



LATROBE CITY COUNCIL

**AGENDA FOR THE
COUNCIL MEETING**

**TO BE HELD IN KERNOT HALL, MORWELL AND VIA
AUDIO-VISUAL LINK
AT 6:00PM ON
05 FEBRUARY 2024
CM601**

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.

TABLE OF CONTENTS

1. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND	4
2. APOLOGIES AND LEAVE OF ABSENCE.....	4
3. ADOPTION OF MINUTES	4
4. DECLARATION OF INTERESTS	4
5. PUBLIC PARTICIPATION TIME	4
6. STRATEGIC ITEMS FOR DECISION.....	6
6.1 Chinese Garden in Moe.....	6
6.2 Urban Rivers and Catchments Program Funding Applications.....	16
6.3 Endorsement of Council Support Package Funding Submission.....	57
7. STATUTORY PLANNING.....	70
7.1 Planning Permit 2023/245 Use and Development of land for a service station and signage.....	70
7.2 Amendment C131 (Updated Flood Overlays) - Consideration of Submissions	94
7.3 Variation of Section 173 Agreement - Francis Road, Glengarry	111
8. CORPORATE ITEMS FOR DECISION	119
8.1 Tourism & Major Events Advisory Committee Recommendations December 2023.....	119
8.2 Authorisation of a Council Officer under the Planning & Environment Act 1987	143
9. URGENT BUSINESS.....	153
10. REPORTS FOR NOTING	155
10.1 Presentation of the Audit and Risk Committee Minutes - 21 September 2023 (Special Financial Meeting) and 23 November 2023...	155
10.2 Contract Variations for the period 1 October 2023 to 31 December 2023.....	177
10.3 Quarterly Budget Report - December 2023	186
11. QUESTIONS ON NOTICE	210

12. NOTICES OF MOTION.....212

13. ITEMS FOR TABLING.....214

14. ACKNOWLEDGEMENTS.....215

15. MEETING CLOSED TO THE PUBLIC TO CONSIDER CONFIDENTIAL INFORMATION.....217

15.1 LCC-814 Hyland Highway Landfill - Construction of Landfill Cap Cells 4 and 5 (Stage 3).....217

15.2 LCC-801 Cleaning of Public Conveniences.....217

15.3 Microsoft Enterprise Agreement218

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. APOLOGIES AND LEAVE OF ABSENCE

Proposed Resolution:

That a leave of absence be granted to Councillor Melissa Ferguson for the month of February 2024.

3. ADOPTION OF MINUTES

Proposed Resolution:

That Council confirm the minutes of the Council Meeting held on 04 December 2023 and 19 December 2023.

4. DECLARATION OF INTERESTS

5. PUBLIC PARTICIPATION TIME

Public Questions on Notice

In Accordance with the Governance Rules, 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

6. STRATEGIC ITEMS FOR DECISION

Item Number 6.1 05 February 2024

Regional City Strategy & Transition

CHINESE GARDEN IN MOE

PURPOSE

To provide Councillors with updated information to enable a decision in relation to the future of the proposed Chinese Garden in Moe.

EXECUTIVE SUMMARY

- In anticipation of the 20th anniversary of the Sister City relationship between Latrobe City and Taizhou, the Taizhou Government proposed a Chinese garden be established in Latrobe City to acknowledge the anniversary. The agreement was that Taizhou and Latrobe City would contribute equally to the cost of the garden, with the design costs to be borne by Taizhou.
- The Foreign Affairs Office of the Taizhou Government was given the responsibility to work with Latrobe City Council to identify the preferred location and adoption of a design for the garden. After a number of visits and exchanges between Taizhou and Latrobe City, it was agreed that the garden would be established in the Botanical Gardens at Moe.
- Council, at its meeting held on Monday, 11 November 2019, adopted a resolution to support a Chinese Garden in Moe and allocate \$60,000 towards the cost of the garden. Officers were requested to send advice of the decision to Taizhou and present a final design to Council at a later date.
- A Taizhou Government funded architectural firm prepared draft design plans for the Chinese Garden and forwarded them to the Foreign Affairs Office in Taizhou for consideration.
- In the intervening period, a letter was received from Make Moe Glow requesting that Council consider changing the Chinese Garden to an 'Australian Garden.' A key reason for this request was 'because of the political situation which has escalated between the Chinese and Australian Governments.' The President of Make Moe Glow, also stated that an Australian Garden would be more inclusive and a lower maintenance cost to Council. A copy of the letter is attached (Attachment 1).
- A response was provided by the Chief Executive Officer, advising that Council would need to consider the request as the original Council resolution was to support a Chinese Garden. He also advised that the next opportunity to raise the request with Councillors was 26 April 2021. (Attachment 2)
- Councillors discussed the Make Moe Glow request at the Councillor Briefing held on Monday, 26 April 2021.

- No further correspondence has been received from the Taizhou Foreign Affairs Office since mid-2020.
- Given the length of time that has transpired since the last communication with the Taizhou Foreign Affairs office in relation to the development of a Chinese garden, it is Council Officers recommendation that the project cease, and the allocated funds be returned to consolidated revenue. If further correspondence is received from Taizhou the project can be reactivated.

OFFICER'S RECOMMENDATION

That Council discontinue the project to develop a Chinese Garden in Moe and the budget allocation of \$60,000 be removed from the capital works budget.

BACKGROUND

Latrobe City Council and Taizhou City entered into a Sister City Agreement on 7 March 2000. The agreement set out both cities commitment to cultural, education and trade opportunities.

On the 10th anniversary of the Sister City Agreement, Taizhou City established an Australia Garden in Taizhou in honour of Latrobe City. The garden included a sculpture incorporating information about Latrobe City.

In anticipation of the 20th anniversary of the Sister City relationship between Latrobe City and Taizhou, the Taizhou Government proposed a Chinese garden be established in Latrobe City to acknowledge the anniversary. The agreement was that Taizhou and Latrobe City would contribute equally to the cost of the garden, with the design costs to be borne by Taizhou.

The Foreign Affairs Office of the Taizhou Government was given the responsibility to work with Latrobe City Council to identify the preferred location and adoption of a design for the garden. The Taizhou officials visited locations in Traralgon, Morwell, Churchill and Moe to consider the best location for the garden. After a number of visits and exchanges between Taizhou and Latrobe City officers, it was agreed that the garden would be established in the Botanical Gardens at Moe.

At the Council Meeting held on Monday, 11 November 2019 the following resolution was adopted:

That Council:

- 1. Support the establishment of the Taizhou Garden in Latrobe City;*
- 2. Endorse the location for the Taizhou Garden to be Botanical Gardens, Moe;*
- 3. Allocate a financial contribution towards the project budget of up to \$60,000 and refer the project to the 2019/2020 mid-year budget process and the 2020/2021 budget process, to fund the project in two stages;*
- 4. Write to Taizhou advising of the support for the project, including Council's allocated budget contribution, agreed designated area, subject to an agreed design; and*
- 5. Present the final design for consideration at a future Council meeting.*

Following receipt of this resolution, the Taizhou Government appointed an architectural firm to prepare a design for the garden. This team met with Councillors and Council Officers to confirm the location within the Botanical Gardens. Officers advised the team that Council's allocated budget for the project is \$60,000.

On 10 December 2020 a letter was received from Make Moe Glow requesting that Council consider changing the Chinese Garden to an 'Australian Garden.' A key reason for this request is 'because of the political situation which has escalated between the Chinese and Australian Governments'. The President of Make Moe Glow also states that the Australian Garden would be more inclusive and a lower maintenance cost to Council.

A response was provided by the Chief Executive Officer advising that Council would need to consider the request as the original Council resolution was to support a Chinese Garden. Councillors discussed the request from Make Moe Glow at the Councillor Briefing held on Monday, 26 April 2021.

No further correspondence has been received from the Foreign Affairs Office in Taizhou in relation to this matter. In the intervening years the impacts of COVID19, the strained international relationship with China and the absence of any communications from Taizhou it is officers recommendation to discontinue the project, and return the \$60,000 to general revenue. If Council receives future correspondence for Taizhou the project can be review and reactivated by Councillors.

ANALYSIS

Historically, Latrobe City has been committed to an International Engagement and Investment Program for our community and has adopted an International Engagement and Investment Strategy. Key pillars of that program include international exchange and cooperation in the fields of economy, trade, science and technology, cultural exchange, education, sports, health and people.

In addition, a key part of the International Engagement and Investment Strategy is the ongoing Sister Cities relationships that have been developed and fostered over the past 20 years.

It is still considered appropriate and culturally beneficial to continue these Sister City relationships.

The development of the Chinese Garden to commemorate the 20th anniversary of the Sister City Agreement has been an ongoing discussion since early 2019. The project has not progressed since the COVID pandemic due to staff changes and lockdowns.

Given the request by Make Moe Glow, it would be appropriate for Council to provide direction as to whether Latrobe City should continue to proceed with the Chinese Garden before entering into any further discussions with Taizhou.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
STRATEGIC Impact of negative decision on relationship with Sister City	Medium <i>Possible x Moderate</i>	Clear direction and correspondence with Sister City Officers

CONSULTATION

There has been previous correspondence with Foreign Affairs Office in Taizhou and recent correspondence with Make Moe Glow.

COMMUNICATION

If Council resolves to proceed with the Chinese Garden a communications plan will be developed to contact Taizhou and provide information to the community about the planned garden.

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

Not applicable.

Cultural

Latrobe City has a long-standing Sister City relationship with Taizhou City. The cultural exchanges have been very important to that relationship.

The decision in relation to the Chinese Garden may have an impact on the relationship.

Health

Not applicable.

Environmental

Should Councillors decide to proceed with an Australian garden, consideration will be required as to the types of plants included to ensure there is no impact on the existing flora in the Botanical Gardens.

Economic

There are currently no economic relationships with Taizhou City.

Financial

There is a budget allocation of \$60,000 being held for this project.

Attachments

1. Letter from Make Moe Glow
2. CEO letter to Make Moe Glow

6.1

Chinese Garden in Moe

- 1 Letter from Make Moe Glow..... 13
- 2 CEO letter to Make Moe Glow..... 14



ABN: 355 033 995 81

120 Southwell Avenue
Newborough
Victoria
3825

10 December 2020

Dear Sharon,

Since Simon and I spoke to you recently about an alternative Moe Pioneer Garden Project to replace the proposed Chinese Garden at the Moe Botanical Gardens because of the political situation which has escalated between the Chinese and Australian Governments we, that is Tony, Simon and myself have come up with an alternative plan that is an Australian Garden, which we believe would be acceptable both to Council and the local community.

With the Pioneer Garden we would have had to include the indigenous people who were here first and the Chinese who settled in the area after the gold rush had finished. Someone is likely to get upset because they were not included. Hence the Australian Garden Project which will cost Council Parks and Garden Team a lot less money to create and easier to maintain with rocks, gravel foot paths and drought resistant plants, and that is why we have attached an image from the Australian Garden and Cranbourne.

Thanks to you, and Steve, for your support.

Regards, Marilyn May - President Make Moe Glow Inc.



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Our Ref: 2173618
SP:BC

29 March 2021

Marilyn May
President
Make Moe Glow Inc.
120 Southwell Avenue
NEWBOROUGH VIC 3825

Dear Marilyn

PROPOSED CHINESE GARDEN IN MOE BOTANICAL GARDENS

I refer to your letter dated 10 December 2020 and your conversation with Bruce Connolly yesterday in relation to this matter. As discussed, Council adopted a resolution on the 11 November 2019 as follows:

That Council:

- 1. Support the establishment of the Taizhou Garden in Latrobe City;***
- 2. Endorse the location for the Taizhou Garden to be Botanical Gardens, Moe;***
- 3. Allocate a financial contribution towards the project budget of up to \$60,000 and refer the project to the 2019/2020 mid-year budget process and the 2020/2021 budget process, to fund the project in two stages;***
- 4. Write to Taizhou advising of the support for the project, including Council's allocated budget contribution, agreed designated area, subject to an agreed design; and***
- 5. Present the final design for consideration at a future Council meeting.***

For Council to consider your request, a further report needs to be prepared for Councillors. This report will need to incorporate the existing motion and your requested change of garden theme. Councillors will then be able to have a discussion and determine whether to support the request.

As indicated by Bruce, the next possible opportunity to prepare and present a report to Councillors at a Briefing will be 18 April 2021. If your request is supported the matter will then be referred to the Ordinary Council Meeting on 3 May 2021.

We thank you for your continued interest in developing Moe and its environs. If you have any questions in the interim or about the process please contact Bruce Connolly on 0408 979 455 or bruce.connolly@latrobe.vic.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steven Piasente', with a long horizontal stroke extending to the right.

STEVEN PIASENTE
Chief Executive Officer

URBAN RIVERS AND CATCHMENTS PROGRAM FUNDING APPLICATIONS

PURPOSE

To seek endorsement from Council to make funding applications to the Federal Government's Urban River and Catchments Program 2023.

EXECUTIVE SUMMARY

- The \$200 million Federal Government Urban Rivers and Catchments Program is a new grant stream that focuses on restoring urban waterways, benefiting native species, and improving community access to nature.
- Two funding streams are available:
 - Stream 1 offers grants of between \$150,000 to \$2 million with no co-contribution element; and,
 - Stream 2 offers grants of between \$2 million to \$10 million with a 50% cash co-contribution element.
- For Stream 1, the identified projects include dam de-silting and water quality improvements at the Traralgon Railway Reservoir Conservation Reserve (TRRCR) and Edward Hunter Heritage Bush Reserve (EHHBR).
- For Stream 2, the identified project is The Downs Reserve, Traralgon, Waterway Re-naturalisation. This project aims to leverage a current drainage upgrade project as a 50% cash co-contribution, to further enhance stormwater quality, increase flood storage, and improve community health and amenity.
- Grant applications for projects must be submitted by February 13, 2024, with an earliest project start date of July 2024.

OFFICER'S RECOMMENDATION

That Council endorse the following three applications being submitted to the Urban River and Catchments Program 2023:

- 1. Traralgon Railway Reservoir Conservation Reserve Dam De-silting**
- 2. Edward Hunter Heritage Bush Reserve Dam De-silting and Water Quality Improvements**
- 3. The Downs Reserve Waterway Re-naturalisation**

BACKGROUND

The \$200 million Federal Government Urban Rivers and Catchments Program (the Program) is aimed at restoring the health of urban waterways for native plants, animals, and local communities.

Projects funded through the Program are intended to help conserve native plants and animals such as birds, platypus, and native fish. They will also improve access to waterways which provide for health and social wellbeing.

The Program will support projects that improve waterways in urban, outer-urban/peri-urban and regional centres areas, within which Latrobe City Council is eligible, by:

- Restoring and/or improving river areas, stream banks or aquatic habitats;
- Improving water quality, water in the landscape, and waterway connectivity;
- Improving urban green (parks) and blue (rivers, wetlands) space, water quality, and community access to nature; and,
- Benefiting native species, threatened species, and aquatic areas of significance.

There are two streams available in this round of funding:

- Stream 1 - grants of between \$150,000 and \$2 million with no co-contribution required, but encouraged; and,
- Stream 2 - grants of between \$2 million and \$10 million with a 50% cash co-contribution required.

Grant applications must be submitted by 13 February 2024 and the earliest likely start date for projects is July 2024.

ANALYSIS

The following two projects have been identified for applications to Stream 1 (no co-contribution):

1. Traralgon Railway and Conservation Reserve Dam De-silting – scope to be confirmed, less than \$2 million; and,
2. Edward Hunter Bushland Reserve Dam De-silting and Water Quality Improvements – scope to be confirmed, less than \$2 million.

A third project has been identified for Stream 2 (50% co-contribution):

3. The Downs Reserve Waterway Re-naturalisation – scope to be confirmed, forecast at \$2.2 million.

Regarding Stream 1, this grant opportunity is unique in its eligibility to these dams and, over time, the community-based Management Committees of the Reserves have highlighted the need to undertake de-silting activities.

The scope of works for both dam projects is being finalised in consultation with the respective Management Committees and is not available at the time of writing, however it is likely to include:

- Vegetation removal and offsets;
- Environmental management controls, temporary waterway diversions, de-watering, and creation of access tracks;
- Silt excavation, transport, stockpiling and storage on-site or, if feasible, disposal;
- Reinstatement of disturbed areas and riparian vegetation improvements; and,
- Further water quality improvements including erosion control works at drainage outfalls and connections.

Regarding Stream 2, this grant opportunity can enhance a current drainage upgrade project to incorporate a waterway re-naturalisation project within The Downs Reserve, Traralgon, between Cross’s Road and Grubb Avenue.

A drainage upgrade project is underway to create a culvert crossing under Cross’s Road to mitigate flash flooding experienced in that area. The existing capital funding for the drainage project can be leveraged as the cash co-contribution and additional grant funds used to provide further improvement up-stream of Cross’s Road.

This could be achieved through converting the underground concrete pipes into a living stream and wetland to further improve stormwater quality, increase flood storage, and provide more urban blue green assets which can improve community health and amenity. The design process will include community consultation to ensure that the project’s outcomes are shaped by, and aligned with, the local area.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
SERVICE DELIVERY The timeline for submission of funding applications is tighter this year and there is risk that deadlines will be missed.	<p style="text-align: center;">Low <i>Unlikely x Minor</i></p>	Early Officer engagement with Committees to help with preparation and submission of applications for funding.
FINANCIAL Project will not proceed without external grant funding.	<p style="text-align: center;">Medium <i>Possible x Minor</i></p>	Officers will build on recent grant application experience to develop compelling applications and encourage co-contributions from Committees.

RISK	RISK RATING	TREATMENT
<p>STRATEGIC</p> <p>Community members may object to the proposed works.</p>	<p>Low</p> <p><i>Unlikely x Minor</i></p>	<p>A communications and engagement plan will be included in the application to be developed and implemented as part of the project</p>

CONSULTATION

Officers met with the TRRCR and EHHBR Committee’s in December 2023, to discuss the grant opportunity, possible works, and the process to collaboratively develop the applications.

Given the short timeframe to develop the grant application and overlap with the end of year holiday period, there has been limited opportunity for further consultation at this time.

COMMUNICATION

A future communication plans will be included in the grant application for each of the projects.

Should The Downs Reserve Waterway Re-naturalisation project be successful, a detailed communications and engagement plan will be delivered to ensure that the local community have input and agency in the development and delivery of the project.

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

TRRCR and EHHBR are highly regarded community assets, and these projects seek to support their ongoing sustainability. Should they proceed, there will be some disruption associated with the construction works, which will be carefully managed through a communications and engagement plan.

The Downs Reserve Waterway Re-naturalisation project may necessitate changes to the existing playground, open space area and existing trees. Officers will ensure that any new blue green assets are a net improvement to the reserve and its surrounding residents. The project will also be supported by a communications and engagement plan.

Cultural

First nation feedback will be sought in development of the grant applications.

Health

Supporting the sustainability of TRRCR and EHHBR, and increasing the amount, and our communities' access to, blue green infrastructure could be beneficial to health and wellbeing outcomes.

Environmental

There will be short term environmental impacts as a result of undertaking these works, which will be managed as far as practicable. However, the goal of the projects and program is to improve environmental outcomes long term at these sites.

Economic

All three projects should lead to maintained or increased visitation of these sites, which may illicit local positive economic impacts.

Financial

Officers are not aware of a similar grant funding opportunity that could be used to enable the dam de-silting works. And, if they were not externally funded then there may be requests for Council to consider funding these works through its budget processes.

The conversion of open space in The Downs Reserve to blue green infrastructure will attract an additional ongoing maintenance burden to Council. Those costs need to be considered in the context of the operational benefits to the community and further considered as part of future asset management planning.

The requirement for the 50% co-contribution for the Stream 2 The Downs Reserve application can be met with existing drainage related funds including the \$1.2 million total drainage allocation in the current 2023/2024 budget.

Attachments

1. Grant Opportunity Guidelines

6.2

Urban Rivers and Catchments Program Funding Applications

1 Grant Opportunity Guidelines 23



Australian Government

Department of Industry, Science and Resources

**Department of Climate Change, Energy,
the Environment and Water**

Grant Opportunity Guidelines

Urban Rivers and Catchments Program 2023

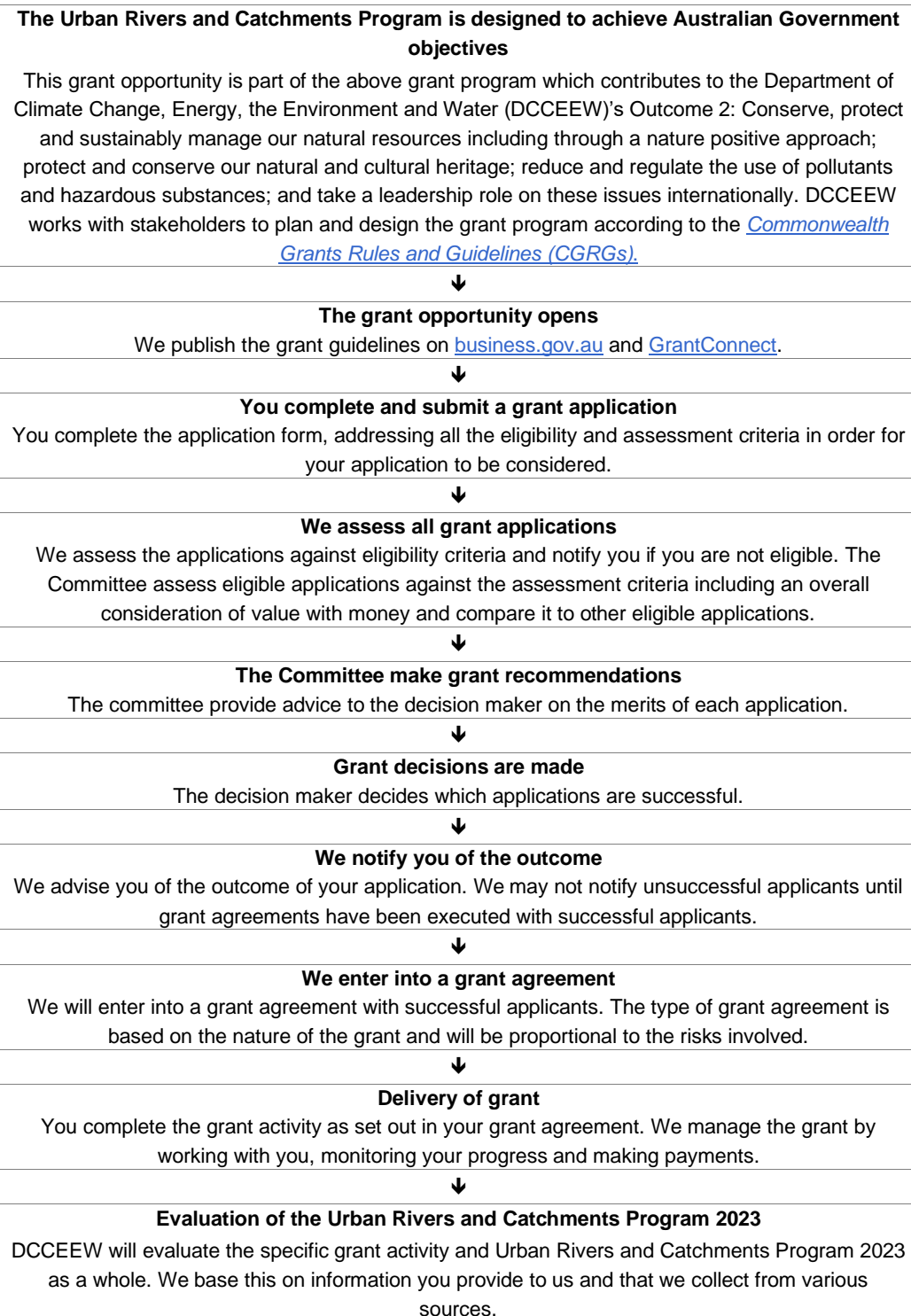
Opening date:	27 November 2023
Closing date and time:	5:00pm Australian Eastern Daylight Time on 13 February 2024 Please take account of time zone differences when submitting your application.
Commonwealth policy entity:	Department of Climate Change, Energy, the Environment and Water (DCCEEW)
Administering entity:	Department of Industry, Science and Resources (DISR)
Enquiries:	If you have any questions, contact us on 13 28 46.
Date guidelines released:	15 November 2023
Type of grant opportunity:	Open competitive

Contents

1. Urban Rivers and Catchments Program 2023 processes	4
1.1. Introduction	5
2. About the grant program	5
2.1. About the Urban Rivers and Catchments Program 2023 grant opportunity	5
3. Grant amount and grant period	6
3.1. Grants available	6
3.2. Project period	7
4. Eligibility criteria	7
4.1. Who is eligible to apply for a grant?	7
4.2. Additional eligibility requirements	8
4.3. Who is not eligible to apply for a grant?	8
4.4. What qualifications, skills or checks are required?	9
5. What the grant money can be used for	9
5.1. Eligible grant activities	9
5.2. Eligible locations	10
5.2.1. Ineligible locations	10
5.3. Eligible expenditure	11
6. The assessment criteria	11
6.1. Assessment criterion 1	11
6.2. Assessment criterion 2	12
6.3. Assessment criterion 3	12
7. How to apply	13
7.1. Attachments to the application	13
7.2. Joint (consortia) applications	14
7.3. Timing of grant opportunity processes	15
7.4. Questions during the application process	15
8. The grant selection process	15
8.1. Assessment of grant applications	15
8.2. Who will assess applications?	16
8.3. Who will approve grants?	16
9. Notification of application outcomes	16
9.1. Feedback on your application	16
10. Successful grant applications	16
10.1. The grant agreement	16
10.2. Specific legislation, policies and industry standards	17
10.2.1. Building and construction requirements	18
10.2.2. WHS Scheme	18
10.3. How we pay the grant	18

10.4. Grant Payments and GST	18
11. Announcement of grants.....	19
12. How we monitor your grant activity.....	19
12.1. Keeping us informed.....	19
12.2. Reporting	19
12.2.1. Progress reports	20
12.2.2. Ad-hoc reports	20
12.2.3. End of project report.....	20
12.3. Audited financial acquittal report.....	21
12.4. Grant agreement variations	21
12.5. Compliance visits	21
12.6. Record keeping	21
12.7. Evaluation	21
12.8. Acknowledgement	21
13. Probity 22	
13.1. Enquiries and feedback	22
13.2. Conflicts of interest.....	22
13.3. Privacy	23
13.4. Confidential information	23
13.5. Freedom of information	24
14.Glossary 25	
Appendix A. Eligible expenditure	30
A.1 How we verify eligible expenditure	30
A.2 Labour expenditure	30
A.3 Labour on-costs and administrative overhead.....	31
A.4 Contract expenditure	31
A.5 Other eligible expenditure.....	32
Appendix B. Ineligible expenditure.....	33

1. Urban Rivers and Catchments Program 2023 processes



1.1. Introduction

These guidelines contain information for the Urban Rivers and Catchments Program 2023.

This document sets out:

- the purpose of the grant program/grant opportunity
- the eligibility and assessment criteria
- how we consider and assess grant applications
- how we notify applicants and enter into grant agreements with grantees
- how we monitor and evaluate grantees' performance
- responsibilities and expectations in relation to the opportunity.

This grant opportunity and process will be administered by the Department of Industry, Science and Resources (the department/DISR) on behalf of the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

We have defined key terms used in these guidelines in the glossary at section 0.

You should read this document carefully before you fill out an application.

2. About the grant program

The Urban Rivers and Catchments Program (the program) delivers on the Australian Government's election commitment to restore the health of urban, outer urban/peri-urban and regional centre waterways for native plants and animals, and local communities. The program, part of the government's Nature Positive agenda, will help to ensure that Australia continues to meet its international obligations under the Convention on Biological Diversity and other relevant environmental treaties.

The objective of the program is to improve the ecological health of waterways in urban, outer urban/peri-urban and regional centres.

The intended outcomes of the program are:

- restored and/or improved riparian areas, stream banks or aquatic habitats, to benefit native species including threatened species, or aquatic areas of significance
- improved water quality, water in the landscape, and waterway connectivity to benefit native aquatic species including threatened aquatic species, or aquatic areas of significance
- improved urban green and blue space, including improved community access to nature, improved water quality to benefit public health, and increased shading to help reduce urban heat-related impacts due to climate change.

We administer the Program according to the [Commonwealth Grants Rules and Guidelines](#) (CGRGs)¹.

2.1. About the Urban Rivers and Catchments Program 2023 grant opportunity

The grant opportunity was announced as part of the Urban Rivers and Catchments Program and will fund projects via two funding streams:

- **Stream 1: Small to Medium-Specific**

Grants for projects with a project value from \$150,000 up to \$2,000,000 across one or more defined project sites. This stream will focus primarily on small to medium sized community-

¹ <https://www.finance.gov.au/government/commonwealth-grants/commonwealth-grants-rules-guidelines>

based projects (for example: local waterway habitat, habitat connectivity, and water quality improvement etc.). Up to 100 per cent of eligible expenditure will be funded for successful applicants.

▪ **Stream 2: Large-Specific**

Grants for projects with a grant value from \$2,000,000 up to \$10,000,000 and a total project value of at least \$4,000,000 across one or more defined project sites. This stream will focus primarily on large scale projects (for example: re-naturalising concrete channels to create living streams, stormwater filtration through artificial wetlands to improve water quality etc.). Up to 50 per cent of eligible expenditure will be funded for successful applicants.

