as 'potential' growth areas, subject to an appropriate bushfire risk assessment. The property at 219 Afflecks Road, Toongabbie is included in one of the growth areas that is subject to this recommendation.

#### **(iv) Conclusions and recommendation**

The Panel concludes:

- Consistent with the submitter's request, the property at 9 – 17 Hower Street, Toongabbie which is subject to inundation should not be rezoned to LDRZ and should be retained in FZ1.
- The properties at 18 – 34 Sparks Lane and 215 Guyatts Road, Toongabbie should be retained in FZ as exhibited.
- The property at 219 Afflecks Road, Toongabbie is included in one of the growth areas proposed for rural living, and consequently further bushfire risk assessment is required to determine suitability for future rezoning. The land should be retained in the FZ in the short term, as exhibited in the Amendment.

The Panel recommends:

**Make the following changes to Amendment C126latr:**

- a) **delete the Low Density Residential Zone from 9 – 17 Hower Street, Toongabbie and retain this property in the Farming Zone.**

### **8.3 Environmental Audit Overlay**

#### **(i) The issue**

The issue is whether the EAO should be applied to 43 High Street, Toongabbie.

#### **(ii) Submissions**

EPA submitted the EAO should be applied to the property at 43 High Street, Toongabbie as it was identified by Council as having a high potential for contamination. EPA understood it was not proposed for rezoning, however it is currently zoned to allow sensitive uses.

Council submitted:

The Toongabbie General Store at 43 Main Street, Toongabbie (Site) is potentially contaminated due to petrol bowsers on-site. Should the use change, the Structure Plan identifies that risk should be managed by undertaking the following measures:

- Identification on Council's potentially contaminated land register;
- Apply the EAO to the land; and
- For any planning permit for a sensitive use and development, a list of mandatory permit conditions.

Council relied on the requirements of Ministerial Direction 1, stating as the site is not proposed to be rezoned for sensitive uses it is not necessary to apply the EAO, noting sensitive uses are already permitted on the site under the existing TZ provisions.

**(iii) Discussion and conclusion**

The Panel considers it appropriate to apply the EAO to land known to be potentially contaminated and when its zone will allow sensitive uses. Application of the EAO is recommended by EPA, and is consistent with MD1 and PPN30 Structure Plan Report.

However, as this proposal was not exhibited with the Amendment, the Panel accepts Council's decision to not introduce the EAO as part of the Amendment. Council will need to engage with affected landowners and satisfy itself that notice requirements have been met before proceeding with applying the EAO.

The Panel concludes:

- It is appropriate to apply the EAO to the land through a separate planning scheme amendment process.

## Appendix A Planning context

### Victorian Planning Objectives

The amendments seek to implement State policy objectives set out in section 4 of the PE Act through the application of updated policy, zones and overlays to reflect the key strategic directions of the municipality. The amendments seek to facilitate provision of rural living land to meet forecast demand over 15 years while taking into account bushfire and flood risk.

The exhibited Explanatory Report for C126latr identified relevant objectives relating to:

- providing for the fair, orderly, economic and sustainable use, and development of land
- providing for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- facilitating development in accordance with the objectives of planning in Victoria.

The exhibited Explanatory Report for C127latr identified relevant objectives relating to:

- providing for the fair, orderly, economic and suitable use, and development of land
- securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- facilitating development in accordance with the objectives of planning in Victoria
- balance the present and future interests of all Victorians.

### Bushfire and settlement planning policy and guidance

#### Municipal Planning Strategy

The MPS (Clause 02.01) states the municipality is set to grow by approximately 8,560 to a total of 82,460 people by 2030. It also states that the municipality is experiencing a period of economic restructuring with a change in traditional employment sectors supporting Victoria's power production. Other major economic activities include retail, services, forestry, food processing, engineering, health, education and agriculture.

Clause 02.031- (Strategic directions) explains the settlement hierarchy including:

Latrobe's smaller towns and rural living settlements provide diversity in housing and lifestyle choice that is alternative to options available in the main towns. Some are also service centres with commercial and community facilities.

Toongabbie is identified as one of a number of small towns providing:

... a limited range of educational, retail and recreational services for residents and the surrounding rural areas. Urban infill and diversification of housing choice in small towns make efficient use of existing infrastructure so residents can remain in the town whatever their housing need.

Rural living precincts are identified which:

... comprise clusters of housing on small rural lots and have limited services. These areas support farming and rural living communities, providing an attractive lifestyle choice in a rural setting.

Settlement planning seeks to:

- Support growth in district towns that reinforces their role as key retail and service centres for a moderate population base and the hinterland.

- Support growth in small towns to provide a limited range of services for residents and the surrounding rural areas.
- Facilitate the growth of towns to be commensurate with access to services, infrastructure, transport and the protection of natural resources.

The strategic directions in the MPS (Clause 02.03) in relation to environmental risks state:

Planning for climate change seeks to:

- Support use and development that can adapt to the impacts of climate change and seeks to minimise its negative impacts.
- Encourage energy-efficient building design including the incorporation of energy efficient technologies.

Planning for bushfire seeks to:

- Reduce bushfire risk through various bushfire protection measures.
- Decrease the level of risk to life, property, the environment and biodiversity from bushfire.

Planning for flooding seeks to:

- Reduce the damage and costs associated with flood events.

Clause 02.03-6 (Housing) states that Council has the aspiration to grow the population to 100,000 by 2050, with a significant shift to smaller households, with one or two bedroom households expected to represent 76 per cent of all new households over the next 15 years. It states:

Given the land use constraints and decreasing household size, urban renewal and housing intensification will play a key role to diversify housing choice, accommodate growth and maximise access to infrastructure and services

Clause 02.03-6 states rural residential development is a popular lifestyle choice accommodated in the LDRZ in urban areas and RLZ in rural areas. There are emerging amenity concerns with rural living options, relating to animal husbandry, forestry operations and intensive agriculture. It states:

Planning for rural residential development seeks to:

- Support rural living and associated land use that does not compromise agricultural productivity.
- Avoid impeding the long term urban growth of settlements.

The Rural framework plan in Clause 02.04 identifies a number of 'Future RLZ investigation areas' including in areas around Toongabbie.

### **Settlement planning and growth management**

The Planning Policy Framework provides clear guidance for settlement planning and growth management. Relevant policy and strategies are shown in Table 5.

**Table 5 Settlement planning and growth management policies and strategies**

Clause	Relevant strategies
Clause 11.01-1S (Settlement)	<p>Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.</p> <p>Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.</p> <p>Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.</p> <p>Create and reinforce settlement boundaries.</p> <p>Provide for growth in population and development of facilities and services across a regional or sub-regional network.</p> <p>Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.</p> <p>Limit urban sprawl and direct growth into existing settlements.</p> <p>Promote and capitalise on opportunities for urban renewal and infill redevelopment.</p> <p>Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.</p> <p>Ensure retail, office-based employment, community facilities and services are concentrated in central locations.</p> <p>Ensure land that may be required for future urban expansion is not compromised.</p>
Clause 11.011R (Settlement – Gippsland)	<p>Support new urban growth fronts in regional centres where natural hazards and environmental risks can be avoided or managed.</p> <p>Support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.</p>
Clause 11.01-1L (Latrobe settlement patterns)	<p>Discourage the fragmentation of rural land adjoining township boundaries until land is required for long term (15 or more years) urban development...</p> <p>Manage growth in rural living precincts by discouraging further rezoning of land.</p>

Clause	Relevant strategies
Clause 11.02-1S (Supply of urban land)	<p>Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.</p> <p>Ensure that sufficient land is available to meet forecast demand.</p> <p>Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.</p> <p>Planning for urban growth should consider:</p> <ul style="list-style-type: none"> <li>- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.</li> <li>- Neighbourhood character and landscape considerations.</li> <li>- The limits of land capability and natural hazards and environmental quality.</li> <li>- Service limitations and the costs of providing infrastructure.</li> </ul> <p>Monitor development trends and land supply and demand for housing and industry.</p> <p>Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.</p> <p>Restrict rural residential development that would compromise future development at higher densities.</p>
Clause 11.02-2S (Structure planning)	<p>Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:</p> <ul style="list-style-type: none"> <li>- Address the strategic and physical context of the location, including increased physical risks associated with climate change.</li> <li>- Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.</li> <li>- Provide for the development of sustainable and liveable urban areas in an integrated manner informed by the 17 United Nations Sustainable Development Goals as relevant.</li> <li>- Protect and enhance areas of natural and cultural significance.</li> <li>- Facilitate the logical and efficient provision of infrastructure.</li> <li>- Facilitate the use of existing infrastructure and services.</li> <li>- Incorporate integrated water management and urban greening.</li> </ul>



Clause	Relevant strategies
Clause 11.02-3S (Sequencing of development)	<p>Define preferred development sequences in areas of growth to better coordinate infrastructure planning and funding.</p> <p>Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.</p> <p>Improve the coordination and timing of infrastructure and service delivery in areas of growth.</p> <p>Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for areas of growth.</p>
Clause 11.03-3S (Peri-urban areas)	Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.

### Environmental risk and amenity

The Planning Policy Framework provides policy guidance on environmental risks and amenity, stating that planning should:

- strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach
- identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:
  - land use and development compatibility
  - effective controls to prevent or mitigate significant impacts
- identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society
- ensure development and risk mitigation does not detrimentally interfere with important natural processes
- prepare for and respond to the impacts of climate change.

Clause 13.01-1S (Natural hazards and climate change) includes the following strategies:

Respond to the risks associated with climate change in planning and management decision making processes.

Identify at risk areas using the best available data and climate change science.

Integrate strategic land use planning with emergency management decision making.

Direct population growth and development to low risk locations.

Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.

Ensure planning controls allow for risk mitigation and climate change adaptation strategies to be implemented.

Site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards.

### Bushfire

Clause 13.02-1S (Bushfire planning) applies to all land within a designated BPA, subject to a BMO or proposed to be used or developed in a way that may create a bushfire hazard. The objective of the clause is to strengthen the resilience of communities to bushfire through risk-based planning that priorities the protection of human life.

Strategies relate to:

- protection of human life
- bushfire hazard identification and assessment
- settlement planning
- areas of biodiversity conservation value
- use and development control in a BPA.

Regarding protection of human life, strategies include:

Give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

Regarding settlement planning, strategies include:

- Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under *AS 3959 - 2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009).
- Ensuring the availability of, and safe access to, areas assessed as a BAL-Low rating under *AS 3959 - 2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.
- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reduce bushfire risk overall.
- Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.
- Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under *AS 3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009).

Local policies also relate to planning in the BMO and BPAs.

### **Floodplain management**

Clause 13.03-1S (Floodplain management) includes the following strategies:

Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.

Avoid intensifying the impact of flooding through inappropriately located use and development.

Plan for the cumulative impacts of use and development on flood behaviour.

### **Agricultural land**

Clause 14.01-1S (Protection of agricultural land) includes the objective to protect the state's agricultural base by preserving productive farmland.

### Rural residential development

#### Clause 16.01-3S (Rural residential development)

Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.

Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.

Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:

- Minimising or avoiding property servicing costs carried by local and state governments.

Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.

Discourage development of small lots in rural zones for residential use or other incompatible uses.

Encourage consolidation of existing isolated small lots in rural zones.

Ensure land is only zoned for 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.
- Can be supplied with electricity, water and good quality road access.

#### Clause 16.01-3L (Rural residential development) includes the following strategies:

Encourage rural living where there will be minimal negative environmental impact or conflict with commercial agriculture.

Support rural living where it will result in improved land management outcomes.

Encourage facilities and services required by rural residents to locate in existing townships.

Discourage rural living or low density residential use and development on the fringes of major towns where land is designated as a long-term urban growth corridor.

Support rural living in low bushfire risk locations or where bushfire risk can be reduced to an acceptable level.

### Gippsland Regional Growth Plan

The Gippsland Regional Growth Plan (GRGP) provides broad direction for land use and development across the Gippsland region, as well as more detailed planning frameworks for key regional centres. The GRGP reinforces the recognition of Latrobe City as Gippsland's Regional City, consisting of Moe, Morwell, Traralgon and Churchill, highlighting its function as a collective urban system or networked city. It identifies the region's challenge of accommodating population growth and planning settlements and infrastructure in response to the impacts of climate change and increased risk of natural hazards including bushfire.

Council's submissions did not specifically address how the amendments are consistent with the GRGP, however it is noted that Amendment C127latr seeks to implement some of the strategic work undertaken for Amendment C105latr as it related to rural rezonings, which included consideration of the GRGP. The GRGP includes the following strategies:

Accommodate urban growth within Latrobe City as Gippsland's regional city, and in regional centres and sub-region networks of towns.

Land use strategies and structure plans to accommodate growth over the next 20 to 30 years.

Support new urban growth fronts in regional centres where natural risks can be avoided or managed.

Manage settlement growth to limit impact on agricultural productivity, natural and earth resources and ecological values.

### Planning Scheme provisions

Implementing the MPS and the Planning Policy Framework is a purpose common to all zones and overlays.

Other purposes of the relevant zones and overlays are included in Table 6.

**Table 6** Purposes of Planning Scheme provisions

Planning provision	Purposes
Farming Zone	<p>To provide for the use of land for agriculture.</p> <p>To encourage the retention of productive agricultural land.</p> <p>To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.</p> <p>To encourage the retention of employment and population to support rural communities.</p> <p>To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</p> <p>To provide for the use and development of land for the specific purposes identified in a schedule to this zone.</p>
Neighbourhood Residential Zone	<p>To recognise areas of predominantly single and double storey residential development.</p> <p>To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p>
Neighbourhood Residential Zone - Schedule 4 (Regional suburbs)	<p>Neighbourhood character objectives</p> <p>To reinforce a spacious regional suburban character of existing and new neighbourhoods by providing generous front and side building setbacks and landscaped front setbacks with canopy trees.</p> <p>To minimise the prominence of buildings within the streetscape by setting back upper levels of buildings and siting garages and carports behind the front façade.</p> <p>To encourage walls on boundaries to be setback from the building façade to provide space for landscaping, building articulation and appearance of space between dwellings.</p>
Township Zone	<p>To provide for residential development and a range of commercial, industrial and other uses in small towns.</p> <p>To encourage development that respects the neighbourhood character of the area.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p>

Planning provision	Purposes
Rural Living Zone	<p>To provide for residential use in a rural environment.</p> <p>To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.</p> <p>To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.</p> <p>To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</p>
Design and Development Overlay	To identify areas which are affected by specific requirements relating to the design and built form of new development.
Development Plan Overlay	<p>To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.</p> <p>To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.</p>
Floodway Overlay	<p>To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.</p> <p>To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.</p> <p>To reflect any declarations under Division 4 of Part 10 of the <i>Water Act, 1989</i> if a declaration has been made.</p> <p>To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.</p> <p>To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.</p>
Land Subject to Inundation Overlay	<p>To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.</p> <p>To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.</p> <p>To minimise the potential flood risk to life, health and safety associated with development.</p> <p>To reflect a declaration under Division 4 of Part 10 of the <i>Water Act, 1989</i>.</p> <p>To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.</p> <p>To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.</p>

## Planning Scheme Amendments

### Amendment VC140

Amendment VC140, gazetted on 12 December 2017, makes the Planning Policy Framework for bushfire clearer and more directive to enable a resilient response to settlement planning.

The explanatory report states it requires planning authorities to:

- Prioritise the protection of human life and the management of bushfire impact.
- Avoid any increase in the risk of bushfire to people, property and community infrastructure.
- Direct population growth and development to low risk locations and also to ensure safe access to areas where human life can be better protected.
- At a settlement level, achieve no net increase in bushfire risk, and where possible reduce bushfire risk overall.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.
- Ensure that development has addressed relevant policies, satisfied performance measures or implemented bushfire protection measures.
- Consider bushfire risk in bushfire prone areas when assessing a planning permit application for specified uses and development such as accommodation, childcare and hospitals, etc.

### Amendment C105latr

Amendment C105latr was gazetted on 21 November 2019. It implements land use planning strategies of Live Work Latrobe, and is based on the following strategies:

- Housing Strategy
- Rural Land Use Strategy
- Industrial and Employment Strategy.

Amendment VC140 came into effect part way through exhibition of Amendment C105latr, and Council resolved to defer implementation of the recommendations in the Rural Land Use Strategy relating to rezoning for rural living purposes to allow for greater consideration of the new requirements.

### Amendment C131latr

Amendment C131latr seeks to implement the recommendations of the *West Gippsland Floodplain Management Strategy (2018-2027)* to update flood mapping that is informed by the *Latrobe River Flood Study (2015)* and the *Traralgon Flood Study (2016)*. At the time of the Hearing the exhibition of Amendment C131latr had closed, and submissions were yet to be considered by Council.

## Planning Practice and Advisory Notes

The following provides a summary of key planning practice and guidance notes.

### PPN12: Applying the Flood Provisions in Planning Schemes

PPN12 provides guidance on applying planning provisions for flood in the planning scheme to minimise risks to life, property and community infrastructure. It discusses the process for identification of flood hazards, correct drafting of schedules, and the preparation of background work such as local floodplain development plans by councils in consultation with catchment management authorities. It discusses the types of flooding and correct application of the various flood controls depending on the level of flood risk. PPN12 identifies that:

...the LSIO is used for both urban and rural environments to identify land with a lower potential flood risk or as an interim measure, areas where accurate flood mapping to identify the floodway is yet to be carried out. The LSIO only requires a permit for buildings and works and does not prohibit either use or development.

...

The FO applies to mainstream flooding in both rural and urban areas. These areas convey active flood flows or store floodwater in a similar way to the UFZ, but with a lesser flood risk. The FO is suitable for areas where there is less need for control over land use, and the focus is more on control of development.

### **PPN30: Potentially Contaminated Land**

PPN30 provides advice to planners and permit applicants on how to identify potentially contaminated land, levels of assessment appropriate to circumstance, and appropriate application of planning scheme planning provisions, or permit conditions at the application stage. PPN30 notes that the EAO can be used to ensure the requirements of the environmental audit system can be met at the permit application stage without preventing assessment and approval of a planning scheme amendment. PPN30 states:

A planning authority must also consider the Planning Policy Framework of the Victoria Planning Provisions, including clause 13.04-1S Contaminated and potentially contaminated land. Clause 13.04 -1S aims to ensure that contaminated and potentially contaminated land is or will be suitable for its intended future use and development, and that this land is used and developed safely.

### **PPN37: Rural Residential Development**

PPN37 provides guidance when planning for rural residential use and development. It notes that the LDRZ is typically applied to rural residential land. PPN37 states that rural residential development requires special consideration because it can have environmental, social and economic costs that are significantly higher than those of standard residential development. It specifies that these considerations mean that the following broad questions should be answered in sequence:

- Strategy: Does rural residential development align with the overall strategic planning of the municipality?
- Housing need: How much rural residential development is required to provide appropriate housing diversity and choice to meet housing needs?
- Location: Where should new rural residential development take place?
- Subdivision and design: Is the new rural residential development subdivided and designed in an attractive setting offering high amenity and efficient infrastructure?

PPN37 notes that generally fine detailed subdivision and design matters can be considered as part of a permit application process.

### **PPN42: Applying the rural zones**

PPN42 provides guidance on the strategic work required to apply rural zones. It explains the purposes and features of each zone.

The rural zones proposed as part of the Amendments include:

- FZ2, which is strongly focussed on protecting and promoting farming and agriculture.
- RLZ, which caters for residential use in a rural setting.

**PPN64: Local Planning for bushfire protection**

PPN64 provides guidance about local planning for bushfire protection and assists councils to tailor the Local Planning Policy Framework in response to bushfire matters where necessary. It also provides guidance on how to prepare schedules to the BMO.

PPN64 notes that planning authorities need to address any relevant bushfire risk when preparing a planning scheme amendment. PPN64 outlines when it might be appropriate to use local planning policy to assist with decision making. It emphasises that local policy must not duplicate State policy. It suggests that local policy may be used most effectively to address bushfire issues spatially, and in identifying how bushfire affects particular locations. It is important to note that detailed planning guidelines for individual sites are not recommended for inclusion in planning policy.