The objectives of **both streams** are to:

- conserve native plants and animals including [EPBC-listed](#) threatened plants and animals in urban, outer urban/peri-urban and regional centres
- improve the ecological health of [Threatened Ecological Communities](#) and wetlands of international significance i.e. [Ramsar sites](#), in urban, outer urban/peri-urban and regional centres.

The intended outcomes of **both streams** are:

- restored and/or improved riparian areas, stream banks or aquatic habitats, to benefit native species including threatened species, or aquatic areas of significance
- improved water quality, water in the landscape, and waterway connectivity to benefit native aquatic species including threatened aquatic species, or aquatic areas of significance
- improved urban green and blue space, including improved community access to nature, improved water quality to benefit public health, and increased shading to help reduce urban heat-related impacts due to climate change.

3. Grant amount and grant period

3.1. Grants available

For this grant opportunity up to \$109 million is available from 2024-25 to 2027-28.

For **Stream 1** up to \$51 million is available.

- The minimum grant amount is \$150,000.
- The maximum grant amount is \$2,000,000.

The grant amount will be up to 100 per cent of eligible expenditure.

You are responsible for the remaining eligible and ineligible project costs.

Contributions to your project are encouraged. Contributions to your project may be cash or in-kind contributions, including volunteer contributions. Where you provide in-kind contributions including labour, goods or services, you must calculate the dollar value. In-kind labour/volunteer hours should be estimated at \$39/hour and professional advice should be estimated at \$70/hour. Provision of goods is to be calculated at the retail or market price that the goods would have been bought for.

For **Stream 2** up to \$58 million is available.

- The minimum grant amount is \$2,000,000
- The maximum grant amount is \$10,000,000.

You are required to contribute towards the project grant activities. The grant amount will be up to 50 per cent of eligible project expenditure.

You are responsible for the remaining eligible and ineligible project costs.

Contributions to your project must be committed cash. In-kind contributions including volunteer contributions are also encouraged (using the same calculations as for Stream 1) but must be in addition to the required matching cash contribution.

For **both Stream 1 and Stream 2**, other funding can come from any source except Commonwealth grants, including state, territory, local government grants and philanthropic or charitable donations.

We cannot fund your project if it receives funding from another Commonwealth government grant, or if the project's viability is dependent on another grant or funding source that is unconfirmed at the time of submitting your application. You can apply for a grant for your project under more than one Commonwealth program, but if your application is successful, you must choose either the Urban Rivers and Catchments Program 2023 grant or another Commonwealth grant.

3.2. Project period

You must complete your project by 28 February 2028.

The maximum project length is 44 months.

4. Eligibility criteria

We cannot consider your application if you do not satisfy all eligibility criteria.

4.1. Who is eligible to apply for a grant?

To be eligible you must:

- have an Australian Business Number (ABN)
- be located in Australia
- be a not-for-profit organisation

and be one of the following entities:

For both **Stream 1** and **Stream 2**

- a not-for-profit company incorporated in Australia
- a not-for-profit company limited by guarantee
- an Aboriginal and Torres Strait Islander Corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth)
- an incorporated trustee on behalf of a trust
- a Regional Delivery Partner organisation, except where they are an Australian state/territory government agency, statutory authority or Government owned corporation that derives revenue from waterway management levies, including developer, drainage, stormwater or waterway levies
- an incorporated association
- a co-operative
- a registered charity or an incorporated not-for-profit organisation
- a publicly funded research organisation (PFRO) as defined in section 14
- an Australian local government agency or body as defined in section 14
- an Australian state/territory government agency, statutory authority or Government owned corporation that does not derive revenue from waterway management levies, including developer, drainage, stormwater or waterway levies.

For **Stream 2** only, you may also be:

Urban Rivers and Catchments Program 2023
Grant opportunity guidelines

September 2023

Page 7 of 34

- an Australian state/territory government, including any department
- an Australian state/territory government agency, statutory authority or Government owned corporation that derives revenue from waterway management levies, including developer, drainage, stormwater or waterway levies.

Joint applications are acceptable, provided you have a lead organisation who is the main driver of the project and is eligible to apply. For further information on joint applications, refer to section 7.2.

4.2. Additional eligibility requirements

We can only accept applications where you:

- declare you are authorised to act on behalf of the organisation(s) you are applying for
- declare you have identified and defined all project sites and activities to be funded by the grant
- declare you are not undertaking project activities in locations of proposed or approved development sites or offset sites, including offset sites under the [EPBC Act](#) or other relevant state environment protection laws
- declare you can meet your share of the project costs including all eligible and ineligible expenditure not covered by the grant funding
- declare you have access, or will have future access, to any required land, infrastructure, capital equipment, technology, and regulatory or other approvals
- declare you will have all required permit approvals in place prior to the commencement of the on-ground works
- direct at least 75% of the grant funding to eligible on-ground project activities for **Stream 1**
- direct at least 85% of the grant funding to eligible on-ground activities for **Stream 2**.

We cannot waive the eligibility criteria under any circumstances.

If applicable, you will also need to provide:

- a current letter of support for your project prior to the commencement of on-ground works from the site or landowner if you are not the site or landowner
- a letter of support or evidence of the steps taken to obtain support for your project prior to commencement of on-ground works from relevant Traditional Owners or First Nations organisations with landowning/management rights or responsibilities, or with these rights being determined, if their support is required.

A letter of support template is available on business.gov.au and [GrantConnect](#). If you do not use this template, you must include equivalent information and the confirmation of support in your own document.

4.3. Who is not eligible to apply for a grant?

You are not eligible to apply if you are:

- an individual
- an organisation, or your project partner is an organisation, included on the [National Redress Scheme's website](#) on the list of 'Institutions that have not joined or signified their intent to join the Scheme'
- an employer of 100 or more employees that has [not complied](#) with the *Workplace Gender Equality Act (2012)*
- a for-profit organisation
- any organisation not included in section 4.1
- a partnership.

For **Stream 1** only:

- any Australian state or territory government, including any department
- any Australian state/territory government agency, statutory authority or government owned corporation that derives revenue from waterway management levies, including developer and, drainage, stormwater or waterway levies
- any Regional Delivery Partner organisation that is an Australian state/territory government agency, statutory authority or government owned corporation that derives revenue from waterway management levies, including developer, drainage, stormwater or waterway levies.

4.4. What qualifications, skills or checks are required?

If you are successful, relevant personnel working on the grant activity must maintain the following registration/checks:

- Working with Children check
- Working with Vulnerable People registration
- Australian Skills Quality Authority accreditation (e.g. for civil works).

5. What the grant money can be used for

5.1. Eligible grant activities

To be eligible your project must:

- be aimed at addressing the program objectives and outcomes outlined in Section 2
- have at least \$150,000 in eligible expenditure for **Stream 1**
- have at least \$4,000,000 in eligible expenditure with a matching cash contribution to the project for **Stream 2**
- be aimed at benefitting the ecological health of a waterway in an urban, peri-urban/outer urban or regional centre in Australia
- be in an eligible location outlined in Section 5.2
- be aimed at providing benefits and outcomes for native plants and animals endemic to the project site, or provide benefits and outcomes for an EPBC-listed threatened species, an EPBC-listed Threatened Ecological Community, or the ecological character of a wetland of international significance, namely a Ramsar site
- direct at least 75% of the grant funding to eligible on-ground project activities for **Stream 1**
- direct at least 85% of the grant funding to eligible on-ground activities for **Stream 2**.

Eligible activities must directly relate to the project and may include but are not limited to:

- regeneration of native vegetation on waterways, including weed removal, vegetation protection, and replanting, where this will support the re-establishment of native vegetation including canopy trees and understorey species
- planting and revegetation of endemic native canopy trees and understorey species (using both tube stock and direct seeding methods) on waterways, including the replacement of non-native deciduous trees
- extending areas of native vegetation out from the edge of a waterway
- joining areas of native vegetation along a waterway

- establishing small 'living wetlands' including wetland depressions or chains of ponds, that mimic natural wetlands, and retain and filter stormwater to improve water quality
- installing wetlands, chain of ponds, swales/biofilters that recharge groundwater, filter and/or remove nutrient and sediment pollution in stormwater, including vegetation that increases nutrient uptake and/or traps sediment
- converting concrete drainage channels and stormwater drains into 'living streams', re-engineering highly altered channels to make them more varied, sinuous, and vegetated to introduce ponding, slowing water flows i.e. channel re-naturalisation
- installing flow-regulating structures, natural vegetation buffers, and armouring including rock fillet installations, to reduce erosion
- installations that divert and/or reduce stormwater flows to saltmarsh and mangrove habitats, to protect and/or restore natural salt balances in enclosed estuarine environments
- removal of barriers to native fish/animal movements and migrations, including the removal of decommissioned weirs or the installation of fish ladders or fish passageways
- installation of on-river, floating vegetation rafts, or anchored boxes/ledges of native vegetation where river banks are hard-lined/concrete, and highly modified
- in-stream and in-estuary habitat installation including woody debris
- strategic installation of Gross Pollutant Traps, interceptors, or booms to prevent plastic pollution from entering the estuarine and marine environment.

Applicants are encouraged to undertake consultation with, and/or partner with First Nations groups and organisations that have an interest in the project area.

We may also approve other activities, noting any additional activities must be in line with objectives and outcomes in Section 2.

5.2. Eligible locations

Your application must identify project activities and the location where these activities will occur. Your project can be in one or more sites.

Before starting an application, applicants should check the proposed project location is in an eligible boundary area using the map available on business.gov.au

Your project site must be:

- within the boundary of a [Significant Urban Area](#) as defined by the Australian Bureau of Statistics, or up to 500 metres immediately adjacent to the boundary
- within and/or immediately adjacent to/associated with a waterway including an estuary, river, creek, ephemeral waterway, billabong, wetland, chain of ponds or drainage channel.

5.2.1. Ineligible locations

Projects will be considered ineligible if they are:

- beyond 500 metres of the boundary of a [Significant Urban Area](#) as defined by the Australian Bureau of Statistics
- not clearly linked to a waterway in an urban, peri-urban/outer urban or regional centre in Australia
- located in the marine environment (noting estuaries and barrier wetlands are eligible locations)
- focused on the protection of coastal sand dunes, ocean shorelines, beaches, or bay shorelines.

5.3. Eligible expenditure

You can only spend the grant on eligible expenditure you have incurred on an agreed project as defined in your grant agreement.

- For guidance on eligible expenditure, refer to appendix A.
- For guidance on ineligible expenditure, refer to appendix B.

We may update the guidance on eligible and ineligible expenditure from time to time. If your application is successful, the version in place when you submitted your application applies to your project.

If your application is successful, we may ask you to verify project costs that you provided in your application. You may need to provide evidence such as quotes for major costs.

Not all expenditure on your project may be eligible for grant funding. The program delegate (who is a general manager within the department with responsibility for administering the program) makes the final decision on what is eligible expenditure and may give additional guidance on eligible expenditure if required.

To be eligible, expenditure must:

- be a direct cost of the project
- be incurred by you for required project audit activities.

You must incur the project expenditure between the project start and end date for it to be eligible unless stated otherwise.

You must not commence your project until you execute a grant agreement with the Commonwealth.

6. The assessment criteria

You must address all assessment criteria in your application. The Committee will assess your application based on the weighting given to each criterion.

The application form asks questions that relate to the assessment criteria below. The amount of detail and supporting evidence you provide in your application should be relative to the project size, complexity and grant amount requested. You should provide evidence to support your answers. The application form displays character limits for each response.

We will only consider funding applications that score at least 50 per cent against each assessment criterion.

6.1. Assessment criterion 1

Your project's contribution to meeting program objectives (40% weighting).

You should demonstrate this by describing:

- a) how your project will restore or improve waterway habitat, improve water quality, water in the landscape, or waterway connectivity, to benefit native plants and animals, or aquatic areas of significance. You should demonstrate outcomes for a [nationally listed threatened species or ecological community](#), or a wetland of international significance namely a [Ramsar site](#), or priority species and places identified in the [2022-2032 Threatened Species Action Plan](#)
- b) how your project will benefit the community and improve urban 'blue' and/or 'green' space
- c) the extent to which the project will contribute to the program outcomes, including the local and regional setting, the condition and stresses on the catchment, project site and waterway habitat, the significance of the project site to the endemic flora and/or fauna present (inc.

threatened species), the recovery potential for the site, and the significance of actions to be undertaken

- d) how your project site and on-ground actions have been strategically prioritised e.g. through a formal assessment process, or alignment with strategic waterway planning.

You will be required to attach a site condition report with your application. A site condition report will provide contextual information on the location and physical characteristics of the project site and its significance.

6.2. Assessment criterion 2

The quality of your proposal, the project's impact, and the impact of the project grant funding (35% weighting).

You should demonstrate this by:

- a) describing how your project is best practice in restoring or improving waterway habitat, or improving water quality, water in the landscape, or waterway connectivity, to benefit native plants and animals, or aquatic areas of significance
- b) attaching your project budget, including any additional investment that your project will leverage, such as cash or in-kind co-contributions (including volunteer hours) that will enhance the achievement of intended outcomes. For projects located on public land, include information on any contribution from the public land manager
- c) your project design. You will be required to attach a plan including:
 - a. the project scope/description, project outcomes (i.e. the degree of change that will be achieved by the project), the implementation methodology, implementation time frames (milestones), and activity targets/outputs
 - b. the project monitoring, evaluation, reporting, and adaptive management processes
 - c. stakeholder and community engagement (including First Nations Australians)
 - d. project risk assessment and risk management (including work, health and safety, financial, land access, technical and environmental risks)
 - e. project governance, and management
 - f. contact details for the project manager
 - g. required permit, regulatory, or other approvals, and the timeframe to secure them.

6.3. Assessment criterion 3

Your organisation's capacity, capability and resources to deliver the project (25% weighting).

You should demonstrate this by describing:

- a) the experience and track record of the organisation in managing waterway projects of a similar scale and complexity
- b) your organisation's access to the resources required to successfully deliver the project including a description of the:
 - a. skills and experience of the personnel including anticipated management and technical staff
 - b. capital equipment, technology, and intellectual property

- c. partnership arrangements, including how you will partner or engage with First Nations/Indigenous groups or businesses (e.g. Indigenous-owned nurseries) where appropriate.
- c) your capacity and commitment to maintain your project site and interventions beyond the date of project completion/life of the grant i.e. ongoing management of the project site. For projects located on public land, the commitment of the responsible land manager to maintain the project site and interventions.

7. How to apply

Before applying you should read and understand these guidelines, the sample [application form](#) and the sample [grant agreement](#) published on [business.gov.au](#) and GrantConnect.

Applicants should read all eligibility and assessment criteria closely and attach detailed evidence that supports the assessment criteria.

You will need to set up an account to access our online [portal](#). You can only submit an application during a funding round.

You may submit more than one application for this grant opportunity however the project activities in each application must be significantly different from each other.

To apply, you must:

- complete and submit the application through the online [portal](#)
- provide all the information requested
- address all eligibility and assessment criteria
- include all necessary attachments.

You will be asked to provide mapping of the spatial location of your project site(s) in a tool provided by the Department of Climate Change, Energy, the Environment and Water. Applicants will need to provide a polygon of the project location using the mapping tool.

You are responsible for making sure your application is complete and accurate. Giving false or misleading information is a serious offence under the [Criminal Code Act 1995](#). If we consider that you have provided false or misleading information we may not progress your application. If you find an error in your application after submitting it, you should call us immediately on 13 28 46.

After submitting your application, we can contact you for clarification if we find an error or any missing information, including evidence that supports your eligibility/merit. The acceptance of any additional information provided after the submission of your application is at the discretion of the decision maker. Additional information should not materially change your application at the time it was submitted and therefore may be refused if deemed to be purely supplementary.

You can view and print a copy of your submitted application on the portal for your own records.

If you need further guidance around the application process, or if you have any issues with the portal, [contact us](#) at [business.gov.au](#) or by calling 13 28 46.

7.1. Attachments to the application

You must provide the following documents with your application. The amount of detail and supporting evidence you provide in your application should be relative to the project size, complexity and grant amount requested:

- a site condition report (an example is available on [business.gov.au](#)). In this report you should identify aspects including the project site location, land tenure and ownership, landscape context e.g. connectivity to high quality remnants, condition of the riparian zone, waterbody

habitat, significance to flora and/or fauna present (inc. threatened species), water and sediment quality, site use, community use, other related catchment works, and surface water ground water interaction

- a project plan (Up to 20 pages plus appendices). In this plan you should describe aspects including: the project scope/description, project outcomes (change that will be achieved), activity targets/outputs, schedule (milestones), monitoring, evaluation, reporting, and adaptive management processes, stakeholder engagement (including First Nations Australians), governance arrangements, and risk management
- a project budget, including cash and/or in-kind contributions using the template available on business.gov.au
- a letter of support from each financial contributor, confirming the amount of financial support committed to the project and the date(s) contribution(s) will be made
- a title search outlining the relevant landowners of the proposed project site
- a letter of support from the landowner or site owner
- a letter of support from relevant Traditional Owners or First Nations organisations with landowning/management rights or responsibilities (if required)
- a URL of the project location utilising the mapping tool and a copy of the project location polygon as per the mapping tool
- trust deed (if applicable)
- evidence of support from the board, CEO or equivalent (template provided on business.gov.au and GrantConnect), including confirmation that the applicant organisation is able to meet all costs (eligible and ineligible) not funded under the grant agreement.

You must attach supporting documentation to the application form in line with the instructions provided within the form. You should only attach requested documents. The total of all attachments cannot exceed 20MB. We will not consider information in attachments that we do not request.

7.2. Joint (consortia) applications

We recognise that some organisations may want to join together as a group to deliver a project (including groups of organisations working on different project sites) In these circumstances, you must appoint a lead organisation for the project. Only the lead organisation can submit the application form and enter into the grant agreement with the Commonwealth. The application must identify all other members of the proposed group and include a letter of support from each of the project partner organisations. Each letter of support should include:

- details of the project partner
- an overview of how the project partner will work with the lead organisation and any other project partners in the group to successfully complete the project
- an outline of the relevant experience and/or expertise the project partner will bring to the group
- the specific project site(s) the project partner will be responsible for, and the activities the project partner will deliver at the site(s)
- the roles/responsibilities the project partner will undertake, and the resources they will contribute (if any)
- details of a nominated management level contact officer.

You must have a formal arrangement in place with all parties prior to execution of the grant agreement.

7.3. Timing of grant opportunity processes

You can only submit an application between the published opening and closing dates. We cannot accept late applications.

If you are successful, we expect you will be able to commence your project within 3 months of execution.

Table 1: Expected timing for this grant opportunity

Activity	Timeframe
Assessment of applications	10 weeks
Approval and announcement of successful applicants	6 weeks
Negotiations and award of grant agreements	6 weeks
Notification to unsuccessful applicants	4 weeks
Earliest start date of grant activity	July 2024
Project completion date	February 2028
End date of grant commitment	June 2028

7.4. Questions during the application process

If you have any questions during the application period, [contact us](#) at business.gov.au or by calling 13 28 46.

8. The grant selection process

8.1. Assessment of grant applications

We first review your application against the eligibility criteria.

If eligible, your application will be assessed against the assessment criteria. Only eligible applications will proceed to the assessment stage.

We consider your application on its merits, based on:

- how well it meets the criteria
- how it compares to other applications in the funding stream you have applied for
- whether it provides value with relevant money.²

When assessing the extent to which the application represents value with relevant money, we will have regard to:

- the overall objective/s of the grant opportunity
- the evidence provided to demonstrate how your project contributes to meeting those objectives
- the relative value of the grant sought
- extent to which the geographic location of the application matches identified government priorities.

We will also consider:

² See glossary for an explanation of 'value with money'.

- the physical and geographical characteristics of the proposed project site in the broader context of the Urban Rivers and Catchments Program.

If applications are scored the same, the Committee will consider value for money and alignment to the program objectives to recommend applications for funding.

8.2. Who will assess applications?

We will assess your application against the eligibility criteria.

We refer your application to the Committee, an independent committee of experts. The committee may also seek additional advice from independent technical experts or advisors to inform the assessment process.

The Committee will assess your application against the assessment criteria and compare it to other eligible applications in the same stream as your application before recommending which projects to fund. The Committee, and any expert or advisor, will be required to perform their duties in accordance with the CGRGs.

8.3. Who will approve grants?

The Minister decides which grants to approve taking into account the recommendations/advice of the committee and the availability of grant funds.

The Minister's decision is final in all matters, including:

- the grant approval
- the grant funding to be awarded
- any conditions attached to the offer of grant funding.

We cannot review decisions about the merits of your application.

The Minister will not approve funding if there are insufficient program funds available across relevant financial years for the program.

9. Notification of application outcomes

We will advise you of the outcome of your application in writing. If you are successful, we advise you of any specific conditions attached to the grant.

9.1. Feedback on your application

If you are unsuccessful, we will give you an opportunity to discuss the outcome with us.

10. Successful grant applications

10.1. The grant agreement

You must enter into a legally binding grant agreement with the Commonwealth. The grant agreement has general terms and conditions that cannot be changed. A sample [grant agreement](#) is available on business.gov.au and GrantConnect.

We will manage the grant agreement through the online portal. This includes issuing and executing the grant agreement. Execute means both you and the Commonwealth have accepted the agreement. You must not start any Urban Rivers and Catchments Program 2023 activities until a grant agreement is executed. We are not responsible for any expenditure you incur and cannot make any payments until a grant agreement is executed.

The approval of your grant may have specific conditions determined by the assessment process or other considerations made by the Minister. We will identify these in the offer of grant funding.

If you enter an agreement under the Urban Rivers and Catchments Program, you cannot receive other grant for the same activities from other Commonwealth granting programs.

The Commonwealth may recover grant funds if there is a breach of the grant agreement.

We will use a standard grant agreement.

You will have 30 days from the date of a written offer to execute this grant agreement with the Commonwealth. During this time, we will work with you to finalise details.

The offer may lapse if both parties do not sign the grant agreement within this time. Under certain circumstances, we may extend this period. We base the approval of your grant on the information you provide in your application. We will review any required changes to these details to ensure they do not impact the project as approved by the Minister.

10.2. Specific legislation, policies and industry standards

You must comply with all relevant laws, regulations and Australian Government sanctions in undertaking your project. You must also comply with the specific legislation/policies/industry standards that follow. It is a condition of the grant funding that you meet these requirements. We will include these requirements in your grant agreement.

You will be required to comply with legislation and regulatory requirements relating to:

- State/territory legislation in relation to working with children and working with vulnerable people
- Workplace Gender Equality Act (2012) reporting requirements
- Work Health and Safety Act (2011) requirements and state/territory legislation relating to work, health and safety
- Waterways and catchment management
- Public land and reserves
- Biodiversity conservation and wildlife management including listed threatened species
- Biosecurity
- Native vegetation and environment protection
- Indigenous heritage and relics
- Waste disposal
- Requirements relating to state/territory regulated activities.

You will also be required to:

- hold relevant permits or be otherwise accredited with, or authorised by, the relevant state or territory government/s to undertake the proposed activities in those jurisdictions
- where applicable, comply with relevant codes of practice standards and guidelines
- you and other people engaged in the project must not trespass on property in the course of undertaking your grant activity nor endorse, sanction, or give comfort to acts of trespass or unauthorised access to private property
- you must also comply with any government measures and requirements in relation to COVID-19 (Coronavirus).

Provision of grant funding does not constitute regulatory approval for funded activities. Successful grant applicants must obtain all necessary regulatory approvals before carrying out the funded activities and must comply with the conditions of those approvals at all times.

10.2.1. Building and construction requirements

Wherever the government funds building and construction activities, the following special regulatory requirements apply.

- Australian Government Building and Construction WHS Accreditation Scheme ([WHS Scheme](#))³

These regulations are subject to the level of funding you receive as outlined below.

10.2.2. WHS Scheme

The WHS Scheme is administered by the [Office of the Federal Safety Commissioner](#)⁴.

The Scheme applies to projects that are directly or indirectly funded by the Australian Government where:

- the value of the Australian Government contribution to the project is at least \$6 million and represents at least 50 per cent of the total construction project value; or
- the Australian Government contribution to a project is \$10 million (GST inclusive) or more, irrespective of the proportion of Australian Government funding; and
- a head contract under the project includes building work of \$4 million or more (GST Inclusive).

10.3. How we pay the grant

The grant agreement will state the:

- maximum grant amount we will pay
- proportion of eligible expenditure covered by the grant (grant percentage)
- any in-kind contributions you will make
- any financial contribution provided by you.

We will not exceed the maximum grant amount under any circumstances. If you incur extra costs, you must meet them yourself.

We will make payments according to an agreed schedule set out in the grant agreement. Payments are subject to satisfactory progress on the project.

10.4. Grant Payments and GST

If you are registered for the Goods and Services Tax (GST), where applicable we will add GST to your grant payment and provide you with a recipient created tax invoice. You are required to notify us if your GST registration status changes during the project period. GST does not apply to grant payments to government related entities⁵.

³ <https://www.fsc.gov.au/how-do-i-know-if-i-need-use-accredited-builder>

⁴ <https://www.fsc.gov.au/about-fsc>

⁵ See Australian Taxation Office ruling GSTR 2012/2 available at ato.gov.au

Grants are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the [Australian Taxation Office](#). We do not provide advice on tax.

11. Announcement of grants

If successful, your grant will be listed on the GrantConnect website 21 calendar days after the date of effect.

We will publish non-sensitive details of successful projects on GrantConnect. We are required to do this by the [Commonwealth Grants Rules and Guidelines](#), Section 5.3. We may also publish this information on business.gov.au. This information may include:

- name of your organisation
- title of the project
- description of the project and its aims
- amount of grant funding awarded
- Australian Business Number
- business location
- your organisation's industry sector.

12. How we monitor your grant activity

12.1. Keeping us informed

You should let us know if anything is likely to affect your project or organisation.

We need to know of any key changes to your organisation or its business activities, particularly if they affect your ability to complete your project, carry on business and pay debts due.

You must also inform us of any changes to your:

- name
- addresses
- nominated contact details
- bank account details.

If you become aware of a breach of terms and conditions under the grant agreement, you must contact us immediately.

You must notify us of events relating to your project and provide an opportunity for the Minister or their representative to attend.

12.2. Reporting

You must submit reports in line with the grant agreement. We will provide the requirements for these reports as appendices in the grant agreement. We will remind you of your reporting obligations before a report is due. We will expect you to report on:

- progress against agreed project milestones and outcomes
- project expenditure, including expenditure of grant funds
- contributions of participants directly related to the project.

The amount of detail you provide in your reports should be relative to the project size, complexity and grant amount.

Unless advised otherwise, grantees will also:

- be required to report to DCCEEW using the Monitoring, Evaluation, Reporting and Improvement Tool (MERIT reporting tool) to help the Commonwealth evaluate environmental outcomes at a project and program level.
- be encouraged to provide input to the Threatened Species Index.

The Threatened Species Index (TSX) provides reliable and robust measures of change in the relative abundance of Australia's threatened and near-threatened species at national, state and regional levels. If you are involved in, or are planning, a monitoring program as part of your project that collects population-related measures for an Australian threatened species, your project data may be able to contribute to growing the TSX. Although not required, where relevant, we encourage you to contribute to the TSX as part of the delivery of your project. This will assist the Australian Government to report on how our collective actions are helping to improve the trajectories of our native species. To find out more please visit the [TSX home page](#) or contact the TSX project team via email: tsx@tern.org.au.

We will monitor the progress of your project by assessing reports you submit and may conduct site visits to confirm details of your reports if necessary. Occasionally we may need to re-examine claims, seek further information or request an independent audit of claims and payments.

12.2.1. Progress reports

Progress reports must:

- include details of your progress towards completion of agreed project activities
- show the total eligible expenditure incurred to date
- include evidence of expenditure
- be submitted by the report due date (you can submit reports ahead of time if you have completed relevant project activities).

We will only make grant payments when we receive satisfactory progress reports.

You must discuss any project or milestone reporting delays with us as soon as you become aware of them.

12.2.2. Ad-hoc reports

We may ask you for ad-hoc reports on your project. This may be to provide an update on progress, or any significant delays or difficulties in completing the project.

12.2.3. End of project report

When you complete the project, you must submit an end of project report.

End of project reports must:

- include the agreed evidence as specified in the grant agreement
- identify the total eligible expenditure incurred for the project
- include a declaration that the grant money was spent in accordance with the grant agreement and to report on any underspends of the grant money
- be submitted by the report due date.

12.3. Audited financial acquittal report

We may ask you to provide an independent audit report. An audit report will verify that you spent the grant in accordance with the grant agreement. The audit report requires you to prepare a statement of grant income and expenditure. The report template is available on business.gov.au and GrantConnect.

12.4. Grant agreement variations

We recognise that unexpected events may affect project progress. In these circumstances, you can request a variation to your grant agreement, including:

- changing project milestones
- extending the timeframe for completing the project but within the maximum four-year period
- changing project activities.

The program does not allow for an increase of grant funds.

If you want to propose changes to the grant agreement, you must put them in writing before the milestone due date. You can submit a variation request via our online portal.

If a delay in the project causes milestone achievement and payment dates to move to a different financial year, you will need a variation to the grant agreement. We can only move funds between financial years if there is enough program funding in the relevant year to allow for the revised payment schedule. If we cannot move the funds, you may lose some grant funding.