**Planning Advisory Note 68: Bushfire State Planning Policy**

Planning Advisory note 68 clarifies the operation of the updated framework and strategies introduced by Amendment VC140, which updated policy in Clauses 10 and 13.05 in the State Planning Policy Framework to provide more directive strategies to manage bushfire risk in planning and decision making.

**DELWP Design Guidelines: Settlement Planning at the Bushfire Interface, February 2019**

The DELWP *Design Guidelines: Settlement Planning at the Bushfire Interface, February 2019* explain that planning policy places a strong emphasis on “*proactively planning to enhance the resilience of settlements to the impacts of bushfire and grassfire*”. The Bushfire Design Guidelines provide advice on how to prioritise protection of human life when planning for settlements. The document states:

Before these Guidelines are used a landscape assessment and strategic justification for site selection with regards to bushfire risk must be completed. Therefore, the use of these Guidelines assumes that the strategic and landscape considerations in Clause 13.02 have been fully satisfied in the first instance.

...

Clause 13.02 assists in identifying areas that are suitable for development, focusing on the strategic and landscape scale bushfire considerations including:

- The likely size and intensity of a bushfire and whether it may result in neighbourhood-scale destruction.
- The availability of alternative locations for settlement growth and new development.
- Access to enable people to move away from a bushfire and options for where people can get to safe areas during a bushfire.
- Emergency management responses to bushfire and structural fires.

The process for this assessment, including landscape classification, can be done using Clause 13.02 as a framework and the Permit Applications Bushfire Management Overlay – Technical Guide (page 9 – 19).

**DELWP Technical Guide: Planning Permit Applications Bushfire Management Overlay, 2017**

The DELWP *Technical Guide: Planning Permit Applications Bushfire Management Overlay, 2017* includes advice on preparing and assessing an application under the BMO, including how to assess bushfire hazard.



## Appendix B Submitters to Amendment C126latr

No	Submitter
1	Wellington Shire Council
2	Glynn Evans
3	Department of Environment, Land, Water and Planning
4	Telstra
5	Natasha Sleep
6	Jillian Orr
7	Department of Transport
8	West Gippsland Catchment Management Authority
9	Glenys Harding
10	Country Fire Authority
11	EPA Victoria
12	Tinielle and Daniel Armstrong

## Appendix C Submitters to Amendment C127latr

No	Submitter
1	Chantelle McGenniken
2	Rod Affleck
3	Wellington Shire Council
4	Glynn Evans
5	Glenn Morrison
6	Cardinia Shire Council
7	Telstra
8	Brenden Keene, Linda Keene
9	Vic Sabrinskas
10	Grahame Somerville, Sandi Somerville
11	Andrew Inger, Pam Inger
12	Jemma Sterrick
13	Department of Environment, Land, Water and Planning
14	Yvonne Lindsay
15	Stuart Strachan
16	Department of Transport
17	Leigh Morris
18	West Gippsland Catchment Management Authority
19	Tristan Stewart
20	Carly Jones, Tracey Clancy, Chris Clancy
21	Neil Burns
22	Chris King
23	Glenys Harding
24	Delburn Wind Farm Pty Ltd
25	EPA Victoria
26	Hancock Victorian Plantations
27	Country Fire Authority
28	Jason Nardone
29	Maria Pizzi
30	Tinielle Armstrong, Daniel Armstrong
31	Michael Van Berkel

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32	Holly Basher-Snow
33	Alisha Tainton
34	Tiarnah Nicola
35	Eva-Marie Burton
36	Anan Halengo
37	Andrew Tedesco
38	Amy Laming
39	Tess Hibbert
40	Jackie Stratford
41	Reginald Edward
42	Dr M.Y. Gali
43	Kym Horton
44	Michael Thomas Reid
45	Suellyn Perry-Bloink
46	Tracy Roberts

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## Appendix D Document list

No.	Date	Description	Presented by
1	20 Jul 2022	Directions Hearing notification letter	Planning Panels Victoria (PPV)
2	23 Aug	Draft Panel directions	PPV
3	25 Aug	Correspondence to Panel dated 24 Aug	Country Fire Authority (CFA)
4	1 Sep	Panel correspondence enclosing directions and v1 timetable	PPV
5	1 Sep	Request for extension to confirm expert witness	Hancock Victorian Plantations Pty Ltd (HVP)
6	16 Sep	Email to Millar Merrigan regarding its request to be heard	PPV
7	21 Sep	C126latr indexed library of documentation in response to direction 12 including: <ul style="list-style-type: none"> <li>a) 1.1 Exhibited Statutory Documents</li> <li>b) 1.2 Maps Exhibited</li> <li>c) 1.3 Clauses and Schedules</li> <li>d) 1.4 Background Documents</li> <li>e) 1.5 Toongabbie Structure Plan Background Reports</li> <li>f) 2.1 Post Exhibition Statutory Documents</li> <li>g) 2.2 Post Exhibition Maps</li> <li>h) 2.3 Post Exhibition Clauses and Schedules</li> <li>i) 2.4 Post Exhibition Background Documents</li> <li>j) 3.0 Council Report Attachments</li> <li>k) 4.0 Map of Submitters</li> <li>l) 5.0 Letter of Authorisation</li> <li>m) 6.0 Land Supply and Demand Analysis</li> <li>n) 7.0 Correspondence with Department of Transport</li> <li>o) 8.0 Maps and Itinerary</li> </ul>	Latrobe City Council (Council)
8	21 Sep	C127latr indexed library of documentation in response to direction 12 including: <ul style="list-style-type: none"> <li>a) 1.1 Exhibited Statutory Documents</li> <li>b) 1.2 Maps Exhibited</li> <li>c) 1.3 Clauses and Schedules</li> <li>d) 1.4 Background Documents</li> <li>e) 1.5 Draft Latrobe City Rural Living Strategy (2020)</li> <li>f) 2.1 Post Exhibition Statutory Documents</li> <li>g) 2.2 Post Exhibition Maps</li> <li>h) 2.3 Post Exhibition Clauses and Schedules</li> <li>i) 2.4 Background Documents</li> </ul>	Council

No.	Date	Description	Presented by
		<ul style="list-style-type: none"> <li>j) 2.5 Rural Living Strategy 2022 – Post Exhibition</li> <li>k) 3.0 Council Report Attachments</li> <li>l) 4.0 Map of Submitters</li> <li>m) 5.0 Letter of Authorisation</li> <li>n) 6.0 Maps and Itinerary</li> </ul>	
9	27 Sep	Panel correspondence enclosing v2 timetable	PPV
10	27 Sep	Expert witness statement in bushfire from Mark Potter of Fire Risk Consultants	Council
11	3 Oct	Joint Statement of CFA and Council	Council
12	4 Oct	C126latr Part A Submission and attachments: <ul style="list-style-type: none"> <li>a) Attachment 1 Copy of Authorisation Letter</li> <li>b) Attachment 2 C126 Explanatory Report</li> <li>c) Attachment 3 Current Controls – Planning Zone and Overlay Maps</li> <li>d) Attachment 4 Copy of Submissions received (including withdrawal of submission #5) &amp; Summary of Submissions Table</li> <li>e) Attachment 5 Post Exhibition Amendment Documentation</li> <li>f) Attachment 6 Description of Post Exhibition changes Table</li> </ul>	Council
13	4 Oct	C127latr Part A Submission and attachments: <ul style="list-style-type: none"> <li>a) Attachment 1 Explanatory Report (exhibition version)</li> <li>b) Attachment 2 Latrobe City Housing Strategy 2019</li> <li>c) Attachment 3 Latrobe City Rural Land Use Strategy 2019</li> <li>d) Attachment 4 Assessment of matters relating to Bushfire Risk, Management and Planning (Latrobe City Council – November 2018)</li> <li>e) Attachment 5 EPA response letter to Direction 17. c) (iii) of Panel</li> <li>f) Attachment 6 CFA submission to Amendment C105 - Live Work Latrobe</li> <li>g) Attachment 7 CFA submission to the Planning Panel for Amendment C105</li> <li>h) Attachment 8 Collation of comments received during the bus tour consultation session</li> <li>i) Attachment 9 Information circulated during workshop and bus tour</li> <li>j) Attachment 10 Commentary on the project from Council's Manager Emergency Management</li> <li>k) Attachment 11 Final Report, Small Rural Lots Project,</li> </ul>	Council

No.	Date	Description	Presented by
		Rural Councils Victoria / Municipal Association of Victoria (Spiire September 2012)	
		l) Attachment 12 Delburn Wind Farm Panel Report 7 February 2022	
		m) Attachment 13 Delburn Wind Farm Planning Permit PA2001063	
		n) Attachment 14 Delburn Wind Farm Planning Permit PA2001065	
		o) Attachment 15 Explanatory Report (post exhibition version)	
		p) Attachment 16 Summary of Submissions Table	
		q) Attachment 17 Summary of Submissions Requesting Rezoning	
		r) Attachment 18 Post exhibition changes table	
		s) Attachment 19 Proposed post exhibition amendment documents showing tracked changes	
		t) Attachment 20 Summary of MBRA's response to VAGO Report recommendations October 2020	
		u) Attachment 21 Bushfire Risk Rating Assessment, Toongabbie Proposed Rural Living Precincts (Bushfire Planning 24 October 2018)	
		v) Attachment 22 Bushfire Risk Rating Assessment, Churchill Proposed Rural Living Precincts (Bushfire Planning 24 October 2018)	
		w) Attachment 23 Bushfire Risk Rating Assessment, Moe South Proposed Rural Living Precincts (Bushfire Planning 24 October 2018)	
		x) Attachment 24 My Community Bushfire Mitigation Plan – Toongabbie	
		y) Attachment 25 Proposed Plan of Subdivision – S96A Application at Clarkes Road, Hazelwood North	
		z) Attachment 26 Bushfire Management Statement submitted with S96A Application at Clarkes Road, Hazelwood North	
		aa) Attachment 27 Defendable space plan submitted with S96A Application at Clarkes Road, Hazelwood North	
		bb) Attachment 28 Preliminary advice email sent to applicant in relation to S96A application at Clarkes Road, Hazelwood North	
		cc) Attachment 29 CFA response to Section 96A application at Clarkes Road, Hazelwood North	
14	5 Oct	21 Pincini Crt Boolara in relation to RLZ1 dwellings and Delburn Wind farm	Tristan Stewart

No.	Date	Description	Presented by
15	5 Oct	21 Pincini Crt Boolarra location Latrobe Planning Scheme Map no 121	Tristan Stewart
16	5 Oct	Amendment C127 Tristan Stewart Original Submission	Tristan Stewart
17	5 Oct	Original Subdivision Plan 2003	Tristan Stewart
18	5 Oct	PK 45880 - Pincini Court, Boolarra - Notice of Recommendation (1)	Tristan Stewart
19	5 Oct	Possible rezoning scenario	Tristan Stewart
20	5 Oct	Section 32 Lot 21 Pincini Court Boolarra 2003	Tristan Stewart
21	6 Oct	C126latr Part B Submission and attachments:	Council
		a) Attachment 1 Toongabbie Structure Plan Background Reports - Infrastructure and Servicing Assessment 2020	
		b) Attachment 2 Ministerial Direction 1 August 2021 (MD1)	
		c) Attachment 3 Planning Practice Note 30 Potentially Contaminated Land July 2021 (PPN30)	
		d) Attachment 4 Various correspondence between Environment Protection Authority and Latrobe City Council	
		e) Attachment 5 Updated written advice from the Environment Protection Authority regarding Amendment C126latr –12 September 2022	
		f) Attachment 6 C126latr & C127latr Joint Statement Council and CFA	
		g) Attachment 7 Submission Response Table	
22	6 Oct	C127latr Part B Submission and attachments:	Council
		a) Attachment 1 Ordinary Council Meeting Minutes dated 4 July 2022	
		b) Attachment 2 Summary of Submissions Table and Council Responses	
		c) Attachment 3 Copy of all Submissions	
		d) Attachment 4 Summary of Submissions in Support, Satisfied by Post Exhibition Changes and Outstanding	
		e) Attachment 5 Post Exhibition Changes to Ordinance Table	
		f) Attachment 6 Draft Review of Municipal Bushfire Risk Assessment (Terramatrix, November 2021)	
		g) Attachment 7 Council's Position on Unresolved Issues in the CFA Joint Statement	
		h) Attachment 8 Correspondence re: 106 Tyers Walhalla Rd	
		i) Attachment 9 12 September 2022 Advice from EPA	

No.	Date	Description	Presented by
		j) Attachment 10 Copies of all EPA Correspondence	
23	11 Oct	Delburn Wind Farm letter notifying not to be heard	Delburn Wind Farm Pty Ltd
24	11 Oct	CFA submission (Kevin Hazel)	CFA
25	11 Oct	C126 clauses combined	CFA
26	11 Oct	C127 clauses combined	CFA
27	12 Oct	Hancock Victorian Plantations submission	HVP
28	12 Oct	Geoffrey and Suzanne Somerville submission	Geoffrey and Suzanne Somerville
29	12 Oct	Screen shots from CFA submission during Hearing	CFA
30	12 Oct	665 & 745 Clarkes Road, Hazelwood North submission	submitters 31 - 45
31	12 Oct	Local Bushfire Considerations relating to proposed zones	submitters 31 - 45
32	12 Oct	Supporting Background Documents: <ul style="list-style-type: none"> <li>a) 21585 - Planning Report - Hazelwood North</li> <li>b) Cover letter to council - 181011</li> <li>c) Appendix 1a - 180907 title Vol 10509 Fol 871 tk</li> <li>d) Appendix 1b - 180907 title Vol 10509 Fol 870 tk</li> <li>e) Appendix 2 - 21585P1 V1 Site and Context</li> <li>f) Appendix 3 - 21585P2 V3 PPOS</li> <li>g) Appendix 4 - Streetscape Plan</li> <li>h) Appendix 5 - 21585 VR1 Vegetation Removal Plan</li> <li>i) Appendix 6a - 21585 BMP-Defendable Space</li> <li>j) Appendix 6b - 21585 Bushfire Management Statement</li> <li>k) Appendix 7 - Stormwater Management Plan</li> <li>l) Appendix 8 - 180906 Infrastructure Servicing Report</li> <li>m) Appendix 9 - Biodiversity Assessment Report V1 Final</li> <li>n) Appendix 10a - 180821 - Explanatory Report</li> <li>o) Appendix 10b - 180821 - Instruction Sheet</li> <li>p) Appendix 10c - latrobe100zn (Amended)</li> <li>q) Appendix 10d - latrobe101zn (Amended)</li> <li>r) Appendix 11 - Traffic Report – Final</li> <li>s) Appendix 12 – 17053 Hazelwood North Economic Analysis EE Report (13 September 2018) - Final</li> </ul>	submitters 31 - 45
33	13 Oct	Vic Sabrinskas (sub 9) Hearing submission	Vic Sabrinskas
34	13 Oct	Council Points of clarification c126latr Part 1 <ul style="list-style-type: none"> <li>a) Attachment 1 – WGCMA correspondence</li> <li>b) Attachment 2 - DELWP PCRZ advice</li> </ul>	Council



No.	Date	Description	Presented by
		c) Attachment 3 – DELWP emails to Council d) Attachment 4 – DoT emails to Council	
35	13 Oct	Chris King (sub 22) Hearing submission by NBA Group	Chris King
36	13 Oct	RLZ Concept Plan on behalf of Chris King	Chris King
37	13 Oct	Stuart Strachan (sub 15) Hearing submission	Stuart Strachan
38	13 Oct	Council relevant documents	Council
39	13 Oct	Mark Potter submission reference C127	Council
40	14 Oct	Council Points of clarification c126latr Part 2 with attachments: e) DRZ FO Map Marked f) Council Health Dept advice regarding waste water c126latr g) GCMA LDRZ land assessment Stages 1 and 2	Council
41	14 Oct	Council 'without prejudice' clause 13.02 -1L changes	Council
42	14 Oct	Council 'without prejudice' clause 17.04 -1L changes	Council
43	14 Oct	Tristan Stewart submission	Tristan Stewart
44	16 Oct	Further material from Stuart Strachan: a) Explanatory notes on Clause 13.02-1L b) VBRC transcript mark up c) VBRC chapter 17 extract d) Clause 17.04-1L further changes e) Clause 13.02-1L further changes	Stuart Strachan
45	17 Oct	Panel correspondence regarding further Stuart Strachan material	PPV
46	18 Oct	Email from Council responding to further Stuart Strachan material, enclosing: a) Clause 17.04-1L comments to Stuart Strachan b) Clause 13.02-1L comments to Stuart Strachan c) Clause 13.02-1L comments to Stuart Strachan v2 d) Clause 13.02-1L final preferred version e) Clause 17.04-1L final preferred version	Council

## Appendix E Amendment C127latr submissions requesting rezoning

Submissions	Council response
<p>Submitter 2</p> <p>Request the 9.8 hectare site at 1 Hill Street, Toongabbie be rezoned to RLZ from FZ.</p>	<p>No change proposed. Further subdivision in Toongabbie is proposed in the north east (located in the green bushfire area in the MBRA). Submission 2 does not provide adequate justification for the land in question to be reconsidered for rural rezoning, largely due to the bushfire risk identified</p>
<p>Submitter 5</p> <p>The property at 29 Hill Street, Toongabbie should be considered yellow/green fire risk in the MBRA and should be considered for rezoning.</p>	<p>No change proposed. Property has been assessed as Yellow – Red, therefore not appropriate for rezoning. Submission 5 does not provide adequate justification for the land to be reconsidered for future rural rezoning, largely due to the bushfire risk identified, nor have changes to the Bushfire Risk Map been justified.</p>
<p>Submitter 8</p> <p>Request for 145 Watsons Road, Moe to not be in the FZ due to existing lot sizes and inability to farm the land. Request for RLZ to be applied, and considers this would help reduce fire risk.</p>	<p>No change proposed. The site is only 7.59 hectares, and heavy vegetated. Submission 8 does not provide adequate justification for the land in question to be reconsidered for rural living rezoning, largely due to the bushfire risk identified, nor have changes to the Bushfire Risk Map been justified.</p>
<p>Submitter 9</p> <p>Request for the land at 45 Tambo Road, Moe South be zoned RLZ due to existing lot sizes and inability to farm the land. Considers this would help reduce fire risk.</p>	<p>No change proposed. The site is only 6.68 hectares, and heavy vegetated. Submission 9 does not provide adequate justification for the land in question to be reconsidered for rural living rezoning, largely due to the bushfire risk identified, nor have changes to the Risk Map been justified.</p>
<p>Submitter 10</p> <p>Request for the land at 320 Wirraway Street, Moe to be rezoned RLZ to be consistent with surrounding land, its proximity to Moe and large area of pasture. Concern about Deburn Windfarm and bushfire risk.</p>	<p>No change proposed. The land directly to the south is plantation, and the bushfire risk in the area is too high to introduce additional RLZ to the area. Submission 10 does not provide adequate justification for the land in question to be reconsidered for rural rezoning, largely due to the bushfire risk identified.</p>
<p>Submitters 11, 12, 14, 20, 31, 32, 33, 34, 35, 36, 37 (petition), 38, 39, 40, 41, 42, 43, 44, 45</p> <p>Hazelwood North – Precinct C should be considered for rezoning to RLZ. There is high demand for rural living lots due to proximity to regional towns. Bushfire risk should not be the only driver for rural living development. Development at Clarkes Road, Hazelwood North would like reduce bushfire risk of adjacent land.</p>	<p>No change proposed. The submissions do not provide adequate justification for the land in question to be reconsidered for rural living rezoning, largely due to the bushfire risk identified, nor have changes to the Bushfire Risk Map been justified. Ministerial Directions, Planning and Advisory Notes and State Planning Policy do not allow dwellings to be put in high bushfire risk areas to reduce the risks to existing dwellings. This would be counterproductive and prioritising the human life</p>

	within an existing home over the human life of a household within a new development.
<p>Submitter 15</p> <p>Traralgon Creek/Road should be retained in FZ1 rather than FZ2. Rural living areas around Callignee and Loy Yang should be rezoned to reflect actual size/use.</p>	<p>No change proposed. The Traralgon Creek/Road area is clearly operating as a defacto rural living area, and the slope and vegetation cover of the land are not conducive to agricultural production. Application of FZ2 is justified.</p> <p>The areas around Callignee and Loy Yang were not identified for rural rezoning, particularly when giving consideration to bushfire planning policy and other strategic considerations.</p>
<p>Submitter 19</p> <p>Request for Lot 21 Pincini Court, Boolarra to be rezoned from FZ1 to RLZ.</p>	<p>The site is located within the red bushfire risk area in the MBRA. If the CFA was supportive of a correction zoning, Council would support including in RLZ as a post exhibition change.</p> <p>Council holds this view as rezoning would not increase the subdivision or development potential of the land beyond what would already be permissible with a planning permit. Further, the BMO and Clause 13.02 policy directions would need to be addressed and met for a dwelling to be established on the land, regardless of the underlying land zoning.</p>
<p>Submitter 21</p> <p>Request for 590 Traralgon- Maffra Road to be rezoned to RLZ, because it is not suitable for agriculture.</p>	<p>No change proposed. The Rural Living Strategy has recognised the potential for this land, and concluded that it would be an unwise use for this site and its surrounds to be RLZ. The site is identified for future investigation for LDRZ.</p>
<p>Submitter 22</p> <p>Request for 271 Haunted Hills Road, Newborough to be rezoned to RLZ. The site is future residential in the Moe-Newborough Town Structure Plan. The land is within close proximity to the town centre and is serviceable. It would complement land supply offering in Moe. The MBRA shows the land can comfortably be developed and with good design will be fully compliant with bushfire requirements.</p>	<p>No change proposed. Submission 22 does not provide adequate justification for the land in question to be reconsidered for rural living rezoning. It would see an underutilisation of land contrary to the direction of the Moe-Newborough Town Structure Plan and adequate justification against bushfire planning policy has not been provided.</p>
<p>Submitter 23</p> <p>Requests 215 Guyatts Road, Toongabbie be rezoned to RLZ.</p>	<p>No change proposed. Submission 23 does not provide adequate justification for the land in question to be reconsidered for rural rezoning, largely due to the bushfire risk identified, nor have changes to the Bushfire Risk Map been justified.</p>
<p>Submitter 28</p> <p>Request that Lot 2 on PS341052, Hazelwood Estate Road, Churchill be included in the RLZ. The site is not within a BMO or near plantations.</p>	<p>No change proposed. The site is not within the BMO and sits within a Green bushfire risk rating. However, bushfire risk is not the only consideration given to the rezoning of land. The land is wholly affected by</p>