You should not assume that a variation request will be successful. We will consider your request based on factors such as:

- how it affects the project outcome
- consistency with the program policy objective, grant opportunity guidelines and any relevant policies of the department
- changes to the timing of grant payments
- availability of program funds.

12.5. Compliance visits

We may visit you during the project period, or at the completion of your project to review your compliance with the grant agreement. For large or complex projects, we may visit you after you finish your project. We will provide you with reasonable notice of any compliance visit.

12.6. Record keeping

We may also inspect the records you are required to keep under the grant agreement.

12.7. Evaluation

DCCEEW will evaluate the grant opportunity to measure how well the outcomes and objectives have been achieved. We may use information from your application and project reports for this purpose. We may also interview you, or ask you for more information to help us understand how the grant impacted you and to evaluate how effective the program was in achieving its outcomes.

We may contact you up to two years after you finish your project for more information to assist with this evaluation.

12.8. Acknowledgement

If you make a public statement about a project funded under the program, including in a brochure or publication, you must acknowledge the grant by using the following:

'This project received grant funding from the Australian Government's Urban Rivers and Catchments Program.'

You must include the Australian Government logo in all promotional materials, publications and websites. Do not modify the logo's colour, shape, form, font or design in any way. Do not place it over an image or heavily textured background or as a tint of a colour. You cannot use the logo to give the impression that the Australian Government has published a product or endorsed another organisation.

If you erect signage in relation to the project, the signage must contain an acknowledgement of the grant.

13. Probity

We will make sure that the grant opportunity process is fair, according to the published guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct and is consistent with the CGRGs.

These guidelines may be changed from time-to-time by DISR. When this happens, the revised guidelines will be published on GrantConnect.

13.1. Enquiries and feedback

For further information or clarification, you can contact us on 13 28 46 or by [web chat](#) or through our [online enquiry form](#) on business.gov.au.

We may publish answers to your questions on our website as Frequently Asked Questions.

Our [Customer Service Charter](#) is available at business.gov.au. We use customer satisfaction surveys to improve our business operations and service.

If you have a complaint, call us on 13 28 46. We will refer your complaint to the appropriate manager.

If you are not satisfied with the way we handle your complaint, you can contact:

General Manager
Business Grants Hub
Department of Industry, Science and Resources
GPO Box 2013
CANBERRA ACT 2601

You can also contact the [Commonwealth Ombudsman](#) with your complaint (call 1300 362 072). There is no fee for making a complaint, and the Ombudsman may conduct an independent investigation.

13.2. Conflicts of interest

Any conflicts of interest could affect the performance of the Urban Rivers and Catchments Program. There may be a conflict of interest, or perceived conflict of interest, if our staff, any member of a committee or advisor and/or you or any of your personnel:

- has a professional, commercial or personal relationship with a party who is able to influence the application selection process, such as an Australian Government officer or member of an external panel
- has a relationship with or interest in, an organisation, which is likely to interfere with or restrict the applicants from carrying out the proposed activities fairly and independently or
- has a relationship with, or interest in, an organisation from which they will receive personal gain because the organisation receives a grant under the grant program/grant opportunity.

As part of your application, we will ask you to declare any perceived or existing conflicts of interests or confirm that, to the best of your knowledge, there is no conflict of interest.

If you later identify an actual, apparent, or perceived conflict of interest, you must inform us in writing immediately.

Conflicts of interest for Australian Government staff are handled as set out in the Australian [Public Service Code of Conduct \(Section 13\(7\)\)](#) of the [Public Service Act 1999](#). Committee members and other officials including the decision maker must also declare any conflicts of interest.

We publish our [conflict of interest policy](#)⁶ on the department's website. The Commonwealth policy entity also publishes a conflict of interest policy on its website.

13.3. Privacy

Unless the information you provide to us is:

- confidential information as per below, or
- personal information as per below.

we may share the information with other government agencies for a relevant Commonwealth purpose such as:

- to improve the effective administration, monitoring and evaluation of Australian Government programs
- for research
- to announce the awarding of grants.

We must treat your personal information according to the Australian Privacy Principles (APPs) and the *Privacy Act 1988* (Cth). This includes letting you know:

- what personal information we collect
- why we collect your personal information
- to whom we give your personal information.

We may give the personal information we collect from you to our employees and contractors, the committee, and other Commonwealth employees and contractors, so we can:

- manage the program
- research, assess, monitor and analyse our programs and activities.

We, or the Minister, may:

- announce the names of successful applicants to the public
- publish personal information on the department's websites.

You may read our [Privacy Policy](#)⁷ on the department's website for more information on:

- what is personal information
- how we collect, use, disclose and store your personal information
- how you can access and correct your personal information.

13.4. Confidential information

Other than information available in the public domain, you agree not to disclose to any person, other than us, any confidential information relating to the grant application and/or agreement, without our prior written approval. The obligation will not be breached where you are required by

⁶ <https://www.industry.gov.au/publications/conflict-interest-policy>

⁷ <https://www.industry.gov.au/data-and-publications/privacy-policy>

law, Parliament or a stock exchange to disclose the relevant information or where the relevant information is publicly available (other than through breach of a confidentiality or non-disclosure obligation).

We may at any time, require you to arrange for you; or your employees, agents or subcontractors to give a written undertaking relating to nondisclosure of our confidential information in a form we consider acceptable.

We will treat the information you give us as sensitive and therefore confidential if it meets all of the following conditions:

- you clearly identify the information as confidential and explain why we should treat it as confidential
- the information is commercially sensitive
- disclosing the information would cause unreasonable harm to you or someone else
- you provide the information with an understanding that it will stay confidential.

We may disclose confidential information:

- to the Committee and our Commonwealth employees and contractors, to help us manage the program effectively
- to the Auditor-General, Ombudsman or Privacy Commissioner
- to the responsible Minister or Assistant Minister
- to a House or a Committee of the Australian Parliament.

We may also disclose confidential information if:

- we are required or authorised by law to disclose it
- you agree to the information being disclosed, or
- someone other than us has made the confidential information public.

13.5. Freedom of information

All documents in the possession of the Australian Government, including those about the program, are subject to the *Freedom of Information Act 1982* (Cth) (FOI Act).

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

If someone requests a document under the FOI Act, we will release it (though we may need to consult with you and/or other parties first) unless it meets one of the exemptions set out in the FOI Act.

14. Glossary

Term	Definition
administering entity	When an entity that is not responsible for the policy, is responsible for the administration of part or all of the grant administration processes.
application form	The document issued by the program delegate that applicants use to apply for funding under the program.
assessment criteria	The specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive grant opportunity, to determine application ranking.
blue space	A waterbody located in an urban or peri-urban setting e.g. a creek, river, lake, pond, wetland, billabong etc.
Commonwealth Grants Rules and Guidelines (CGRGs)	Establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities in relation to grants administration. Under this overarching framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration.
completion date	The expected date that the grant activity must be completed and the grant spent by.
date of effect	Can be the date on which a grant agreement is signed or a specified starting date. Where there is no grant agreement, entities must publish information on individual grants as soon as practicable.
Department	The Department of Industry, Science and Resources.
decision maker	The Minister for the Environment and Water.
Committee	The body established by the Minister to consider and assess eligible applications and make recommendations to the decision maker for funding under the program.
eligible activities	The activities undertaken by a grantee in relation to a project that are eligible for funding support as set out in 5.1.
eligible application	An application or proposal for services or grant funding under the program that the program delegate has determined is eligible for assessment in accordance with these guidelines.
eligibility criteria	Refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria.
eligible expenditure	The expenditure incurred by a grantee on a project and which is eligible for funding support as set out in 5.3.
eligible expenditure guidance	The guidance that is provided at Appendix A.
endemic	A native species which occurs in the project area in a certain place.

Term	Definition
grant	<p>For the purposes of the CGRGs, a 'grant' is an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth:</p> <ol style="list-style-type: none"> under which relevant money⁸ or other Consolidated Revenue Fund (CRF) money⁹ is to be paid to a grantee other than the Commonwealth; and which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve this objective.
grant activity/activities	Refers to the project/tasks/services that the grantee is required to undertake.
grant agreement	A legally binding contract that sets out the relationship between the Commonwealth and a grantee for the grant funding, and specifies the details of the grant.
grant funding or grant funds	The funding made available by the Commonwealth to grantees under the program.
grant opportunity	Refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees. Grant opportunities may be open or targeted, and will reflect the relevant grant selection process.
grant program	A 'program' carries its natural meaning and is intended to cover a potentially wide range of related activities aimed at achieving government policy outcomes. A grant program is a group of one or more grant opportunities under a single Portfolio Budget Statement Program.
GrantConnect	The Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs.
grantee	The individual/organisation which has been selected to receive a grant
green space	Parks, woodlands, nature conservation areas, golf courses, gardens, nature strips, and grassed sports fields which occur in urban and peri-urban settings. For the purposes of the Program, green space should be directly associated with waterways.

⁸ Relevant money is defined in the PGPA Act. See section 8, Dictionary.

⁹ Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

Term	Definition
in-kind contribution/s	In-kind contribution refers to goods, services and labour provided to deliver your project that have a monetary value, but do not involve a payment. This could include the cost of employees, volunteers or service delivery after project completion. It could also include monetary funds sourced from other means than the grant (e.g. donations) that will be used to deliver additional project activities. This could also involve the use of assets (e.g. vessels, equipment).
Local Government Entity	Local Government Entity is an entity established under state or territory local government legislation, for the purposes of governing local areas within state or territory. In the states, they are generally referred to as local councils.
Minister	The Commonwealth Minister for the Environment and Water.
non-income-tax-exempt	Not exempt from income tax under Division 50 of the <i>Income Tax Assessment Act 1997</i> (Cth) or under Division 1AB of Part III of the <i>Income Tax Assessment Act 1936</i> (Cth).
on-ground	Refers to project activities that repair, enhance and/or restore, monitor, or directly make a change to, the state of the natural biophysical environment, including but not limited to: <ul style="list-style-type: none"> ▪ regeneration of native vegetation including weed removal, vegetation protection, and replanting of endemic native species ▪ fencing ▪ installation of structures (e.g., fish ladders, stormwater filtration, floating vegetation rafts) ▪ earthworks to re-naturalise channels ▪ surveys and monitoring of the effectiveness of project activities (e.g. water quality and habitat) Further details are outlined in the eligible activities at Section 5.1.
personal information	Has the same meaning as in the <i>Privacy Act 1988</i> (Cth) which is: Information or an opinion about an identified individual, or an individual who is reasonably identifiable: <ol style="list-style-type: none"> a. whether the information or opinion is true or not; and b. whether the information or opinion is recorded in a material form or not.
program delegate	A general manager within the department with responsibility for administering the program.
program funding or program funds	The funding made available by the Commonwealth for the program.
project	A project described in an application for grant funding under the program.

Term	Definition
project plan	A document including the following project elements: scope/description, project outcomes (change), activity targets/outputs, schedule (milestones), monitoring, evaluation, reporting, stakeholder engagement (including First Nations Australians), governance arrangements, contact details of the project manager and risk management.
public land	Land owned by a government entity or government related entity except where such land is leasehold land (the subject of a 99-year lease).
Publicly Funded Research Organisation (PFRO)	All higher education providers listed at Table A and Table B of the <i>Higher Education Support Act 2003</i> (Cth) and corporate Commonwealth entities, and state and territory business enterprises which undertake publicly funded research.
Regional Delivery Partners	One of the formally recognised regional natural resource management (NRM) organisations across Australia that have entered into a services agreement with the Commonwealth under the next phase of the Natural Heritage Trust program to deliver a range of core and project services to manage, protect and improve natural resources in their respective management unit area(s).
Riparian	Land that runs along rivers, creeks, estuaries, lakes and wetlands. Riparian land can vary in width from a narrow strip to a wide corridor.
selection criteria	Comprises of eligibility criteria and assessment criteria.
site condition report	A document that includes information on the project site location, landscape context, condition of the riparian zone, waterbody habitat, water and sediment quality, site use, community use, other related catchment works, and surface water ground water interaction.
Stream 1	This stream will focus primarily on small to medium sized community-based projects (for example: habitat and water quality improvement, improved fish/animal movement etc.) Up to 100 per cent of eligible expenditure will be funded for successful applicants.
Stream 2	This stream will focus primarily on large scale projects (for example: improving channels and filtration, reducing or removing plastic pollution etc.). Up to 50 per cent of eligible expenditure will be funded for successful applicants.
urban/peri-urban	For the purposes of this program, this refers to eligible project locations/sites as set out in Section 5.2.

Term	Definition
value with money	<p>Value with money in this document refers to 'value with relevant money' which is a judgement based on the grant proposal representing an efficient, effective, economical and ethical use of public resources and determined from a variety of considerations.</p> <p>When administering a grant opportunity, an official should consider the relevant financial and non-financial costs and benefits of each proposal including, but not limited to:</p> <ul style="list-style-type: none"> ▪ the quality of the project proposal and activities; ▪ fitness for purpose of the proposal in contributing to government objectives; ▪ that the absence of a grant is likely to prevent the grantee and government's outcomes being achieved; and ▪ the potential grantee's relevant experience and performance history.
Watercourse/water body/waterway	<p>The full length and width, including the sediment bed, bank and shore, of any stream, spring, creek, brook, river, lake, pond, estuary or coastal water body or any part thereof, in which water is contained or flows (whether permanently or from time to time).</p> <p>For the purposes of this grants process, projects located in bays and the marine environment are ineligible.</p>

Appendix A. Eligible expenditure

This section provides guidance on the eligibility of expenditure. We may update this guidance from time to time; check you are referring to the most current version from the business.gov.au website before preparing your application.

The program delegate makes the final decision on what is eligible expenditure and may give additional guidance on eligible expenditure if required.

To be eligible, expenditure must:

- be incurred by you within the project period
- be a direct cost of the project
- be incurred by you to undertake required project audit activities (where applicable)
- meet the eligible expenditure guidelines.

A.1 How we verify eligible expenditure

If your application is successful, we may ask you to verify the project budget that you provided in your application when we negotiate your grant agreement. You may need to provide evidence such as quotes for major costs.

The grant agreement will include details of the evidence you may need to provide when you achieve certain milestones in your project. This may include evidence related to eligible expenditure.

If requested, you will need to provide the agreed evidence along with your progress reports.

You must keep payment records of all eligible expenditure, and be able to explain how the costs relate to the agreed project activities. At any time, we may ask you to provide records of the expenditure you have paid. If you do not provide these records when requested, the expense may not qualify as eligible expenditure.

At the end of the project, you may be required to provide an independent financial audit of all eligible expenditure from the project.

A.2 Labour expenditure

Eligible labour expenditure for the grant covers the direct labour costs of employees you directly employ on the core elements of the project. We consider a person an employee when you pay them a regular salary or wage, out of which you make regular tax instalment deductions.

We consider costs for technical, but not administrative, project management activities eligible labour expenditure. However, we limit these costs to 10 per cent of the total amount of eligible labour expenditure claimed.

We do not consider labour expenditure for leadership or administrative staff (such as CEOs, CFOs, accountants and lawyers) as eligible expenditure, even if they are doing project management tasks.

Eligible salary expenditure includes an employee's total remuneration package as stated on their Pay As You Go (PAYG) Annual Payment Summary submitted to the ATO. We consider salary-sacrificed superannuation contributions as part of an employee's salary package if the amount is more than what the Superannuation Guarantee requires.

The maximum salary for an employee, director or shareholder, including packaged components that you can claim through the grant is \$175,000 per financial year.

For periods of the project that do not make a full financial year, you must reduce the maximum salary amount you claim proportionally.

You can only claim eligible salary costs when an employee is working directly on agreed project activities during the agreed project period.

A.3 Labour on-costs and administrative overhead

You may increase eligible salary costs by an additional 30 per cent allowance to cover on-costs such as employer paid superannuation, payroll tax, workers compensation insurance, and overheads such as office rent and the purchase or provision of computing equipment directly required or related to the delivery of the project.

You should calculate eligible salary costs using the formula below:

$$\text{Eligible salary costs} = \text{Annual salary package} \times \frac{\text{Weeks spent on project}}{52 \text{ weeks}} \times \text{percentage of time spent on project}$$

You cannot calculate labour costs by estimating the employee's worth. If you have not exchanged money (either by cash or bank transactions) we will not consider the cost eligible.

Evidence you will need to provide can include:

- details of all personnel working on the project, including name, title, function, time spent on the project and salary
- ATO payment summaries, pay slips and employment contracts.

A.4 Contract expenditure

Eligible contract expenditure is the cost of any agreed project activities that you contract others to do. These can include contracting:

- another organisation
- an individual who is not an employee, but engaged under a separate contract.

All contractors must have a written contract prior to starting any project work - for example, a formal agreement, letter or purchase order which specifies:

- the nature of the work they perform
- the applicable fees, charges and other costs payable.

Invoices from contractors must contain:

- a detailed description of the nature of the work
- the hours and hourly rates involved
- any specific plant expenses paid.

Invoices must directly relate to the agreed project, and the work must qualify as an eligible expense. The costs must also be reasonable and appropriate for the activities performed.

We will require evidence of contractor expenditure that may include:

- an exchange of letters (including email) setting out the terms and conditions of the proposed contract work
- purchase orders
- supply agreements

- invoices and payment documents.

You must ensure all project contractors keep a record of the costs of their work on the project. We may require you to provide a contractor's records of their costs of doing project work. If you cannot provide these records, the relevant contract expense may not qualify as eligible expenditure.

A.5 Other eligible expenditure

Other eligible expenditures for the project may include:

- the purchase (or hire) of materials and supplies to support eligible project activities such as native tube stock and/or seed, hardware, and fencing materials
- staff training that directly supports the achievement of project outcomes
- the purchase, lease or hire of equipment required to undertake eligible project activities
- the costs of obtaining required planning, environmental and other regulatory approvals. However, associated fees paid to the Commonwealth, state, territory and local governments are not eligible
- domestic travel to and from the on-ground location limited to the reasonable and necessary costs of accommodation and transportation required to conduct the agreed project activities
- administrative support and overheads for project management or project coordination additional to the normal day-to-day running costs of the organisation (capped at a maximum 10 per cent of eligible non-onground expenditure)
- financial auditing of project expenditure, the cost of an independent audit of project expenditure (where we request one) up to a maximum of 1 per cent of total eligible project expenditure
- contingency costs up to a maximum of 10 per cent for **Stream 1** and 15 per cent for **Stream 2** of the eligible project expenditure
- contractor costs including earthmoving and landscaping
- project or tender planning, design research costs, feasibility costs or preliminary design costs (unless activities have occurred prior to entering into an agreement)
- the costs of project-related monitoring, reporting on project outcomes and evaluation.

Other specific expenditures may be eligible as determined by the program delegate.

Evidence you need to supply can include supplier contracts, purchase orders, invoices and supplier confirmation of payments.

Appendix B. Ineligible expenditure

This section provides guidance on what we consider ineligible expenditure. We may update this guidance from time to time; check you are referring to the most current version from the [business.gov.au](https://www.business.gov.au) website before preparing your application.

The program delegate may impose limitations or exclude expenditure, or further include some ineligible expenditure listed in these guidelines in a grant agreement or otherwise by notice to you.

Examples of ineligible expenditure include:

- land purchase
- activities with the primary purpose of beautification or to increase amenity
- devolved grant processes i.e. where an applicant seeks a lump sum to devolve grant funding to third parties e.g. landowners
- the same project activities funded under Round 1 of the Program, or proposed project activities funded by another government-funded program already underway
- activities that have already been completed prior to executing the grant agreement, or the covering of retrospective costs (e.g. activities that commenced prior to the execution of the grant agreement)
- activities occurring outside of Australia, or outside the eligible locations (see section 5.2)
- activities in locations of planned or approved urban development sites
- sites that are development offsets under the EPBC Act or other relevant state or territory environment protection laws
- projects that significantly increase risk to people, urban infrastructure, or environmental values e.g. flooding risks, risks to existing riparian vegetation, disturbance of Acid Sulfate Soils, facilitating the spread of weeds and pest species
- public art installations (e.g. murals)
- purchase of chemicals likely to have negative environmental impacts on waterways (any necessary chemical interventions for the project must provide reasonable justification outlining mitigation of negative impacts)
- subsidy of general ongoing administration of an organisation such as electricity, phone, and rent
- construction/capital works of civil infrastructure that significantly obstruct the natural water flow of a waterway (including bridges and dams). Infrastructure to improve environmental flows, improve natural baseflows, or reduce erosion and/or settle sediment are eligible
- school education activities, including field trips
- activities located in the marine environment (noting estuaries, coastal saltmarsh, and barrier wetlands are eligible)
- activities focused on the protection of coastal sand dunes e.g. sand dune revegetation, ocean shorelines, or bay shorelines
- activities focused on agricultural dams
- construction of pondage for irrigation
- litter collection and community clean-up activities
- garden construction or maintenance
- artificial reefs, fish aggregation devices, or aquaculture infrastructure

- activities for which other Commonwealth, state, territory or local government bodies have primary responsibility
- any activities required by law
- state or territory government agency administration and employment
- overseas and interstate travel.

This list is not exhaustive and applies only to the expenditure of the grant funds. Other costs may be ineligible where we decide that they do not directly support the achievement of the planned outcomes for the project or that they are contrary to the objective of the program.

You must ensure you have adequate funds to meet the costs of any ineligible expenditure associated with the project.

ENDORSEMENT OF COUNCIL SUPPORT PACKAGE FUNDING SUBMISSION

PURPOSE

To seek Council endorsement for a funding submission to the State Government Council Support Package fund.

EXECUTIVE SUMMARY

- Following the announcement of its decision not to continue with hosting the 2026 Commonwealth Games, the Victorian State Government announced a series of funding commitments, including a Council Support Package.
- As a Hub City, Latrobe City Council (Council) is eligible to apply for up to \$5 million in funding through the State Government Council Support Package to deliver projects related to Commonwealth Games outcomes with applications for funding closing on 25 February 2024.
- Projects must be delivered by 30 June 2026.
- No financial contribution is required from Council to apply for this funding.
- A range of projects that align with the funding guidelines and the Council Plan has been strategically developed to achieve a broad range of community benefit for Latrobe City.
- The projects are divided into two stages, with Stage One projects presented for endorsement at this Council Meeting.
- Stage Two proposed projects will be presented for endorsement at a future Council Meeting.

OFFICER'S RECOMMENDATION

That Council endorse a funding submission to the State Government Council Support Package for \$5 million consisting of:

- a. Stage One projects valued at \$4.105 million as per Attachment 1 to this report; and**
- b. Stage Two projects valued at \$895,000 to be considered through a future Councillor Briefing and Council Meeting process.**

BACKGROUND

On 18 July 2023, the Victorian State Government announced its decision not to proceed with hosting the 2026 Commonwealth Games. As part of the announcement, several related funding packages were announced, including a \$25 million Council Support Package to assist in delivering projects or initiatives linked to Commonwealth Games planning and preparation. Latrobe City Council is eligible to apply for up to \$5 million as part of the funding being provided to Hub Cities. No financial contribution is required by Council to apply for this funding.

The Support Package is administered by Regional Development Victoria (RDV) with funding able to be provided for work already undertaken during Commonwealth Games planning, and to support projects, infrastructure or activations for the community that align with the following six legacy pillars:

- 1. Celebrating the rich culture of Victoria's First Peoples. Boost opportunity and capacity for Traditional Owners (TO) corporations and businesses and supporting long term social and economic outcomes for Aboriginal Victorians.*
- 2. Embedding accessibility and inclusion practices to achieve long-term benefits for regional communities. Includes accessible and inclusive infrastructure and workforce programs.*
- 3. Boosting regional economic outcomes by backing local jobs, business and manufacturing, and enhance ongoing trade and investment in regional Victoria.*
- 4. Building community cohesion and civic pride and support social development, particularly for those experiencing hardship or disadvantage.*
- 5. Utilising sustainable practices to invest in climate adaptation and support climate resilient regional communities.*
- 6. Increasing Victorian regional community sport and volunteering participation across all abilities and age groups, through education and promotion of healthy lifestyles.*

Consultation has been undertaken with teams across Council to identify projects or initiatives that were:

- In the planning stages and expected to be delivered as part of hosting the Commonwealth Games

OR

- Linked to similar outcomes where detailed planning had not yet commenced.

The list of projects proposed has been assessed by Council Officers and initial, informal feedback has been sought from RDV to understand the type of projects or initiatives that would be supported through this funding package. Projects for inclusion must be able to be completed by 30 June 2026.

As per the guidelines, proposed projects must align with the legacy pillars and will be assessed against the following evaluation criteria:

- Project Alignment – 25%
- Engagement – 15%
- Demand and need for the project – 20%
- Community benefits – 10%
- Project readiness – 20%
- Value for money – 10%

ANALYSIS

The funding application for \$5 million is required to be submitted by 25 February 2024.

It is proposed to split the application into two stages. Stage One includes a defined project list totalling \$4,105,000 as per the summary table below. A range of projects will be presented to a future Councillor Briefing to determine the allocation of the remaining \$895,000. These will then be presented to Council for endorsement as Stage Two. This process will enable Council and the State Government to execute a funding agreement for the full \$5 million within the required timeframes.

The projects listed below are proposed for inclusion in the funding submission and would be delivered as Stage One.

These projects:

- Meet the Council Support Package Program Guidelines.
- Link to previously planned Commonwealth Games activities or outcomes.
- Align with the Council Plan and other Council project priority lists such as the Recreation Needs Assessment.
- Propose a range of projects across Latrobe City.
- Can be delivered within the required timeframes.

The projects are not listed in priority order, rather are aligned to the funding pillars outlined in the program guidelines.

Further detail on the scope of each project is provided at Attachment 1 to this report.

Project	Location	Cost \$	Funding Pillar (s)
Project Management – 5%	Latrobe City	250,000	

	Project	Location	Cost \$	Funding Pillar (s)
	Commonwealth Games Cost Recovery	Latrobe City	245,000	
1.	Aboriginal Owned Business Support	Latrobe City	150,000	1, 3
2.	Delivery of targeted Access & Inclusion Programs - Libraries & Leisure	Latrobe City	70,000	2
3.	Public Wi-fi improvements	Latrobe City	200,000	2
4.	Tourism Infrastructure Accessibility Improvements – Grant Program	Latrobe City	480,000	2, 3
5.	Supporting volunteering recruitment and retention	Latrobe City	125,000	2, 4, 6
6.	Economic Development & Placemaking Initiatives	Morwell	250,000	3
7.	Economic Development & Placemaking Initiatives	Moe	250,000	3
8.	Traffic Management training - Community Volunteers	Latrobe City	50,000	3
9.	Public Art – Murals	Latrobe City	250,000	4
10.	Pedestrian Link upgrade - Kingsford Street Linear Park	Moe	150,000	4
11.	Streetscape improvements - McDonald Street / Maryvale Road	Morwell	150,000	4
12.	Installation of large outdoor screen - Moe Service Centre	Moe	200,000	4
13.	Pavilion Refurbishment - Maryvale Reserve	Morwell	370,000	6
14.	Playing Surface Works: Pitch 1 only - Maryvale Reserve	Morwell	550,000	6
15.	Oval Resurfacing works - Crinigan Road South	Morwell	65,000	6
16.	Sports Participation Partnerships (focus on	Latrobe City	250,000	6

Project		Location	Cost \$	Funding Pillar (s)
	competition venues)			
17.	Venue launch - GSEP	Latrobe City	50,000	6
	Total		4,105,000	

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
COMPLIANCE Inability to deliver on obligations outlined in the Funding Agreements	Medium <i>Unlikely x Moderate</i>	Regular monitoring of project progress through the Project Steering Committee combined with reporting through to the State Government will identify any issues and allow these to be managed.
SERVICE DELIVERY Additional projects impact on the delivery of Council's business as usual	Medium <i>Possible x Moderate</i>	An allowance for resourcing to be included as part of the overall funding application and within each project as required.
FINANCIAL Project costs exceed the funding available	Medium <i>Unlikely x Moderate</i>	The establishment of a project steering committee will assist with reducing financial risks by monitoring scope and any required value management
STRATEGIC Community expectation around ongoing delivery	Medium <i>Possible x Moderate</i>	All individual programs and initiatives will be designed to ensure they have a defined completion point or are sustainable within BAU.

CONSULTATION

Input was sought from across Council to inform the development of the list of proposed projects prior to consultation being undertaken with RDV to establish whether projects would be eligible for funding.

Council Officers have commenced conversations with a range of delivery partners. Following approval of the funding application, engagement with the community will be undertaken, either directly where a project affects user groups such as Maryvale Reserve, or more broadly for projects such as Public Art.

COMMUNICATION

A range of communication opportunities will be identified to actively promote the range of programs and initiatives delivered through this funding package. These will be undertaken on a project-by-project basis and include updates on Council's website, social media, and media releases.

Due to the broad and varied nature of the projects to be delivered, updates to Councillors will be provided through regular reporting channels such as the quarterly report.

As part of the end of project acquittal process, Officers will provide a report to Council on the outcomes achieved.

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 / Health

The breadth of proposed projects included in the funding application aim to provide positive social and health outcomes for the community through improved sporting facilities and participation, training programs, and improvements to the amenity across Latrobe City.

Cultural

Further engagement with Gunaikurnai Land and Waters Aboriginal Corporation (GLAWAC) will be undertaken following approval of the funding application.

Engagement with other culturally diverse groups will be undertaken where relevant.

Health

As above

Environmental

Environmental factors have been considered as part of the development of preliminary project scopes and will be considered further once the funding application has been approved.

Economic

The breadth of projects proposed is anticipated to provide an economic boost locally through both targeted economic development programs, and the engagement of local contractors to complete infrastructure works.

Financial

Funding is being provided by the Victorian State Government as part of the Council Support Package. No Council contribution is required for these projects.

Council is responsible for any projects over budget, however flexibility is provided in the allocation of the \$5 million funding package and additional costs would be addressed within this package.

Attachments

1. Council Support Package - Stage One projects

6.3

Endorsement of Council Support Package Funding Submission

1 Council Support Package - Stage One projects..... 65

Recommended Projects

Stage One projects proposed for inclusion in the \$5M funding amount

	Project	Estimated Cost \$	Funding Pillar 1 – 6	Council Plan Link	Comments
	Project Management – 5%	250,000			
	Commonwealth Games Cost Recovery	245,000			
1.	<p>Aboriginal Owned Business Support</p> <p>Increase the capacity of Aboriginal Owned Businesses through Workshops & Mentorship Programs to fill gaps in support and opportunities resulting from the cancellation of the Commonwealth Games.</p>	150,000	1	Smart	Strong link to Commonwealth Games planning <i>Support reactivation of the local economy and deliver support to the start-up ecosystem through delivery of council's economic development program</i> is listed as a strategy in the Council Plan to achieve the Smart goal.
2.	<p>Delivery of targeted Access & Inclusion programs</p> <p>Program seed funding, to be used across Leisure and Libraries, for Access and Inclusion activities across the municipality.</p> <p>In consultation with the Community, the Leisure and Libraries Teams, will deliver non-traditional, low cost/no cost programs that focus on access and inclusion for all priority population groups.</p>	70,000	2, 4	Connected Smart	Programs will be developed to support broad community access and inclusion, and will focus on reducing barriers to participation, and connection to others.
3.	<p>Public Wi-fi improvements – Latrobe City (locations to be identified)</p> <p>Additional sites to complement existing network to improve coverage across the municipality.</p>	200,000	2	Smart	Link to Commonwealth Games planned outcomes <i>Deliver a digitally-connected city</i> is listed as a Strategy to deliver on the Smart goal in the Council Plan.
4.	<p>Tourism Infrastructure Accessibility Improvements – Grant Program</p> <p>Grants program targeting businesses linked to the tourism sector to make necessary accessibility improvements to their facilities such as installation of access ramps, DDA compliant signage for visual impairment, hearing loops, accessible amenities etc.</p>	480,000	2, 3	Smart Creative	Linked to Commonwealth Games outcomes – increased visitation. Stage 1 provides for an accessibility consultant to assist businesses to identify improvements. Stage 2 provides for 2 grant rounds over a two-year period on a 1:1 co-funding basis. \$440K of grants generating an \$880K impact.

	Project	Estimated Cost \$	Funding Pillar 1 – 6	Council Plan Link	Comments
5.	<p>Supporting volunteering recruitment and retention</p> <p>Project 1: Provide support to the Volunteering Gippsland website development in partnership with GippSport.</p> <p>The project supports organisations across the region to build capacity and attract volunteers by providing an online hub with free, online volunteer management tools.</p> <p>The hub provides a central hub to connect organisations seeking assistance with locals looking for volunteer opportunities.</p> <p>Project 2: Investigate capacity building for volunteer groups across the community</p>	125,000	2, 4, 6	Smart Connected	Strong link to Commonwealth Games planning to attract, connect, and retain volunteers.
6.	<p>Economic Development & Placemaking Initiatives – Morwell CBD</p> <p>Providing a focus on improving the amenity of the Town Centre.</p> <p>The project will create vibrancy in the town centres, add to the liveability for the residents and the visitor experience for tourists. It will help the local businesses improve their profitability and help to generate economic activity in the City.</p>	250,000	4	Smart Creative	Strong link to Commonwealth Games planning <i>Support reactivation of the local economy and deliver support to the start-up ecosystem through delivery of council's economic development program</i> is listed as a strategy in the Council Plan to achieve the Smart goal.
7.	<p>Economic Development & Placemaking Initiatives – Moe CBD</p> <p>As per Item 6</p>	250,000	4	Smart Creative	As per Item 6
8.	<p>Traffic Management training</p> <p>Delivery of targeted traffic management training to increase capacity of volunteer organisations and support events in Latrobe City.</p>	50,000	3, 4	Smart	Link to Commonwealth Games through capacity building community groups. Proposed subsidised program.

	Project	Estimated Cost \$	Funding Pillar 1 – 6	Council Plan Link	Comments
9.	<p>Public Art – Murals</p> <p>Locations across Latrobe City to be identified</p> <p>Scaleable project – size and location of artwork dictates how many pieces can be completed.</p> <p>Work could be specifically commissioned locally (to benefit local artists / sculptors) and / or from specific demographics (i.e. First Nations, immigrant communities, disability arts) to better (and more publicly) represent those elements of the community. Recent examples of similar projects include the murals completed in Warragul and Yarragon.</p> <p>It can be used to build civic pride, to beautify a particular location, become a visitor attraction, and deter graffiti.</p>	250,000	1, 4	Creative	Strong link to Commonwealth Games planning <i>Improving the amenity and presentation of Latrobe City's town entrances, activity centres, and public spaces through signage, art, plantings and greening of the City</i> is listed as a strategy in the Council Plan to achieve the Creative goal.
10.	<p>Pedestrian Link upgrade</p> <p>Kingsford Street Linear Park, Moe</p> <p>Pedestrian link between Moe Railway Station and Ted Summerton Reserve.</p>	150,000	4	Healthy Connected	Strong link to Commonwealth Games Planning Will support the activation of upgraded Ted Summerton Reserve for major events by promoting use of public transport to attend events.
11.	<p>Streetscape improvements</p> <p>McDonald Street / Maryvale Road, Morwell</p> <p>Landscape uplift along significant transport route.</p>	150,000	4	Connected	Strong link to Commonwealth Games planning. Officers had identified visual amenity uplifts as part of the early planning for the Games as this would have been utilised as the key transport route between the Games Village and Gippsland Sports and Entertainment Park (GSEP).
12.	<p>Installation of large outdoor screen</p> <p>Service Centre & Skate Park, Moe</p> <p>To complement and further enhance the recent completion of Stage 2 of the Moe Revitalisation Project.</p>	200,000	2	Smart Connected	Strong link to the Commonwealth Games. Officers are investigating opportunities to activate Moe. Strong link to project No. 7.

	Project	Estimated Cost \$	Funding Pillar 1 – 6	Council Plan Link	Comments
13.	Pavilion Refurbishment – Maryvale Reserve, Morwell Refurbishment of the pavilion at Maryvale Reserve, Morwell to improve dated facilities and lack of space. Includes footpath connections between existing infrastructure.	370,000	6	Healthy Connected	Strong link to the Commonwealth Games. Adjacent to proposed Games Athletes Village location, planned to be utilised to support athlete's village.
14.	Playing Surface Works: Pitch 1 only – Maryvale Reserve, Morwell Surface improvement to the main ground to improve the playing surface and drainage.	550,000	6	Healthy Connected	Adjacent to proposed Games Athletes Village location, planned to be utilised to support Village.
15.	Oval Resurfacing works – Crinigan Road South, Morwell Undertake minor resurfacing works of the rear oval at Crinigan Road South, Morwell to ensure the ground is suitable for current use.	65,000	6	Healthy Connected	Proposed training venue for Commonwealth Games Complements the pitches at GSEP for hosting events.
16.	Sports Participation Partnerships (focusing on competition venues) Development of partnerships with sporting organisations to promote and increase participation across a range of sports. Primarily linked to sports located within upgraded Commonwealth Games venues.	250,000	4, 6	Healthy Connected	Strong link to Commonwealth Games Will increase capacity of local clubs and enhance offering to the local community.
17.	Venue launch – GSEP The launch of upgraded facilities at GSEP to celebrate the completion of the venue redevelopment and ensure activation of the venue is planned into the future.	50,000	4, 6	Healthy Connected	Strong link to Commonwealth Games It is understood that funding for activation and launch following completion of the venue upgrades is not included in capital works funding.
	Total	4,105,000			

STATUTORY PLANNING

7. STATUTORY PLANNING

Item Number 7.1

05 February 2024

Regional City Planning and Assets

PLANNING PERMIT 2023/245 USE AND DEVELOPMENT OF LAND FOR A SERVICE STATION AND SIGNAGE

PURPOSE

To provide Council with an assessment of Planning Permit 2023/245 for the use and development of land for a service station, creation of access to a Transport Zone Category 2, the installation of business identification signage and internally illuminated signage at 182-186 Princes Street, Traralgon, against the provisions of the Latrobe Planning Scheme.

EXECUTIVE SUMMARY

The subject site is located in Neighbourhood Residential Zone - Schedule 4 (Regional Suburbs) (NRZ4) and is subject to the Design and Development Overlay - Schedule 10 (Latrobe Regional Airport - Obstacle Height Area No.3) (DDO10).

The Applicant is seeking to use and develop the subject site for a 24 hour, 7 days a week service station. Refer to Attachment 1 for a set of plans for the proposal.

The key features of the proposal include:

- The service station building would be located in the north-east (rear) of the site, set back 14.5 metres from the front (southern) boundary.
- The service station building would have a maximum height of five metres and a floor area of 260 square metres.
- The car refuelling area would be located in the middle of the site and would contain seven bowsers with a total of 14 fuel points, all covered by a 6.5-metre-high canopy.
- Eleven car parking spaces would be provided in the west of the site abutting the western boundary.
- A total of 17 car parking spaces would be provided with a further 14 spaces under the refuelling canopy to make a total of 31 spaces on site.
- Access to the site would be via two newly constructed crossovers from Princes Street located at either end of the site frontage.
- Signage would comprise business identification signs located on the service station building, advertising the 'Wildbean Café', internally illuminated BP logos on the canopy and service station building, as well as a 6.6-metre-high panel sign proposed in close proximity to the southern (front) boundary which would be internally illuminated.

Following advertising of the application, eight (8) objections were received against the application, including:

- Negative amenity impacts onto the surrounding sensitive uses from the proposed 24 hour use;
- Increased traffic impacts;
- Over proliferation of service stations within Traralgon;

- Provides little economic benefit to Traralgon or Latrobe City Council.
- Negative amenity impacts from the internally illuminated signage within a sensitive area;
- Reduction in the market value of surrounding houses;
- Increased insurance costs;
- Attraction of undesirable people into a residential setting; and,
- The Environment Protection Authority (EPA) recommends a 100 metre buffer from residential zones for service stations.

Having considered the proposal against the relevant provisions of the Latrobe Planning Scheme (the Scheme) and the objections submitted, it is considered that the proposal is not consistent with the relevant objectives and decision guidelines of the Scheme.

Largely, the proposal is considered to be inconsistent with:

- The Planning Policy Framework, specifically Clause 11.01-1L – Traralgon, and the Traralgon Town Structure Plan, Clause 13.07-1S – Land Use Compatibility;
- The purpose and decision guidelines of Clause 32.09 NRZ4; and,
- The Clause 65.01 Decision Guidelines of the Scheme.

OFFICER'S RECOMMENDATION

That Council issue a Notice of Decision to Refuse to Grant a Planning Permit for the use and development of a service station, creation of access to Transport Zone 2 and the installation of business signage and internally illuminated signage at 182-186 Princes Street, Traralgon, on the following grounds:

- 1. The proposed use and development are inconsistent with the purpose and the decision guidelines of the Neighbourhood Residential Zone (Schedule 4), as it is not compatible with the existing residential uses through the scale and intensity of the proposal and will not predominantly service local community need.**
- 2. The proposal is inconsistent with the objectives and policy of Clause 13.07-1S (Land Use Compatibility) as the use and development of land for a 24-hour service station is not compatible with adjoining and nearby residential land uses.**
- 3. The proposal is inconsistent with the strategies within Clause 11.01-1L (Traralgon Town Structure Plan) as it proposes a use with significant economic impact that will be located outside of the Traralgon Primary Activity Centre (TTSP Area 3), Argyle Street (TTSP Area 4) and Princes Highway and Stammers Road (TTSP Area 5).**
- 4. The proposal is not consistent with Clause 65.01 (approval of an application or plan) as the proposed use and development has the potential to affect human health, the amenity of the area and the orderly planning of the area.**
- 5. The proposed panel sign is prohibited under Clause 52.05-13 (Category 3 – High Amenity Areas) for the panel sign, which exceeds 10 square metres of advertising area.**

BACKGROUND

As shown in Figure 1 below, the subject site is located on the northern side of Princes Street, Traralgon, and is a trapezoid shape. The site has a frontage to Princes Street of 63.13 metres, a depth of 45.64 metres, and an overall area of 2,997 square metres. Two vehicle crossovers provide access to the site from Princes Street. A 1.83-metre-wide sewerage easement runs adjacent to the western boundary of the site.



Figure 1 – Subject site and surrounds

The site is currently vacant however the eastern side of the site was previously developed with a small 1950s single bowser service station and the western side a residence. Both have recently been demolished. A Building Permit was approved in August 2021 to demolish both the service station and dwelling, and all buildings were demolished by January 2022. It is noted the subject site has not been used as a service station far in excess of two years and therefore the site does not have existing use rights as a service station. Prior to the demolition, the service station was not operational since some time before 2005.

The land is zoned NRZ4, as is the land surrounding it to the north, east and west. There are residential properties to the north and the west, and a Veterinary Clinic occupies the land to the east. To the south, the site abuts Princes Street which is a road in Transport Zone 2 (TRZ2). Further to the south is the Melbourne – Bairnsdale Railway line which is in the Transport Zone 1 (TRZ1).

The property is subject to a Design and Development Overlay 10 (DDO10) relating to height restrictions for the Latrobe Regional Airport.

A previous Planning Application was withdrawn by the Applicant (Application 2021/393) for the use and development of land for a service station, convenience restaurant, creation of access to a Road Zone Category 1, and display of internally illuminated signage. It was withdrawn on 10 January 2023 by the Applicant prior to the February 2023 Council Meeting where it was due to be presented for a decision.

CONSULTATION

The application was advertised pursuant to the following Sections of the *Planning and Environment Act 1987* (the Act):

- Section 52(1)(a): to adjoining property owners and occupiers;
- Section 52(1)(d): by displaying a sign on the subject land for 14 days;

Following advertisement of the application, eight (8) submissions in the form of written objections were received. A map showing the locations of objections can be found at Attachment 2. A copy of the objections can be viewed at Attachment 3 of this report.

The main issues raised in the objections can be summarised as:

- Material detriment to adjoining sensitive uses (dwellings and the Veterinary Clinic) through vapour risks;
- Land contamination;
- Odour;
- Airborne chemicals;
- Noise, where the proposed use and development has the potential to impact on residents within their own secluded private open space;
- Increased traffic from the proposal;
- Reduction in property prices;
- Over proliferation of service stations located within Traralgon;
- Light spillage from the site from the proposed 24 hour use of the land; and,
- The site attracting undesirable people during all hours of the day.

The concerns raised by the objectors are discussed in the Officer's response to grounds of objections at Attachment 4 of this report.

ANALYSIS

The subject site is within the NRZ4 which seeks the following objectives:

- *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.*
- *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.*
- *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.*

In relation to non-residential uses within the Neighbourhood Residential Zone the following decision guidelines must be considered as appropriate:

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

In regard to the decision guidelines of NRZ4 relating to non-residential uses, there can be a debate in relation to service stations as to the extent to which they meet the first two of the decision guidelines from NRZ4, and the manner in which these decision guidelines can play against each other in a balanced or weighted assessment. Careful assessment is required as to the extent to which a proposed service station will serve local community needs, and how compatible it is with the surrounding residential uses. The proposed service station will abut residential properties to the immediate north, north-east and west, with a Veterinary Clinic located to the east being the only close non-residential use. There are concerns with how compatible the proposed use is in consideration of the sensitive uses surrounding the site.

The proposed use is then further assessed against the third decision guideline under the NRZ4, regarding the scale and intensity of the proposed use. In this case, the proposal is to operate 24 hours a day, which has the potential to impact the surrounding residential uses by way of light spill, noise and fumes. When assessing the proposed use of residentially zoned land for a service station, the balancing of the first two decision guidelines from NRZ4, and the extent to which each is achieved by an individual proposal while being informed of the scale and intensity of the use, is important in informing the decision-making process.

In relation to the building and site layout, it is considered that the layout is not configured for access for local residents to the north of the site, as the design turns its back on the residential development. The main access to the site will be via vehicles along Princes Street. This does not promote local community needs when there are a number of 24-hour service stations within Traralgon, where the use of the site is more likely to be used by distant travellers rather than a local community need. Refer to Attachment 5 for the location of existing service stations in Traralgon.

In relation to the scale, intensity of a 24 hour use, the local demand needs, and its incompatibility with the surrounding existing residential uses, it is considered the proposed use and development fails to meet the decision guidelines within the Neighbourhood Residential Zone and is not supported on these grounds.

Signage

Signage within the NRZ4 is Category 3 – High Amenity Areas, within Clause 52.05 – Signs. The proposed signage consists of the following:

- A 6.6-metre-high x 2.0 metre wide (13.2 square metres) illuminated panel sign which includes a price board sign displaying fuel pricing. This sign would be located 600mm from the Princes Street boundary and centrally across the street frontage.
- The size of the panel sign exceeds 10 square metres in area (13.2 square metres) and therefore is a Section 3 (prohibited) sign in the NRZ, which cannot be approved as part of this application, and if approval is otherwise given, a condition will be required that the panel sign is amended to be under 10 square metres in area in size.
- The refuelling canopy consists of three illuminated business logos measuring 800mm in diameter located on the east, south and west faces. Signage identifying the food component of the site located on the building façade are shown on the elevations (refer Attachment 4).
- Other signage located on the site includes under canopy signs at the start of each refuelling lane indicating the types of petrol for each location and illuminated signage above the fuel dispensers.

The illuminated signage will be located in the front section of the site well away from the residential properties to the north minimising impact to the dwellings. The nearest residence on the Princes Street west of the Service Station is approximately 30 metres from the canopy signage.

The properties along this section of Princes Street are predominantly residential. There is a service station to the west approximately 350 metres, with similar signage provided as what is proposed. Within a 500 metre radius there is signage displayed for the Veterinary Clinic at 180 Princes Street, and a motel approximately 350 metres to the west.

The panel signage proposed is similar in height to other panel signage located along this section of Princes Street, however it exceeds ten square metres in area and therefore is a prohibited sign. If a Permit is to be issued, Condition 1 requirements will need to seek amended panel signage to ten square metres or under to comply with Clause 52.05.

The overall impact of all of the signage on road safety will be minimal. The application was referred to the Department of Transport, who had no objections to the proposed lighting, subject to conditions being placed on a decision to grant to grant a permit, if one was issued. The sign is typical of this type of development and commonplace along major roads, except for the panel signage size in a residential zone.

Refer to Attachment 6 for the Officer's assessment of the application against the Latrobe Planning Scheme.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
REPUTATIONAL RISK Approval of a land use that is inconsistent with the character of the area.	Medium <i>Likely x moderate</i>	Recommend that the application be refused based on the provisions of the Scheme.
REPUTATIONAL AND FINANCIAL RISK Refusal of the application will result in an appeal against Council's decision at VCAT, incurring costs for Council.	Medium <i>Likely x moderate</i>	Recommend that the application be refused based on the provisions of the Scheme, with a suitably defensible decision should the application appear before VCAT.
REPUTATIONAL AND FINANCIAL RISK Supporting the application and an objector(s) seeking review of the decision at VCAT.	Medium <i>Likely x moderate</i>	Recommend that the application be refused based on the provisions of the Scheme.

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*.

Attachments

1. Set of plans for proposal
2. Map of objections to the subject site (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. location of objectors shown on map.

3. All objections (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. personal emails contained and names and addresses of all objectors.

4. Officer response to grounds of objections
5. Location of existing service stations in Traralgon
6. Assessment against the Latrobe Planning Scheme

7.1

Planning Permit 2023/245 Use and Development of land for a service station and signage

1	Set of plans for proposal	79
4	Officer response to grounds of objections	84
5	Location of existing service stations in Traralgon	87
6	Assessment against the Latrobe Planning Scheme.....	88



SITE LAYOUT
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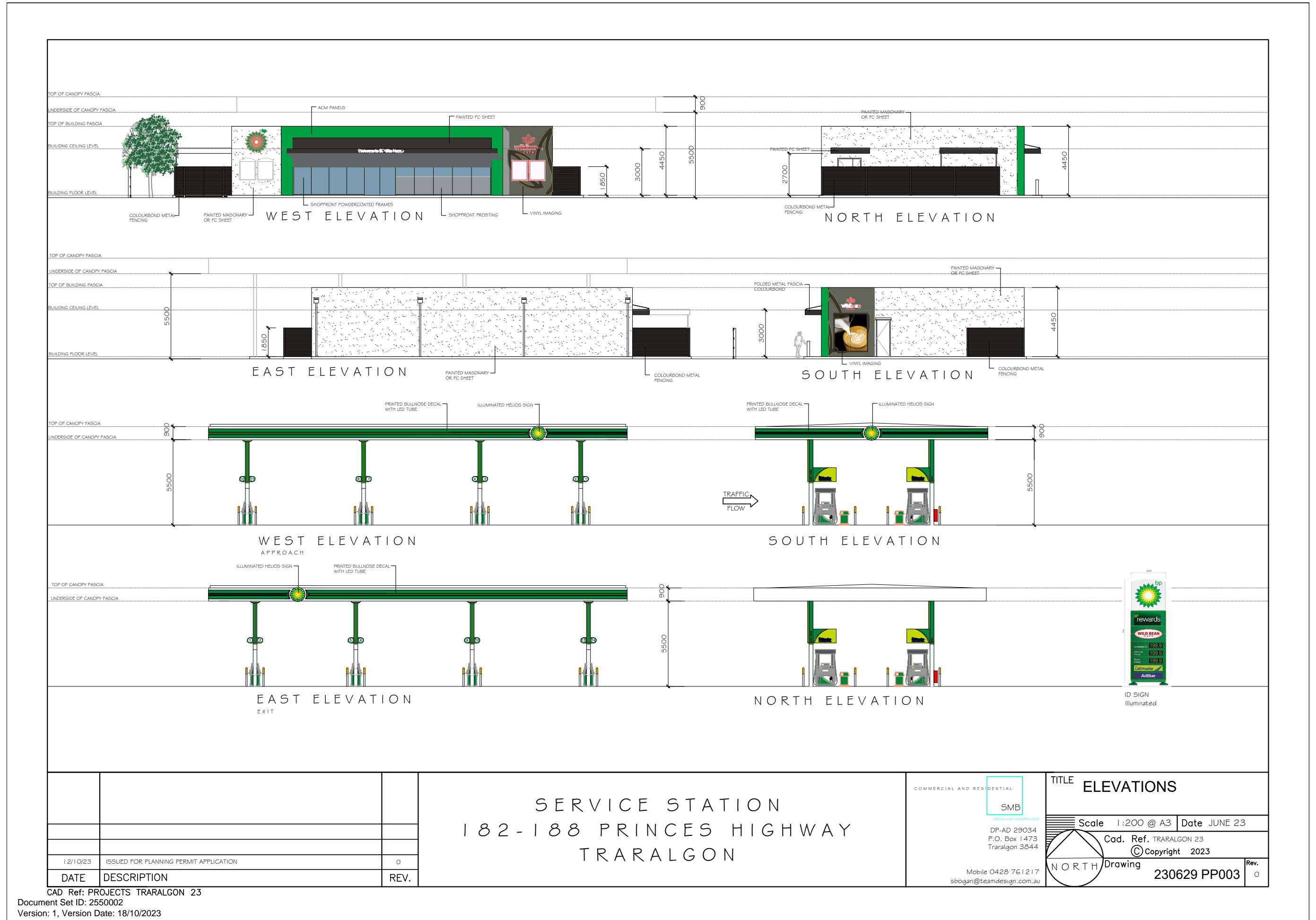
SERVICE STATION
PRINCES HIGHWAY
TRARALGON

COMMERCIAL AND RESIDENTIAL
SMB
DP-AD 29034
P.O. Box 1473
Traralgon 3844
Phone (03) 5176 1217
Fax (03) 5174 0216
Mobile 0428 761217
sbogan@teamdesign.com.au

TITLE DESIGN RESPONSE PLAN	
Scale 1:500 @ A3	Date NOV 21
Cad. Ref. TRARALGON 21 © Copyright 2021	
Drawing NORTH	Rev. A
211123 PP02	

DATE	DESCRIPTION	REV.
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CAD Ref: PROJECTS TRARALGON 21
Document Set ID: 2550002
Version: 1, Version Date: 18/10/2023

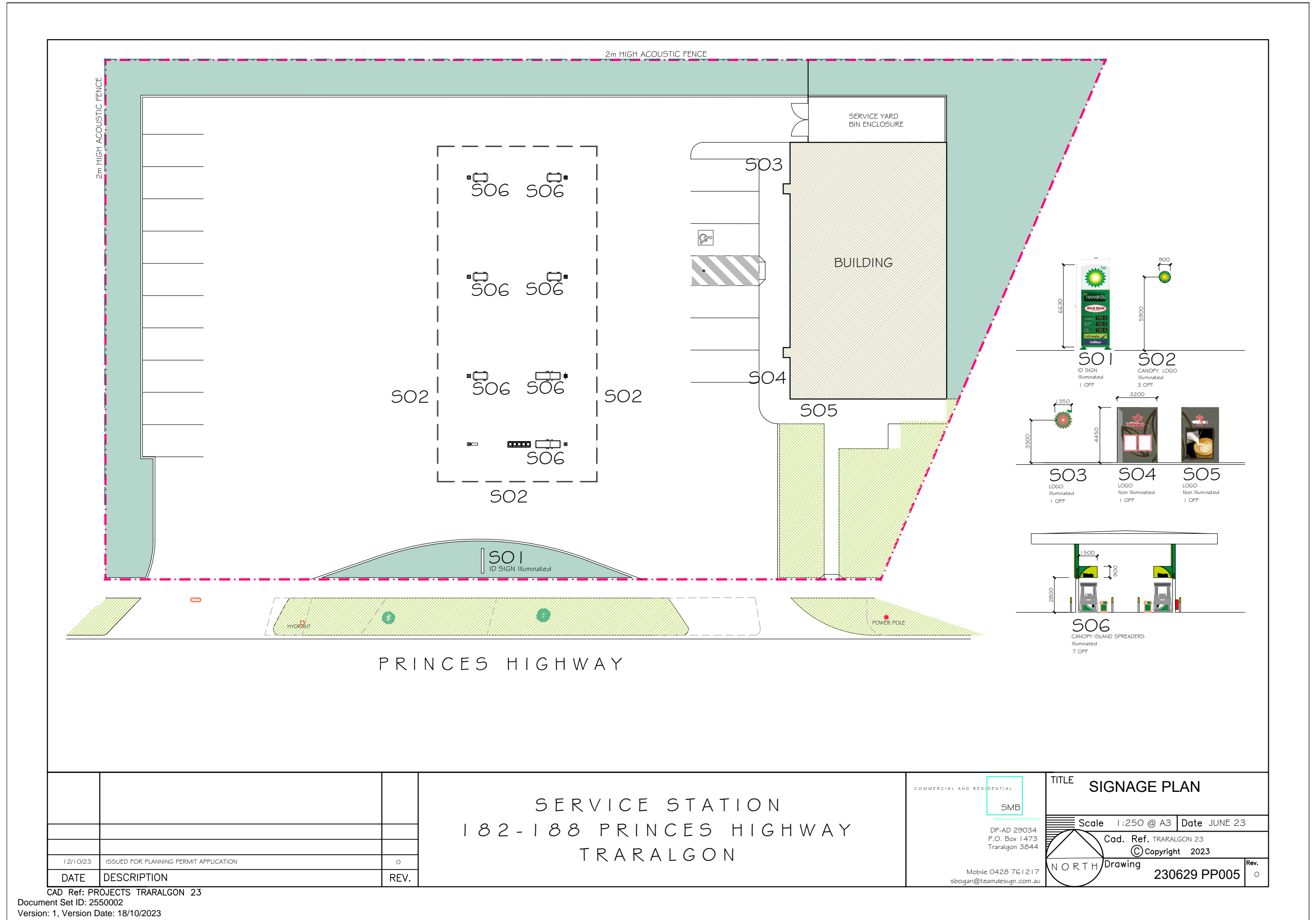


DATE	DESCRIPTION	REV.
12/10/23	ISSUED FOR PLANNING PERMIT APPLICATION	0

SERVICE STATION
182-188 PRINCES HIGHWAY
TRARALGON

COMMERCIAL AND RESIDENTIAL SMB DESIGN AND CONSTRUCTION DP-AD 29034 P.O. Box 1473 Traralgon 3844 Mobile 0428 761217 sbogan@teamdesign.com.au	TITLE ELEVATIONS	
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Cad. Ref. TRARALGON 23 © Copyright 2023		Drawing 230629 PP003
NORTH		

CAD Ref: PROJECTS TRARALGON 23
 Document Set ID: 2550002
 Version: 1, Version Date: 18/10/2023



DATE	DESCRIPTION	REV.
12/10/23	ISSUED FOR PLANNING PERMIT APPLICATION	0

SERVICE STATION
182-188 PRINCES HIGHWAY
TRARALGON

COMMERCIAL AND RESIDENTIAL
SMB
DP-AD 29034
P.O. Box 1473
Traralgon 3844
Mobile 0428 761217
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TITLE SIGNAGE PLAN
Scale 1:250 @ A3 Date JUNE 23
Cad. Ref. TRARALGON 23
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Drawing 230629 PP005 Rev. 0

CAD Ref: PROJECTS TRARALGON 23
Document Set ID: 2550002
Version: 1, Version Date: 18/10/2023

Attachment 4

Response to objections

Objection: Property values will reduce from the proposal

Response

There are numerous VCAT cases, which state that the loss of property values is not a planning consideration.