The MBRA is flawed.	the Environmental Significance Overlay, Schedule 1 – Urban Buffer which is a coal buffer ESO1, which makes the site unsuitable.
Submitter 29 Several properties in Koornalla should be considered for rezoning.	No change proposed. All three parcels are in a red bushfire risk area.
Submitter 30 Request 219 Afflecks Road, Toongabbie, not be rezoned from FZ to RLZ. This will impact on gun licences and will have other impacts on their rural lifestyle. The area is not well serviced in terms of roads, drainage and greater population will place greater demands on town services.	No change proposed. The Toongabbie Town Structure Plan is being implemented as part of Amendment C126, and has assessed and identified the needs for Toongabbie in relation to land use and services. The site is appropriate for RLZ.

# **CORPORATE ITEMS FOR DECISION**

## 9. CORPORATE ITEMS FOR DECISION

Item Number 9.1 01 May 2023

Regional City Planning and Assets

# REVIEW OF CAPITAL WORKS POLICY

## PURPOSE

To seek endorsement of the revised Capital Works Policy.

## EXECUTIVE SUMMARY

- The Capital Works Policy (the Policy) was previously adopted by Council in 2011.
- The Policy was overdue for review and due to the amount of time that has elapsed between reviews, the document has been subject to significant change, revised policy provided as Attachment 1.
- The most significant change incorporated is the inclusion of a parameter for evaluation and prioritisation of capital works bids based on funding contributions whereby:
  - Priority will be given to projects where:
    - most of the funding comes from sources other than Council (e.g. Developer Contributions and grants)
    - user groups or clubs are able to provide 10% or more of the funds required.
      - Community Service Clubs are not required to meet this contribution
    - multi use infrastructure is to be delivered for joint use by more than one user group (or clubs)

## OFFICER'S RECOMMENDATION

### That Council:

1. **Adopts the Capital Works Policy;**
2. **Notes that with the adoption of the Capital Works Policy, that any previous versions are revoked; and**
3. **Makes the Capital Works Policy available on Council's website.**

## BACKGROUND

The Capital Works Policy is required to support the development of Latrobe City Council's Capital Works Program, where capital expenditure is required to renew, upgrade, extend, and purchase new assets to enable Council to achieve its strategic objectives and support the delivery of services identified in service and asset plans.

## ANALYSIS

It is best practice to review policies endorsed by Council on a regular basis to ensure that they are relevant, reflect contemporary practice, reference current legislation, and meet community expectations.

The major changes for this policy include the following:

- Inclusion of parameters for evaluation and prioritisation of capital works bids based on funding contributions whereby
  - Priority will be given to projects where:
    - most of the funding comes from sources other than Council (e.g. Developer Contributions and grants)
    - user groups or clubs are able provide 10% or more of the funds required.
      - Community Service Clubs are not required to meet this contribution
    - multi use infrastructure is to be delivered for joint use by more than one user group (or clubs)
- Inclusion of other parameters for evaluation and prioritisation of capital works bids
- Inclusion of parameters for how a capital works bid is developed
- Inclusion of requirements for consideration of Gender Impact Assessments and the Municipal Public Health and Wellbeing Plan
- Inclusion of details of the streams of capital works funding
- Inclusion of details of the process for variations to projects funded via the capital works program that require additional funds or additional time
- Inclusion of details of the process for funding or contributing to projects for or on Non-Council owned assets
- Inclusion of a clause regarding infrastructure projects within an approved Development Contributions Plan (DCP).

The above changes were incorporated based on consultation and benchmarking with other Councils.

Attachment 2 provides a table that details the key changes to the policy.

## RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<b>COMPLIANCE</b> Policies are required to fulfil statutory obligations and provide clarity to Officers.	<b>Low</b> <i>Unlikely x Minor</i>	Policies reviewed on a scheduled basis to reflect contemporary practices, relevant legislation and community expectations.
<b>FINANCIAL</b> Outdated policies may leave Council exposed to financial risk	<b>Low</b> <i>Unlikely x Minor</i>	Policies reviewed on a scheduled basis to reflect contemporary practices and relevant legislation.

## CONSULTATION

Consultation was undertaken internally with Council's leadership teams given an opportunity to provide comment.

## COMMUNICATION

The Capital Works Policy will be conveyed to staff and Councillors. The policy will also be made available to the community on Council's website.

## DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.



## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

Nil

### **Cultural**

Nil

### **Health**

Nil

### **Environmental**

Nil

### **Economic**

Nil

### **Financial**

There are no adverse financial implications for Council as a result of the endorsement of the updated policy.

### **Attachments**

1. Capital Works Policy
2. Summary of Key Changes

# 9.1

## Review of Capital Works Policy

1	Capital Works Policy .....	283
2	Summary of Key Changes .....	295



# Capital Works Policy

Version 2.0

Approval Date: TBC  
Review Date: May 2027



## Capital Works Policy

### DOCUMENT CONTROL

Responsible GM	GM Regional City Planning and Assets	
Division	Regional City Planning and Assets	
Last Updated (who & when)	Manager City Assets	2023
DOCUMENT HISTORY		
Authority	Date	Description of change
Manager City Assets	April 2023	Revision of outdated policy
Council	TBC	Adoption of revised policy
References	Refer to Sections 8 and 9 of this policy	
Next Review Date	May 2027	
Published on website	Yes	
Document Reference No	TBC	

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Responsible Division	Regional City Planning and Assets	Approved Date	TBC	Review Date	May 2027
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## Capital Works Policy

### 1. Background

This Policy is required to support the development of Latrobe City Council's Capital Works Program, where capital expenditure is required to renew, upgrade, extend, and purchase new assets to enable Council to achieve its strategic objectives and support the delivery of services identified in service and asset plans.

### 2. Objectives

The purpose of the Capital Works Policy (the Policy) is to:

- Provide guidance in the planning and development of Council's Capital Works Program.
- Provide an increased strategic focus and greater transparency in the selection of projects to be included in Council's Capital Works Program.
- Outline the necessary steps to ensure that each proposed capital project is properly considered and prioritised against other proposed projects prior to being included on the approved Capital Works Program.
- Support the Council to comply with its good governance and conduct obligations in line with various legislation, principally the Local Government Act 2020, and the Council Plan.

### 3. Scope

This Policy applies to all capital projects which constitute expenditure under the general categories of capital works (Council owned assets) and capital works (assets owned by others) delivered by, or on behalf of, Latrobe City Council.

Requests for capital works will be reviewed, and capital works projects evaluated, prioritised, and completed using effective processes and sound financial management practices giving due consideration to the Council's ongoing operational requirements and strategic priorities.

The development of strategic documents by, Latrobe City Council are not considered capital works projects within this policy. An allocation of funds, sufficient for this purpose, is to be provided in Council's annual budget.

### 4. Principles of Management

This Policy follows the standards set out in the Project Management Framework (PMF) which incorporates processes, procedures, and relevant controls to govern projects through the phases of initiation, planning, design, execution and close out.

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Responsible Division	Regional City Planning and Assets	Approved Date	TBC	Review Date	May 2027
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## Capital Works Policy

This policy is also supported by a range of Council adopted and organisation Strategies, Policies and Plans which guide infrastructure development for service areas. This includes the Asset Management Policy, Asset Plan and Asset Strategy in relation to informing where financial investment is made to ensure Council is delivering on the community's priorities. The key asset management principles of funding Capital Works renewal projects ahead of extension or new projects shall also be followed when developing the Capital Works Program.

### 4.1. Requests for Capital Works

Requests for projects to be considered in capital works programs may be generated in any of the following ways:

- From the community by either a resident or a community group or organisation
- By resolution of Council
- From an individual Councillor
- From a Council officer
- From a Council adopted strategy or plan

Requests for projects to be included in the Capital Works Program are to be reviewed to establish whether the proposal is consistent with Council's strategic objectives and relevant strategies, the Council Plan, asset plans; that they are cost (life cycle) effective and good value for the required funds; and if the project is Council's responsibility. This will be completed on an annual basis through the capital works budget process managed by the City Assets department.

The annual process for placing a request is as follows, and in line with the PMF:

1. Placing project/capital works bids into master register
2. Review and prioritisation of the requests by Divisional Management teams
3. Detailed submission of project details (for those short listed by the Divisional Management teams)
4. Development of program incorporating bids and assessing against evaluation matrix and considering budget constraints
5. Review and endorsement by Executive Team
6. Endorsement by Council as part of the annual budget process

#### 4.1.1 Gender Impact Assessment

Officers preparing a request for capital works must consider gender in the design and delivery of significant projects, programs, and services. To assist this, officers will need to conduct a Gender Impact Assessment as required by the Gender Equality Act 2020.

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## Capital Works Policy

### 4.1.2 Municipal Public Health and Wellbeing Plan

Officers preparing a request should consider the Municipal Health and Wellbeing Plan and how the request may align with the strategic objectives of this plan.

## 4.2. Evaluation and Prioritisation

For preparation of the Capital Works Program and 10 Year Indicative Capital Works program through the annual budget cycle and capital project requests received outside this cycle, projects are to be prioritised against principles defined under this policy or by Council resolution.

Requests are evaluated against the following principles:

- Capital works for existing and new assets will be evaluated for their whole-of-life costs, that the projects/assets are an effective spend and use of funds for the outcomes being achieved and on a relative benchmarked basis, i.e. that they are best value, economically viable and suitable solutions to meet Council's levels of services
- Council will demonstrate long term financial sustainability by prioritising the above evaluated projects to optimise short and long-term planning needs, service levels and standards, risk, costs, and community expectations
- Capital works programming must be linked to the Council Plan and adopted Asset Management Plan priorities which consider feedback through community consultation.
- Capital works will be prioritised to meet legislative and contractual requirements.
- Priority will be given to projects where:
  - most of the funding comes from sources other than Council (e.g. Developer Contributions and grants)
  - user groups or clubs are able to provide 10% or more of the funds required.
    - Community Service Clubs are not required to meet this contribution
  - multi use infrastructure is to be delivered for joint use by more than one user group (or clubs)
- All endeavours will be made to deliver capital works by the required completion date and within approved budgets.
- The Capital Works Program must be fully funded for renewal and new works or the source of funding identified and secured.

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## Capital Works Policy

### 4.3. Project Governance

Council's PMF provides a clear structure, defined roles and responsibilities, and levels of authority during the life cycle of a project particularly with respect to the achievement of the expected value or benefits from the project and its link to Council's strategic objectives.

#### 4.3.1. Capital Expenditure and Variation Approval

Expenditure on a proposed project is to be authorised by the Executive Team and Council prior to the commitment of that expenditure, this is undertaken as part of the annual budget process, or other budget opportunities that arise throughout the financial year. Once approved, the project will be included in the Council's budget for the year(s) the project is scheduled for delivery.

Where the duration of an approved project goes over more than one financial year, the total project budget is approved, and funding committed in Council's forward capital works program and subsequent annual budgets.

Where the potential for over-expenditure is identified, actions should be taken to adjust project spending. Where changes to project scope, timelines and resources will result in a budget variation, reasons for the variation should be formally defined, evaluated and approved prior to implementation. The process and procedures associated with project variations are found in the Procurement Operational Policy and Procurement Guidelines, and the PMF.

Where expenditure on a project exceeds the approved project budget, the budget category for this project must be value managed by either reducing the scope of remaining approved projects within that budget category, or by removing/deferring a project to a future budget. Authorisation to implement this measure is to be provided by the Chief Executive Officer.

To ensure it is maximising value through the selection, optimisation, and oversight of Capital Works Program investment, Council may use resources to bring forward other projects that are already on the Indicative 10 Year Capital Works Program. Resources may come from deferring a planned project that cannot be delivered within approved resources and/or specified time, leveraging other funds or program savings.

Projects are to be managed in accordance with contract processes and project supervision processes contained in the Procurement Operational Policy and Procurement Guidelines.

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## Capital Works Policy

### 4.4. Capital Works Funding

Funding can be from internal or external sources or a combination of both to undertake capital projects and programs.

#### 4.4.1. Internal Funding

Internal funding comes from Council reserves allocated to capital. Internal funds are limited so prioritisation is applied when funds are distributed across different projects and programs through Council's annual corporate planning cycle.

#### 4.4.2. External Funding

External funding of projects and programs includes but is not limited to grants and contributions from State and Federal Government, community groups, sporting clubs and developers.

A Memorandum of Understanding must be developed for projects delivered through collaborative partnerships between Council and other agencies or community groups to ensure the partnership has defined clear roles and responsibilities and ongoing service outcomes and expectations.

Realistic assessments on the potential external funding solutions for projects, and/or consideration of alternate positioning and scope of proposed projects to assist optimisation of external funding, should occur at an early stage to avoid Council potentially incurring unnecessary costs. Such assessments should occur for significant, complex and/or new types of projects.

The likelihood of external funding should be reviewed periodically throughout the project management phase to ensure funds that are not forthcoming are not relied upon

#### 4.4.3. Funding by service levels

Priority will be given to maintaining renewal and capital expenditure profiles that have been determined for adopted levels of service through Asset Management Plans.

#### 4.4.4. Non-Council owned assets

Throughout the municipality there are various non-Council owned community assets that are managed by Council or a third party/organisation, including community facilities, recreation reserves and indoor stadiums. Council may

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## Capital Works Policy

fund and undertake works or contribute to a third party/organisation for capital projects on non-Council owned assets or land where those projects provide benefits to the community that would otherwise be provided directly by Council, on Council owned land.

Any such works or contribution(s) would only be committed to if it can clearly be justified that it would benefit the wider community and not just a specific group or club.

Before the level of Council contribution is determined, an assessment should be made by relevant Council Officers regarding the potential for other external funding support. A further consideration for non-Council owned assets is the establishment of an agreement regarding ongoing maintenance, renewal and replacement responsibilities and costs. Typically, the preferred arrangement for this scenario is that Council contributes to or funds an asset and agrees to no further cost impacts and essentially hands the asset back to the community group or organisation.

A formalised written agreement will be negotiated on a project-by-project basis, of which the terms and conditions of these contributions will be developed by Council, prior to Council making a financial contribution.

Council has a range of grants and assistance available to community groups, organisations and individuals to improve or repair a community facility or recreation reserve which can be viewed on Council's website.

#### 4.4.5. Developer Contributions Plans

Infrastructure projects identified in an approved Development Contributions Plan (DCP) are either fully or partly funded through development contributions made by landowners at the time of subdivision and development.

As the developing agency Council is responsible for delivering infrastructure projects identified in the DCP. Infrastructure projects are delivered through the Capital Works Program or Council can, at its discretion, provide agreement for a developer to construct infrastructure projects as 'works in kind' (WIK). Council has developed an Infrastructure Priority List (IPL) for each DCP. The IPL is reviewed annually at the start of the financial year and guides the timing of DCP projects delivered both by Council and as WIK.

Where Council delivers DCP projects through the Capital Works Program and sufficient funds have not yet been collected, Council must forward-fund the project with the funds recouped in the future as the land is progressively developed and contributions are paid. Where a developer provides WIK, the

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## Capital Works Policy

cost of the infrastructure is credited against the developer's required development contributions in lieu of a cash payment. If the cost of WIK exceeds the developer's total required contributions Council must reimburse the over-provision, being the value of the surplus credit, at the end of the development.

### 4.5 Risk

In order to comply with its obligations under the Local Government Act 2020 and maintain the trust and confidence of the community, it is critical that Council and Councillors maintain the highest possible standards of good governance, integrity, ethical behaviour, and conduct.

## 5. Accountability and Responsibility

Accountability and responsibility for this policy is outlined below.

- Council
  - Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policy
  - Responsibility for the decision to approve this Policy by Council Resolution
- Chief Executive Officer
  - Overall responsibility for compliance with this policy
  - Overall responsibility for enforcing accountability
  - Overall responsibility for providing resources
  - Overall responsibility for performance monitoring
- General Manager
  - Responsibility for compliance with this policy
  - Responsibility for enforcing accountability
  - Responsibility for providing resources
  - Responsibility for performance monitoring
- Manager
  - Develop frameworks and procedures in compliance with this policy
  - Enforce responsibilities to achieve compliance with frameworks and procedures
  - Provide appropriate resources for the execution of the frameworks and procedures

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## Capital Works Policy

- Employees, Contractors and Volunteers
  - Participate where required in the development of frameworks and procedures in compliance with this policy.
  - Comply with frameworks and procedures developed to achieve compliance with this policy.

### 6. Evaluation and Review

This policy will be reviewed on request of Council, in the event of significant change in the Executive team, significant changes to legislation applicable to the subject matter of the policy or, every four years.

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## Capital Works Policy

### 7. Definitions

Key term	Definition
<b>10 Year Indicative Capital Works Program</b>	the forecast capital investment over the next 10 years
<b>Asset Management Plan</b>	An asset specific plan for managing infrastructure and other assets to deliver an agreed standard of service
<b>Capital Works Program</b>	the annual adopted capital works program
<b>Capital Works (Council owned assets)</b>	the purchase or construction of new assets; or the renewal of existing assets which increases the service potential or extends the life of an asset; or the upgrade or expansion which extends the standard of an existing asset to provide a higher level of service.
<b>Capital Works (assets owned by others)</b>	contributions to other bodies, public or private, towards their capital projects where those projects provide benefits to the community that would otherwise be provided directly by Council
<b>Community Service Club</b>	A not-for-profit club or group that performs charitable works either by direct hands-on efforts or by raising money for other organisations
<b>Councillors</b>	the individuals holding the office of a member of Latrobe City Council
<b>Council officer</b>	the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer
<b>Project Budget</b>	the total amount of monetary resources that are allocated for goals and objectives of the project for a specific period of time
<b>Project Management Framework</b>	the organisational approach, supporting guidelines, other documents, and system tools to support best practice management of projects
<b>Service Plans</b>	strategic high-level plans which allow Council to review and set the direction for services across the municipality

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## Capital Works Policy

### 8. Related Documents

- Procurement Policy
- Procurement Operational Policy
- Procurement Guidelines
- Project Governance Policy
- Annual Capital Works Program
- Capital Works Project Management Framework
- Asset Plan
- Asset Strategy
- Asset Management Plans
- Long Term Financial Plan

### 9. Reference Resources

- Local Government Act 2020
- Freedom of Information Act 1982
- Gender Equality Act 2020

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**ATTACHMENT 2*****Latrobe City Council – Capital Works Policy Review – Key Changes***

To ensure the review of the Capital Works Policy was carried out effectively officers considered the following:

- The updated policy template
- Benchmarked other Council's policies
- Local Government Act 2020

**Summary of Capital Works Policy Changes**

<b>Current Title</b>	<b>Proposed Title</b>
Capital Works Policy 11 POL-3	Capital Works Policy Version (No 2.0)
<b>Current Definitions</b>	<b>Proposed Definitions</b>
Capital works (Council Owned assets) Capital Works (assets owned by others)	10 Year Indicative Capital Works Program Asset Management Plan Capital Works Program Capital Works (Council owned assets) Capital Works (assets owned by others) Community Service Club Councillors Council officer Project Budget Project Management Framework Service Plans

**Summary of Principles of Management Changes**

To ensure the review of the Capital Works Policy is appropriate for future requirements, officers applied the following changes:

- Updated the objectives of the policy
- Updated the flow of the document and the order in which it read
- Updated the definitions related to the policy
- Defined the scope of the policy
- Provided the parameters for how a capital works bid is developed
- Provided the parameters for evaluation and prioritisation of capital works project bids with regards to funding contributions whereby priority will be given to projects where:
  - most of the funding comes from sources other than Council (e.g. Developer Contributions and grants)
  - user groups or clubs are able to provide 10% or more of the funds required.
    - Community Service Clubs are not required to meet this contribution
  - multi use infrastructure is to be delivered for joint use by more than one user group (or clubs)
- Provided other parameters for evaluation and prioritisation of capital works project bids
- Provided context around project governance in line with Council's Project Management Framework (Operational Document)
- Inserted requirements for consideration of Gender Impact Assessments and the Municipal Public Health and Wellbeing Plan
- Detailed the streams of capital works funding
- Detailed the process for variations to projects funded via the capital works program that require additional funds or additional time
- Detailed the process for funding or contributing to projects for or on Non-Council owned assets
- Inclusion of a clause regarding infrastructure projects within an approved Development Contributions Plan (DCP).



# REQUEST TO EXECUTE UPDATED LATROBE CITY TRUST DEED

## PURPOSE

To present the revised Deed of Appointment for the Latrobe City Trust to Council for adoption.

## EXECUTIVE SUMMARY

- At the February 2023 Council Meeting it was resolved to appoint the Mayor, Deputy Mayor, Cr Ferguson and Cr Gibson as Trustees to the Latrobe City Trust.
- A revised Deed of Appointment has been prepared based on these appointments and is now presented to Council for consideration.
- The revised Deed of Appointment has been prepared by officers based on the previous Deed of Appointment incorporating minor amendments.
- In future, a resolution to execute an updated Deed will be sought as part of the annual Councillor Committee appointment process, as required.

## OFFICER'S RECOMMENDATION

### That Council:

- 1. Adopts the revised Deed of Appointment for the Latrobe City Trust and reaffirms the appointment of the following individuals as Trustees:**
  - a) The Mayor of the Day**
  - b) The CEO of the Day**
  - c) Cr Dan Clancey**
  - d) Cr Sharon Gibson**
  - e) Cr Melissa Ferguson; and**
- 2. Authorises the Chief Executive Officer to sign and seal the revised Deed of Appointment for the Latrobe City Trust.**

**BACKGROUND**

The Latrobe City Trust (formerly the La Trobe Shire Trust) was settled by Loy Yang Power Management Pty Limited in 1999 to raise funds and encourage local philanthropy to support individuals and communities across Latrobe City through the distribution of grants.

A Deed of Appointment is required to provide the authority to Council to appoint Trustees, with no minimum or maximum number specified. The three original community Trustees have since been replaced and, in practice, no more than five Trustees have been appointed at any one time.

The Deed requires that the Trustees be of sound mind and sound financial position. The Deed does not outline any particular appointment process for Trustees beyond the requirement for an instrument in writing by Council, nor does it limit the number or length of terms for Trustees.

With no set term given, the appointments are to be reviewed annually in line with the Councillor Committee appointments.

**ANALYSIS**

A Deed of Appointment is required to give effect to the appointment of the named councillors.

**RISK ASSESSMENT**

RISK	RISK RATING	TREATMENT
<b>COMPLIANCE</b> Legislated non-compliance	<b>Medium</b> <i>Unlikely X Moderate</i>	Legal review of draft document has been undertaken. Executing the Deed will complete the appointment process

**CONSULTATION**

This Deed was reviewed by the current Trustees at the Latrobe City Trust Meeting held on 20 March 2023.

**COMMUNICATION**

The revised Deed of Appointment will be provided to banks when investing money into Term Deposits.

**DECLARATIONS OF INTEREST**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

There are no social impacts with respect to the Deed execution.

### **Cultural**

There are no cultural impacts with respect to the Deed execution.

### **Health**

There are no health impacts with respect to the Deed execution.

### **Environmental**

There are no environmental impacts with respect to the Deed execution.

### **Economic**

There are no economic impacts with respect to the Deed execution.

### **Financial**

There are no costs associated with the Deed execution. The preparation work was resourced in administrative officer time.

### **Attachments**

1. Draft Latrobe City Trust Deed of Appointment
2. Latrobe Shire Deed - Latrobe City Trust

## 9.2

### Request to Execute Updated Latrobe City Trust Deed

- 1 Draft Latrobe City Trust Deed of Appointment ..... 301
- 2 Latrobe Shire Deed - Latrobe City Trust ..... 304

## **Latrobe City Council**



## **Latrobe City Trust**

### **DEED OF APPOINTMENT**

**THIS DEED OF APPOINTMENT** is made the                      day of                      2023

BY:

**Latrobe City Council** the municipal offices of which are situate at 141 Commercial Road, Morwell in the State of Victoria.

**WHEREAS:**

- A. The La Trobe Shire Trust (“the Trust”) was established by a Deed of Trust on 22 April 1999, pursuant to a resolution of La Trobe Shire Council of 04 May 1998.
- B. By Deed of Amendment made 29 October 2002 the name of the Trust was amended to “Latrobe City Trust”.
- C. The Deed of Trust provides at Clause 14(1) that:  
“The municipality shall be entitled by instrument in writing at any time and from time to time:
  - a) to remove any Trustee hereof;
  - b) to appoint any additional Trustee or Trustees;
  - c) to appoint a new Trustee or Trustees in the place of any Trustee who resigns his Trusteeship or ceases to be a Trustee by operation of law”.
- D. At a Council Meeting on 04 May 1998, when La Trobe Shire Council resolved to establish the La Trobe Shire Trust, it also resolved to appoint the Mayor of the Day and Chief Executive Officer of the Day as Trustees of the Trust along with three other individuals who are no longer Trustees of the Trust.
- E. At its Council Meeting on 06 February 2023 Latrobe City Council resolved to appoint **DAN CLANCEY, SHARON GIBSON** and **MELISSA FERGUSON** as Trustees to the Latrobe City Trust. This was reaffirmed at the Council Meeting on 03 April 2023. The term of each Trustee was unlimited with no expiry date.

**NOW THIS DEED WITNESSES** as follows:

1. The Latrobe City Council as the successor of the La Trobe Shire Council pursuant to clause 14(1) of the Deed of Trust does appoint the following persons as Trustees of the Trust, commencing on 06 February 2023:
  - (a) **DAN CLANCEY;**
  - (b) **SHARON GIBSON;** and
  - (c) **MELISSA FERGUSON.**

2. The term of each Trustee appointed in clause 1 of this Deed shall continue until that Trustee is removed by Council.

**SIGNED** and **SEALED** for and behalf )  
of **LATROBE CITY COUNCIL** by )  
Steven Piasente pursuant to Instrument )  
of Delegation dated 23 May 2022 )  
in the presence of: )

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Name

**LA TROBE SHIRE TRUST**

**LORRAINE BARTLING, PENNY HOLLOWAY,  
GRAHAM GORDON, IAN ROUND &  
GLORIA AUCHTERLONIE**

*Trustees*

**- and -**

**LOY YANG POWER MANAGEMENT PTY. LTD.**

*Settlor*

MCDONOUGH & CO.  
SOLICITORS  
52 FRANKLIN STREET  
TRARALGON 3844  
TELEPHONE (03) 5176 1000 FACSIMILE (03) 5176 1020



**THIS DEED OF TRUST** is made the day mentioned in the Schedule hereto

**BETWEEN**

The person named and described in the Schedule as the Settlor (hereinafter called "the Settlor") of the one part

**AND**

The person or persons named and described in the Schedule as the Trustees (hereinafter called "the Trustees") of the other part

Counterpart Settlement  
 Stamped with \$3.00  
 Trn: 648103 15-DEC-1999  
 Stamp Duty Victoria: PEUG  
 EL.

**WHEREAS**

The Settlor is desirous of making provision for the charitable or charitable benevolent purposes hereinafter described within the municipality as and in the manner hereinafter set out and the Settlor contemplates the transfer or possible transfer after the execution hereof to the Trustees of the settled sum referred to in the Schedule and the Trustees have consented to become the Trustees hereof upon the trusts and with and subject to the powers and provisions hereinafter expressed:

**NOW THIS DEED WITNESSETH:-**

1. In this Settlement the following terms where the context admits shall have the following meanings:
  - (1) "the Trustees" means the company or other person or persons named as such in the Schedule or other the sole Trustee or the Trustees for the time being of this settlement;
  - (2) "the Trust Fund" means the settled sum referred to in the Schedule all moneys investments and property paid or transferred to and accepted by the Trustees as additions to the Trust Fund, the accumulations of income hereinafter directed or empowered to be made, all additions and accretions to the Trust Fund and the investments and property from time to time representing the said money investments property accumulations additions and accretions or any part or parts thereof respectively;
  - (3) "the Vesting Day" means the day as the Trustees may determine with the consent of the the municipality in writing;
  - (4) "Accounting Period" means each period of twelve months ending on the Thirtieth day of June in each year provided that the period commencing on the date of execution hereof and ending on the Thirtieth day of June next shall be an Accounting Period;
  - (5) the singular shall mean and include the plural and vice versa and any gender shall mean and include all other genders;
  - (6) "the municipality" means the La Trobe Shire Council or its successor;
  - (7) "beneficiary" means any charitable purpose or charitable association as provided for herein.
  - (8) "set aside" in relation to a beneficiary includes place sums to the credit of such beneficiary in the books of the Trust Fund
2. The proper law of this Deed and of the trusts hereof shall be the law from time to time in force in the State of Victoria.

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3. The Settlor hereby declares that the Trustees shall and the Trustees hereby declare that they will henceforth stand possessed of the Trust Fund and of the income thereof upon the trusts and with and subject to the powers and provisions hereinafter expressed concerning the same.
4. The Trustees may make such distributions and allocations of the Trust Fund as they shall determine in accordance with this Deed from time to time to such charitable or charitable benevolent clubs, trusts, corporations, institutions, funds, bodies, organisations, associations whether incorporated or unincorporated, (herein after called "charitable associations") within the municipality and the Trustees may make distributions and allocations to persons within the said municipality for the purpose of achieving and obtaining charitable or charitable benevolent purposes (herein after called "charitable purposes") and without limiting the generality of the foregoing, the Trustees may make such distributions as they shall determine for the following purposes;
  - (1) the promotion and encouragement of sport, recreation and physical exercise of residents.
  - (2) the provision of scholarships and bursaries to students at education institutions schools or colleges within the municipality.
  - (3) the provision of scholarships and bursaries to the children of residents of the municipality.
  - (4) the provision of special education facilities and services within the municipality.
  - (5) the promotion and encouragement of the arts and culture within the said municipality.
  - (6) the relief of aged person, the infirm and disabled.
  - (7) the provision of health, education, welfare and community services and the provision and promotion of community welfare and health services, nursing facilities, hostels, nursing homes, accommodation facilities, recreation and rehabilitation facilities for children and families, young people, migrants, the aged, disadvantaged and disabled persons.
  - (8) the promotion and maintenance of the environment.
5.
  - (1) The Trustees may at any time prior to the expiration of any Accounting Period determine with respect to all or any part of the net income of the Trust Fund for that Accounting Period to pay apply or set aside the same for such charitable purposes as the Trustees may think fit or to accumulate the same;
  - (2) The following provisions shall apply to any determination made pursuant to sub-clause (1) of this Clause, namely:-
    - (a) the validity of any determination to accumulate income shall be conditional upon the law in force in relation to this Deed permitting the same at the date of that determination and shall (except as provided in the next succeeding paragraph) be irrevocable;

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- (b) if at the end of any Accounting Period the aggregate of the amounts of income in respect of which determinations shall have been made pursuant to sub-clause (1) of this clause shall exceed the net income of the Trust Fund for that Accounting Period then an amount equal to the excess shall be deducted from any income of that Accounting Period which the Trustees shall have determined to accumulate and only the balance (if any) of such income shall be accumulated; and if such net income shall be insufficient to satisfy determinations made for the purposes or objects referred to then to the extent of the deficiency the Trustees shall be deemed and taken to have applied the capital of the Trust Fund.
  - (c) a determination to pay apply or set aside any sum to or for any particular beneficiary may be effectually made and satisfied by placing such amount to the credit of such beneficiary in such manner as the Trustees shall think fit;
  - (d) in making any determination the Trustees may pay apply or set aside any amount to or in favour of one or more of the beneficiaries in such proportions and in such manner as they shall think fit.
  - (e) the Trustees shall have an absolute discretion as to the making of any determination and shall not be required to assign any reason therefore.
- (3) Any income which the Trustees shall accumulate shall be dealt with thenceforth as an accretion to the capital of the Trust Fund.
  - (4) Any amount set aside for any beneficiary shall not form part of the Trust Fund but shall be held upon separate trusts for such beneficiary, and the Trustees pending payment over thereof to or for the beneficiary are empowered hereby to invest or apply or deal with the same in such manner mutatis mutandis as they are empowered to do invest or apply or deal with the Trust Fund in accordance with the powers contained in Clause 6 hereof and to apply or pay the same in any way which they in their absolute discretion consider.
6. The Trustees shall in addition to the powers otherwise conferred upon Trustees by law have the following powers:-
- (1) to apply and invest all moneys at any time forming part of the Trust Fund in any such investments whether involving liabilities or not or upon personal credit or with or without security and upon such terms and conditions as the Trustees shall prudently think fit and to the intent that the Trustees shall have the same powers in all respects as if they were absolute owners beneficially entitled thereto including, without diminishing the generality of the foregoing, the subscription for the taking up on allotment and the purchase of any shares, stock, bonds, mortgages, debentures, obligations or securities in any part of the world and the purchase or acquisition of any real or personal property wheresoever situate and notwithstanding that the same not be income-producing or be of a wasting or speculative nature and to exercise all rights and privileges and perform all duties and obligations appertaining or incidental thereto;

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- (2) to make or purchase any such investments for cash or in consideration of any annuity or otherwise and upon such terms and conditions as the Trustees shall in their absolute discretion think fit (and they may make or purchase any such investment for a sum greater than the amount of the Trust Fund for the time being and they may agree to pay for any such investment wholly or in part from any future moneys which may come into their hands including dividends, profits, interest or other income paid or payable in respect of any such investments);
- (3) to advance and lend moneys to and to borrow and raise moneys from and to secure by mortgage or otherwise howsoever the payment of money to any persons, firms, companies, corporations or governmental or municipal bodies and upon such terms with or without security or interest as the Trustees shall deem fit, and a person lending moneys to the Trustees shall be entitled to its due repayment from the Trust Fund regardless of its actual or intended application and shall not be concerned to enquire as to any such application; and the Trustees are hereby expressly empowered to join with any company or natural person in executing any mortgage or other document for the purpose of securing the payment of money to the Trustees jointly with any company or natural person or for the purpose of securing the payment of money to any company or natural person and, in particular, to guarantee any debt or liability of any person incurred or to be incurred in favour of any other person and to charge the Trust Fund or any part thereof for the payment of or in respect of any such debt or liability;
- (4) to give any guarantee or guarantee and indemnity for payment of money or the performance of any contract, obligation or undertaking by any person, firm, company, corporation or association and to secure its obligations under any such guarantee or guarantee and indemnity by whatsoever over the whole or any part of the Trust Fund or any property comprised in the Trust Fund;
- (5) to vary or transpose any investments into or for any other or others of any nature whatsoever and to vary the terms of or property comprised in any security;
- (6) to hold, use, purchase, construct, demolish, maintain, repair, renovate, reconstruct, develop, improve, sell, transfer, convey, surrender, let, lease, exchange, take and grant options or rights or discharges or otherwise deal with any real or personal property and in particular with shares, debentures or securities of any company and with or without deferred, restricted, qualified or special rights relating thereto;
- (7) to purchase or acquire any rights of any description or policy or policies of insurance of whatsoever nature and at or subject to any premium or premiums whether single or payable periodically and with or subject to any options, rights, benefits, conditions, or provisions whatsoever and to pay out of the income or capital of the Trust Fund as the Trustees in their absolute discretion think fit all sums payable from time to time for premiums or otherwise for the effecting or maintenance of any policy or policies of insurance (whether owned by the Trustees or otherwise) or for the exercise or enjoyment of any option, right or benefit thereunder; and any surrender of any such policy or policies shall for all the purposes of this Deed be deemed to be a sale thereof;

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- (8) to pay out of the Trust Fund or the income thereof all costs, charges and expenses incidental to the setting up and management of the Trust Fund and to the exercise of any power, authority or discretion herein contained or in carrying out or performing the trusts hereof which may at any time be incurred and whether or not the Trustees shall be liable therefore including all taxes payable in respect of the Trust Fund costs in any way connected with the preparation and execution of this Deed and all moneys which may be required to be paid as settlement, gift, stamp or revenue duties in respect of the Trust Fund or any application thereof or any accretion or addition thereto or on this Deed;
- (9) with respect to any company in which the Trustees hold shares stocks or debentures or are otherwise interested or concerned to exercise all such powers and do all such acts matters and things as the Trustees could do if they were the beneficial owners of the shares stocks or debentures or were personally interested or concerned in the company;
- (10) to employ any person or in connection with anything required to be done pursuant to the provisions hereof including the receipt and payment of money and to decide the remuneration to be allowed and paid and the amount of all charges and expenses and to create or arrange any scheme of superannuation, retirement benefit or pension for the benefit of any person so employed;
- (11) to partition or agree to the partition of or to subdivide or agree to the subdivision of any land or other property which or any interest in which may for the time being be subject to the trusts hereof and to pay any moneys by way of equality of partition.
- (12) to establish, promote or acquire any company or companies or join in the promotion, establishment or acquisition of any company or companies;
- (13) to determine whether any real or personal property or any increase or decrease in amount, number or value of any property or holdings of property or any receipt or payments from for or in connection with any real or personal property shall be treated as and credited or debited to capital or to income and generally to determine all matters as to which any doubt, difficulty or question may arise under or in relation to the execution of the trusts and powers of this Deed; and every determination of the Trustees in relation to any matters aforesaid whether or not made upon a question formally or actually raised or implied in any of the acts or proceedings of the Trustees in relation to the Trust Fund shall bind all parties interested therein and shall not be objected to or questioned on any ground whatsoever;
- (14) to open any account or accounts with any bank or banks and to operate by and in all usual ways any such account or accounts;
- (15) to draw make and accept endorse discount execute and issue promissory notes bills of exchange and other negotiable or transferable instruments;
- (16) to give effectual receipts and discharges for any moneys received by or on behalf of the Trustees or otherwise relating to any of the acts, matters and things provided for in this Deed, and to receive property by gift inter vivos or by will or under any other