Objection: Insurance increases, conglomerates taking over Traralgon, impacting what the town was previously

Response

These are not considered planning matters. A use and development application needs to meet the zones, overlays (if applicable), planning policy framework and particular provisions within the Latrobe Planning Scheme. These matters do not form part of such an assessment.

Objection: Environmental impacts form the proposed use and development

Response

All fuel installations will be need to adhere to the EPA Victoria guidelines 888.4 *The design, installation and management requirements for underground petroleum storage systems (UPSS)*.

The applicant has provided the following response:

- *Under canopy area will be contained and diverted to a Purceptor oil/water separator to prevent any oily water entering the storm water system.*
- *Perimeter drains, bunding and grading which extends around the drip line of the canopy.*
- *The canopies will extend to the maximum reach of nozzles and to stop rainwater from entering dispensing areas*
- *Storage and waste bins will keep the area free from combustible or trip hazards*
- *On site accessible spill kits for quick clean-up of small spills*
- *Fill-boxes are used to contain any fuel discharges when delivery hoses are uncoupled. The boxes drain to the underground fuel tanks*

The components of the UPSS management system are set out below:

- *All staff associated with the site will be suitably trained in each of the elements of the management system.*
- *UPSS Installation (EPA Guideline 888.4)*
- *Non-corrodible dual-walled tanks*
- *Non-corrodible dual-walled pipe-work*

- *Leak detection in tanks and pipework*
- *Electronic continuous tank level monitoring*
- *Automatic overflow protection.*
- *Vapour recovery for unloading tankers (stop fumes)*
- *Compliance with Statistical Inventory Reconciliation Audit (SIRA)*
- *Water-table monitoring wells*
- *Surface run-off separator installed Installation of the fuel system ensures that safety measures are in place to prevent fire/explosion risks. A vapour recovery system will be installed which collects vapour from unloading tankers.*

It is considered if a permit was to be granted, it would need to meet the above standards to ensure there are no health impacts. This can be made a condition of any approval issued.

Objection: EPA recommends 100 metre buffer to residential zone

Response

The 100 metre buffer zone reference was quoted from a 2005 EPA-WA guidelines discussion paper and are not relevant to Victoria. For Victoria there are no separation guideline for a service station. It is noted that there are separation guidelines for dangerous goods storage for refinery sites with a storage capacity greater than 2000 tonnes above ground. The total fuel storage capacity of the subject site will be 98 tonnes underground.

Objection: Traffic issues, flow and congestion

Response

The application was referred to the Department of Transport and Council's Engineering department, who have no objections from a traffic congestion perspective and have not asked for a traffic management report.

Objection: Material detriment to adjoining residential properties

Response

The proposed 24 hour use of the site for a service station, has the potential to negatively impact on the adjoining residential properties to the north, north-east and north-west. There are concerns from a planning perspective, that these matters cannot be rectified through the construction of an acoustic fence along the northern boundary. It is acknowledged that the subject site abuts a busy main road, however the use and intensity of the site has the potential within a residential zone, to impact on the adjoining landowners. It is noted that whilst the application may meet noise, lighting, etc it is the cumulative effect and the intensity of the proposed 24 hour use

within an existing residential area where it is considered the use is not compatible with the residential properties.

Objection: Over proliferation of service stations within Traralgon

Response

The Neighbourhood Residential Zone decision guidelines seek development that provides a benefit to the local community. The application has not provided justification through the use of catchment/customer projections for selecting the subject site as a service station, when there are already 10 service stations within Traralgon and one 350 metres away. From a planning perspective there are concerns that the proposal does not provide local benefit and is not in-keeping with the decision guidelines of the Zone.

Objection: Safety risks associated with the service station

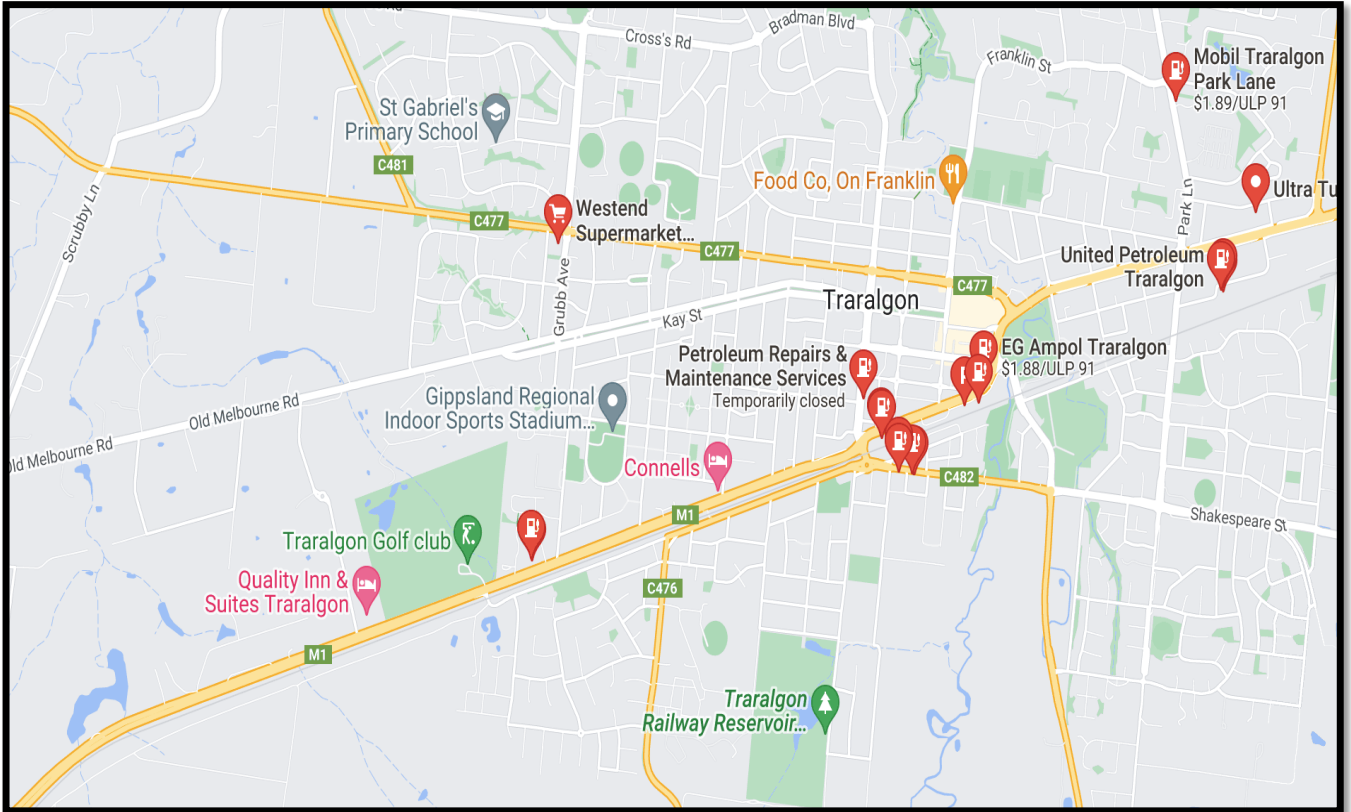
Response

The applicant has advised that the service station would be equipped with security cameras ensuring the security of the premises and the surrounding properties.

Objection: Overshadowing, overlooking and litter

There will be no overshadowing or overlooking to adjoining properties as the site is on the south side of the property boundaries and is single story. Litter generated by the property will be collected as noted in the Waste Management Plan for the operation of the business.

Attachment 6 location of service stations within Traralgon



Attachment 5 Planning Report

Planning Policy Framework

- Clause 11 – Settlement
- Clause 11.01-1R – Settlement Gippsland
- Clause 11.01-1L – Traralgon
- Clause 13.05 – Noise
- Clause 13.06 – Air Quality
- Clause 13.07-1S – Land Use Compatibility
- Clause 13.07-1L – Land Use Compatibility
- Clause 15.01 – Built Environment
- Clause 16.01-1L – Housing Supply Traralgon – Incremental Change Area
- Clause 17.01 – Employment
- Clause 17.01-1R – Diversified Economy – Gippsland
- Clause 18 – Transport

Response to the PPF

The relevant planning policy frameworks listed above identify Traralgon as a regional city and as a place of population growth within the Latrobe City (Clause 11). Policy clearly sets further population growth as an objective where the need for residential and commercial development is required to be appropriately located.

The Traralgon Structure Plan identifies the site as being within existing residential land and is identified as being for 'long-term future residential' use and development. Retail and office development is discouraged outside of the Traralgon Primary Activity Centre (TTSP Area 3), Argyle Street (TTSP Area 4) and Princes Highway and Stammers Road (TTSP Area 5). The site, although located abutting a Transport Road Zone – Schedule 2, is not set aside within the structure plan as a site for commercial development.

It is considered the use of the land as a service station within an existing residential area needs to ensure it does not conflict with other sensitive uses, such as existing dwellings. Clause 13.07-IS (Land use compatibility) seeks the following objective:

- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

To meet the objective, the following strategies are provided:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

The key strategy to be met with this application is to protect the existing residential uses and ensure they are not detrimentally impacted by the proposed use. The applicant has proposed an acoustic fence along the northern (rear) boundary and lux level plans for the lighting to demonstrate how the proposal will offset any potential impacts. The proposal however is seeking a 24 hour use of a service station, within an area of Traralgon set aside for residential development.

There are concerns from a planning perspective, as to how a 24-hour service station use, with lighting is compatible with an area of Traralgon set aside for incremental and limited residential change. Many VCAT decisions regarding use and development within a residential zone (where the majority are located within a General Residential Zone, not a Neighbourhood Residential Zone) require Careful assessment as to the extent to which a proposed service station will serve local community needs, and how compatible it is with the surrounding residential uses. It is considered that the proposal is not compatible with the existing residential land in this instance.

In regard to Clause 16.01-1L Housing Supply Traralgon the objective of this clause is 'to facilitate well-located, integrated and diverse housing that meets community needs'.

The Housing Strategy (2019) which formed part of Live Work Latrobe Amendment C105 introduced the Housing Framework Plans into the Latrobe Planning Scheme. The Housing Framework Plan identified areas for substantial change, incremental change and limited change. It also identified future neighbourhood and local activity centres. It is noted that the subject site is identified within an incremental change area for residential development which seeks development with space between dwellings and that no neighbourhood or local activity centre has been identified on the subject land.

The proposal does not provide an appropriate interface with the existing residential area, as there is a lack of connectivity to the site from the residential properties to the north, north-east and north-west. The use of the site for commercial will remove land from being available for residential development.

Clause 17.01- Employment has the objective to encourage development that meets the community's needs, by planning for an adequate supply of commercial land in appropriate locations. The Latrobe City Council Retail Strategy 2019 (Amendment C116) identified that limited scope exists for new local or neighbourhood centres to

be developed (outside of already approved developments) in the 15-year horizon by virtue of limited anticipated demand. The proposed development is well outside the Traralgon Activity centre as well as being outside the areas set aside within Clause 11.01-1L above. It is considered the proposed use and development is also likely to attract passing traffic from the principal road network, rather than from the surrounding residential local community.

Zone

Neighbourhood Residential Zone (Schedule 4 – Regional Suburbs)

The subject site is within the Neighbourhood Residential Zone (Schedule 4) which seeks the following objectives:

- *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.*
- *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.*
- *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.*

In relation to non-residential uses within the Neighbourhood Residential Zone the following decision guidelines must be considered as appropriate:

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

In regard to the decision guidelines of the zone relating to non-residential uses, there can be a debate in relation to Service Stations as to the extent to which they meet the first two of the decision guidelines from the Zone, and the manner in which these decision guidelines can play against each other in a balanced or weighted assessment. Careful assessment is required as to the extent to which a proposed Service station will serve local community needs, and how compatible it is with the surrounding residential uses.

The proposed service station will abut residential properties to the immediate north, north-east and west, with only a veterinary clinic located to the east, the only close non-residential use. There are concerns with how compatible the proposed use is with the sensitive uses of the surrounding existing dwellings.

The proposed use is then further assessed against the third decision guideline under the zone, regarding the scale and intensity of the proposed use. In this case, the proposal is to operate 24 hours a day, which brings another level of intensity to the surrounding residential uses. When assessing the proposed use of residentially zoned land for a service station, the balancing of the first two decision guidelines from the zone, and the extent to which each is achieved by an individual proposal while being informed of the scale and intensity of the use, can be important in informing the decision-making process.

The applicant has not provided justification through the use of catchment/customer projections for selecting the subject site as a service station. In relation to the building and site layout it is considered by council officers that the layout is not configured for access for local residents to the north of the site, as the design turns its back on the residential development, where the main access to the site will be via vehicles along Princes Street and does not promote local community needs when there are a number of 24 hour service stations within Traralgon (see attachment 7) where the use of the site is more likely to be distant travelers rather than a local community need.

In relation to the scale, intensity of a 24-hour use, the local demand needs and its compatibility with the surrounding existing residential uses, it is considered the proposed use and development fails to meet the decision guidelines within the Neighbourhood Residential Zone and will not be supported on these grounds.

Overlays

Design and Development Overlay (Schedule 10 – Latrobe Regional Airport Obstacle No. 3)

A permit is not required for buildings under 10 metres in height. All proposed buildings and signage are under 10 metres, therefore under the provisions of the overlay, no permit is required.

Particular Provisions

Clause 52.05 Signs

Signage within the Neighbourhood Residential Zone (Schedule 4) is category 3 – High Amenity Areas, within Clause 52.05 – Signs.

The proposed signage consists of a 6.6 metre high x 2.0 metre wide (13.2sqm) illuminated panel sign which includes a price board sign displaying fuel pricing. This sign will be located 600mm off the Princes Street boundary and central across street frontage. The upper panel of the sign will display the brand of fuel on offer (BP). The next panel down will incorporate the food offer component. Below these panes is the price board sign which displays the various fuel prices. The lower part of the sign consists of various panels describing additional items on offer coffee, hours of operation, etc. The size of the panel sign exceeds 10 square metres in area (13.2 square metres) and therefore is a section 3 prohibited sign in the Neighbourhood Residential Zone, which cannot be approved as part of this application, and if

approval is given, a condition will be required that the panel sign is amended to be under 10 square metres in area in size.

The refueling canopy consists of 3 illuminated business logos measuring 800mm in diameter located on the east, south and west faces. Signage identifying the food component of the site located on the building façade are shown on the elevations.

Other signage located on the site includes under canopy signs at the start of each refueling lane indicating the types of petrol for each location and illuminated signage above the fuel dispensers.

The illuminated signage will be located in the front section of the site well away from the residential properties to the north minimising impact to the dwellings. The residence on Princes Street west of the Service Station is approx. 30 meters from the canopy signage which has an illumination of 60 lumens at 3m (1653 at the sign). The ID sign has an illumination of 120 lumens at 3m (2632 at the sign).

The properties along this section of Princes Street are predominantly residential. There is a service station to the west approximately 350 metres, with similar signage provided as what is proposed. Within a 500 metre radius there is signage displayed for the veterinary service at 180 Princes Street, and a motel approximately 350 metres to the west.

The panel signage proposed is similar in height to other panel signage located along this section of Princess Street, however it exceeds 10 square metres in area and therefore is a prohibited sign. If a permit is to be issued, condition 1 requirements will need to seek amended panel signage to be 10 square metres or under to comply with Clause 52.05.

The impact of all of the signage on road safety will be minimal. The application was referred to the Department of Transport, who had no objections to the proposed lighting, subject to conditions being placed on a decision to grant to grant a permit, if one was issued. The sign is typical of this type of development and commonplace along highways and major roads, except for the panel signage size in a residential zone.

Clause 52.06 Car Parking

Clause 52.06 (Car Parking) is relevant to the consideration of this application. This clause seeks to ensure there is the provision of an appropriate number of car parking spaces on-site, to ensure that car parking does not adversely affect the amenity of the locality, and to ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Under Clause 52.06-6 where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning

scheme or in a schedule to the Parking Overlay, before a new use commences, car parking spaces must be provided to the satisfaction of the responsible authority. The applicant has provided 17 spaces plus 14 under canopy car spaces. The application was referred to Council's engineering department who have no objections in relation to the number of car parking spaces provided. The total amount of car parking spaces to be provided is considered to be acceptable for the size and scale of the service station proposed.

Clause 52.29 Land Adjacent to the Principal Road Network or land in a Public Acquisition Overlay for a Category 1 Road

A permit is required to alter access to a Transport Zone 2. The application was referred externally to the Department of Transport, who have no objections to the proposal, subject to conditions being placed on any permit if one was to be granted.

Clause 52.34 Bicycle Facilities

Has the following purpose:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

A service station is not listed within the tables of Clause 52.34, however the applicant has provided 4 spaces, which is considered appropriate, as the most likely access to the site is via a vehicle.

Clause 53.18 – Stormwater management in urban development

The provisions of clause 53.18 of the planning scheme will be applied to this application. Council's Engineering department has provided conditions to address appropriate stormwater management onsite, should a permit be granted.

Agenda Item: 7.2

**Agenda Item: Amendment C131 (Updated Flood Overlays) -
Consideration of Submissions**

Sponsor: General Manager, Regional City Planning and Assets

Proposed Resolution:

That Council:

- 1. Note the recommendations of Amendment C131 – Land Subject to Inundation Overlay and Floodway Overlay Peer Review Report at Attachment 4;**
- 2. Note the nine flood studies shown in Attachments 5 to 13 for public re-exhibition as a part of Amendment C131;**
- 3. Place Amendment C131 on re-exhibition generally in accordance with the Attachments 14 to 17 and with the requirements of section 19 of the *Planning and Environment Act 1987*; and**
- 4. Advise those persons who made a written submission to Amendment C131 of Council's decision.**

EXECUTIVE SUMMARY

- Council previously considered Amendment C131 (Flood mapping update) at the Council Meeting held on Monday, 1 August 2022 and resolved that Council Officers undertake further work and consultation with the West Gippsland Catchment Management Authority (WGCMA) on the submissions received.
- Progress reports were considered at the Council Meetings held on Monday, 5 September 2022 and Monday, 7 November 2022, to update Council on the process of reviewing submissions, in a comprehensive and collaborative manner.
- Independent consultants were appointed to undertake a peer review of the background and Amendment C131 (the Amendment) documents to understand key issues and identify next steps on the progression of the Amendment.
- The peer review report made several recommendations that have resulted in changes to the mapping of the Overlays, including:
 1. Removing Flood Overlays (FO) from land where stormwater flooding is identified as the cause of flooding, not riverine flooding.
 2. Remove FO's from land where no flood study or an incomplete flood study has been used to justify the mapping.
 3. Update the mapping for the Latrobe River to include the climate change scenario that was available.
 4. Proceed with the mapping of the other flood studies that did not include a climate change scenario as they are the 'best available information'.
- The peer review highlighted that Council has a statutory obligation to map natural hazards with the 'best available information'.

- The proposed next steps are to update the Amendment documents in accordance with the peer review recommendations and re-exhibit the updated mapping for public comment.
- It was recommended that the Amendment documents be re-exhibited to the public at the Council Meeting held on Monday, 6 November 2023 however Council resolved to defer the decision until further consultation had been undertaken with outstanding submissions.
- Council Officers have met with submitters that opted to further discuss their submission and the work undertaken since public consultation closed in March 2022.
- As a result of consultation undertaken with outstanding submitters, there have been a further six written withdrawals and two verbal withdrawals of submissions. A further six submissions are considered resolved as the Overlay has been removed from the submitter's property. As a result, 32 submissions remain outstanding of the 46 objecting submissions.

BACKGROUND

Flooding is a natural hazard that is predictable in terms of location, depth and extent. Floodplains have a role in the storage and conveyance of floodwater. Flooding can have significant economic impacts on municipalities and the community because of loss of life, damage to public and private assets and property and agricultural losses.

The West Gippsland Catchment Management Authority (WGCMA) are the floodplain authority for the Latrobe City region. Under Sections 203 and 204 of the *Water Act 1989*, they can declare areas flood prone to the 1% Annual Exceedance Probability (AEP) Flood Event extent.

Each municipality has a statutory obligation to map flood prone areas under section 148 of the *Building Regulation 2018*. The purpose of the Amendment is to meet Latrobe City Council's statutory obligation, ensure that development maintains the free passage of flood waters, minimises the potential for flood damage, and is compatible with the flood hazard over land as identified by the WGCMA.

The Amendment will introduce Overlays and amend the extent of other Overlays to ensure that there is a permit trigger where there are flooding concerns. In turn, the permit trigger will mean that the habitable floor level is built above the probable maximum flood levels. In this way, dwellings will remain safe in the event of a major flood event. This is recognised in previous Planning Scheme Amendments undertaken to update these Overlays, with the previous overlays approved through Amendment C9 in 2012.

The Amendment was placed on exhibition from 3 February 2022 to 7 March 2022.

During the exhibition, a total of 67 written submissions were received (refer to Attachment 3), including 32 objections that remain outstanding, including:

- Six submissions supporting the Amendment;
- Thirty-two submissions are currently objecting to the Amendment, requesting changes which are yet to be resolved. Six of the unresolved submissions are requesting changes that are outside the scope of the Amendment which means that they cannot be resolved through the Amendment;
- Twenty-one submissions objecting to the Amendment that have now been satisfied with the objecting submission being formally withdrawn; and,
- A further eight submissions which are considered resolved as the proposed Overlays have been removed from these properties and they are not affected in the updated Amendment mapping, or they have verbally withdrawn their submission, however, no formal withdrawal has been received.

Key issues raised in relation to the outstanding submissions are:

- Concerns that the modelling is incorrect, and their property should not be included in the proposed Land Subject to Inundation Overlay (LSIO) or FO;
- Concerns that existing drainage infrastructure is insufficient and requests to upgrade infrastructure to withstand 1% AEP flood events;
- Requests to remove the LSIO or FO from properties that are currently affected by FO's; and
- Requests to review flood modelling to consider cut and fill conducted on the land after the model was developed.

The complete summary of issues raised in the submissions and the associated Officer response is outlined in the Summary of Submissions Table (refer to Attachment 2).

At the Council Meeting held on Monday, 1 August 2022, Council resolved:

That Council defer consideration of this item to the next Council Meeting and seek further advice from the West Gippsland Catchment Management Authority in relation to objections raised and updated information on works that have taken place, not included in their desktop study.

At the Council Meetings held on Monday, 5 September 2022 and Monday, 7 November 2022, Council resolved to allow further time for Council Officers to detail options on how to progress the Planning Scheme Amendment and that a Report should be prepared for a future Council Meeting in early 2023. A Report was presented to Council on 5 June 2023 outlining the work undertaken until that point, including appointing independent consultants to undertake a peer review.

In response to the submissions received, the WGCMA reviewed the mapping for each submission, and subsequently issued revised plans which excluded a number of properties from the Amendment.

As part of the discussions with the WGCMA, it was determined that, at the commencement of the project, not all flood studies were provided, however the FO's supplied were informed by the flood data for all flood studies. All flood studies that informed the flood data included:

- Bennetts Creek Diversion study (2014)
- Glengarry Eaglehawk Floodplain Mapping (September 2021)
- Morwell North West Drainage Report (April 2016)
- Narracan Creek Flood Study – Existing Flood Conditions (June 2007)
- Narracan Creek Flood Study – Mitigation Floodplain Management (June 2007)
- Rintouls Creek Study (December 2015)
- Tyers River (December 2015)
- Unnamed Reach South-East of Contour Drain (November 2020)
- Unnamed Reach South of Contour Drain (November 2020)
- Upper Traralgon Creek (June 2021)
- Waterhole Creek Flood Study Flood Mitigation (June 2007)
- Waterhole Creek Flood Study Existing Flood Conditions (June 2017)
- Traralgon Bypass Retarding Basin Modelling (January 2016)
- Traralgon Flood Study (June 2016)
- Latrobe River Flood Study (March 2015)

Following receipt of these additional flood studies, Council Officers obtained legal advice on options to progress the Amendment based on only exhibiting the original documents provided to Council, which were the *Latrobe River Flood Study (2015)* and *Traralgon Flood Study (2016)*. The legal advice outlined that:

- The additional background reports should be made available through either re-exhibition or as part of a response to submissions;

- Potential concerns at a panel process with these background documents not being included;
- If Council is confident of stormwater flooding and overland flow paths the SBO should be used instead of the LSIO; and,
- The proposed changes are still within the scope of the Amendment so it is unlikely to require re-Authorisation from the Minister for Planning.

A peer review of all the background and Planning Scheme Amendment documents was identified as the most appropriate next steps in progressing the Amendment. Since the Council Meeting held on Monday, 7 November 2022, the following has been undertaken:

- Project brief and procurement undertaken for the peer review (November 2022);
- Discussions held with WGCMA, Department of Transport and Planning (DTP) about opportunities for funding (December 2022);
- Funding application made to the Regional Planning Hubs (January 2023), with funding granted and agreements signed (February 2023);
- Appointment of consultants (Venant Solutions) to undertake the peer review work (15 March 2023);
- Inception Meeting held on 31 March 2023;
- Background Review commenced (April 2023); and
- Final Peer Review report submitted to Council (September 2023)

After undertaking further work, options were discussed with the DTP and WGCMA about how best to proceed. It was determined that the most viable option was to re-exhibit the Amendment with the updated mapping and background documents.

Council Officers presented this recommendation at the Council Meeting held on Monday, 6 November 2023 where it was resolved:

That Council defer consideration of this matter to a future Council Meeting to allow further consultation to be undertaken with residents with outstanding submissions.

As a result, Council Officers have subsequently held one-on-one meetings with submitters who opted to meet. The actions undertaken are discussed further in the Consultation section of this report.

ANALYSIS

Peer Review

The Peer Review scope looked at several items including:

- Did the mapping have a background document that supported the mapping changes?;
- What was the status of this document (was it finalised, incomplete, draft or undocumented)?;
- Which Australian rainfall and runoff data model did it use?;
- Did the study consider climate change modelling?;
- Did the study include other strategic planning work?; and,

- Was the appropriate Planning Overlay used?

As a result of this analysis, the Peer Review recommended:

1. Removing the FO from land where stormwater flooding is identified as the cause of flooding, not riverine flooding;
2. Remove the Overlays from land where no flood study or an incomplete flood study has been used to justify the mapping;
3. Update the mapping for the Latrobe River to include the climate change scenario that is available; and,
4. Proceed with the mapping of the other flood studies that did not include a climate change scenario as they are the 'best available information'.

The Peer Review report can be seen in Attachment 4.

As a result of the Peer Review recommendations, changes to the proposed mapping have been made across the municipality (refer to Figure 1) when compared to the original exhibited maps in 2022.