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trusts or otherwise as an addition to the Trust Fund and to treat that property thenceforth in all respects as part of the Trust Fund;

- (17) to grant options in respect of any assets held subject to the trusts of this Deed to any person, firm or company;
- (18) to become a director of any company in which moneys forming a part of the Trust Fund are invested, or to appoint any person to act as director of any such company, and to receive the remuneration attached to such office without accounting to the Trust therefore provided that the Trustees execute all proper declarations of trust for any shares held by them on behalf of the Trust and account to the Trust for all dividends and bonuses;
- (19) to take such action as the Trustees shall think fit for the adequate protection of any part or parts of the Trust Fund and to do all such other things as may be incidental to the exercise of the powers and authorities conferred on the Trustees by this Deed;
- (20) to take and act upon the opinion (given in writing) of an attorney at law or counsel practising in any country where the Trust Fund or any part thereof may for the time being be invested in relation to the interpretation or effect of this Deed or any other document or statute or as to the administration of the trusts hereof;
- (21) in any conditions or circumstances which the Trustees think expedient to appoint, either in respect of the whole of the Trust Fund or any part thereof, new Trustees in any country in the world and to transfer, assign and make over the investments for the time being representing the Trust Fund or any part thereof to any such new Trustees upon similar trusts and subject to similar terms and conditions to those declared in this Deed and either subject to the control of the Trustees of this Deed or to the exclusion of such control; and the Trustees of this Deed shall be indemnified and held harmless against any loss which may arise from the exercise of this power;
- (22) to permit any property being part of the Trust Fund to be held or registered in the name of any nominee of the Trustees and to deposit securities to the deeds and other documents belonging or related to the Trust Fund with any bank or to mix the Trust Fund or any part thereof with any other trust fund or the property of any other person;
- (23) at any time or times by an irrevocable deed or deeds to appoint that the whole or any part of the Trust Fund shall thenceforth be held upon the trusts and with and subject to the powers and provisions of any other settlement for the benefit of all or any one or more of the beneficiaries and upon any such appointment being made the Trustees may transfer to the trustees or trustee for the time being of the said other settlement the property comprised in the said appointment and thereupon the trusts herein declared concerning such property shall cease and determine and the said property shall for all purposes be subject to the trusts powers and provisions contained in the said other settlement and be subject to and governed by the proper law of the said other settlement, whether such proper law shall be the proper law of this Deed or not;

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- (24) to exercise or concur in exercising all the foregoing powers and discretions contained in this Deed or otherwise by law conferred notwithstanding that the Trustees or any person being a Trustee or any person being a director or shareholder of a Trustee hereof (being a company) has or may have a direct or personal interest (whether as trustee of any other settlement or in his personal capacity or as a director or shareholder of any company or otherwise) in the mode or result of exercising such power or discretion or may benefit either directly or indirectly as a result of the exercise of any such power or discretion and notwithstanding that the Trustee for the time being is the sole Trustee;
- (25) to raise monies and conduct any fund raising activities and to receive and obtain any necessary approvals and permits for the purpose and promotion of any beneficiary herein;
- (26) to receive and accept any real or personal property from any corporation, trust, institution, club, body, organisation or association as an addition to the Trust Fund, and to accept such upon any terms or conditions as the Trustee may at their discretion agree to.
- (27) generally, to deal with the Trust Fund and to do all such acts and things in relation to the management, investment and administration of the Trust Fund as they could do if it were their own property and the generality of this sub-clause shall not be restricted by implication by the existence of the other sub-clauses of this clause.
7. The Trustees if more than one shall act jointly and may in writing delegate the exercise of all or any of the powers or discretionary authorities hereby conferred on the Trustees and may execute any power of attorney or other instrument necessary to effectuate such purpose.
8. Each of the Trustees may with the consent of the other or others appoint any person to be an alternate Trustee in his place but so that any such appointment shall have effect only during such period as such Trustee shall be absent from the place where the Trust Fund is being administered; and any such Trustee may by writing under his hand revoke or alter any such appointment.
9. Subject always to any express provision to the contrary herein contained every discretion vested in the Trustees shall be absolute and uncontrolled and every power vested in them shall be exercisable in their absolute and uncontrolled discretion without any obligation to consider competing claims of beneficiaries provided that notwithstanding anything contained in this Deed:-
- (1) the trustees may before exercising any discretion or power vested in them or making any determination hereunder consult the wishes of the the municipality or any consultative committee appointed by the municipality;
- (2) when exercising the powers contained in clauses 4 and 5 the trustees shall give due and adequate consideration to any request, recommendation or advice of the municipality or any consultative committee appointed by the municipality;

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- (3) any exercise of the powers contained in clauses 6(4), 6(18), 6(21), 6(22), 6(26), 8 and 17 hereof shall not be valid until the the municipality has consented thereto in writing;
  - (4) the municipality may at any time by instrument in writing declare that thenceforth the Trustees shall not be obliged to obtain its consent that as a condition precedent to the validity of the exercise of any power or powers.
10. The Trustees shall not be responsible for:-
  - (1) any loss or damage occasioned by the exercise of any discretion or power hereby or by law conferred on the Trustees or by any failure to exercise any such discretion or power; or
  - (2) any breach of duty or trust whatsoever unless it shall be proved to have been committed or omitted in personal conscious fraudulent bad faith by the Trustee charged to be so liable.
11. A sole Trustee hereof for the time being is hereby authorised notwithstanding that he is the sole Trustee to receive capital and other moneys and to give valid and effectual receipts therefore for all purposes (including the purposes of the Settled Land Act 1958 (Vic.) or any other statutory enactments).
12. Notwithstanding any other provision herein whatsoever, any Trustee who has not disposed of property to the Trustees otherwise than for full consideration and who is a solicitor or accountant of any firm of which such Trustee may be a member shall be entitled to make all usual and proper charges for both his professional services and other services not relating to his profession in the administration of the trusts hereof and for his time and trouble that he would have been entitled to make for those services time and trouble if not a Trustee.
13.
  - (a) The Trustees shall keep a complete and accurate record of all receipts and expenditures on account of the Trust Fund.
  - (b) Promptly after the close of each Accounting Period the Trustees shall prepare a written accounting report (prepared in accordance with normally accepted accounting procedures) for such period consisting of a balance sheet and statement of income and expenditure and a list of assets held at the close of such Accounting Period and a copy thereof shall be furnished to the municipality not less than fourteen days before the annual general meeting if any is to be held and if none is to be held before 31st October in each year.
  - (c) The accounting report shall include the names and addresses of all persons or firms having custody of all or any portion of the assets of the Trust Fund.
  - (d) The Trustees shall appoint an auditor and if the Trustees do not make a nomination the municipality may in its discretion if it thinks fit appoint an auditor to examine and ascertain the correctness of the accounts of the Trust Fund and of every company a majority of the shares in which are owned as part of the Trust Fund and of every trust a majority of the units or interest in which are owned as part of the Trust Fund and to report thereon to the Trustees and to the municipality.



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14. (1) The municipality shall be entitled by instrument in writing at any time and from time to time:-
- (a) to remove any Trustee hereof;
  - (b) to appoint any additional Trustee or Trustees;
  - (c) to appoint a new Trustee or Trustees in the place of any Trustee who resigns his Trusteeship or ceases to be a Trustee by operation of law.
- (2) Any Trustee and any person who may by succession becomes a Trustee may resign or renounce such position by notice in writing to the municipality and forthwith upon the giving of such notice the person giving the same shall for all purposes hereunder cease to be a Trustee provided that a sole surviving Trustee shall not resign until a new Trustee or new Trustees has been appointed in his place.
- (3) The office of a Trustee shall be ipso facto determined and vacated if such Trustee being an individual shall be found to be a lunatic or of unsound mind or if he shall become subject to the bankruptcy laws or if he shall remain out of the place in which this trust is for the time being administered for more than twelve months or if such Trustee being a company shall enter into liquidation whether compulsory or voluntary (not merely being a voluntary liquidation for the purposes of amalgamation or reconstruction).
- (4) A copy of all notices of changes of Trusteeship shall be endorsed on or attached to this Deed and every such notice shall be sufficient evidence to any person having dealings with the Trustees of this Deed as to the facts to which it relates.
- (5) Any person dealing with the Trustees may rely upon a copy of this Deed and of the notices endorsed thereon or attached thereto certified by the Trustees or a solicitor on their behalf before a Notary Public or before a barrister or solicitor to the same extent as he might rely on the original.
- (6) Any person becoming a Trustee of the Trust Fund may accept the account rendered and the property delivered to him by the continuing Trustee or his predecessors in office without being bound to enquire further as to the assets of the Trust Fund; and any person ceasing to be a Trustee hereof may be given a full and complete discharge by the municipality.
15. In the event of disagreement between the Trustees as to any matter affecting the Trust Fund or as to the exercise of or omission or abstention from exercising any of the Trustees' powers and discretions hereunder:-
- (1) the matter for decision shall be deferred to a vote of all the Trustees (either at a meeting of the Trustees or by post);
  - (2) in the event of there being a majority for or against the proposal the Trustees shall give effect to the wishes of such majority as though it were a decision by all the Trustees.
16. The exercise of a discretion or power conferred by this Deed upon the Trustees may, in the case of a Trustee which is a corporation or company, be evidenced by a memorandum of a resolution of its directors in writing signed by a majority of those directors.

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17. The Trustees for the time being may at any time and from time to time by deed revoke add to or vary all or any of the provisions of this Deed or the Schedule by any variation or revocation or addition made thereto from time to time and without limiting the generality of the foregoing provisions of this clause, may at any time and from time to time by the same or any other deed or deeds declare any new or other trusts or powers concerning the Trust Fund or any part or parts thereof, but so that any law against perpetuities is not thereby infringed and so that such new or other trusts powers discretions revocations additions or variations shall not affect the beneficial entitlement to any amount set aside for any beneficiary prior to the date of the variation alteration or addition and save as provided in this clause this Deed and the trusts thereof shall not be capable of being revoked added to or varied.
18. Without prejudice to any right under the general law of the Trustees to refuse disclosure of any document it is hereby declared that the Trustees shall not be bound to disclose to any person any of the following documents:-
  - (1) any document disclosing any deliberations of the Trustees (or any of them) as to the manner in which the Trustees should exercise any power or any discretion conferred upon the Trustees by this Deed or disclosing the reasons for any particular exercise of any such power or any such discretion or the material upon which such reasons were or might have been based;
  - (2) any other document relating to the exercise or proposed exercise of any power or any discretion conferred on the Trustees by this Deed (not being legal advice obtained by the Trustees at the cost of the Trust estate).
19. The trusts of this Deed shall be known by the name thereof set forth in the Schedule.
20. (a) Provided the Trustee shall have acted in good faith:-
  - (i) the Trustee shall be entitled to be indemnified out of the Trust Fund for all debts, damages, obligations or other liabilities incurred, arising or awarded by or against the Trustee in the execution of any power, duty, discretion, or authority hereunder and in respect of all action, claims, demands and costs whatsoever relating to, or concerning the Trust Fund; and
  - (ii) the Trustee shall be entitled to reimbursement from the Trust Fund for all monies expended and debts incurred in or about the administration of the Trust; and
  - (iii) the Trustee may apply the Trust Fund or any monies or property comprised therein as it may decide to satisfy the rights of reimbursement or indemnity to which it may hereunder or otherwise by law be entitled.
- (b) The rights to indemnity and reimbursement of the Trustee in respect of any manner whatsoever shall be limited to the property comprising the Trust Fund from time to time and, in particular, neither the Settlor nor any other person directly or indirectly benefiting from the Trust of this Deed nor the directors nor shareholders of any

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company being a Trustee nor any person disposing of property to the Trustee on the trusts hereof nor any person whosoever shall be personally liable in any way directly or indirectly to indemnify or reimburse the Trustee or any of them in respect of liability incurred by them.

**SIGNED SEALED AND DELIVERED** by )  
**LORRAINE BARTLING** )  
in the presence of: )

*L. Bartling*

*d. Brady* : Witness

**SIGNED SEALED AND DELIVERED** by )  
**PENNY HOLLOWAY** )  
in the presence of: )

*P. Holloway*

*d. Brady* : Witness

**SIGNED SEALED AND DELIVERED** by )  
**GRAHAM GORDON** )  
in the presence of: )

*G. Gordon*

*d. Brady* : Witness

**SIGNED SEALED AND DELIVERED** by )  
**IAN ROUND** )  
in the presence of: )

*I. Round*

*d. Brady* : Witness

**SIGNED SEALED AND DELIVERED** by )  
**GLORIA AUCHTERLONIE** )  
in the presence of: )


*G. Auchterlonie*

*d. Brady* : Witness

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**EXECUTED by LOY YANG POWER MANAGEMENT PTY LTD (ACN 077 985 758)**

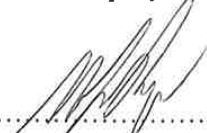
by being signed by those persons who are authorised to sign for the company

  
..... Chief Executive

IAN G. NETHERCOTT Full Name

P.O. Box 1799 Address

TRARALGON 3844

  
..... Secretary

M. L. RYAN Full Name

LOT 10 MARYVALE RD Address

MORWELL

**SCHEDULE**

**Date of Execution of this Deed:** The 22<sup>nd</sup> day of April 1998<sup>9</sup>.

**Name of Trusts of this Deed:** La Trobe Shire Trust

**Settlor:** Loy Yang Power Management Pty. Ltd. ACN 077 985 758 having its registered office situated at Level 27, 459 Collins Street, Melbourne in the State of Victoria.

**Trustees:**

Cr Lorraine Bartling  
34-38 Kay Street  
Traralgon 3844

Ms Penny Holloway  
34-38 Kay Street  
Traralgon 3844

Mr Graham Gordon  
30-32 George Street  
Morwell 3840

Mr Ian Round  
19 Boulton Crescent  
TYERS 3844

Ms Gloria Auchterlonie  
3 Valerie Court  
Morwell 3840

**Settled Sum:** Five hundred dollars (\$500.00)

DATED:

**LOY YANG POWER LTD**

AND

**LORRAINE BARTLING, PENNY HOLLOWAY,  
GRAHAM GORDON, IAN ROUND and GLORIA  
AUCHTERLONIE**

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**LA TROBE SHIRE TRUST**

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McDonough & Co  
Solicitors  
52 Franklin Street  
TRARALGON VIC 3844

DX: 84411  
Tel: (03) 5176 1000  
Fax: (03) 5176 1020

Ref: PMcD:MC

P/T/LATROBE/CHARITY.V3

# REVIEW OF COUNCIL DELEGATIONS

## PURPOSE

The purpose of this report is to seek Council's approval of an updated *Instrument of Delegation to the Chief Executive Officer* ('S5 Delegation') and updated *Instrument of Delegation to Members of Council Staff* ('S6 Delegation').

## EXECUTIVE SUMMARY

- To allow for Latrobe City Council to operate effectively and best utilise available resources, Council is empowered pursuant to Section 11 of the *Local Government Act 2020*, to delegate via Instrument many of its powers, duties and functions to the Chief Executive Officer and Delegated Committees. Various other acts and regulations empower Council to delegate specific powers, functions or duties contained within those Acts and regulations directly to appropriate Council officers.
- The *Instrument of Delegation to the Chief Executive Officer (S5)* has been reviewed and as an overview, the following changes are proposed (in bold) to align with the Procurement Approval Delegations in the current Procurement Policy:

The delegate must not determine the issue, take the action or do the act or thing

- if the issue, action, act or thing is an issue, action, act or thing which involves
  - entering into a contract or making an expenditure exceeding the value of **\$1,000,000** (inc GST) unless the contract, purchase or payment related to a contractual variation of a contract already entered into, statutory charges, utility contracts or insurance contract arrangements such as: WorkCover Insurance, Public Liability, Products Liability, Professional Indemnity; and Joint Municipal Asset Protection Plan (JMAPP) Insurance;
- The *Instrument of Delegation to Members of Council Staff (S6)* has also been reviewed. Proposed alterations in accordance with legislative changes identified through Council's legislation update subscription service are as follows:
  - Food Act 1984*: has been amended, the following subsections have been inserted; 19EA(3), 19IA(1), 19IA(2), 19N(2), 38G(4), 39(2), 39A(6), 40(1), 40E, 43, 45AC and require a delegation to them.
  - The addition of delegations for *the Local Government Act 2020*.
  - Planning and Environment Act 1987*: has been amended and the following subsections have been inserted: 41(2), 22(1), 22(2), 28(2), 28(4), 41(2), 46V(4), 46V(5), 46V(6), 113(2), 185B(1). The following subsections have been removed; 41I, 12A(1), 17, 22.
  - Residential Tenancies Act 1997*: has been amended and the following subsections have been removed: 91ZU(1), 91ZZC(1), 91ZZE(1), 91ZZE(3), 142D, 142G(1), 142G(2), 142I(2), 206AZA(2), 207ZE(2), 311A(2), 317ZDA(2).

- *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*: has been amended and the following subsection has been removed: 15(3).
- *Road Management Act 2004*: has been amended and the following subsection has been inserted: 96.
- A copy of the S5 delegation is attached to this report. A copy of the S6 delegation will be provided as a separate document to this agenda.
- It is imperative from an accountability, transparency and risk management perspective that Instruments of Council Delegation are legislatively compliant and accurately maintained, which requires regular reviews and updates as relevant legislation changes.

## OFFICER'S RECOMMENDATION

### That Council:

1. **In the exercise of the power conferred by section 11(1)(b) of the *Local Government Act 2020*, resolves that:**
  - a) **there be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument;**
  - b) **the Instrument comes into force immediately the common seal of Council is affixed to the Instrument;**
  - c) **on the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked; and**
  - d) **the duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
2. **In the exercise of the powers conferred by the legislation referred to in the Instrument of Delegation in Attachment 2, resolves that:**
  - a) **there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to Members of Council staff*, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument;**
  - b) **the Instrument comes into force immediately the common seal of Council is affixed to the Instrument; and**
  - c) **on the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and**
  - d) **the duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**



## BACKGROUND

In accordance with Section 11 of the *Local Government Act 2020*, Council may delegate many of its powers, duties and functions to the Chief Executive Officer. Other Acts and regulations allow delegation of specific powers, functions, and duties to appropriate Council staff. Delegation of powers is generally considered essential to enable day-to-day decisions to be made.

The *Instrument of Delegation to the Chief Executive Officer (S5)* and *Instrument of Delegation to Members of Council Staff (S6)* act to delegate various Council powers, duties or functions lawfully permitted under relevant legislation or associated regulations to be delegated to and/or exercised by an appropriate Council officer.

## ANALYSIS

### **Instrument of Delegation to the Chief Executive Officer (S5)**

The current *Instrument of Delegation to the Chief Executive Officer (S5)* was adopted on 2 May 2022 and limits the Chief Executive Officer to awarding a contract or making an expenditure of a value up to \$500,000. Council's current Procurement Policy provides a procurement approval delegation to the Chief Executive Officer for an amount up to \$1,000,000 (inc. GST). The amendment to Conditions and Limitations Section 1.1 of the *Instrument of Delegation to the Chief Executive Officer* is to bring this financial delegation into alignment with the current Procurement Policy.

### **Instrument of Delegation to Members of Council Staff (S6)**

To ensure continued compliance with the relevant acts and regulations as they change over time, Instruments of Delegation must be reviewed regularly and amendments made where required.

By way of assistance with the review process, Maddocks Lawyers provide councils with a bi-annual update of legislative amendments and associated recommended changes to delegations, which are provided in January and July each year via a subscription service. The most recent update takes into account all legislative changes to January 2023. These changes and any updates are further reflected in the RelianSys System.

Effective and efficient function of local government would not be possible if the delegation of certain Council powers was not available. Many officers would be unable to properly perform the responsibilities of their position and an increased amount of Councillor time would be required to exercise any undelegated powers. This would make the performing of Council's required duties and functions unrealistic and unworkable.

Delegations facilitate the achievement of good governance for the community by empowering appropriate members of staff to make decisions on behalf of the Council. When delegations are utilised correctly, processing delays and unnecessary expenditure can be reduced, and resources are optimised.

Departments within Council have also provided operational information to assist the review process to ensure that the required positions have the correct delegations to perform their role.

#### RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<p><b>COMPLIANCE</b></p> <p>A delegation of Council is not compliant with legislation.</p> <p>An Officer of Council does not have the correct delegations to fulfill the requirements of their role and relevant legislation.</p>	<p><b>Medium</b></p> <p><i>Possible x Moderate</i></p>	<p>Ensuring that the review of the instruments of delegation are carried out regularly using advice provided by Maddocks in the RelianSys Delegation Management System.</p>
<p><b>SERVICE DELIVERY</b></p> <p>An officer does not have the required delegation to fulfill their role, which may impact some service delivery.</p>	<p><b>Medium</b></p> <p><i>Possible x Minor</i></p>	<p>Ensuring that the review of the Instruments of Delegation is carried out regularly using advice provided by Maddocks in the RelianSys Delegation Management System.</p> <p>Ensuring that Management notify the Governance Team of any changes to positions/delegations required as soon as possible.</p>

#### CONSULTATION

Community consultation has not been undertaken as this is a statutory function required by the *Local Government Act 2020*.

#### COMMUNICATION

Internal organisational review has been conducted to ensure that the delegation functions and powers are recorded as being assigned to the appropriate officer/s.

DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

Nil.

### **Cultural**

Nil.

### **Health**

Nil.

### **Environmental**

Nil.

### **Economic**

Nil.

### **Financial**

With the exception of the purchase price for the Maddocks Delegation and Authorisation Service (Council's yearly subscription fee); and the RelianSys Delegations Management System (Annual subscription fee) there is no direct cost to Council in delegating various powers, functions and duties.

### **Attachments**

1. Instrument of Delegation to Chief Executive Officer 2023 (S5)
2. Instrument of Delegation to Members of Council Staff 2023 (S6) (Published Separately)

# 9.3

## Review of Council Delegations

1	Instrument of Delegation to Chief Executive Officer 2023 (S5).....	326
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***S5 Instrument of Delegation to the Chief Executive Officer***



LATROBE CITY COUNCIL

INSTRUMENT OF DELEGATION  
TO  
THE CHIEF EXECUTIVE OFFICER

## Instrument of Delegation

In exercise of the power conferred by s 11(1) of the Local Government Act 2020 (the Act) and all other powers enabling it, the Latrobe City Council (Council) delegates 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 to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 01 May 2023;
2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.

The Common Seal of **Latrobe City Council**

was affixed in accordance with Local Law No. 1

the day of 2023 in the

presence of:

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*Steven Piasente – Chief Executive Officer*

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*Cr Kellie O'Callaghan - Mayor*

## 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

1. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 1.1 entering into a contract or making an expenditure exceeding the value of \$1,000,000 (inc GST) unless the contract, purchase or payment related to a contractual variation of a contract already entered into, statutory charges, utility contracts or insurance contract arrangements such as: WorkCover Insurance, Public Liability, Products Liability, Professional Indemnity; and Joint Municipal Asset Protection Plan (JMAPP) Insurance;
  - 1.2 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - 1.3 electing a Mayor or Deputy Mayor;
  - 1.4 granting a reasonable request for leave under s 35 of the Act;
  - 1.5 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - 1.6 approving or amending the Council Plan;
  - 1.7 adopting or amending any policy that Council is required to adopt under the Act;
  - 1.8 adopting or amending the Governance Rules;
  - 1.9 appointing the chair or the members to a delegated committee;
  - 1.10 making, amending or revoking a local law;
  - 1.11 approving the Budget or Revised Budget;
  - 1.12 approving the borrowing of money;
  - 1.13 subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. 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;
4. 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



4.1 policy; or

4.2 strategy

adopted by Council;

5. 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 s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. 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.

## RELOCATION OF COUNCIL MEETINGS

### PURPOSE

To formalise the relocation of monthly Council meetings from the Corporate Headquarters in Commercial Road, Morwell, to the Gippsland Performing Arts Centre in Kay Street, Traralgon.

### EXECUTIVE SUMMARY

- Following the Council meeting held on Monday, 6 March 2023 the suitability of the Nambur Wariga Room at the Corporate Headquarters in Commercial Road, Morwell, to comfortably accommodate the high level of engagement in Council Meetings was assessed.
- As a result, the following meeting on Monday, 3 April 2023 was relocated to the Gippsland Performing Arts Centre (GPAC) in Kay Street, Traralgon.
- Engagement in Council Meetings remains high. In considering this and noting the space constraints of the Nambur Wariga Room, officers propose to seek a Council resolution to relocate the Council Meetings to GPAC.
- Officers will continue to monitor ongoing interest in attending Council Meetings to ensure meetings are held in venues fit for purpose and suitably located to maximise accessibility to the municipality.
- Should the opportunity to return to the Nambur Wariga Room or any alternative venue, it is proposed that the Chief Executive Officer, in consultation with the Mayor, is authorised to do this and provide notice to the public.

### OFFICER'S RECOMMENDATION

#### **That Council:**

- 1. Resolves to hold scheduled monthly Council meetings at the Gippsland Performing Arts Centre in Kay Street, Traralgon, for the remainder of 2023;**
- 2. Publishes information regarding the change of Council Meeting location for 2023 on the Council's website; and**
- 3. Authorises the Chief Executive Officer, in consultation with the Mayor, to change the location of any meeting which has been fixed for 2023 subject to giving reasonable notice of the change to the public.**

## BACKGROUND

In accordance with the Governance Rules, Council, at its meeting held on Monday, 5 December 2022, adopted the scheduled Council Meeting dates for 2023, all of which were to be held in the Nambur Wariga Meeting Room, Corporate Headquarters, in Commercial Road, Morwell.

Following the Council meeting held on Monday, 6 March 2023 the suitability of the Nambur Wariga Room at the Corporate Headquarters in Commercial Road, Morwell to comfortably accommodate the high level of engagement in Council Meetings was assessed.

As a result, the following meeting on Monday, 3 April 2023 was relocated to the Gippsland Performing Arts Centre (GPAC) in Kay Street, Traralgon.

Engagement in Council Meetings remains high. In considering this and noting the space constraints of the Nambur Wariga Room, officers propose to relocate the remainder of scheduled Council Meetings for 2023 to GPAC.

## ANALYSIS

While Council meetings have traditionally been held in the Nambur Wariga Room at the Corporate Headquarters, in Commercial Road, Morwell, with the increase in community interest and attendance at Council meetings it was identified that this room does not have the capacity to accommodate Councillors, officers, and members of the public comfortably.

Having conducted the Council meeting held on Monday, 3 April 2023 at GPAC it was found that doing so provided more space than the Nambur Wariga Room. Officers therefore consider that it would be appropriate to continue this arrangement for the remainder of the year.

As the Nambur Wariga Room at the Corporate Headquarters was adopted as the venue for all Council meetings in 2023 as part of the report considered on Monday, 5 December 2022, it is considered to be good governance for the revised location of GPAC to be formalised via a new resolution of Council.

Officers will continue to monitor ongoing interest in attending Council Meetings to ensure meetings are held in venues fit for purpose and suitably located to maximise accessibility to the municipality.

Should the opportunity to return to the Nambur Wariga Room or any alternative venue, it is proposed that the Chief Executive Officer, in consultation with the Mayor, is authorised to do this and provide notice to the public.

Officers will progress 2024 Council Meeting planning and include investigations into suitable locations for future Council meetings, and these options could be presented for consideration as part of the scheduled report to set the dates, times and locations for 2024 in December.

## RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<b>COMPLIANCE</b> Issues with the suitability of the Nambur Wariga Room regarding the safety and comfort of all attendees.	<b>High</b> Likely x Moderate	Relocation of meetings to the Gippsland Performing Arts Centre (GPAC).
<b>SERVICE DELIVERY</b> Capacity of the Nambur Wariga Room to accommodate increased number of attendees.	<b>High</b> Likely x Moderate	Relocation of meetings to the Gippsland Performing Arts Centre (GPAC).
<b>STRATEGIC</b> Reputational damage due to inability to conduct Council meetings in an orderly and safe manner.	<b>Medium</b> Possible x Moderate	Relocation of meetings to the Gippsland Performing Arts Centre (GPAC).

## CONSULTATION

No consultation has been undertaken as part of this report.

## COMMUNICATION

Following the relocation of the Council meeting on Monday, 3 April 2023 the community has been notified via the Council Noticeboard in the Latrobe Valley Express together with Council's website and Facebook page.

Moving forward, the revised location will continue to be publicised via these methods.

## DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

Given the recent increase in attendance at Council meetings by members of the public it is important that the venue can comfortably and safely accommodate the increased numbers to ensure that this interest and involvement in the decision-making process continues to be supported and encouraged.

### **Cultural**

Not applicable

### **Health**

Not applicable

### **Environmental**

Not applicable

### **Economic**

Not applicable

### **Financial**

While there are costs associated with conducting Council meetings at GPAC these can be accommodated within existing budgets.

### **Attachments**

Nil

# **URGENT BUSINESS**

## 10. URGENT BUSINESS

Business may be admitted to the meeting as urgent business in accordance with clause 17 of the Governance Rules, by resolution of the Council and only then if it:

- 17.1 Relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 17.2 Cannot reasonably or conveniently be deferred until the next Council meeting.

# **REPORTS FOR NOTING**



# QUARTERLY BUDGET REPORT - MARCH 2023

## PURPOSE

To provide Council with the financial results for the third quarter of the 2022/23 financial year in accordance with the provisions of the *Local Government Act 2020* Section 97(1).

## EXECUTIVE SUMMARY

- This report meets the requirements of the *Local Government Act 2020* (the Act) to present a quarterly budget report to Council as soon as practicable after the end of each quarter of the financial year.
- The report shows that Council overall is operating within the parameters of its adopted budget with most variances relating to carry forward funds from the previous year and the timing of revenue and expenditure within the current financial year.
- Council seeks to achieve a balanced budget based on a cash basis and the surplus amounts shown in the Income Statement are primarily related to unbudgeted capital grants announced after the adoption of the budget. The 2022/23 mid-year budget review was presented at the March Council Meeting. The review indicated the full year forecast position is expected to exceed the adopted budget position, with a forecast surplus position of \$2.6M (on a cash budget position).
- The attached budget report forecasts a income statement surplus result on an accrual basis for the full financial year of \$16.7M which is a favourable variance of \$13.5M to the original budget. Generally, a surplus result is required to be generated to enable Council to invest in new assets and to upgrade and expand existing assets along with enabling Council to repay its borrowings.
- The forecasted surplus result in 2022/23 is largely generated by additional Government grants for capital works \$21.3M for which the associated expenditure is not included in the "Comprehensive Income Statement" but is reported directly to the balance sheet and is also reflected in the Statements of Cash Flow and Capital Works.
- The report is provided for Council's information.

## OFFICER'S RECOMMENDATION

**That Council receives and notes the Budget Report for the Quarter ended 31 March 2023, prepared in accordance with the requirements of the Local Government Act 2020.**

## BACKGROUND

Under Section 97(1) of the Act, as soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public. This report ensures compliance with this legislative requirement.

## ANALYSIS

The attached report as at 31 March 2023 is provided for the information of Council and the community. The financial report compares budgeted income and expenditure with actual results as at the end of the third quarter of the financial year. The key issues of note are:

- The “Comprehensive Income Statement” currently forecasts a surplus result for the full financial year of \$16.7M which is a favourable variance of \$13.5M to the original budget. This result is due to a number of variances with a forecast increase in income of \$28.5M and additional expenses of \$15.0M. The increased income is mainly a result of capital grants largely due to unbudgeted grants announced after the budget was developed together with timing variances related to the recognition of funds that were budgeted in the 2021/22 financial year. The forecasted additional expenditure is primarily a result of funding carried forward relating to works funded but not completed in 2021/22 together with the matching expense related to unbudgeted government grants to be received in 2022/23. Also adding to this is the forecast retirement of the residual value of assets renewed as part of the capital works program (\$5.0M). This process was not allowed for in to the 2022/23 budget due to the uncertainty in identifying the values, however a loss has been forecasted in line with historical results to make some allowance for this occurring again in the current year.
- The “Balance Sheet” shows that Council maintains a strong liquidity position with \$134.5M in current assets compared to \$23.9M current liabilities (a liquidity ratio of 5.6:1).
- The “Statement of Cash Flows” shows that Council has \$111.9M in Cash and Financial assets (i.e. investments). The level is higher than anticipated due to carry forward funds from previous financial years including capital works, reserves funds and government grants advanced earlier than expected.
- The “Capital Works Statement” shows a forecast expenditure of \$58.2M compared to the budget of \$40.0M. The increase is mainly due to funds carried forward from 2021/22 and additional government funding received for various programs e.g. Landslip remediation, Regional Car Parks Fund and Local Roads and Community Infrastructure program.
- The “Financial Performance Ratios’ indicate that Council remains within the industry expected ranges.

Further details on these and other variations are provided in the attached report.

## RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
COMPLIANCE	<b>Low</b> <i>Unlikely x Minor</i>	Timely presentation of report

## CONSULTATION

No consultation is required.

## COMMUNICATION

Not applicable.

## DECLARATIONS OF INTEREST

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

N/A

### **Cultural**

N/A

### **Health**

N/A

### **Environmental**

N/A

### **Economic**

N/A

### **Financial**

N/A

### **Attachments**

1. Quarterly Budget Report March 2023

# 11.1

## Quarterly Budget Report - March 2023

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Quarterly Budget Report  
March 2023

# Quarterly Budget Report

## March 2023

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## **March 2023 Quarterly Budget Report Summary**

### **KEY ISSUES**

The attached report provides the overall outcomes to the end of the third quarter of the 2022/23 financial year together with forecasted year end results compared to budget. The key issues of note are:

- The "Comprehensive Income Statement" report forecasts a Surplus result for the full financial year of \$16.7M which is an favourable variance of \$13.5M to the original budget.
- The "Balance Sheet" shows that Council maintains a strong liquidity position with \$134.5M in current assets compared to \$23.9M current liabilities (a liquidity ratio of 5.6:1).
- The "Statement of Cash Flows" shows that Council has \$111.9M in Cash and Financial assets (i.e. investments). The level is higher than anticipated due to carry forward funds from previous financial years including capital works, reserves funds and government grants advanced earlier than expected.
- The "Statement of Capital Works" shows a forecast expenditure of \$58.2M compared to the budget of \$40.0M. The increase is mainly due to funds carried forward from 2021/22 and additional government funding received for various programs including Landslip remediation, Regional Car Parks Fund and Local Roads and Community Infrastructure program (LRCI).
- The "Financial Performance Ratios" indicate that Council remains within the industry expected ranges.

### **BACKGROUND**

Under the provisions of the *Local Government Act 2020 Section 97 (1) (the Act)*, As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public.

### **COMPREHENSIVE INCOME STATEMENT ANALYSIS**

#### **Overview**

The surplus and deficit amounts shown in the Comprehensive Income Statement year to date and full year budget columns are largely a result of capital grants and non-cash items, with depreciation expense increasing as a result of major new assets being commissioned and revaluation of existing assets. Ideally a surplus result would be generated to enable Council to invest in new assets, upgrade and expand existing assets, and repay borrowings. On a cash basis Council budgets for a break even result, with any cash remaining at year end required to meet current and future liabilities together with current commitments. Therefore any variances to budget in the operating result are generally caused by changes in levels of grants and monetary contributions for capital works, and expenditure that is funded from revenue that has been received in a previous financial year together with variances in non-cash items (e.g. depreciation).

The "Comprehensive Income Statement" report forecasts a surplus result for the full financial year of \$16.7M which is an favourable variance of \$13.5M to the original budget. This result is due to a number of variances with a forecast increase in income of \$28.5M and additional expenses of \$15.0M. The increased income is mainly a result of capital grants, largely due to unbudgeted grants announced after the budget was developed together with timing variances related to the recognition of funds that were budgeted in the 2021/22 financial year. The forecasted additional expenses are primarily a result of funding carried forward relating to works funded but not completed in 2021/22 together with unbudgeted government grants to be received in 2022/23 and recognition of loss on disposal of assets, which relates to residual infrastructure asset balances retired as part of the asset renewal program.

#### **Year to date**

The year to date result shows an operating position of \$34.1M surplus which is \$15.5M favourable to budget. The key items that make up this variance are as follows;

- Grants - Capital - (\$7.1M favourable) mainly due to a number of unbudgeted capital grants as a result of the timing of recognition of grants received in previous financial years and funding that was not known when the budget was developed including Regional Car Parks Fund \$2.0M, Local Roads and Community Infrastructure Program \$1.7M, Free Public Wi-Fi Services program \$0.6M, Traralgon Railway Conservation Reserve Large Dam rehabilitation \$0.7M, Multi Use Pavilion Traralgon Rec Reserve flood project \$0.6M, Glenview Park Indoor Multi use hall \$0.4M



## **March 2023 Quarterly Budget Report Summary**

and Flynn Creek Road Stage 3 \$0.4M.

- Grants - Operating - (\$3.3M favourable) mainly due to unbudgeted grants for Emergency Management, Flood & Storm recovery \$1.7M, Social Inclusion Action Groups funding \$0.2M, Business Support \$0.1M, together with the earlier and higher than expected receipt of Family Services funding \$1.0M.
- Other Income - (\$3.2M favourable) mainly due to increases in interest rate yields on council investments that were not anticipated when the budget was developed \$2.2M, unbudgeted insurance claims from the 2021 Flood & Storm event \$0.6M and other cost reimbursements \$0.2M.
- Depreciation - (\$1.2M favourable) mainly due to later than expected capitalisation of some new facilities e.g. Landfill Cell 6 \$0.600M.
- Materials and Services - (\$1.0M unfavourable) mainly due to unbudgeted expenditure incurred as a result of funds carried over from previous years and government grants.

### **Full year forecast**

The full year forecasted result shows an operating surplus of \$16.7M which is a \$13.5M favourable variance to the adopted budget. The key items that make up this variance are as follows;

- Grants – Capital (\$21.3M favourable) due to a number of unbudgeted capital grants as a result of the timing of recognition of grants received in previous financial years and funding that was not known when the budget was developed including Landslip remediation \$13.2M, Regional Car Parks Fund \$3.3M, Local Roads and Community Infrastructure Program (LRCI) \$3.3M, Nation Building Blackspot Program \$1.2M, Free Public Wi-Fi Services program \$0.5M, Traralgon Railway Conservation Reserve Large Dam rehabilitation \$0.2M, Parklands PreSchool Refurbishment \$0.5M, Flynn Creek Road Stage 3 \$0.4M and other various grants. This is partially offset by an unfavourable timing variance for the Gippsland Logistics Precinct \$2.0M funding which is now expected to be recognised in the 2023/24 financial year.
- Other Income - (\$4.5M favourable) primarily due to increases in interest rate yields on council investments that were not anticipated when the budget was developed \$3.4M, unbudgeted insurance claims from the 2021 Flood & Storm event \$0.6M and other cost reimbursements \$0.3M..
- Employee costs - (\$1.8M unfavourable) additional salaries and wages associated with funding carried over from previous years and unbudgeted government grant funding to be received in the current year including Family Services programs \$1.1M and Emergency Management/June 2021 Flood/Storm event response programs \$1.0M. This has been partially offset by a lower than expected workcover premium \$0.8M as a result of low workcover claims against industry averages in recent years.
- Materials and Services (\$8.4M unfavourable) mainly due to unbudgeted expenditure incurred as a result of internal and external funding carried over from previous years and 2022/23 government grants not known when the budget was developed including Family Services programs \$0.6M, Local Roads and Community Infrastructure (LRCI) funded projects \$2.2M, COVID Safe Funding Outdoor Activation programs \$0.3M and June 2021 flood/storm recovery \$0.4M.
- Depreciation (\$1.0M favourable) mainly due to later than expected capitalisation of some new facilities including Landfill Cell 6 \$0.6M.
- Net loss on disposal of property, infrastructure, plant and equipment (\$5.0M unfavourable) associated with the retirement of the residual value of assets renewed as part of the capital works program. This process was not allowed for in to the 2022/23 budget due to the uncertainty in identifying the values, however a loss has been forecast in line with historical results to make some allowance for this occurring again in the current year.
- Other expenses (\$1.2M unfavourable) mainly due to unexpended community grants funds carried over from the 2021/22 financial year to be paid out in 2022/23 \$0.7M including Clean up and Storm Resilience in Gippsland, together with higher than expected landfill levies \$0.3M which are fully recouped through additional gate fee income.