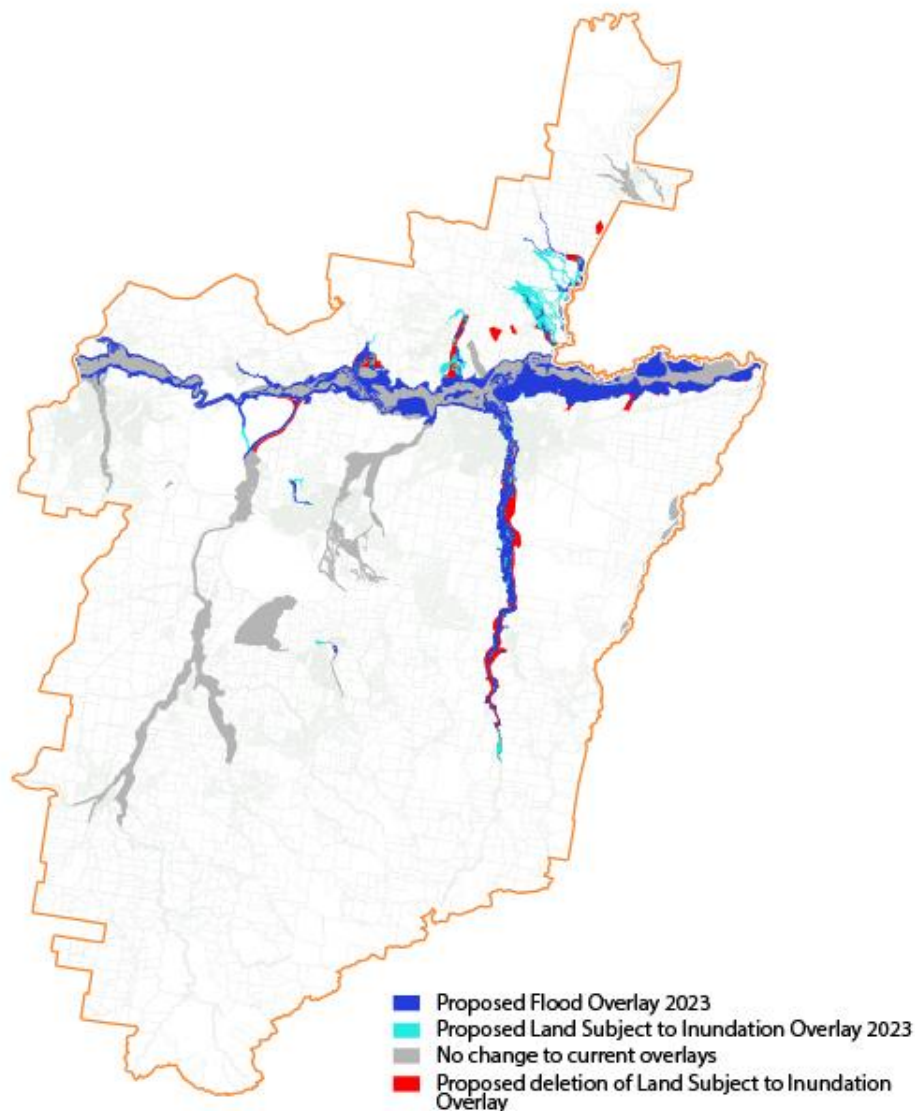


Figure 1: Municipal Wide Mapping Changes

When comparing the LSIO and FO that is currently in the Planning Scheme (as opposed to what was exhibited in 2022) the proposed LSIO and FO it will affect 4,999 hectares of land and 5,654 properties. This is broken down as follows:

	Area (Ha)	Parcels
Total new application	859.67	1779
Insert LSIO	378.77	1569
Insert FO	480.90	210
Total deletion of Overlays	1502.74	2468
Delete FO	240.97	391
Delete LSIO	1261.76	2077
Total change in Overlays	2636.46	1387
Change LSIO to FO	2620.36	1131
Change FO to LSIO	16.09	256
Total affected by Amendment	4998.87	5654

Legal and Compliance

Water Act 1989

In accordance with the *Water Act 1989* (Water Act) the water authority (WGCMA) can declare a flood level in relation to a specific area, a flood fringe area and a building line in accordance with Section 203 of the Water Act. In making that declaration, WGCMA can, in adopting these areas which, *“in its opinion, is the best estimate, based on that available evidence, of a flood event which has a probability of occurrence of 1 per cent in any one year”* under Section 204 of the Water Act 1989.

Building Regulations 2018

Under Regulation 148 of the *Building Regulations 2018*, Council is now required to prepare mapping for areas under its control that are liable to flooding.

Planning and Environment Act 1987 (the Act)

In accordance with the Act, the municipal Council as a Planning Authority, has several duties and powers when considering a Planning Scheme Amendment. These duties and powers are listed at Section 12 of the Act which states the Planning Authority must have regard to:

- The objectives of planning in Victoria;
- The Minister’s directions;
- The Victoria Planning Provisions;
- The Latrobe Planning Scheme; and,
- 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 the amendment.

A response to Section 12 of the Act is outlined in the exhibited Explanatory Report.

The Planning Scheme Amendment process is shown in Figure 2, which identifies the current stage Amendment C131 is at in the process.

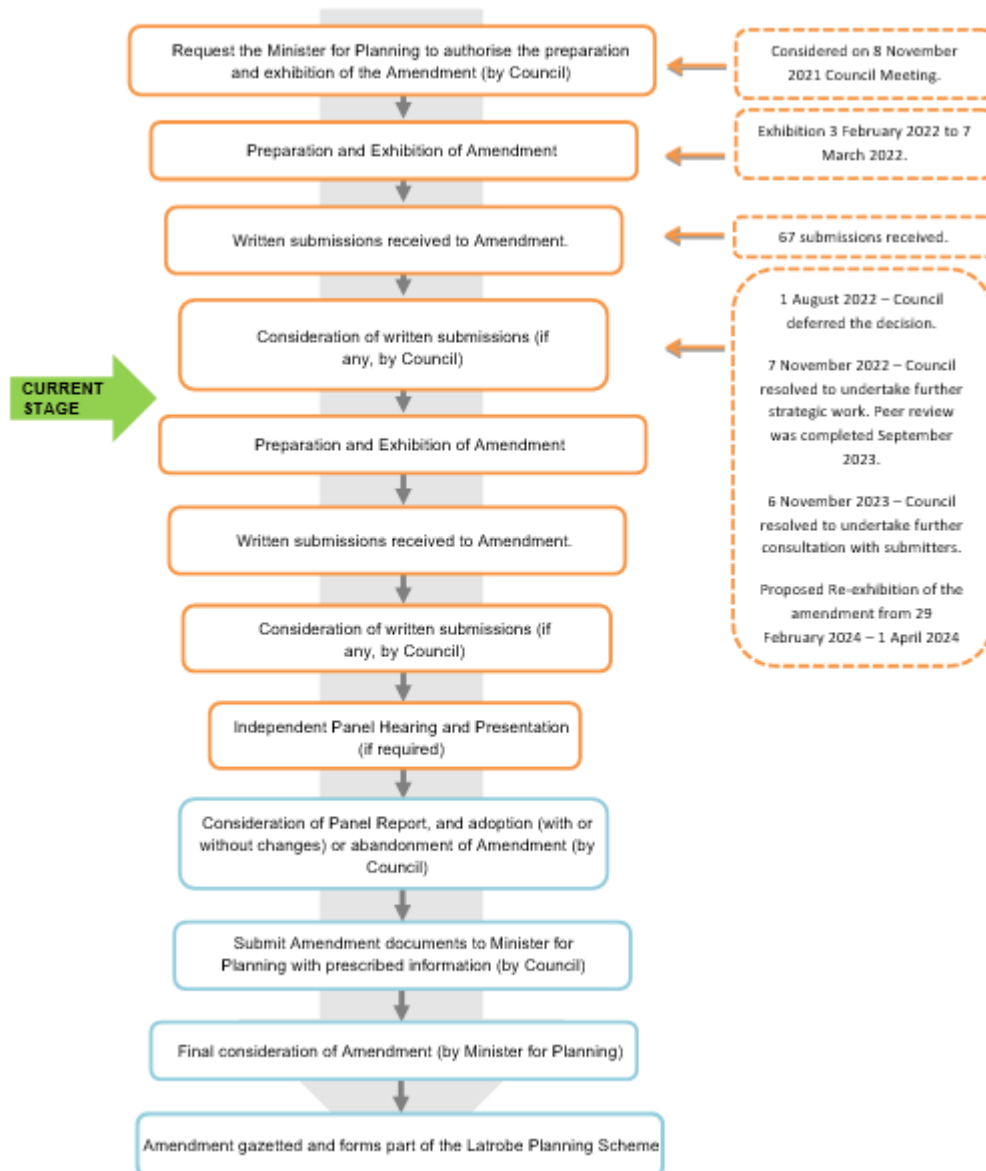


Figure 2: Planning Scheme Amendment Process

Options

Council has the following options in progressing the Amendment:

1. Re-exhibit the Amendment with changes;
2. Abandon the Amendment; or
3. Proceed to a Planning Panel to consider submissions.

Council Officers recommend Option 1 due to the mapping changes not affecting the scope of the Amendment but affecting many properties. Subsequently, it is recommended that the Amendment be re-exhibited. Advice was sought from the DTP on whether the Amendment needed to seek re-authorisation, it was determined that this was not necessary.

Proposed Next Steps

As a result of the peer review recommendations only mapping associated with nine flood studies is proposed to proceed including:

- *Glengarry Eaglehawk Floodplain Mapping (September 2021)*

- *Morwell North West Drainage Report (April 2016)*
- *Morwell North West DCP drainage WR04 (2017)*
- *Rintouls Creek Study (December 2015)*
- *Tyers River (December 2015)*
- *Upper Traralgon Creek (June 2021)*
- *Traralgon Flood Study (June 2016)*
- *Latrobe River Flood Study (March 2015)*
- *Monash Way, Churchill – Scoping Study (2011)*

The updated Amendment proposes to:

- Implement an update to the flood mapping into the Latrobe Planning Scheme, including:
 - Amending, introducing and deleting areas covered by the LSIO and FO based on updated flood modelling.
 - Amending the Strategic Framework Plan in Clause 02.04 and the Glengarry Town Structure Plan in Clause 11.01-1L to match the proposed extent of the flood overlays.
 - Amending Clause 72.03 to amend the map references.

If the Amendment is endorsed to be re-exhibited by Council, 10 days' notice is required prior to re-exhibition.

The next steps and proposed timeframes of the Amendment are:

- Notification to previous submitters, landowners and occupiers, prescribed Ministers, agencies and authorities;
- Re-exhibition of the Amendment from 29 February 2024 to 1 April 2024.
- One-on-one information sessions proposed during exhibition period; and,
- A range of communication tools including Have Your Say, Explanatory short videos and Fact Sheets to assist in the understanding of the amendment will be created.

Public Submissions

Following public exhibition 67 written submissions were received by Council in response to Amendment C131. Section 22 of the *Planning and Environment Act 1987* requires that Council consider all submissions to the Amendment received during the public exhibition process. Council may also consider late submissions.

A summary of the key issues and comments raised in submissions that have been received by Council in response to the Amendment is provided below.

Status	Number of Submissions
Support	6
Withdrawn	21
Submissions considered satisfied but no formal withdrawal has been received	8
Remain outstanding	32
Total	67

Of the 67 submissions, there were 61 objections initially. However, there are currently 32 objections that remain outstanding following additional consultation. A breakdown of submissions includes:

- Six submissions supporting the Amendment;
- Thirty-two submissions are currently objecting to the Amendment, requesting changes which are yet to be resolved.
 - Six of the unresolved submissions are requesting changes that are outside the scope of the Amendment which means that they cannot be resolved through the Amendment;
- Twenty-one submissions objecting to the Amendment that have now been satisfied with the objecting submission being formally withdrawn; and
- A further eight submissions which are considered resolved as the proposed Overlays have been removed from these properties and they are not affected in the updated Amendment mapping, or they have verbally withdrawn their submission, however, no formal withdrawal has been received.

Key issues raised in relation to the outstanding submissions are:

- Concerns that the modelling is incorrect, and their property should not be included in the proposed LSIO or FO;
- Concerns that existing drainage infrastructure is insufficient and requests to upgrade infrastructure to withstand 1% AEP flood events;
- Requests to remove the LSIO or FO from properties that are currently affected by FO's; and,
- Requests to review flood modelling to consider cut and fill conducted on the land after the model was developed.

The complete summary of issues raised in the submissions and the associated Officer response is outlined in the Summary of Submissions Table (Refer to Attachment 2).

In accordance with the resolution from the Council Meeting held on Monday, 6 November 2023, Council Officers wrote to all submitters informing them of the Council resolution to meet with all outstanding submitters.

Council Officers then wrote to all outstanding submitters on 15 November 2023 which allowed submitters to book a time to meet either online, at their property or at Council offices.

After 23 November 2023, Council Officers contacted outstanding submitters who were yet to book in a time to determine if Officers could assist with bookings.

As a result, Council Officers have:

- Met with 22 of the 46 outstanding submitters;
- Notified nine outstanding submitters that their properties had been removed from the proposed Amendment which is considered to satisfy their submission on 20 November 2023;
- Five opted for further emails or phone calls;
- Three verbally withdrew their submission;
- Three opted to self-book but have not followed through. Council Officers have reached out again but have not received a response;
- Five submitters have uncontactable despite repeated attempts by Council Officers; and,
- A meeting was held with the CFA on 29 January 2024 who have said that they will withdraw.

The one-on-one meetings have resulted in six written withdrawals and two verbal withdrawals being received.

Several submitters requested meetings with the WGCMA. The WGCMA have opted not to participate in further consultation until the Amendment is on public exhibition due to the time and resource availability.

An outline of actions undertaken with each outstanding submitter can be found in Attachment 1.

Each one-on-one meeting received a follow up email with the items discussed in the meeting including with any follow up information that was requested.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<p>COMPLIANCE</p> <p>Landowners whose land was not previously identified in the flood mapping may challenge the proposed Amendment</p>	<p>Medium</p> <p><i>Almost certain x Insignificant</i></p>	<p>Any objections would be referred to the WGCMA for review and changes that cannot be resolved would be referred to an independent planning panel for consideration.</p> <p>The WGCMA website offers written flood advice for properties regardless of whether they are within an FO.</p>

RISK	RISK RATING	TREATMENT
<p>COMPLIANCE</p> <p>Not meeting requirements of the Building Regulations, <i>Local Government Act 2020</i>, <i>Climate Change Act 2017</i>, and <i>Planning and Environment Act 1987</i>.</p>	<p>Medium</p> <p><i>Likely x Moderate</i></p>	<p>Council proceeds with the re-exhibition of the Amendment.</p>
<p>COMPLIANCE</p> <p>Delay in finalisation of the Amendment may result in development in areas subject to flooding that is inconsistent with the flood hazard, resulting in long term and inconsistent planning outcomes in such areas.</p>	<p>Medium</p> <p><i>Possible x Moderate</i></p>	<p>Planning Permits in these areas to be referred to the Strategic Planning Team for comment, as the Amendment is seriously entertained under section 60 of the Planning and Environment Act 1987 and must be considered in a permit assessment.</p>
<p>STRATEGIC</p> <p>Negative perception of Council as not all documents were included for exhibition in the first exhibition. In addition, some properties were mapped, due to stormwater drainage issues, within the proposed Overlays, rather than riverine flooding.</p>	<p>Medium</p> <p><i>Possible x Moderate</i></p>	<p>Ensure flood studies are accurate and Overlays are only applied to land where the criteria are met to be incorporated into the LSIO or FO. Remove properties that are associated with stormwater until appropriate studies have been carried out.</p>
<p>STRATEGIC</p> <p>Submitters becoming frustrated with the process because of the time taken.</p>	<p>Low</p> <p><i>Medium x Unlikely</i></p>	<p>Provide updates to submitters as required.</p> <p>Notify submitters of the Council Meetings to keep them informed of the progress of the Amendment.</p>

RISK	RISK RATING	TREATMENT
<p>STRATEGIC</p> <p>Submitters being aware of some submissions being resolved and not others.</p>	<p>Medium</p> <p><i>Possible x Moderate</i></p>	<p>Retain proposed FO's on properties where modelling clearly justifies that the land is subject to inundation or flooding and meets the criteria for riverine flooding.</p> <p>These criteria are specified within <i>Planning Practice Note 12 (PPN12) – Applying the Flood Provisions in Planning Schemes</i>.</p>
<p>STRATEGIC</p> <p>Negative perception of Council as Council is only now updating flood mapping in the Latrobe Planning Scheme due to the age of some of the documents.</p>	<p>Medium</p> <p><i>Likely x Minor</i></p>	<p>Progress the Planning Scheme Amendment and ensure that timeframes are communicated to stakeholders.</p> <p>Clearly advise the 1,531 new properties affected that have new or amended FO's of the Amendment process.</p> <p>The amendment started in 2021/2022 which was in line with the Floodplain Management Strategy (WGCMA)</p>
<p>STRATEGIC</p> <p>Potential impact on strategic planning and future designation of growth areas due to new areas being identified as vulnerable to flood.</p>	<p>Low</p> <p><i>Possible x Insignificant</i></p>	<p>Retain proposed FO's on properties where modelling clearly justifies that the land is subject to inundation or flooding due to riverine flooding.</p>

COMMUNICATION

The Amendment was initially placed on public exhibition from 3 February 2022 to 7 March 2022. A detailed community consultation plan was developed, and included direct notices to landowners and occupiers, notices in the Latrobe Valley Express and social media posts.

In response to the November 2023 Council Resolution, outstanding submitters have been contacted regarding the status of the Amendment and any changes made to overlays affecting their properties.

If the Amendment is re-exhibited, all affected landowners and outstanding submitters will be notified of the amendment and any proposed changes.

CONSULTATION

In accordance with the processes prescribed under the *Planning and Environment Act 1987*, the Amendment is proposed to be placed on public re-exhibition for a period of 4 weeks. As part of the process, a communications strategy will involve:

- Drop in sessions to have one-on-one meetings with a Planning Officer to be offered to all landowners/occupiers;
- A 'Have Your Say' page on the Amendment;
- A webpage within Council's website for the Amendment;
- Documents available on Latrobe City Council website;
- Two notices within the Latrobe Valley Express and one notice within the Victorian Government Gazette;
- Direct notice to landowners and stakeholders, including; prescribed ministers, government authorities and local businesses;
- Social media mentions and publication of a promotional video explaining the Amendment;
- External GIS feature on the Council Website whereby community members can search for their property to see how the Amendment impacts them;
- One-on-one meetings with previous submitters; and
- A frequently asked questions sheet and videos.

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

As detailed in the supporting information section of this report, a total of 67 submissions were received to the Amendment. As all changes requested in the submissions were not able to be made, 32 submissions will continue as unresolved outstanding submissions.

Cultural

Not applicable.

Health

The proposed Amendment seeks to prioritise and protect human life in the event of a flood.

Environmental

The provision of updated flooding information within the Latrobe Planning Scheme will have a net community benefit by ensuring that the risk of flooding is properly considered in future planning and that risks from flooding may be managed and minimised. The updated mapping will equip Council to plan for future growth in low-risk locations to minimise the impact of natural hazards on the community, development, and infrastructure.

Of the nine flood studies that are proposed to be implemented into the Latrobe Planning Scheme through the Amendment, only one includes a climate change scenario. To represent climate change in the Latrobe River Flood Study a 20% increase in rainfall intensity was applied (i.e., for the same extreme rainfall (storm) event frequency and duration 20% more rainfall is expected).

A standard increase in rainfall intensity scenario from storm events has not been set in Victorian planning or floodplain management policies. However, the most commonly adopted scenario which has become the industry standard is the Representative Concentration Pathway (RCP) 8.5 emissions scenario to the year 2100. This results in a projected increase in rainfall intensity of 18.4% to the year 2100 in the Latrobe Region which compares well to the 20% increase in rainfall intensity used in the Latrobe River Flood Study.

It is important to note that while it is projected that there will be less rainfall overall, it is predicted that there will be more intense storms resulting in more rainfall during those storm events which could mean an increase in flood events.

Climate Change Considerations

One of the policy objectives in the *Climate Change Act 2017* Section 22 is “to build the resilience of the State’s infrastructure, built environment and communities through effective adaptation and disaster preparedness action”. Subsection 17(2) states “in considering climate change, the relevant decision-maker must have regard to the potential impacts of climate change relevant to the decision or action.”

In addition, under the *Local Government Act 2020* Section 9(2)(c), Councils are required to promote “the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.”

These Clauses mean that processes like strategic planning must incorporate consideration of climate change.

Economic

Flooding can have significant economic impacts on municipalities and the community because of loss of life, damage to public and private assets, and property and agricultural losses. The Amendment will ensure that new development is protected from the effects of flooding and that the flood plain is not adversely affected by inappropriate development. The proposed Overlays will discourage inappropriate new development that would be impacted by flooding or that may have adverse impacts on flood behaviour.

Having an FO on property does not necessarily change the value of the property. Councils use property values as the basis of its rate collection. Planning Overlays are only one of many factors considered when valuing a property. Other factors may include:

- Zoning;
- Property inspections;
- Building and planning permits;
- Recent sales and leasing in an area;
- Lot sizes;
- Types of surrounding properties;
- The level of infrastructure;
- Amenities and services in the surrounding area;
- Tenancy opportunities;
- Prevailing trends in the 'market cycle;'
- The social profile of areas; and,
- The quality and maintenance of individual buildings.

Each of these are considered and influence the value of a property. Previous Planning Panels appointed by the Minister for Planning have found that the application of Overlays does not have any significant or lasting effect on land values.

Insurance premiums are based on the most up-to-date available flood studies rather than Planning Scheme controls. The insurance industry has its own National Flood database where this information is kept.

In addition, there is likely to be an increase in insurance premiums due to the frequency of recent storm events increasing the probability of a large storm event.

Financial

- The prescribed fees for Planning Scheme Amendments are detailed in the *Planning and Environment (Fees) Regulations 2016*. The costs associated with this stage of the Planning Scheme Amendment include the fee for the Panel Report (varies from \$15,611.10 to \$41,695.80), fees for any expert witnesses engaged by Council and the fee for the Minister's approval (\$496.90) of an amendment if the amendment is adopted by Council.
- Funds were allocated in the 2021/2022 Strategic Planning budget with additional contributions made by the WGCMA. These monies have been carried forward to the 2023/2024 financial year to enable the Planning Scheme Amendment to proceed.

- The project has received \$30,000 in funding from Department of Transport and Planning to support the progression of the Amendment, \$15,000 has been spent in preparing amendment documentation.
- Legal advice was obtained to understand implications of background documents not being exhibited during the exhibition, which cost \$1,716.00.
- The further \$13,000 has been allocated to the peer review of the Amendment and background documents.
- An additional \$41,978.00 was provided from Regional Planning Hubs to undertake the peer review.
- Budget has been allocated to the Strategic Planning Team for a planning panel and any other fees associated with processing an Amendment in the 2023/2024 financial year budget.

Attachments

1. Summary of Consultation Actions Undertaken with Outstanding Submitters (Published Separately)
2. Summary of Submissions Table (Published Separately)
3. Copy of Submissions (Published Separately)
4. Peer Review Report (Published Separately)
5. Latrobe River Flood Study 2015 (Published Separately)
6. Traralgon Flood Study 2016 (Published Separately)
7. Floodplain Mapping for Glengarry/Eaglehawk Creek 2023 (Published Separately)
8. Floodplain Mapping for Rintouls Creek 2015 (Published Separately)
9. Floodplain Mapping for Upper Traralgon Creek 2023 (Published Separately)
10. Morwell North-West DCP Drainage - WR04 2017 (Published Separately)
11. Morwell North-West DCP Drainage Report 2016 (Published Separately)
12. Monash Way, Scoping Study 2011 (Published Separately)
13. Floodplain Mapping for Tyers River 2015 (Published Separately)
14. Amendment C131 Explanatory Report (Published Separately)
15. Amendment C131 Instruction Sheet (Published Separately)
16. Amendment C131 Combined Policy (Published Separately)
17. Amendment C131 Combined Maps (Published Separately)

VARIATION OF SECTION 173 AGREEMENT - FRANCIS ROAD, GLENGARRY

PURPOSE

To provide Council with an assessment of an application (S173/2023/528) that has been lodged against Section 178A (1)(a) of the *Planning and Environment Act 1987*.

EXECUTIVE SUMMARY

- This is not a Planning Permit application, rather an application under the *Planning and Environment Act 1987* (the Act) to vary a Section 173 Agreement (Agreement) that has been registered on title.
- Agreements are provided for by the Act and are between Council and landowners, registered on the titles of affected properties.
- The Agreement that is the subject of application S173/2023/528 restricts additional dwellings and further subdivision of land in the Farming Zone, Schedule 1.
- The Agreement was created on 8 September 2022 at Francis Road, Glengarry (Lot 2 on PS 907205B) when the Applicant obtained the benefit of Planning Permit 2021/290 in November 2021.
- Permit 2021/290, authorising a resubdivision (boundary realignment) of land, included a Condition that a Section 173 Agreement be established on Lot 2 preventing further subdivision and dwellings.
- The Applicant is seeking to vary the Agreement under Section 178A (1)(a) of the Act, so that a second dwelling can be constructed under further planning approval on Lot 2. No further subdivision is proposed in future to officer's knowledge as that component of the Agreement, restricting further subdivision of the land, is not proposed to be changed.
- Council Officers have advised the Applicant that while there are short-term considerations of their application, the Latrobe Planning Scheme (the Scheme) requires careful consideration of medium to long-term considerations to protect farming land, (i.e., beyond the current landowner's interest in the property).
- Council Officers do not agree in principle to amend the Agreement because it is inconsistent with what was intended with the original Permit application back in 2021 (i.e., Permit 2021/290), is inconsistent with the Scheme's objective of reducing sensitive use encroachment to the detriment of farming land, and Council's *Live Work Latrobe Rural Land Use Strategy 2019*.

OFFICER'S RECOMMENDATION

That Council advise the Applicant that it does not give in principle support to amend the Section 173 Agreement, AW043351Q, registered on Certificate of Title for Lot 2 on Plan of Subdivision 907205B, 106 Francis Road, Glengarry, in accordance with Section 178A (3) of the Planning and Environment Act 1987, for the following reasons:

- 1. The Section 173 Agreement is required to support Policy under Clause 14.01-1L - Protection of Agricultural Land of the Latrobe Planning Scheme and is consistent with Council's Live Work Latrobe Rural Land Use Strategy 2019.**
- 2. Other than the December 2023 gazettal of Amendment VC253 exempting the use of *small second dwellings* in the Farming Zone, there has been no change in Policy or controls under the Latrobe Planning Scheme applicable to the site since the Section 173 Agreement was entered into in September 2022.**
- 3. The ending of the Section 173 Agreement would not protect productive agricultural land from future potential land use conflicts.**

BACKGROUND

The Applicant is seeking to vary part of the Agreement registered on title. The Applicant is seeking approval to remove part a) of the Agreement, which stipulates that no further dwellings may be erected on the lot.

The Agreement was created when the Applicant obtained the benefit of Planning Permit 2021/290. Per Figure 1, this boundary re-alignment approval reduced Lot 1 in size from 33 hectares down to 3.855 hectares, subsequently increasing Lot 2 from 60.43 hectares to 93.53 hectares.

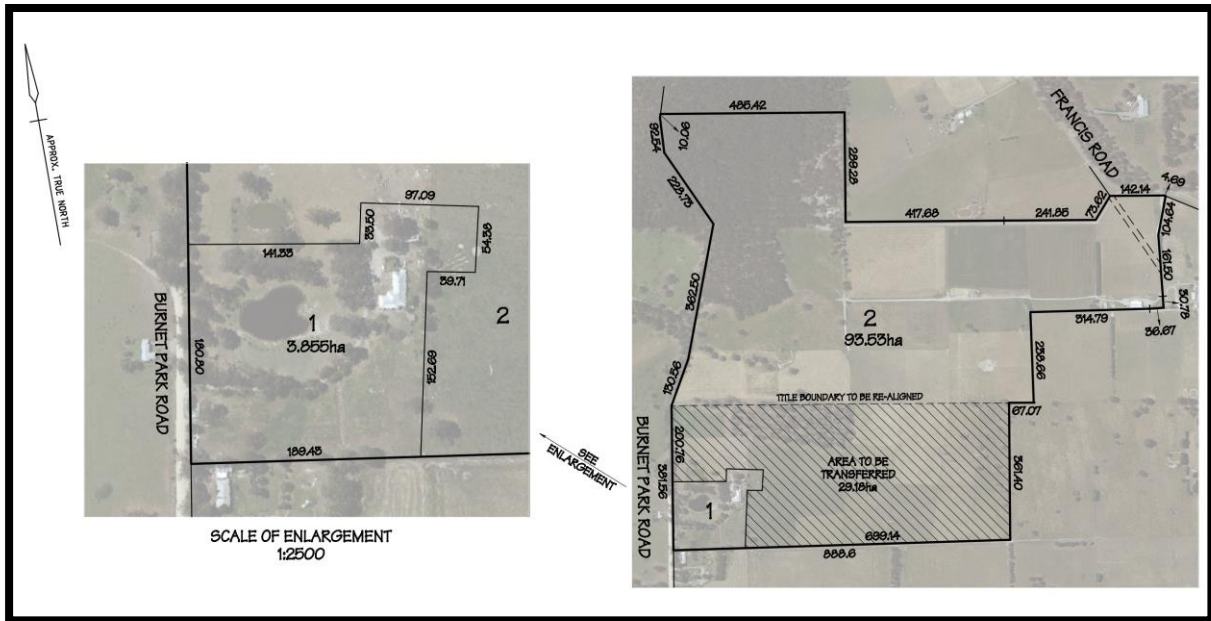


Figure 1 – Approved Boundary Realignment, Planning Permit 2021/290 showing Lots 1 and 2.

Under Clause 14.01-1L of the Scheme, Protection of Agricultural Land, the following is a Policy guideline:

Consider as relevant where a parcel less than the minimum lot size is proposed to be re-subdivided or subdivided, a Section 173 agreement pursuant to the Planning and Environment Act 1987:

- *To prevent further subdivision of the remnant parcel.*
- *To prevent a further dwelling to be placed on the vacant parcel.*

As planning application 2021/290 was for the boundary realignment that created two lots under the minimum lot size for a dwelling, a condition was placed on the Planning Permit requiring entry into a Section 173 Agreement that prevented any further subdivision or any further dwellings. The Landowners (the Applicant) did not appeal this Permit condition and willingly entered into the Agreement, which was registered on the title on 8 September 2022.

Concurrent to the current application to amend the Agreement, the Applicant has also made a premature Planning Permit application (2023/229) for the use and development of a second dwelling, to be located in the north-eastern section of Lot 2. This report cannot consider the merit of this Permit application as Council are unable to consider an application that is in conflict with a Section 173 Agreement that is on the title.

CONSULTATION

Section 178A (3) of the Act requires the Responsible Authority to notify the owner as to whether it agrees in principle to the proposed alteration of the Section 173 Agreement before it can proceed to public notification.