### **BALANCE SHEET**

The significant movements in the balance sheet over the three quarters were as follows;

- Cash and Cash Equivalents together with Other Financial Assets (i.e. investments). The overall increase of \$4.1M

## **March 2023 Quarterly Budget Report Summary**

is mainly due the receipt of 86% of rates income to date whereas expenditure is lower due to their still being 25% of the year remaining.

- Trade and Other receivables (\$14.0M increase) this is primarily due to the annual rates notices being raised in the first quarter and is part of the normal pattern. This amount will continue to reduce as rate payments are received over the remainder of the year in line with the final quarterly instalment due date.
- Other Assets (\$4.1M decrease) is primarily due to prepayments and accrued revenue as at 30 June 2022 having now been reversed/received in the current financial year.
- Property, Infrastructure, Plant and Equipment (\$2.3M decrease) total depreciation has exceeded capital expenditure to date.
- Payables (\$9.9M decrease) is primarily due to amounts that were outstanding to suppliers as at 30 June 2022. These amounts have now been paid/recognised in the current financial year.
- Unearned income (\$9.9M decrease) is primarily due to amounts that were received in advance as at 30 June 2022. These amounts have now been recognised in the current financial year.
- Provisions - Employee Benefits (\$1.8M decrease) mainly relates to the payment of leave entitlements to employees who ceased employment as a result of Council no longer being the service provider to the Commonwealth and State governments for aged & disability care services.

### **STATEMENT OF CASH FLOWS**

The budgeted cash & cash equivalent investments at the beginning of the year was \$65.6 million, the actual opening balance was \$107.8 million. The additional \$42.2 million was largely the result of higher than anticipated surplus funds and carry forward funding for capital and operational projects and programs. This included \$11.3M of Victorian Grants Commission FAGS funding that was advanced to Council in the 2021/22 financial year, this advance was not factored into the budget calculations. Total Cash and financial assets (investments) as at the end of March stand at \$111.9M which represents a net inflow cash movement of \$4.1M from the start of the financial year.

### **STATEMENT OF CAPITAL WORKS**

The statement of capital works includes all expenditure that is expected to be capitalised during the financial year. It excludes some amounts which for "Accounting" purposes are not capitalised e.g. Landfill Rehabilitation which is a reduction in a provision liability and other items which are included in operating expenditure.

As at the 31 March 2023 Council had spent \$20.7M on capital works mostly on Infrastructure projects \$13.6M (including Roads projects \$8.3M), Plant & Equipment \$2.9M and Property (land & buildings) \$4.2M. Full year forecasted capital expenditure is \$58.2M compared to the budget of \$40.0M. This increase is mainly due to funds carried forward from 2021/22 and additional government funding received for various including Landslip remediation \$13.0M, Regional Car Parks Fund \$3.3M and Local Roads and Community Infrastructure program \$3.3M.

### **FINANCIAL PERFORMANCE RATIOS**

The final part of the report is the Financial Performance Ratios as per the *Local Government Performance Reporting Framework (LGPRF)*. The results of the financial year to date show that Council is expected to remain within the expected ranges by the end of the financial year. Some of the ratios when measured part way through the year will fall outside the ranges in the year to date figures purely because they are designed to look at an annual result.

**COMPREHENSIVE INCOME STATEMENT**

For The Quarter Ended 31 March 2023

		YTD Actual	YTD Budget	Variance YTD	Variance	Full Year	Annual	Variance
		Act/Bud		Act/Bud	Type	Forecast	Budget	Annual
		fav/(unfav)		fav/(unfav)	(P)ermanent/ (T)iming			Budget
								/Forecast
NOTE	\$'000	\$'000	\$'000	\$'000		\$'000	\$'000	fav/(unfav)
								\$'000
<b>INCOME</b>								
Rates and charges	1	89,170	88,476	695	P	89,086	88,619	467
Statutory fees and fines	2	1,984	1,915	69	P	2,747	2,710	37
User fees	3	8,411	7,779	632	P	11,095	10,712	383
Grants - operating	4	14,551	11,212	3,339	T	25,383	24,462	921
Grants - capital	5	11,623	4,500	7,123	P	26,602	5,300	21,302
Contributions - monetary	6	957	60	897	P	996	90	906
Contributions - non monetary	7	0	0	0	P	4,070	4,070	0
Other income	8	5,609	2,394	3,215	P	7,804	3,349	4,455
<b>TOTAL INCOME</b>		<b>132,306</b>	<b>116,336</b>	<b>15,970</b>		<b>167,784</b>	<b>139,313</b>	<b>28,471</b>
<b>EXPENSES</b>								
Employee costs	9	42,444	41,884	(560)	P	61,122	59,303	(1,819)
Materials and services	10	29,567	28,559	(1,009)	P	48,148	39,708	(8,440)
Bad and doubtful debts	11	7	0	(7)	P	10	4	(7)
Depreciation	12	22,647	23,837	1,190	P	30,770	31,782	1,012
Amortisation - intangible assets	13	0	550	550	P	367	733	367
Amortisation - right of use assets	14	35	28	(7)	P	101	38	(63)
Borrowing costs	15	213	317	104	P	295	421	126
Finance costs - leases	16	19	27	9	T	32	27	(4)
Net loss on disposal of property, infrastructure, plant and equipment	17	(51)	(266)	(215)	P	5,000	0	(5,000)
Other expenses	18	3,299	2,750	(549)	P	5,263	4,090	(1,173)
<b>TOTAL EXPENSES</b>		<b>98,180</b>	<b>97,685</b>	<b>(495)</b>		<b>151,107</b>	<b>136,106</b>	<b>(15,002)</b>
<b>SURPLUS (DEFICIT) FOR THE YEAR</b>		<b>34,125</b>	<b>18,650</b>	<b>15,475</b>		<b>16,677</b>	<b>3,207</b>	<b>13,470</b>

**NOTES TO THE COMPREHENSIVE INCOME STATEMENT - Year to Date and Full Year Variances****1. Rates and charges****Year to Date - \$0.7M Favourable**

Higher than expected rates revenue to date is primarily a result of higher than expected processing of supplementary valuations associated with new subdivisions, property improvements and additional waste services

**Full Year - \$0.5M Favourable**

Higher than expected rates revenue to date is primarily a result of higher than expected processing of supplementary valuations associated with new subdivisions, property improvements and additional waste services

**2. Statutory fees and fines****Year to Date - \$0.1M Favourable**

Minor variance.

**Full Year - \$0.0M Favourable**

Minor variance.

**3. User fees****Year to Date - \$0.6M Favourable**

Favourable variances to date are mainly due to higher than expected landfill gate fees \$0.3M and subdivision supervision fees \$0.3M.

**Full Year - \$0.4M Favourable**

Favourable variances to date are mainly due to higher than expected landfill gate fees \$0.2M and subdivision supervision fees \$0.2M.

**4. Grants - operating****Year to Date - \$3.3M Favourable**

The favourable variance is mainly due to unbudgeted grants for Emergency Management, Flood & Storm recovery \$1.7M, Social Inclusion Action Groups funding \$0.2M, Business Support \$0.1M, together with the earlier and higher than expected receipt of Family Services funding \$1.0M.

**Full Year - \$0.9M Favourable**

The favourable variance is mainly due to unbudgeted grants for Emergency Management, Flood & Storm recovery \$2.0M, Family Services funding \$0.6M, Social Inclusion Action Groups funding \$0.2M and Business Support \$0.1M. Partially offsetting these variances is an unfavourable variance resulting from the timing of receipt of the 2022/23 annual Victoria Grants Commission Financial Assistance Grants (FAGS) advanced to Council in the 2021/22 financial year (\$2.4M unfav). This advanced amount was 75% of the total allocation which was higher than the previous advances of around 50%. The forecast reflects the assumption that Council will receive a 50% advance of the 2023/24 FAGS allocation in the current year. The overall FAGS allocation for 2022/23 is \$1.0M favourable to budget, and in addition there has also been a one off back payment of \$0.289M on top of this amount.

**NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances****5. Grants - capital****Year to Date -****\$7.1M Favourable**

The favourable variance is due to a number of unbudgeted capital grants as a result of the timing of recognition of grants received in previous financial years and funding that was not known when the budget was developed including Regional Car Parks Fund \$2.0M, Local Roads and Community Infrastructure Program \$1.7M, Free Public Wi-Fi Services program \$0.6M, Traralgon Railway Conservation Reserve Large Dam rehabilitation \$0.7M, Multi Use Pavillion Traralgon Rec Reserve flood project \$0.6M, Glenview Park Indoor Multi use hall \$0.4M and Flynn Creek Road Stage 3 \$0.4M.

**Full Year -****\$21.3M Favourable**

The favourable variance is due to a number of unbudgeted capital grants as a result of the timing of recognition of grants received in previous financial years and funding that was not known when the budget was developed including Landslip remediation \$13.2M, Regional Car Parks Fund \$3.3M, Local Roads and Community Infrastructure Program (LRCI) \$3.3M, Nation Building Blackspot Program \$1.2M, Free Public Wi-Fi Services program \$0.5M, Traralgon Railway Conservation Reserve Large Dam rehabilitation \$0.2M, Parklands PreSchool Refurbishment \$0.5M, Flynn Creek Road Stage 3 \$0.4M and other various grants. This is partially offset by an unfavourable timing variance for the Gippsland Logistics Precinct \$2.0M funding which is now expected to be recognised in the 2023/24 financial year.

**6. Contributions - monetary****Year to Date -****\$0.9M Favourable**

The favourable variance is mainly due to the higher than expected receipt of contributions for Developer Contribution Plans \$0.5M, public open space \$0.1M and contributions from property developers.

**Full Year -****\$0.9M Favourable**

The favourable variance is mainly due to the higher than expected receipt of contributions for Developer Contribution Plans \$0.5M, public open space \$0.1M and contributions from property developers.

**7. Contributions - non monetary****Year to Date -****\$0.0M Nil Variance**

No variance.

**Full Year -****\$0.0M Nil Variance**

No variance identified to date.

**8. Other income****Year to Date -****\$3.2M Favourable**

The favourable variance is primarily due to increases in interest rate yields on council investments that were not anticipated when the budget was developed \$2.2M, unbudgeted insurance claims from the 2021 Flood & Storm event \$0.6M and other cost reimbursements \$0.2M.

**Full Year -****\$4.5M Favourable**

The favourable variance is primarily due to increases in interest rate yields on council investments that were not anticipated when the budget was developed \$3.4M, unbudgeted insurance claims from the 2021 Flood & Storm event \$0.6M and other cost reimbursements \$0.3M.

**NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances****9. Employee costs****Year to Date - (\$0.6M) Unfavourable**

The variance to date is mainly due to additional employee costs related to government funded programs and projects including Family Services programs \$0.5M and Emergency Management/June 2021 Flood/Storm event response programs \$0.6M. This has been partially offset by a lower than expected workcover premium \$0.8M as a result of low workcover claims against industry averages in recent years.

**Full Year - (\$1.8M) Unfavourable**

The additional salaries and wages associated with funding carried over from previous years and unbudgeted government grant funding to be received in the current year including Family Services programs \$1.1M and Emergency Management/June 2021 Flood/Storm event response programs \$1.0M. This has been partially offset by a lower than expected workcover premium \$0.8M as a result of low workcover claims against industry averages in recent years.

**10. Materials and services****Year to Date - (\$1.0M) Unfavourable**

The unfavourable variance is mainly due to unbudgeted expenditure incurred as a result of funds carried over from previous years and government grants.

**Full Year - (\$8.4M) Unfavourable**

The unfavourable variance is mainly due to unbudgeted expenditure incurred as a result of internal and external funding carried over from previous years and 2022/23 government grants not known when the budget was developed including Family Services programs \$0.6M, Local Roads and Community Infrastructure (LRCI) funded projects \$2.2M, COVID Safe Funding Outdoor Activation programs \$0.3M and June 2021 flood/storm recovery \$0.4M.

**11. Bad and doubtful debts****Year to Date - (\$0.0M) Unfavourable**

Minor variance.

**Full Year - (\$0.0M) Unfavourable**

Minor variance.

**12. Depreciation****Year to Date - \$1.2M Favourable**

Variance mainly due to later than expected capitalisation of some new facilities including Landfill Cell 6 \$0.6M.

**Full Year - \$1.0M Favourable**

Variance mainly due to later than expected capitalisation of some new facilities including Landfill Cell 6 \$0.6M.

**13. Amortisation - intangible assets****Year to Date - \$0.5M Favourable**

Variance mainly due to the later than expected opening of Landfill cell 6 as a result of cell 5 still having unused capacity.

**Full Year - \$0.4M Favourable**

Variance mainly due to the later than expected opening of Landfill cell 6 as a result of cell 5 still having unused capacity.

**14. Amortisation - right of use assets****Year to Date - (\$0.0M) Unfavourable**

Minor variance.

**Full Year - (\$0.1M) Unfavourable**

Minor variance.

**NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances****15. Borrowing costs****Year to Date - \$0.1M Favourable**

Minor variance.

**Full Year - \$0.1M Favourable**

Minor variance.

**16. Finance costs - leases****Year to Date - \$0.0M Favourable**

Minor variance.

**Full Year - (\$0.0M) Unfavourable**

Minor variance.

**17. Net (gain) / loss on disposal of property, infrastructure, plant and equipment****Year to Date - (\$0.2M) Unfavourable**

Delays in sourcing new vehicles has delayed the disposal of vehicles and recognition of gains or losses to date.

**Full Year - (\$5.0M) Unfavourable**

The forecast variation is associated with the retirement of the residual value of assets renewed as part of the capital works program. This process was not allowed for in the 2022/23 budget due to the uncertainty in identifying the values, however a loss has been forecasted in line with historical results to make some allowance for this occurring again in the current year.

**18. Other expenses****Year to Date - (\$0.5M) Unfavourable**

The unfavourable variance is mainly due to unexpended community grants funds carried over from the 2021/22 financial year for the Clean up and Storm Resilience in Gippsland project \$0.5M.

**Full Year - (\$1.2M) Unfavourable**

The unfavourable variance is mainly due to unexpended community grants funds carried over from the 2021/22 financial year to be paid out in 2022/23 \$0.7M including Clean up and Storm Resilience in Gippsland, together with higher than expected landfill levies \$0.3M which are fully recouped through additional gate fee income.

**COMPARISON TO PREVIOUS FINANCIAL YEAR**  
For the corresponding March quarter

	2022/23			2021/22		
	YTD Actuals	YTD Budgets	Variance YTD Act/Bud fav/(unfav)	YTD Actuals	YTD Budgets	Variance YTD Act/Bud fav/(unfav)
<b>INCOME</b>						
Rates and charges	89,170	88,476	695	84,726	83,713	1,013
Statutory fees and fines	1,984	1,915	69	2,138	1,776	363
User fees	8,411	7,779	632	7,870	8,551	(681)
Grants - operating	14,551	11,212	3,339	24,112	19,161	4,951
Grants - capital	11,623	4,500	7,123	11,200	1,400	9,800
Contributions - monetary	957	60	897	463	60	403
Contributions - non monetary	0	0	0	0	0	0
Other income	5,609	2,394	3,215	2,428	1,883	546
<b>TOTAL INCOME</b>	<b>132,306</b>	<b>116,336</b>	<b>15,970</b>	<b>132,936</b>	<b>116,543</b>	<b>16,393</b>
<b>EXPENSES</b>						
Employee costs	42,444	41,884	(560)	43,571	44,904	1,333
Materials and services	29,567	28,559	(1,009)	30,783	26,279	(4,504)
Bad and doubtful debts	7	0	(7)	0	5	4
Depreciation	22,647	23,837	1,190	21,793	22,670	876
Amortisation - intangible assets	0	550	550	93	92	(1)
Amortisation - right of use assets	35	28	(7)	30	28	(1)
Borrowing costs	213	317	104	250	426	175
Finance costs - leases	19	27	9	23	21	(2)
Net loss on disposal of property, infrastructure, plant and equipment	(51)	(266)	(215)	(280)	(375)	(95)
Other expenses	3,299	2,750	(549)	2,303	2,268	(34)
<b>TOTAL EXPENSES</b>	<b>98,180</b>	<b>97,685</b>	<b>(495)</b>	<b>98,567</b>	<b>96,318</b>	<b>(2,249)</b>
<b>SURPLUS (DEFICIT) FOR THE YEAR</b>	<b>34,125</b>	<b>18,650</b>	<b>15,475</b>	<b>34,370</b>	<b>20,226</b>	<b>14,144</b>



**BALANCE SHEET**

As at 31 March 2023

	Current Balance \$'000s	Opening Balance 01/07/22 \$'000s	Movement for Year to Date \$'000s	Balance as at 31/03/22 \$'000s
<b>CURRENT ASSETS</b>				
Cash and Cash Equivalents	11,925	27,825	(15,900)	8,682
Other Financial Assets	100,000	80,000	20,000	90,000
Other Assets	2,672	6,803	(4,131)	3,795
Trade and Other Receivables	19,890	5,913	13,977	20,628
<b>Total Current Assets</b>	<b>134,487</b>	<b>120,542</b>	<b>13,945</b>	<b>123,104</b>
<b>NON CURRENT ASSETS</b>				
Property, Infrastructure, Plant and Equipment	1,345,592	1,347,937	(2,345)	1,284,112
Intangible Assets	0	0	0	0
Right-of-use assets	703	700	3	672
Trade and Other Receivables	10	10	0	5
Financial Assets	2	2	0	2
<b>Total Non-Current Assets</b>	<b>1,346,307</b>	<b>1,348,649</b>	<b>(2,342)</b>	<b>1,284,792</b>
<b>TOTAL ASSETS</b>	<b>1,480,794</b>	<b>1,469,191</b>	<b>11,603</b>	<b>1,407,897</b>
<b>CURRENT LIABILITIES</b>				
Payables	575	10,435	(9,860)	1,255
Unearned income	3,233	13,174	(9,940)	4,337
Interest-bearing Liabilities	470	1,570	(1,100)	387
Provisions - Employee Benefits	10,096	11,886	(1,790)	12,194
Provisions - Landfill	3,545	4,190	(645)	771
Trust Funds and Deposits	5,986	5,182	804	5,178
Lease Liabilities	9	19	(10)	4
<b>Total Current Liabilities</b>	<b>23,914</b>	<b>46,456</b>	<b>(22,542)</b>	<b>24,124</b>
<b>NON CURRENT LIABILITIES</b>				
Interest-bearing Liabilities	13,645	13,645	0	15,215
Provisions - Employee Benefits	859	859	0	1,111
Provisions - Landfill	11,475	11,475	0	14,421
Lease Liabilities	734	714	20	696
<b>Total Non-Current Liabilities</b>	<b>26,712</b>	<b>26,692</b>	<b>20</b>	<b>31,442</b>
<b>TOTAL LIABILITIES</b>	<b>50,627</b>	<b>73,148</b>	<b>(22,522)</b>	<b>55,566</b>
<b>NET ASSETS</b>	<b>1,430,167</b>	<b>1,396,042</b>	<b>34,125</b>	<b>1,352,330</b>
<b>EQUITY</b>				
Current Year Surplus/(Deficit)	34,125	22,412	11,713	32,847
Accumulated Surplus	830,696	809,153	21,543	809,550
Reserves	565,346	564,478	869	509,933
<b>TOTAL EQUITY</b>	<b>1,430,167</b>	<b>1,396,042</b>	<b>34,125</b>	<b>1,352,330</b>