The Applicant is aware the application is on hold waiting for Council to make a decision regarding 'in-principle' support to vary the Agreement on title prior to notification occurring.

ANALYSIS

The Agreement prevents the construction of an additional dwelling on the subject site and was imposed as a condition of Planning Permit (2021/290), which allowed for a boundary realignment in the Farming Zone. The issue of the Permit and requirement to enter into a Section 173 Agreement was consistent with the controls which were contained within the Scheme at the time, and this remains to be the case.

The background document '*Live, Work, Latrobe, Rural Land Strategy 2019*' which is referenced within Clause 14.01-1-1L of the Scheme, contains special conditions requiring a Section 173 Agreement for 'no more dwellings' and 'no further subdivision' for subdivision and boundary re-alignment applications that are under the minimum size.

The condition to require a Section 173 Agreement that prevents further dwellings and further subdivision is a standard condition placed on Planning Permits for dwellings within the Farming Zone, as well as subdivision and boundary re-alignments within the Farming Zone. The Planning Permit was granted in November 2021 and the subsequent Agreement registered on the title on 8 September 2022.

It was considered as part of that application (for the boundary realignment, i.e., Permit 2021/290), the subject site is identified as productive agricultural land and should be protected from potential land use conflicts, where the long-term agricultural benefits and needs beyond the current owner's needs are paramount in requiring the Agreement. Clause 14.01-1L of the Scheme, Protection of Agricultural Land, contains the following Strategy:

- *Where there is an existing dwelling, discourage more than one dwelling unless the additional dwelling is required for the permanent operation, supervision or care of the agricultural use and is located on the same lot as the existing dwelling and the agricultural use.*

The Applicant for the previous application was Crowther and Sadler, where the owners of the property are A L Ford and C W Ford for Lot 2, who have owned the property since 2013.

If the owners were unsatisfied with the condition requiring no further dwellings, they had the ability to contest the condition placed on the Permit at VCAT, within 60 days of the Permit being issued. There was no contest made to the Permit at VCAT within the prescribed 60-day timeframe and there has been no change of ownership in the interim.

In this instance, it is not considered appropriate to amend the Agreement. Any amendment of the Agreement would allow for the consideration of a Planning Permit for the use and development of the land for a second dwelling on a lot less than 100 hectares in the Farming Zone (Schedule 1). It is considered that the removal of the Agreement would be contrary to the reasons the Responsible Authority approved the re-alignment Permit back in 2021. There have not been changes to the Scheme which would support the use and development of the land for a second dwelling.

Additionally, the variation of the Agreement could also trigger an undesirable precedent, whereby other subdivisions within the Farming Zone could apply to have their Section 173 Agreements removed or varied, to allow for further subdivision or further dwellings in the Farming Zone not in accordance with minimum lot sizes in the Scheme.

The permit applicant has argued that the additional dwelling would be required to suit their client's parents' retirement plans.

However, VCAT, in its decision regarding conditions on a planning permit for a subdivision in the Farming Zone in the Pyrenees Shire [Beaufort East Pty Ltd v Pyrenees SC [2014] VCAT 1391 (10 November 2014)] stated:

"It...needs to be understood that it is unrealistic for any current owner of agricultural land to expect the planning decision maker to give priority to whatever reorganisation of the subject land will raise the most divestment profits (planning is ultimately about net community benefit, not private economics). Rather, the planning decision maker must carefully consider the relevant strategic outcomes being sought by the Planning Scheme and assess the proposal against same".

The Section 173 agreement is required to safeguard protection of agricultural land for future ownership.

Any amendment of the Agreement has the potential to result in several dwellings, not related to agriculture, on lots less than the minimum size in Schedule 1 of the Farming Zone. Considering the above information, it is considered that the Agreement is still required as it prevents the construction of further dwellings, other than a single small second dwelling (i.e. under 60 sqm), noting that this was the intention at the time the Agreement was entered into less than two years ago, by the current landowners.

With consideration to the context of the establishment of the Agreement and the provisions within the Scheme regarding minimum lot sizes under the Farming Zone, it is considered that in-principle support for the ending of the Agreement should not be given.

The agreement reads as follows:

- i. no further dwellings may be erected on proposed Lot 2; and*
- ii. Proposed lot 2 must not be subdivided so as to create any additional lots.*

Planning Scheme Amendment VC253, gazetted on 14 December 2023, introduced the term 'small second dwelling' into the Victorian Planning Provisions. The amendment to the Planning Scheme simplified and, in some cases, exempted the requirements to obtain a Planning Permit to construct a 'small second dwelling' (i.e. under 60 sqm) on land where there is already a lawful dwelling.

A small second dwelling is a Section 1 (as-of-right, permit not required) use in the Farming Zone, subject to meeting certain requirements, is not nested within the existing land use term 'dwelling', and is defined as follows:

A building with a gross floor area of 60 square metres or less, on the same lot as an existing dwelling and used as a self-contained residence, which must include:

- i) a kitchen sink;*
- ii) food preparation facilities;*
- iii) a bath or shower; and*
- iv) a toilet and wash basin.*

Accordingly, the Section 173 Agreement will retain the effect of restricting any additional *dwellings* but would still allow one *small second dwelling* meeting the above requirements, and any other relevant planning Scheme requirements.

If in-principle support is not provided, the remainder of the process as specified at Section 178 of the Act is then not undertaken. Notice of the proposal to amend the Agreement can only be undertaken if in-principle support for its alteration is first provided by the Responsible Authority. It is further noted that by not giving in-principle support, this decision is final and is not subject to review at VCAT and subsequently, that premature Planning Permit application 2023/229 cannot be supported.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<p>COMPLIANCE</p> <p>If in-principle support is provided for the removal of the Agreement, there will be a sudden increase in applications to remove or vary standard Section 173 Agreements in the Farming Zone based on a precedent set by allowing this Agreement to be varied.</p>	<p style="text-align: center;">Medium <i>Likely x moderate</i></p>	<p>The proposal has been considered against the Scheme and it is considered to not be consistent with the relevant provisions and should therefore not be approved.</p>
<p>FINANCIAL</p> <p>Potential costs to Council if in principal support is not provided for the removal of the Agreement, (i.e., potential legal challenge or VCAT review)</p>	<p style="text-align: center;">Minor <i>Unlikely x insignificant</i></p>	<p>Not Applicable - there are no further appeal rights for the Applicant if in-principle support for the removal of the Agreement is not provided.</p>

RISK	RISK RATING	TREATMENT
<p>STRATEGIC</p> <p>There could be an increase in applications to remove or vary standard Section 173 Agreements in the Farming Zone based on a precedent set by allowing this Agreement to be varied, despite being inconsistent with Planning Policy and the intentions of Permit conditions for original Permit 2021/290.</p>	<p style="text-align: center;">Medium</p> <p style="text-align: center;"><i>Likely x moderate</i></p>	<p>Refuse to provide in-principle support to the proposed variation of the standard Section 173 Agreement required for Farming Zone applications that are seeking to achieve the benefit of lots and dwellings under minimum lot size requirements.</p>

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*.

Attachments

1. Section 173 Agreement for variation (Published Separately)

This attachment is designated as confidential under subsection (g) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it relates to 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. Individual landowners' full names, addresses and phone numbers appear in this Agreement.*

2. Application information to vary Section 173 Agreement (Published Separately)

This attachment is designated as confidential under subsection (c) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it relates to land use planning information, being information that if prematurely released is likely to encourage speculation in land values. contains private information of landowners.

CORPORATE ITEMS FOR DECISION

8. CORPORATE ITEMS FOR DECISION

Item Number 8.1 05 February 2024

Community Health and Wellbeing

TOURISM & MAJOR EVENTS ADVISORY COMMITTEE RECOMMENDATIONS DECEMBER 2023

PURPOSE

To present the recommendations from the Tourism and Major Events Advisory Committee and seek Council approval to fund three events (2024/2025 Australian Esports League Latrobe Cup, 2024 AFL Diversity Championships and the 2025 Table Tennis Australia Championships) through the major events attraction budget.

EXECUTIVE SUMMARY

- At its meeting held on 6 December 2023, the Tourism and Major Events Advisory Committee (TAMEAC) recommended funding support for the 2024/2025 Australian Esports League Latrobe Cup, 2024 AFL Diversity Championships and the 2025 Table Tennis Australia Championships.
- All three events can be funded from the Major Event Attraction budget and, as a result, there are no budget implications.
- These major events have been reviewed and considered by officers based on an assessment prepared outlining economic benefit, community engagement, return on investment and benefit to the local community. Details of the assessments are provided in the attachments.

OFFICER'S RECOMMENDATION

That Council:

1. **Adopt the recommendations of the Tourism and Major Events Advisory Committee and authorises officers to enter into a suitable agreement to fund the following events through the annual Major Events Attraction budget:**
 - **2024/2025 Australian Esports League Latrobe Cup (date to be confirmed) for \$15,000.**
 - **2024 AFL Diversity Championships - Females (July 2024) for \$12,000 and the 2024 AFL Diversity Championships - Males (September 2024) for \$12,000.**
 - **2025 Table Tennis Australia Championships (5-13 July 2025) for \$10,000.**

BACKGROUND

2024/2025 Australian Esports League Latrobe Cup

The 2024/2025 Australian Esports League, Latrobe Cup will be delivered by Australian Esports League (AEL) who are the nationally recognised brand, covering multiple facets of the esports ecosystem.

This two-day event would be expected to attract a minimum of 200 – 300 participants. The weekend would include elements such as high school tournaments, workshops, open tournaments, free play zone, Microsoft Minecraft Education Build Competition and a talent showcase and live streaming of main stage matches.

Esports featured as a demonstration event at the Birmingham Commonwealth Games and has also been earmarked for future Commonwealth Games and Olympic Games, including Brisbane 2032. The gaming and esports market is growing rapidly, with an estimated global value of \$192.8 billion in 2021; Australians account for \$3.6 billion of this spend.

2024 AFL Diversity Championships

The 2024 AFL National Diversity Championships will be split into Females (July) and Males (September). Four female and four male teams (Vic/Tas, WA, SA & Allies), made up of 23 Indigenous and Multicultural players per team, will come together to play in the week-long round robin Championships, with Wednesday being a rest day for the teams. 92 female players and 92 male players, along with support staff, coaches, umpires, physiotherapists, trainers, doctors and AFL club recruiters will be involved throughout the week-long championships.

The Championships provide a pathway into the AFL's National Academy programs, with 22 Multicultural and 22 Indigenous male and female players selected by AFL club recruiters.

2025 Table Tennis Australia Championships

The Table Tennis Australia National Championships is one of two national championships conducted annually by Table Tennis Australia. The other is the Veterans National Championships.

This event attracts the best competitors from across Australia and some internationals across 4 different categories (Senior, Youth, Junior and Para).

The event provides a national pathway for Australia's best athletes to represent Australia at future world championships, Olympic and Paralympic Games and other international events.

ANALYSIS

Event	Council Contribution	Economic Impact (est. per year)	Return on Investment (estimated)
2024/25 Australian Esports League Latrobe Cup Venue: Kernot Hall or GPAC (TBC) Date: Flexible	\$15,000	\$132,786	\$7:\$1
2024 AFL Diversity Championships – Males & Females Venue: Morwell Recreation Reserve Dates: Females - July 2024 and Males - September 2024	\$12,000 per event	\$297,395 per event	\$19:\$1 per event
2025 Table Tennis Australia Championships Venue: GRISS Date: July 2025	\$10,000	\$3,346,374	\$167:\$1

In accordance with the Major Events Selection Framework the recommendations to progress these events is presented to Council for adoption.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
COMPLIANCE Major event doesn't meet safety or regulatory requirements.	Low <i>Unlikely x Minor</i>	All events supported by Council are required to submit and have approved an event permit.

RISK	RISK RATING	TREATMENT
SERVICE DELIVERY Inability to deliver event by scheduled date.	Low <i>Unlikely x Minor</i>	Event timeframes are developed in conjunction with the Latrobe City Council events team. Strict oversight of this is provided by Council officers.
FINANCIAL Opportunity cost of lost economic benefit from this major event if not supported.	Low <i>Unlikely x Minor</i>	Use of the major event assessment process and review by Council officers and TAMEAC.
STRATEGIC Major event negatively impacts on the reputation of Latrobe City Council as an events destination.	Low <i>Unlikely x Minor</i>	TAMEAC consideration of event proposal and assessment. Strict oversight of operations and arrangements by Council officers.

CONSULTATION

Consultation has occurred with internal stakeholders to determine support of these major events. Further, major event proposals and assessments are presented to TAMEAC for consideration and recommendation.

COMMUNICATION

All major events have extensive marketing and community engagement activities associated with their delivery. These are managed in conjunction with officers from Latrobe City Council.

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 opportunity to host these major events is expected to enhance and boost civic pride and Latrobe's reputation as an events destination.

Cultural

These events are public events and will be promoted to all backgrounds and various community groups to encourage a diverse mix of participants and spectators.

Health

Hosting major events provides the opportunity for the local community to experience high profile events which have an impact on overall community health and wellbeing.

Environmental

It is not anticipated that these events will generate any adverse environmental impacts.

Economic

Economic impacts have been undertaken and assessed based on their economic benefit, return on investment and benefit to the local business community. These events offer an excellent economic benefit to the municipality.

Financial

Event funding is covered under the annual Major Events Attraction budget and part of BAU budget preparations.

Attachments

1. 2024 AFL Diversity Championships, Major Events Assessment
2. 2024/25 Australian Esports League Latrobe Cup, Major Events Assessment
3. 2025 Table Tennis Australia Championships, Major Events Assessment

8.1

Tourism & Major Events Advisory Committee Recommendations December 2023

1	2024 AFL Diversity Championships, Major Events Assessment.....	125
2	2024/25 Australian Esports League Latrobe Cup, Major Events Assessment.....	131
3	2025 Table Tennis Australia Championships, Major Events Assessment.....	137



TAMEAC Major Events Funding Assessment Form



Latrobe City Major Events: TAMEAC Assessment Form | Page 2

EVENT ASSESSMENT			
Date proposal received:	28 November 2023		
Application assessed by:	Jess Middlemiss		
EVENT CONTACT DETAILS			
Contact Name:	Xavier Moloney	Email:	Xavier.Moloney@afl.com.au
Title/Position:	AFL Diversity Manager	Phone:	0418 276 749
EVENT DETAILS & DELIVERABLES			
Event:	2024 AFL National Diversity Championships (Boys <u>OR</u> Girls)		
Event date:	Diversity Championships - Females: Monday 1 July – Friday 5 July or Monday 8 – Friday 12 July 2024 Diversity Championships – Males: Monday 23 September – Friday 27 September 2024		
Event description: <i>Please provide detailed event description including the who, what, where, when?</i>	<p>The 2024 AFL National Diversity Championships will be split into Females (July) and Males (September). AFL are looking to host the females and males at different locations.</p> <p>Four female and four male teams (Vic/Tas, WA, SA & Allies), made up of 23 Indigenous and Multicultural players per team, will come together to play in the week-long round robin Championships, with Wednesday being a rest day for the teams. 92 female players and 92 male players, along with support staff, coaches, umpires, physiotherapists, trainers, doctors and AFL club recruiters will be involved throughout the week-long championships. The Championships provide a pathway into the AFL's National Academy programs, with 22 Multicultural and 22 Indigenous male and females selected by AFL club recruiters.</p>		
Is the event new or existing?	<input type="checkbox"/> New Event <input checked="" type="checkbox"/> Existing Event: How long has your event been running for? 10+ years		
Purpose/Aims/Objectives:	The Championships provide a pathway into the AFL's National Academy programs, with 22 Multicultural and 22 Indigenous male and females selected by AFL club recruiters.		
Benefit/Outcomes:	As above		

Latrobe City Major Events: TAMEAC Assessment Form | Page 3

EVENT BUDGET			
Please outline your event budget in the income and expenditure tables below, including details of other funding that you have applied for, whether it has been confirmed or not.			
INCOME		EXPENDITURE	
Latrobe City Council	\$20,000	Event Operations – game day ice, lunch for umpires & selectors	\$750
Additional Grants / Sponsorship	\$	Venue Hire – including cleaning costs	\$3,000
Team Entry / Ticket Sales	\$	Marketing and Promotion (flyers and records)	\$3,000
In-kind	\$	Administration – Commentators, Doctor, High Performance and Physio to oversee/manage all matches	\$6,000
Applicants Contribution	\$25,000	Infrastructure – scissor lift, stage, marquees	\$3,000
		Other - Opening Ceremony Costs (Welcome to Country, dance group)	\$2,000
		Other – Closing Ceremony Costs (awards)	\$2,000
		Other – Guest Speakers & Facilitators	\$2,000
		Other – Videographer	\$2,500
		Team/Staff Flights	\$47,790
		Team/Staff Accommodation	\$54,720
		Team/Staff Meals	\$49,880
		Team/Staff Apparel	\$13,400
		Team/Staff Transportation	\$20,000
		Team/Staff Incidentals	\$4,000
TOTAL	\$45,000	TOTAL	\$226,640

Latrobe City Major Events: TAMEAC Assessment Form | Page 4

EVENT GRADING		
Estimated economic benefit to Latrobe Valley	ROI	Rating
132 competitors and officials per gender event. 15% will come from Victoria and the remaining 85% to come from interstate Projected economic impact: \$297,395.49 per event ROI – \$19:\$1 per event	Up to \$10	<input type="checkbox"/> 1
	\$11 – \$19	<input checked="" type="checkbox"/> 2
	\$20 +	<input type="checkbox"/> 3
Event commitment to the region		
1 year only – annual event, agreement is for 1 year		<input checked="" type="checkbox"/> 1
2 years		<input type="checkbox"/> 2
3 years		<input type="checkbox"/> 3
Event budget		
Event budget supplied	Poor	<input type="checkbox"/> 1
	Good	<input type="checkbox"/> 2
	Excellent	<input checked="" type="checkbox"/> 3
Does the event have budget for promotion and marketing opportunities to showcase Latrobe City and beyond? (Please select one)		
None allocated		<input type="checkbox"/> 0
Latrobe City Only		<input type="checkbox"/> 1
Gippsland		<input type="checkbox"/> 2
Intrastate		<input type="checkbox"/> 3
Interstate		<input checked="" type="checkbox"/> 4
In addition to the above, does the event provide opportunity to market and promote Latrobe City as a tourist destination through the events existing and established marketing channels? i.e. membership data base, TV / live streaming digital media other.		
		<input checked="" type="checkbox"/> Yes (1) <input type="checkbox"/> No (0)

Latrobe City Major Events: TAMEAC Assessment Form | Page 5

Is there a proposed community engagement plan / content? If yes, is there any intent to engage / collaborate with schools, CALD community members, or outreach communities? Expand:		
<ul style="list-style-type: none"> Welcome to Country and Opening Ceremony engagement Opportunity for local businesses (food trucks, coffee trucks etc) to attend Opportunity for local schools / auskick centres to engage with our Championships – half time sprints, small matches (similar to what they do on AFL game day etc). 	<input checked="" type="checkbox"/> Yes (1) <input type="checkbox"/> No (0)	
Calendar/market fit for Latrobe City Calendar of Events		
Excellent calendar fit with both events falling in quieter periods of the events calendar	Poor	<input type="checkbox"/> 1
	Good	<input type="checkbox"/> 2
	Excellent	<input checked="" type="checkbox"/> 3
Are there other activities/programs included in the proposal that have not been mentioned previously? If so, please provide details:		
None		
Please provide details on any other activities, programs or information and any further information below in regard to this event application		
None		
Grading guide: 0 – 6 = GOOD, 7 – 12 = V GOOD, 13 and above = EXCELLENT	Score	15/20
STRATEGIC GOALS / FOCUS		
Does the event support the following strategic goals:		
Adding to our region's Economic prosperity	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Being complementary to community members and groups	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Increasing the regions image and visibility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
IDENTIFY KEY ISSUES / BENEFITS		
Issues:	None	
Benefits:	<ul style="list-style-type: none"> Great event for Latrobe City Recreation team very supportive of this event and are excited to host this event Utilisation of the 'centre for excellence of AFL' with the event being held at Morwell Recreation Reserve. 	

RECOMMENDATION

Taking the above application into consideration, it is recommended to proceed with this proposal.

Recommended funding allocation: \$12,000 cash and venue hire in-kind per event.

These recommendations align with the **Latrobe City Events & Tourism Strategy 2018–2022:**

1. Increase Visitation

Through developing major destination attractions, experiences, and hallmark events. By leveraging events as a catalyst for tourism growth through a diverse year-round calendar of events.

2. Increase Length of Stay and Visitor Spend

By stopping passing through traffic and convert day trippers into overnight stays. Via increased spend through value-adds and the packaging of events and tourism experiences.

3. Increase Destination Profile

Through brand development, destination and event marketing and PR. By prioritising digital and social media and collaboration with regional, state, and national partners.

4. Promote Community Connectiveness

By encouraging community support. Through participation in events and tourism initiatives.

It also supports the Latrobe City Council Plan 2021 - 2025 objectives:

1. Creative

- Develop a program of innovative, publicly accessible projects aimed at celebration of Latrobe City and its community.
- Promote economic growth and job creation through events and recreation related tourism capitalising on our arts, cultural and sporting facilities.

2. Healthy

- Continue to position Latrobe City for major sporting events that are accessible and inclusive for all our community.

3. Connected

- Facilitate appropriate urban growth, industry diversification, liveability, and connectivity throughout Latrobe City.
- Promote ongoing community engagement activities and work in partnership with our community focusing on promoting leadership, resilience, creative and forward-thinking initiatives.
- Promote our role as Gippsland's Regional City to support economic growth and events programming, cultural events and recreation and sporting attractions.
- Connect people facing barriers to opportunities in education, recreation, sport, culture, and the community.



TAMEAC Major Events Funding Assessment Form



Latrobe City Major Events: TAMEAC Assessment Form | Page 2

EVENT ASSESSMENT			
Date proposal received:	28 November 2023		
Application assessed by:	Jess Middlemiss		
EVENT CONTACT DETAILS			
Contact Name:	Sarah Jae	Email:	sarah@ael.org.au
Title/Position:	Director	Phone:	0423 956 623
EVENT DETAILS & DELIVERABLES			
Event:	2024/25 Australian Esports League, Latrobe Cup		
Event date:	TBC – Flexible within the 2024/2025 Financial Year		
Event description: <i>Please provide detailed event description including the who, what, where, when?</i>	<p>The 2024/25 Australian ESports League, Latrobe Cup will be delivered by Australian Esports League (AEL) who are the nationally recognised brand, covering multiple facets of the esports ecosystem. The AEL hold deep relationships with game publishers and game IP holders.</p> <p>This two-day event would be expected to attract a minimum of 200 - 300 participants. Weekend would include the following elements:</p> <ul style="list-style-type: none"> • High school tournaments • Workshops • Open tournaments • Free play zone • Microsoft Minecraft Education Build Competition • Talent showcase and live streaming of main stage matches <p>Esports featured as a demonstration event at the Birmingham Commonwealth Games and has also been earmarked for future Commonwealth Games and Olympic Games, including Brisbane 2032.</p>		
Is the event new or existing?	<input checked="" type="checkbox"/> New Event <input type="checkbox"/> Existing Event: How long has your event been running for?		
Purpose/Aims/Objectives:	<ul style="list-style-type: none"> • Partnerships with industry stakeholders – Partner with local businesses/organisations to create multi-purpose gaming spaces that can also serve as community hubs. • Esports Tourism and Events – Host regional, state and national events to attract visitors and generate economic impact for the region. • Youth Engagement – Assist in the development of programs with schools that wish to incorporate Esports into their curriculum. • Collaboration – With other major sporting entities and supply chains, including high schools. 		

Latrobe City Major Events: TAMEAC Assessment Form | Page 3

Benefit/Outcomes:	By embracing these opportunities, Council and AEL can create a dynamic and inclusive gaming and Esports ecosystem to enrich the lives of residents and the wider community. Significant potential to leverage the gaming and Esports industry for community engagement and economic growth.		
EVENT BUDGET			
Please outline your event budget in the income and expenditure tables below, including details of other funding that you have applied for, whether it has been confirmed or not.			
INCOME		EXPENDITURE	
Latrobe City Council	\$15,000	Event Operations	\$6,000
Additional Grants / Sponsorship	\$	Venue Hire	\$0
Team Entry / Ticket Sales	\$15,000	Marketing and Promotion	\$3,000
In-kind – Venue Hire	\$5,000 (Est.)	Administration	\$9,000
Applicants Contribution	\$	Infrastructure	\$4,000
Other – please specify	\$	Other – please specify Transport, Freight and Logistics	\$3,500
Other – please specify	\$	Other – please specify Insurances	\$500
		Other – please specify Prizes & Medals	\$1,500
		Other – please specify Contingency	\$2,500
TOTAL	\$35,000	TOTAL	\$30,000

Latrobe City Major Events: TAMEAC Assessment Form | Page 4

EVENT GRADING		
Estimated economic benefit to Latrobe Valley	ROI	Rating
200 competitors, 150 from outside of Latrobe City staying for an average of 2 nights Projected economic impact: \$132,786.00 ROI – \$7:\$1	Up to \$10	<input checked="" type="checkbox"/> 1
	\$11 – \$19	<input type="checkbox"/> 2
	\$20 +	<input type="checkbox"/> 3
Event commitment to the region		
1 year only – annual event, agreement is for 1 year		<input type="checkbox"/> 1
2 years		<input type="checkbox"/> 2
3 years		<input checked="" type="checkbox"/> 3
Event budget		
Event budget provided	Poor	<input type="checkbox"/> 1
	Good	<input checked="" type="checkbox"/> 2
	Excellent	<input type="checkbox"/> 3
Does the event have budget for promotion and marketing opportunities to showcase Latrobe City and beyond? (Please select one)		
None allocated		<input type="checkbox"/> 0
Latrobe City Only		<input type="checkbox"/> 1
Gippsland		<input type="checkbox"/> 2
Intrastate		<input type="checkbox"/> 3
Interstate		<input checked="" type="checkbox"/> 4
In addition to the above, does the event provide opportunity to market and promote Latrobe City as a tourist destination through the events existing and established marketing channels? i.e. membership data base, TV / live streaming digital media other.		
Latrobe City will be promoted by AEL through their combined social media reach of over 25,000 Australians. This includes: <ul style="list-style-type: none"> • 17,800 Facebook • 3,700 Twitter • 2,800 Instagram • 5,000 Discord 		<input checked="" type="checkbox"/> Yes (1) <input type="checkbox"/> No (0)

Latrobe City Major Events: TAMEAC Assessment Form | Page 5

<p>In 2022, AEL generated a combined reach of 6,684,446.</p> <ul style="list-style-type: none"> 16.5 million Australians play video games regularly, with 93% of Australian homes using a gaming device. The gaming and esports market is growing rapidly, with an estimated global value of \$192.8 billion in 2021. Australians account for \$3.6 billion of this spend. <p>ESports industry analysts estimate \$1.2 billion in annual revenue as of 2021.</p>		
<p>Is there a proposed community engagement plan / content? If yes, is there any intent to engage / collaborate with schools, CALD community members, or outreach communities? Expand:</p>		
<ul style="list-style-type: none"> Youth Engagement – Assist in the development of programs with schools that wish to incorporate Esports into their curriculum. Collaboration – With other major sporting entities and supply chains, including high schools. 		<input checked="" type="checkbox"/> Yes (1) <input type="checkbox"/> No (0)
<p>Calendar/market fit for Latrobe City Calendar of Events</p>		
<p>No specific dates provided as they're flexible as to when we can host this event in 2024/2025. This will be a good fit as we can seek to place the event during the quieter periods of the year.</p>	Poor	<input type="checkbox"/> 1
	Good	<input checked="" type="checkbox"/> 2
	Excellent	<input type="checkbox"/> 3
<p>Are there other activities/programs included in the proposal that have not been mentioned previously? If so, please provide details:</p>		
<p>None</p>		
<p>Please provide details on any other activities, programs or information and any further information below in regard to this event application</p>		
<p>None</p>		
<p>Grading guide: 0 – 6 = GOOD, 7 – 12 = V GOOD, 13 and above = EXCELLENT</p>		<p>Score 14/20</p>
<p>STRATEGIC GOALS / FOCUS</p>		
<p>Does the event support the following strategic goals:</p>		
<p>Adding to our region's Economic prosperity</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>Being complementary to community members and groups</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>Increasing the regions image and visibility</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>IDENTIFY KEY ISSUES / BENEFITS</p>		
<p>Issues:</p>	<p>With this event being new, projected attendees and competitors may not be met.</p>	

Latrobe City Major Events: *TAMEAC Assessment Form* | Page 6

Benefits:	<ul style="list-style-type: none"> • New and diverse event to Latrobe City • Good engagement strategy within the local community
RECOMMENDATION	
<p>Taking the above application into consideration, it is recommended to proceed with this proposal.</p> <p>Recommended funding allocation:</p> <ul style="list-style-type: none"> • \$15,000 cash • Venue hire in-kind <p>These recommendations align with the Latrobe City Events & Tourism Strategy 2018–2022:</p> <p>1. Increase Visitation Through developing major destination attractions, experiences, and hallmark events. By leveraging events as a catalyst for tourism growth through a diverse year-round calendar of events.</p> <p>2. Increase Length of Stay and Visitor Spend By stopping passing through traffic and convert day trippers into overnight stays. Via increased spend through value-adds and the packaging of events and tourism experiences.</p> <p>3. Increase Destination Profile Through brand development, destination and event marketing and PR. By prioritising digital and social media and collaboration with regional, state, and national partners.</p> <p>4. Promote Community Connectiveness By encouraging community support. Through participation in events and tourism initiatives.</p> <p>It also supports the Latrobe City Council Plan 2021 - 2025 objectives:</p> <p>1. Creative</p> <ul style="list-style-type: none"> • Develop a program of innovative, publicly accessible projects aimed at celebration of Latrobe City and its community. • Promote economic growth and job creation through events and recreation related tourism capitalising on our arts, cultural and sporting facilities. <p>2. Healthy</p> <ul style="list-style-type: none"> • Continue to position Latrobe City for major sporting events that are accessible and inclusive for all our community. <p>3. Connected</p> <ul style="list-style-type: none"> • Facilitate appropriate urban growth, industry diversification, liveability, and connectivity throughout Latrobe City. • Promote ongoing community engagement activities and work in partnership with our community focusing on promoting leadership, resilience, creative and forward-thinking initiatives. • Promote our role as Gippsland's Regional City to support economic growth and events programming, cultural events and recreation and sporting attractions. • Connect people facing barriers to opportunities in education, recreation, sport, culture, and the community. 	