**STATEMENT OF CASH FLOWS**

For the Quarter ended 31 March 2023

	NOTE	YTD Cash Flow	Adopted Budget Annual Cashflow	Cash Flow 2021/22
		\$'000s	\$'000s	\$'000s
		Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Rates and charges		75,829	88,499	83,503
Statutory fees & fines		1,983	2,800	2,896
User fees		8,542	10,622	12,276
Grants - operating		14,165	24,463	41,227
Grants - capital		5,875	5,300	14,975
Contributions - monetary		957	90	872
Interest received		1,699	250	1,001
Trust funds and deposits taken/(repaid)		804	(300)	1,403
Other receipts		1,815	3,098	2,841
Net GST refund/(payment)		495	3,500	3,697
Employee costs		(48,741)	(59,046)	(61,617)
Materials & services		(34,159)	(46,586)	(55,857)
Short-term, low value and variable lease payments		(115)	(60)	(97)
Other payments		(3,184)	(4,090)	(3,830)
<b>Net cash from operating activities</b>		<b>25,963</b>	<b>28,540</b>	<b>43,290</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Proceeds from sale of property, plant & equipment		392	490	336
Proceeds from sale of investments		100,000	88,000	155,800
Payments for property, infrastructure, plant & equipment		(20,934)	(40,041)	(44,680)
Payments for investments		(120,000)	(80,000)	(165,000)
Loans and advances made		0	0	(11)
Payments of loans and advances		4	0	5
<b>Net Cash Flows used in investing activities</b>		<b>(40,537)</b>	<b>(31,551)</b>	<b>(53,551)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Finance costs		(180)	(422)	(303)
Proceeds from borrowings		75	7,800	0
Repayment of borrowings		(1,175)	(2,481)	(1,459)
Interest paid - lease liability		(19)	(27)	(29)
Repayment of lease liabilities		(29)	(14)	(28)
<b>Net Cash Flows from Financing Activities</b>		<b>(1,327)</b>	<b>4,856</b>	<b>(1,819)</b>
<b>Net Increase/(Decrease) in cash held</b>		<b>(15,900)</b>	<b>1,845</b>	<b>(12,080)</b>
<b>Cash &amp; cash equivalents at beginning of year</b>		<b>27,825</b>	<b>15,785</b>	<b>39,905</b>
<b>Cash &amp; cash equivalents at end of period</b>		<b>11,925</b>	<b>17,630</b>	<b>27,825</b>
<b>Summary of Cash &amp; Investments</b>				
		<b>Current Balance</b>	<b>Current year Movement</b>	<b>Opening Balance</b>
Cash & Cash Equivalents		11,925	(15,900)	27,825
Other Financial Assets (Investments)		100,000	20,000	80,000
<b>Total Cash &amp; Investments</b>	<b>1</b>	<b>111,925</b>	<b>4,100</b>	<b>107,825</b>
<b>Budgeted Opening Balance of Cash &amp; Investments</b>				<b>65,585</b>
<b>Variance in Opening Balance</b>				<b>42,240</b>

**NOTES**

1. The budgeted cash & investments at the beginning of the year was \$65.6 million, the actual opening balance was \$107.8 million. The additional \$42.2 million was largely the result of higher than anticipated surplus funds and carry forward funding for capital and operational projects and programs. This included \$11.3M of Victorian Grants Commission FAGS funding that was advanced to Council in the 2021/22 financial year, this advance was not factored into the budget calculations.

## STATEMENT OF CAPITAL WORKS

### For The Quarter Ended 31 March 2023

	NOTE	YTD Actuals \$'000	Full Year Forecast \$'000	Annual Budget \$'000	Variance Annual Budget /Forecast \$'000
<b>Property</b>					
Land	1	0	0	0	0
Buildings	2	4,166	10,950	5,563	(5,387)
Heritage buildings	3	17	180	0	(180)
<b>Total Property</b>		<b>4,184</b>	<b>11,130</b>	<b>5,563</b>	<b>(5,567)</b>
<b>Plant and Equipment</b>					
Plant, machinery & equipment	4	1,960	3,804	2,391	(1,413)
Fixtures, fittings & furniture	5	96	108	70	(38)
Computers & telecommunications	6	788	1,209	600	(609)
Artwork collection	7	13	18	15	(3)
<b>Total Plant and Equipment</b>		<b>2,857</b>	<b>5,139</b>	<b>3,076</b>	<b>(2,063)</b>
<b>Infrastructure</b>					
Roads	8	8,333	25,395	15,440	(9,955)
Bridges & culverts	9	95	588	415	(173)
Footpaths & cycleways	10	784	1,542	1,155	(387)
Drainage	11	452	988	1,784	796
Waste management	12	391	588	550	(38)
Parks, open space and streetscapes	13	1,349	7,380	7,930	550
Recreational, leisure & community facilities	14	2	2	73	71
Aerodromes	15	0	0	0	0
Offstreet carparks	16	1,258	3,761	455	(3,306)
Other infrastructure	17	973	1,711	3,600	1,889
<b>Total Infrastructure</b>		<b>13,637</b>	<b>41,954</b>	<b>31,402</b>	<b>(10,552)</b>
<b>Total Capital Works expenditure</b>		<b>20,677</b>	<b>58,223</b>	<b>40,041</b>	<b>(18,182)</b>
<b>REPRESENTED BY;</b>					
New asset expenditure	18	3,966	12,005	12,020	15
Asset renewal expenditure	19	14,921	38,298	20,098	(18,200)
Asset expansion expenditure	20	66	189	0	(189)
Asset upgrade expenditure	21	1,724	7,732	7,924	192
<b>Total Capital Works expenditure</b>		<b>20,677</b>	<b>58,223</b>	<b>40,041</b>	<b>(18,182)</b>

#### NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances

##### 1. Land \$0.0M Nil Variance

No current year projects.

##### 2. Buildings (\$5.4M) Increased Expenditure

Primarily due to expenditure that has carried over from budget allocations, cash surpluses and grant funding received in previous financial years together with unbudgeted grants announced since the budget was developed including Building & Roof Renewal Programs \$0.8M, Twin City Archery Club extension \$1.3M, Gippsland Performing Arts Centre \$1.0M, Parklands Preschool refurbishment \$0.8M and Solar Power generation installations \$0.5M.

##### 3. Heritage buildings (\$0.2M) Increased Expenditure

Mainly reflects funds carried forward from 2021/22 associated with the Traralgon Courthouse upgrades.

**NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances****4. Plant, machinery & equipment (\$1.4M) Increased Expenditure**

Mainly due to items of fleet and large plant that were budgeted in the previous year but as a result of delays in delivery times are not able to be received until the 2022/23 financial year. Funds have been carried forward to pay for these items.

**5. Fixtures, fittings & furniture (\$0.0M) Increased Expenditure**

Minor variance.

**6. Computers & telecommunications (\$0.6M) Increased Expenditure**

Additional expenditure is mainly related to works funded from an unbudgeted government grant to upgrade free public WiFi services in the Latrobe Valley.

**7. Artwork Collection (\$0.0M) Increased Expenditure**

Minor variance.

**8. Roads (\$10.0M) Increased Expenditure**

Mainly relates to unbudgeted government funding and surplus funds allocated including Landslip remediation \$13.0M, National Blackspot program (\$1.3M) and Flynn's Creek Road Stage 3 (Agrilinks) \$0.4M. This has been partially offset by a forecasted reduction in expenditure in the current financial year for the Traralgon Maffra Road/Marshall's Road signalised intersection \$4.8M, now expected to be largely undertaken in the 23/24 financial year.

**9. Bridges & culverts (\$0.2M) Increased Expenditure**

Primarily due to funds carried forward from 2021/22 for bridge and major culvert works.

**10. Footpaths & cycleways (\$0.4M) Increased Expenditure**

Mainly due to unbudgeted government grant funding for new footpaths under the Local Roads and Community Infrastructure program (\$0.2M), together with other funding carried forward from the 2021/22 financial year to complete the Morwell to Traralgon Shared Pathway \$0.1M and Traralgon West Linear Paths \$0.1M.

**11. Drainage \$0.8M Decreased Expenditure**

Mainly due to drainage works now expected to be completed in 2023/24 financial year.

**12. Waste management (\$0.0M) Increased Expenditure**

Minor variance.

**13 Parks, open space and streetscapes \$0.6M Decreased Expenditure**

Mainly relates to works on the Moe Revitalisation Project Stage 2 that are now expected to be completed in the 2023/24 financial year \$3.5M. This is partially offset by increased expenditure related to the Street Lighting upgrade to LED program large funded by cash reserves and unbudgeted LRCI funding \$1.7M together with funds carried forward from 2021/22 to complete projects including retaining walls \$0.8M and Playgrounds \$0.3M.

**14. Recreational, leisure & community facilities \$0.1M Decreased Expenditure**

Due to a reclassification of expenditure that was budgeted as capital expenditure that is now expected to be expensed through the Comprehensive Income Statement.

**15. Aerodromes \$0.0M Nil Variance**

No current year projects.

**16. Offstreet carparks (\$3.3M) Increased Expenditure**

Mainly related to unbudgeted government grants for the Regional Car Parks fund \$3.3M.

**17. Other infrastructure \$1.9M Decreased Expenditure**

Mainly due to works on the Gippsland Logistics Precinct and Intermodal Freight Terminal now expected to be completed in the 2023/24 financial year.

**NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances**

**18. New asset expenditure** **\$0.0M Decreased Expenditure**  
Minor variance.

**19. Asset renewal expenditure** **(\$18.2M) Increased Expenditure**

Primarily due to funds carried forward from the 2021/22 financial year and additional unbudgeted government grants including landslip remediation \$13.0M, building and roof renewal programs \$0.8M, Fleet and large plant replacement programs \$1.3M, Parklands preschool \$0.8M, Landfill Cell 6 \$0.4M, Traralgon Railway Reserve Large Dam \$0.1M, Flynn's Creek Road Stage 3 (Agrilinks) \$0.4M, Playgrounds \$0.2M and retaining walls \$0.8M.

**20. Asset expansion expenditure** **(\$0.2M) Increased Expenditure**

Due to unexpended funds carried over from the 2021/22 financial year for the Traralgon Sports Stadium & Catterick Crescent Pavilion.

**21. Asset upgrade expenditure** **\$0.2M Decreased Expenditure**

Mainly due to unexpended funds carried over from the 2021/22 financial year and unbudgeted government grants including National Blackspot program \$1.3M, Street Lighting LED upgrade project \$1.7M, Twin City Archery Club extensions \$1.3M and New Energy Projects Solar power generation installations \$0.5M. This has been largely offset by a forecasted reduction in expenditure in the current financial year for the Traralgon Maffra Road/Marshall's Road signalised intersection \$4.8M and Kernot Hall Refurbishment \$0.6M, now expected to be largely undertaken in the 23/24 financial year.

## LGPRF FINANCIAL PERFORMANCE RATIOS

As at 31 March 2023

	Year to Date Ratios					Expected Range	
	\$'000s	Ratio at 31/03/23	Ratio at 31/03/22	Forecast at 30/06/23	Budget at 30/06/23		
<b><u>OPERATING POSITION</u></b>							
<b>Adjusted Underlying Result Indicator</b>							
(Indicator of the broad objective that an adjusted underlying surplus should be generated in the ordinary course of business. A surplus or increasing surplus suggests an improvement in the operating position)							
<b>Adjusted underlying surplus (or deficit)</b>							
	<u>Adjusted net Surplus/(Deficit)</u>	22,376	18.6%	18.7%	(9.6%)	(3.5%)	-20% - +20%
	Adjusted underlying revenue	120,556					
The ratio takes out the effect of once off capital grants & developer contributions.							
<b>Note:</b> The forecasted lower ratio of (9.6%) is mainly due to additional expenditure as a result of unspent 2021/2022 recurrent project and program expenditure which led to a greater than expected 'cash' surplus result at the end of the financial year together with government funding advanced to Council in 2021/22 that was budgeted in 2022/23.							
<b><u>LIQUIDITY</u></b>							
<b>Working Capital Indicator</b>							
(Indicator of the broad objective that sufficient working capital is available to pay bills as and when they fall due. High or increasing level of working capital suggests an improvement in liquidity)							
<b>Current assets compared to current liabilities</b>							
	<u>Current Assets</u>	134,487	562.4%	519.4%	237.6%	190.0%	100% - 300%
	Current Liabilities	23,914					
<b>Unrestricted Cash Indicator</b>							
(Indicator that sufficient cash which is free of restrictions is available to pay bills as and when they fall due. High or increasing level of cash suggests an improvement in liquidity )							
	<u>Unrestricted Cash</u>	5,939	24.8%	14.4%	-22.8%	38.0%	0.0% - 200%
	Current Liabilities	23,914					
<b>Note:</b> Unrestricted cash does not include funds held in term deposits with a maturity term of greater than 90 days. These deposits are managed to ensure they mature in time for payment runs and are available to meet liabilities when they fall due. The forecasted negative result is due to restricted items being held in term deposit investments i.e Financial Assets rather than cash.							

	Year to Date Ratios			Forecast at 30/06/23	Budget at 30/06/23	Expected Range
	\$'000s	Ratio at 31/03/23	Ratio at 31/03/22			
<b>OBLIGATIONS</b>						
<b>Loans and borrowings Indicator</b>						
(Indicator of the broad objective that the level of interest bearing loans and borrowings should be appropriate to the size and nature of a council's activities. Low or decreasing level of loans and borrowings suggests an improvement in the capacity to meet long term obligations)						
<b>Loans and borrowings compared to rates</b>						
<u>Interest Bearing loans and borrowings</u>	14,115	15.8%	18.3%	17.2%	23.2%	0% - 50%
Rate Revenue	89,170					
<b>Loans and borrowings repayments compared to rates</b>						
<u>Interest &amp; principal repayments</u>	1,387	1.6%	1.7%	2.1%	3.3%	0% - 10%
Rate Revenue	89,170					
<b>Indebtedness Indicator</b>						
(Indicator of the broad objective that the level of long term liabilities should be appropriate to the size and nature of a Council's activities. Low or decreasing level of long term liabilities suggests an improvement in the capacity to meet long term obligations)						
<b>Non-current liabilities compared to own source revenue</b>						
(to ensure Council has the ability to pay its long term debts & provisions)						
<u>Non Current Liabilities</u>	26,712	25.4%	32.4%	25.8%	27.4%	0% - 50%
Own Source Revenue	105,175					
Own Source Revenue is adjusted underlying revenue which excludes revenue which is not under the control of council (including government grants)						
<b>Asset Renewal Indicator</b>						
(Indicator of the broad objective that assets should be renewed as planned. High or increasing level of planned asset renewal being met suggests an improvement in the capacity to meet long term obligations)						
<u>Asset Renewal &amp; Upgrade Expenditure</u>	16,645	73.5%	80.8%	149.6%	88.2%	50%-100%
Depreciation	22,647					
<b>Note:</b> The forecast increase in this ratio is a result of renewal works carried forward from the previous financial year and funded from unbudgeted government grants. Landslip remediation mainly as a result of the June 2021 storms.						

	Year to Date Ratios				Forecast at 30/06/23	Budget at 30/06/23	Expected Range
	\$'000s	Ratio at 31/03/23	Ratio at 31/03/22				
<b>STABILITY</b>							
<b>Rates Concentration Indicator</b>							
(Indicator of the broad objective that revenue should be generated from a range of sources. High or increasing range of revenue sources suggests an improvement in stability)							
<b>Rates compared to adjusted underlying revenue</b>							
	<u>Rate Revenue</u>	89,170					
	Adjusted underlying revenue	120,556	74.0%	69.7%	64.6%	67.4%	40% - 80%
The ratio takes out the effect of once off capital grants & developer contributions.							
<b>Rates Effort Indicator</b>							
(Indicator of the broad objective that the rating level should be set based on the community's capacity to pay. Low or decreasing level of rates suggests an improvement in the rating burden)							
<b>Rates compared to property values</b>							
	<u>Rate Revenue</u>	89,170					
	property values (CIV)	18,570,113	0.5%	0.6%	0.5%	0.5%	0.2% to 0.7%
<b>EFFICIENCY</b>							
<b>Expenditure Level Indicator</b>							
(Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of expenditure suggests an improvement in organisational efficiency)							
<b>Expenses per property assessment</b>							
	<u>Total expenses</u>	98,180					
	Number of property assessments	40	\$ 2,459	\$ 2,505	\$ 3,784	\$ 3,409	\$2000 - \$4000
Note: The forecast increase in expenses per assessment is mainly related to employee costs and materials and services expenditure funded from additional government funding and carry forward funds.							
<b>Revenue Level Indicator</b>							
(Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of rates suggests an improvement in organisational efficiency)							
<b>Average general rate &amp; municipal charge per property assessment</b>							
	<u>Total General Rates and Municipal Charges</u>	64,419					
	Number of property assessments	40	\$ 1,613	\$ 1,564	\$ 1,613	\$ 1,613	\$800 - \$1,800



**12. QUESTIONS ON NOTICE**

Nil reports

# NOTICES OF MOTION

## **13. NOTICES OF MOTION**

### **13.1 2023/06 LATROBE CITY COUNCIL SUPPORT FOR LGBTIQA+ COMMUNITY**

**Cr Tracie Lund**

I, Cr Tracie Lund, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 01 May 2023:

#### **That Council:**

- 1. Release a public statement of commitment for the inclusion of trans and gender diverse people in the municipality and opposition to transphobia and transmisogyny.**
- 2. Notes existing initiatives that support people who are lesbian, gay, bisexual, trans and gender diverse, intersex, and queer and/or questioning (LGBTIQA+) including**
  - a) Gippsland Pride Festival that provides a safe and welcoming place to trans and gender people in the municipality.**
  - b) Strategic Objective 3.8 of Living Well Latrobe to ensure Council recognises and values the rights and social needs of the LGBTIQA+ community, which also aims to address discrimination and access to Council services and events.**
- 3. Officers present a report to Council that considers and responds to**
  - a) The recommendations of the Rainbow Brick Road Report (the voices of LGBTQIA+ Gippslanders & specifically Latrobe City Residents) following its release noting that it is proposed to be launched on IDAHOBIT Day May 17th 2023.**
  - b) The Victorian State Government whole-of-government LGBTIQ+ strategy, Pride in our future: Victoria's LGBTIQ+ strategy 2022-32**

Signed

Cr Tracie Lund

20 April 2023

#### **Attachments**

Nil

# ITEMS FOR TABLING

**14. ITEMS FOR TABLING**

Nil reports

## **15. ACKNOWLEDGEMENTS**

*Councillors may raise any formal acknowledgements that need to be made at this time, including congratulatory or condolences.*

**MEETING CLOSED TO  
THE PUBLIC TO  
CONSIDER  
CONFIDENTIAL  
INFORMATION**

**16. MEETING CLOSED TO THE PUBLIC TO CONSIDER CONFIDENTIAL INFORMATION**

Section 66 of the *Local Government Act 2020* enables Council to close the meeting to the public to consider *confidential information* as defined in that Act.

**Proposed Resolution:**

**That Council pursuant to section 66(1) and 66(2)(a) of the *Local Government Act 2020* (the Act) close the Council Meeting to the public to consider the following items containing confidential information as defined in section 3(1) of the Act:**

**16.1 LCC-784 Construction of Leachate Pond - Hyland Highway Landfill**

**This item is confidential as it contains private commercial information, being information provided by a business, commercial or financial undertaking that—**

- (i) relates to trade secrets; or**
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)). This ground applies because Releasing this information publicly and/or prematurely may prejudice the undertaking of this process.**