TAMEAC Major Events Funding Assessment Form



Latrobe City Major Events: TAMEAC Assessment Form | Page 2

EVENT ASSESSMENT			
Date proposal received:	28 November 2023		
Application assessed by:	Jess Middlemiss		
EVENT CONTACT DETAILS			
Contact Name:	Claire Montgomery	Email:	claire@tabletennis.org.au
Title/Position:	Participation & Development Coordinator	Phone:	0409 942 494
EVENT DETAILS & DELIVERABLES			
Event:	2025 Table Tennis Australia National Championships (Senior, Youth, Junior and Para)		
Event date:	5 – 13 July 2025		
Event description: <i>Please provide detailed event description including the who, what, where, when?</i>	<p>The Table Tennis Australia National Championships (Senior, Youth, Junior and Para) is one of two national championships conducted annually by Table Tennis Australia. The other is the Veterans National Championships.</p> <p>This event attracts the best competitors from across Australia and some internationals across 4 different categories (Senior, Youth, Junior and Para). The 2022 event held in the Sunshine Coast was the first time that TTA have run the events combined and the event was a resounding success.</p> <p>The age groups for participants are:</p> <ul style="list-style-type: none"> - Senior, Youth & Para (Open age and Under 21), - Junior (Under 18, 15, 13, 11). 70% of participants in 2023 were juniors. 		
Is the event new or existing?	<input type="checkbox"/> New Event <input checked="" type="checkbox"/> Existing Event: How long has your event been running for? 20+ Years		
Purpose/Aims/Objectives:	<p>Provide a national pathway for Australia's best athletes to represent Australia at future world championships, Olympic and Paralympic Games and other international events.</p> <p>Growth and development of the sport within the Gippsland and Victoria region.</p>		
Benefit/Outcomes:	As above		

Latrobe City Major Events: TAMEAC Assessment Form | Page 3

EVENT BUDGET			
Please outline your event budget in the income and expenditure tables below, including details of other funding that you have applied for, whether it has been confirmed or not.			
INCOME		EXPENDITURE	
Latrobe City Council	\$10,000	Event Operations	\$20,000
Additional Grants / Sponsorship	\$	Venue Hire	\$0
Team Entry / Ticket Sales	\$34,000	Marketing and Promotion (including streaming)	\$25,000
In-kind – Venue Hire	\$10,000 (est.)	Administration	\$18,000
Applicants Contribution	\$	Infrastructure (including freight)	\$16,000
Individual Entry	\$60,000	Other – please specify Contractors	\$8,000
Other – please specify	\$	Other – please specify Prizemoney	\$13,000
TOTAL	\$114,000	TOTAL	\$104,000

Latrobe City Major Events: TAMEAC Assessment Form | Page 4

EVENT GRADING		
Estimated economic benefit to Latrobe Valley	ROI	Rating
825 total competitors, officials, staff and accompanying partners staying average 9 nights. - Local: 25 - VIC: 175 - Interstate: 625 - International: 25 Projected economic impact: \$3,346,374.60 ROI – \$167:\$1	Up to \$10	<input type="checkbox"/> 1
	\$11 – \$19	<input type="checkbox"/> 2
	\$20 +	<input checked="" type="checkbox"/> 3
Event commitment to the region		
1 year only – annual event, agreement is for 1 year		<input checked="" type="checkbox"/> 1
2 years		<input type="checkbox"/> 2
3 years		<input type="checkbox"/> 3
Event budget		
Event budget supplied	Poor	<input type="checkbox"/> 1
	Good	<input checked="" type="checkbox"/> 2
	Excellent	<input type="checkbox"/> 3
Does the event have budget for promotion and marketing opportunities to showcase Latrobe City and beyond? (Please select one)		
None allocated		<input type="checkbox"/> 0
Latrobe City Only		<input type="checkbox"/> 1
Gippsland		<input type="checkbox"/> 2
Intrastate		<input type="checkbox"/> 3
Interstate		<input checked="" type="checkbox"/> 4
In addition to the above, does the event provide opportunity to market and promote Latrobe City as a tourist destination through the events existing and established marketing channels? i.e. membership data base, TV / live streaming digital media other.		
<ul style="list-style-type: none"> • Livestreaming (unique viewers): 52,300 people • Livestreaming (total views): 66,000 people • Livestreaming (total reach): 111,500 • Livestreaming (minutes viewed): 185,000 minutes (3,087 hours) • Livestreaming (live / on demand): 61% live / 39% on demand 		<input checked="" type="checkbox"/> Yes (1) <input type="checkbox"/> No (0)

Latrobe City Major Events: TAMEAC Assessment Form | Page 5

<ul style="list-style-type: none"> • TTA Facebook (total posts excluding livestreaming): 31 posts • TTA Facebook (total reach excluding livestreaming): 104,000 people • TTA Facebook (engagement excluding livestreaming): 19,000 people • TTA website: 327,000 hits 		
Is there a proposed community engagement plan / content? If yes, is there any intent to engage / collaborate with schools, CALD community members, or outreach communities? Expand:		
No details provided.		<input type="checkbox"/> Yes (1) <input checked="" type="checkbox"/> No (0)
Calendar/market fit for Latrobe City Calendar of Events		
No conflicting events. Event is also held in school holidays, therefore no interruption to user groups and existing bookings at GRISS.	Poor	<input type="checkbox"/> 1
	Good	<input type="checkbox"/> 2
	Excellent	<input checked="" type="checkbox"/> 3
Are there other activities/programs included in the proposal that have not been mentioned previously? If so, please provide details:		
None		
Please provide details on any other activities, programs or information and any further information below in regard to this event application		
None		
Grading guide: 0 – 6 = GOOD, 7 – 12 = V GOOD, 13 and above = EXCELLENT	Score	14/20
STRATEGIC GOALS / FOCUS		
Does the event support the following strategic goals:		
Adding to our region's Economic prosperity	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Being complementary to community members and groups	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Increasing the regions image and visibility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
IDENTIFY KEY ISSUES / BENEFITS		
Issues:	None	
Benefits:	<ul style="list-style-type: none"> - Great national event with very high economic impact and ROI - Good exposure for the event and Latrobe City as a major events destination with the event being live streamed 	

RECOMMENDATION

Taking the above application into consideration, it is recommended to proceed with this proposal.

Recommended funding allocation: \$10,000 cash and venue to be provided in-kind.

These recommendations align with the **Latrobe City Events & Tourism Strategy 2018–2022:**

1. Increase Visitation

Through developing major destination attractions, experiences, and hallmark events. By leveraging events as a catalyst for tourism growth through a diverse year-round calendar of events.

2. Increase Length of Stay and Visitor Spend

By stopping passing through traffic and convert day trippers into overnight stays. Via increased spend through value-adds and the packaging of events and tourism experiences.

3. Increase Destination Profile

Through brand development, destination and event marketing and PR. By prioritising digital and social media and collaboration with regional, state, and national partners.

4. Promote Community Connectiveness

By encouraging community support. Through participation in events and tourism initiatives.

It also supports the Latrobe City Council Plan 2021 - 2025 objectives:

1. Creative

- Promote economic growth and job creation through events and recreation related tourism capitalising on our arts, cultural and sporting facilities.

2. Healthy

- Continue to position Latrobe City for major sporting events that are accessible and inclusive for all our community.

3. Connected

- Facilitate appropriate urban growth, industry diversification, liveability, and connectivity throughout Latrobe City.
- Promote ongoing community engagement activities and work in partnership with our community focusing on promoting leadership, resilience, creative and forward-thinking initiatives.
- Promote our role as Gippsland's Regional City to support economic growth and events programming, cultural events and recreation and sporting attractions.
- Connect people facing barriers to opportunities in education, recreation, sport, culture, and the community.

AUTHORISATION OF A COUNCIL OFFICER UNDER THE PLANNING & ENVIRONMENT ACT 1987

PURPOSE

To seek authorisation of Leigh Shaw, Principle Urban Growth Planner, and Kate Clarke, Senior Statutory Planner, under section 147(4) of the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020*.

EXECUTIVE SUMMARY

- Council utilises Instruments of Appointment and Authorisation to identify specific officers incumbent in roles and, in turn, appoint the officers to be authorised officers for the administration and enforcement of legislation under applicable Acts.
- By authorising Leigh Shaw and Kate Clarke, the officers will be able to perform their duties with respect to the planning powers and functions of the Council.

OFFICER'S RECOMMENDATION

That Council, in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987, resolves that:

- 1. Leigh Shaw and Kate Clarke be appointed and authorised as set out in the Instruments of Appointment and Authorisation attached to this report;**
- 2. Each Instrument of Appointment and Authorisation comes into force immediately after the common seal of Council is affixed and remain in force until Council determines to vary or revoke it; and**
- 3. The Instruments of Appointment and Authorisation be sealed.**

BACKGROUND

Only a handful of Acts and Regulations require specific roles within an organisation to be identified to undertake a specific function. There are often clauses within Acts or Regulations that state an “authorised officer” can undertake a specific function and therefore the authorised officer needs to be identified by role and officer name.

Section 147(4) of the *Planning and Environment Act 1987* provides for the following:

Any reference in this Act to an Authorised officer of a responsible authority or of the Department is a reference to an officer or employee of the authority or employee of the Department whom the authority or the Secretary to the Department (as the case requires) authorises in writing generally or in a particular case to carry out the duty or function or to exercise the power in connection with which the expression is used.

Section 313 of the *Local Government Act 2020* provides for the following:

- (1) *The Secretary, a Council or a person authorised by the Council either generally or in a particular case may institute proceedings in the corporate name of the Council for—*
 - (a) *the recovery of any municipal rates, service charges, special purpose charges, fees or other money due to the Council under any Act, regulation or local law; or*
 - (b) *the enforcement of any provision of any Act, regulation or local law for which the Council is responsible; or*
 - (c) *the recovery of any penalty or surcharge in relation to any offence under any Act, regulation or local law the enforcement of which is the responsibility of the Council; or*
 - (d) *any other purpose specified by the Council.*
- (2) *A Chief Executive Officer or person authorised by the Council either generally or in a particular case may represent the Council in all respects as though the Chief Executive Officer or person authorised by the Council was the party concerned in any proceedings in which the Council is a party or has an interest.*
- (3) *Proceedings for a summary offence under this Act may be commenced within the period of 3 years after the commission of the alleged offence.*

ANALYSIS

Section 147(4) of the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020* specifically require that the appointment of an authorised officer must come from Council.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
COMPLIANCE Officers not authorised by Council; officers will be unable to adequately perform their duties	Medium <i>Possible x Minor</i>	Authorisation of Planning Officer

RISK	RISK RATING	TREATMENT
SERVICE DELIVERY Delays in processing decisions on planning applications.	Medium <i>Possible x Minor</i>	Authorisation of Planning Officer
FINANCIAL Cost of lost economic benefit within team's budget	Medium <i>Possible x Minor</i>	Authorisation of Planning Officer
STRATEGIC Risk that developers will become frustrated with delays and appeal to the Victorian Civil and Administrative Tribunal.	Medium <i>Likely x Moderate</i>	Authorisation of Planning Officer

CONSULTATION

Not applicable.

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

Not applicable.

Cultural

Not applicable.

Health

Not applicable.

Environmental

Not applicable.

Economic

The authorisation of officers allows Council to enable infrastructure supporting private and public investment.

Financial

The authorisation of the officer ensures that the officer is able to perform duties that they are required to undertake as part of their role.

Attachments

1. S11A Instrument of Delegation & Authorisation - Leigh Shaw
2. S11A Instrument of Delegation & Authorisation - Kate Clarke

8.2

Authorisation of a Council Officer under the Planning & Environment Act 1987

1	S11A Instrument of Delegation & Authorisation - Leigh Shaw	148
2	S11A Instrument of Delegation & Authorisation - Kate Clarke.....	150

Maddocks Delegations and Authorisations

*S11A Instrument of Appointment and Authorisation (Planning and
Environment Act 1987)*



Latrobe City Council

Instrument of Appointment and Authorisation
(Planning and Environment Act 1987 only)

February 2024

Leigh Shaw

Principle Urban Growth Planner



Maddocks

**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "officer" means -

Leigh Shaw

By this instrument of appointment and authorisation Latrobe City Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Council on the 05 February 2024.

The Common Seal of LATROBE CITY COUNCIL

was affixed in accordance with Local Law No. 1

this day of 2023 in the presence of:

Steven Piasente – Chief Executive Officer

Maddocks Delegations and Authorisations

*S11A Instrument of Appointment and Authorisation (Planning and
Environment Act 1987)*



Latrobe City Council

**Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987* only)**

February 2024

Kate Clarke

Senior Statutory Planner



Maddocks

**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "officer" means -

Kate Clarke

By this instrument of appointment and authorisation Latrobe City Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

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The Common Seal of LATROBE CITY COUNCIL

was affixed in accordance with Local Law No. 1

this day of 2023 in the presence of:

Steven Piasente – Chief Executive Officer

URGENT BUSINESS

9. 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

10. REPORTS FOR NOTING

Item Number 10.1 05 February 2024

Regional City Strategy & Transition

PRESENTATION OF THE AUDIT AND RISK COMMITTEE MINUTES - 21 SEPTEMBER 2023 (SPECIAL FINANCIAL MEETING) AND 23 NOVEMBER 2023

PURPOSE

To present the Audit and Risk Committee Meeting minutes for the meetings held on 21 September 2023 and 23 November 2023 as required under the *Audit and Risk Committee Charter*.

EXECUTIVE SUMMARY

- The Audit and Risk Committee (“the Committee”) is a statutory committee of the Council. The Committee held its last two meetings on 21 September 2023 (being a special meeting scheduled to discuss financial matters originally intended for the 24 August 2023 meeting) and on 23 November 2023.
- A number of recommendations were made at the meeting, as summarised in this report and set out in full in the attached minutes.

OFFICER'S RECOMMENDATION

That Council receive and note the attached Audit and Risk Committee Minutes for the 21 September 2023 and 23 November 2023 meetings.

BACKGROUND

At the meeting held on 21 September 2023, the Committee resolved the following:

Item	Resolution
External Auditor Management Letter and Closing Report	That the Audit and Risk Committee receive and note the Final Management Letter and Closing Report from VAGO.
Draft Financial Report & Performance Statement for the year ended 30 June 2023	That the Audit and Risk Committee; <ul style="list-style-type: none"> • having reviewed the Financial Report and Performance Statement for the year ending 30 June 2023, considers both documents to be complete, consistent with known information to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance. • Recommends the adoption of the annual financial report and annual performance statement to Council.

At the meeting held on 23 November 2023, the Committee resolved the following:

Item	Resolution
Confirmation of Minutes	That the minutes of the Audit and Risk Committee meeting held on 24 August 2023 and 21 September 2023 (Special Financial Meeting) be confirmed and ratified as true and correct.
Minutes of Executive Risk Management Committee Meeting - 2 November 2023	That the Audit and Risk Committee receives and notes the Minutes from the ERMC Meeting held on 2 November 2023.
Status of Actions Arising - November 2023	That the Audit and Risk Committee receives and notes the Status of Actions Arising Report.
External audit	Action <ol style="list-style-type: none"> 1. Add the following action to the workplan for the second meeting of each year:- <ul style="list-style-type: none"> • Inform ARC of the approach taken to assessing the fair value of property, infrastructure, plant and equipment, who has undertaken the assessment and any likely material movements.
Update on Information Technology Actions	That the Audit and Risk Committee: <p>Notes the report and associated updates on all actions.</p>

Item	Resolution
Internal Audit Status and Local Government Sector - Recent Reports and Publications Reports	That the Audit and Risk Committee receive and note the: <ol style="list-style-type: none"> 1. Internal Audit Status report; and 2. Local Government Sector – Recent Reports & Publications Report (Nov 2023)
Quarterly Risk Management Report - November 2023	That the Audit and Risk Committee notes and receives the Quarterly Risk Management Report.
Strategic Risk Register Presentation	That the Audit and Risk Committee notes and receives the current Strategic Risk Register.
Review of the Effectiveness of the Risk Management Framework	That the Audit and Risk Committee receives and notes this report.
Reporting on Internal Control Environment	That the ARC receives and notes the updates on the delivery of the Internal Control Environment – Rolling Four Year Plan.
Draft updated Fraud and Corruption Control Policy and Plan	That the Audit and Risk Committee endorse the updated <i>Fraud and Corruption Control Policy</i> and <i>Fraud and Corruption Control Plan</i> for adoption by Council and the Executive Team, respectively.
Fraud and Corruption Reporting	That the Audit and Risk Committee receives and notes this report.
Response to IBAC Operation Sandon Special Report	That the Audit and Risk Committee note the report.
VAGO, Ombudsman, Inspectorate and IBAC Reports	That the Audit and Risk Committee receives and notes this report on VAGO, Victorian Ombudsman, IBAC, Victorian Inspectorate and other reports.
Audit Compliance Report - November 2023	That the Audit and Risk Committee: <ol style="list-style-type: none"> 1. receives and notes this report. 2. provides feedback regarding the specific information the Committee deems essential for inclusion in future reports.

Item	Resolution
Annual Report into the Councillors & Delegated Committee Members Expenses, Resources & Support Policy	That the Audit and Risk Committee receive and review the expenses paid and/or reimbursed to Councillors and/or members of a delegated committee.
Processes for communicating Council's Employee Code of Conduct and Monitoring Compliance	That the Audit and Risk Committee receives and notes this report.
Quarter 1 2023/24 Performance Report Summary	That the Audit and Risk Committee note the Quarterly Performance Summary Report for Q1 2023/24.
Quarter 1 2023/24 People and Workcover Reports	That the Audit and Risk Committee note the Quarterly People Report, Workcover Report and Lost Time Injuries Report for Q1 of the 2023/24 financial year.
Investment Portfolio & Performance Report	That the Audit and Risk Committee receive and note the report.
Annual Committee Assessment Results	That the Audit and Risk Committee: <ol style="list-style-type: none"> 1. Receives and notes the results of the self-assessment results. 2. Provide feedback on the suggested changes to the Committee agenda. 3. Approve the CEO to report the results to Council.
Review and Confirmation of Meeting Dates for 2024	That the Audit and Risk Committee confirm their meeting dates for 2024 as follows: <ul style="list-style-type: none"> • Thursday 07 March 2024 • Thursday 6 June 2024 • Thursday 29 August 2024 • Thursday 12 December 2024
Review of Workplan for 2024	That the Audit and Risk Committee endorse the Draft 2024 Workplan (as attached).

ANALYSIS

All motions made at the meeting and their corresponding actions arising can be found in the full minutes attached to this report.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
COMPLIANCE Latrobe City Council practices are not compliant with legislation.	Low <i>Unlikely x Minor</i>	Ensure that the Audit and Risk Committee Minutes are tabled at the next possible Council Meeting.

CONSULTATION

The draft minutes were provided to the Committee Chairperson for feedback.

COMMUNICATION

The provision and circulation of the minutes to Council provides reassurance and awareness as a communication loop back to Council as part of good governance practices.

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

Not applicable.

Cultural

Not applicable.

Health

Not applicable.

Environmental

Not applicable.

Economic

Not applicable.

Financial

The Audit and Risk Committee is managed through existing budget provisions. Recommendations and actions arising from the meeting are considered by management within the constraints of budget requirements.

Attachments

1. Audit & Risk Committee Meeting Minutes - 21 September 2023
2. Audit & Risk Committee Meeting Minutes - 23 November 2023

10.1

Presentation of the Audit and Risk Committee Minutes - 21 September 2023 (Special Financial Meeting) and 23 November 2023

1	Audit & Risk Committee Meeting Minutes - 21 September 2023.....	162
2	Audit & Risk Committee Meeting Minutes - 23 November 2023.....	166



Special Audit and Risk Committee Meeting Minutes - 21 September 2023

I hereby designate that all matters in this agenda and any discussion about or arising from any such matters will remain confidential until:

- Council passes a resolution that the information is not confidential; or,
- a report on the matter has been released in a subsequent meeting agenda, minute's paper or is approved in writing by the Chief Executive Officer.

Steven Piasente, Chief Executive Officer

21 September 2023

Via Audiovisual Link & 141 Commercial Road, Morwell

Meeting commenced at 10.04AM

Attendance

Members: David Kortum (Chairperson), John Purcell 10.07am, Jane Watson, Cr Darren Howe, Cr Brad Law

- Invited:**
- Steven Piasente (CEO)
 - Nathan Kearsley (General Manager Organisational Performance)
 - Georgia Hills (General Manager Community Health and Wellbeing)
 - Jody Riordan (General Manager Regional City Planning and Assets)
 - Tim Ellis (General Manager Regional City Strategy and Transition)
 - Matthew Rogers (Manager Financial Performance)
 - Travis Derricott (VAGO)
 - Grant Xie (VAGO)



Special Audit and Risk Committee Meeting Minutes - 21 September 2023

- Paul Howard (Coordinator Audit, Risk and Compliance)
- Louise Van Der Velden (Senior Compliance Officer)
- Cassy Siddle (Compliance Officer)

Teleconference: David Kortum, John Purcell, Jane Watson, Cr Darren Howe, Cr Brad Law, Tim Ellis, Travis Derricot, Jody Riordan.

1. OPENING AND WELCOME

The Chairperson opened the meeting and welcomed all present.

2. APOLOGIES

Louise Van Der Velden, Georgia Hills, Grant Xie.

3. DECLARATIONS OF INTEREST

Nil.

4. PROBITY QUESTIONS

The Audit and Risk Committee Chair asked if the CEO was aware of any legislative non-compliance issues, any fraud incidents that have occurred or if there were any strategic risks been triggered since the last Audit and Risk Committee meeting.

The CEO responded no.

The Audit and Risk Committee Chair asked the Councillors:

- a. If there was any matter arising from the Council meetings that needed to be brought to the attention of the Committee
- b. If there was any feedback or direction required from Council relating to the Audit Committee members.

The Councillors responded no.

The Audit and Risk Committee Chair then asked the auditor representatives if they were satisfied that their work had not been impeded.

The auditor representatives responded yes.



Special Audit and Risk Committee Meeting Minutes - 21 September 2023

5. EXTERNAL AUDIT

5.1 External Auditor Management Letter and Closing Report

RECOMMENDATION

That the Audit and Risk Committee receive and note the Final Management Letter and Closing Report from VAGO.

OUTCOME/ACTIONS ARISING:

1. Committee receives and notes the Final Management Letter and VAGO Closing Report.

6. FINANCE

6.1 Draft Financial Report & Performance Statement for the year ended 30 June 2023

RECOMMENDATION

That the Audit and Risk Committee;

1. having reviewed the Financial Report and Performance Statement for the year ending 30 June 2023, considers both documents to be complete, consistent with known information to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance.
2. Recommends the adoption of the annual financial report and annual performance statement to Council.

OUTCOME/ACTIONS ARISING:

1. Recommendation Agreed. Annual Financial Report and Annual Performance Statement adopted by Committee.



Special Audit and Risk Committee Meeting Minutes - 21 September 2023

Next Meeting Date

The next Audit and Risk Committee meeting is to be held on Thursday 23 November 2023.

Meeting Closed at 10.36AM.



Audit and Risk Committee Meeting Minutes - 23 November 2023

I hereby designate that all matters in this agenda and any discussion about or arising from any such matters will remain confidential until:

- Council passes a resolution that the information is not confidential; or,
- a report on the matter has been released in a subsequent meeting agenda, minute's paper or is approved in writing by the Chief Executive Officer.

Steven Piasente, Chief Executive Officer

23 November 2023

**Nambur Wariga Meeting Room, Council Headquarters,
141 Commercial Road, Morwell**

Meeting commenced at 10.18 AM

Attendance

Members: David Kortum (Chairperson), John Purcell, Jane Watson
Cr Brad Law, Cr Darren Howe (Mayor)

Attendees

- Nathan Kearsley (General Manager Organisational Performance)
- Jody Riordan (General Manager Regional City Planning and Assets)
- Tim Ellis (General Manager Regional City Strategy and Transition)
- James Rouse (Executive Manager – Sports Legacy and Activation)
- Matthew Rogers (Manager Financial Performance)
- Travis Derricott (VAGO) left at 10.42AM
- Kapil Kukreja (HLB Mann Judd) left at 11.04AM
- Zoe Speck (Manager Governance)
- Paul Howard (Coordinator Audit, Risk and Compliance)
- Louise Van Der Velden (Senior Compliance Officer)



Audit and Risk Committee Meeting Minutes - 23 November 2023

- Cassy Siddle (Compliance Officer)
- William MacPherson (Manager Business Improvement – presentation of IT Actions)
- Ace Wilhelm (Coordinator Information & Technology – presentation of IT Actions)

Teleconference: Tim Ellis, James Rouse, Travis Derricott, Kapil Kukreja.

1. OPENING AND WELCOME

The Chairperson opened the meeting and welcomed all present.

2. APOLOGIES

Steven Piasente, Georgia Hills, Mark Holloway and Grant Xie.

3. DECLARATIONS OF INTEREST

Nil.

4. PROBITY QUESTIONS

The CEO was not present at this meeting.

The Audit and Risk Committee Chair asked the Councillors:

- a. If there was any matter arising from the Council meetings that needed to be brought to the attention of the Committee
- b. If there was any feedback or direction required from Council relating to the Audit Committee members.

The Councillors responded No.

The Audit and Risk Committee Chair then asked the auditor representatives if they were satisfied that their work had not been impeded.

The auditor representatives responded yes.



Audit and Risk Committee Meeting Minutes - 23 November 2023

5. CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Audit and Risk Committee meeting held on 24 August 2023 and 21 September 2023 (Special Financial Meeting) be confirmed and ratified as true and correct.

OUTCOME/ACTIONS ARISING:

1. Recommendation agreed.

6. ITEMS REFERRED BY THE COMMITTEE TO THIS MEETING FOR CONSIDERATION

6.1 Minutes of Executive Risk Management Committee Meeting - 2 November 2023

RECOMMENDATION

That the Audit and Risk Committee receives and notes the Minutes from the ERMCM Meeting held on 2 November 2023.

OUTCOME/ACTIONS ARISING:

1. Recommendation Agreed.

7. STATUS OF ACTIONS ARISING

7.1 Status of Actions Arising - November 2023

RECOMMENDATION

That the Audit and Risk Committee receives and notes the Status of Actions Arising Report.

OUTCOME/ACTIONS ARISING:

1. Recommendation Agreed.



Audit and Risk Committee Meeting Minutes - 23 November 2023

8. EXTERNAL AUDIT

There are no External Audit reports tabled for this meeting.

OUTCOME/ACTIONS ARISING:

1. Add the following action to the workplan for the second meeting of each year:-
 - Inform ARC of the approach taken to assessing the fair value of property, infrastructure, plant and equipment, who has undertaken the assessment and any likely material movements.

NOTE: General Manager Organisational Performance to confirm the due date of the annual report in an election year.

9. INTERNAL AUDIT

9.1 Update on Information Technology Actions

RECOMMENDATION

That the Audit and Risk Committee:

Notes the report and associated updates on all actions.

OUTCOME/ACTIONS ARISING:

1. Recommendation agreed.

9.2 Internal Audit Status and Local Government Sector - Recent Reports and Publications Reports

RECOMMENDATION

That the Audit and Risk Committee receive and note the:

1. Internal Audit Status report; and
2. Local Government Sector – Recent Reports & Publications Report (Nov 2023)



Audit and Risk Committee Meeting Minutes - 23 November 2023

OUTCOME/ACTIONS ARISING:

- | |
|---------------------------|
| 1. Recommendation agreed. |
|---------------------------|

10. RISK

10.1 Quarterly Risk Management Report - November 2023

RECOMMENDATION

That the Audit and Risk Committee notes and receives the Quarterly Risk Management Report.
--

OUTCOME/ACTIONS ARISING:

- | |
|---------------------------|
| 1. Recommendation agreed. |
|---------------------------|

NOTE: Recommended that Senior Compliance Officer look out for expected VAGO report on financial sustainability of Victorian local government when released.
--

10.2 Strategic Risk Register Presentation

RECOMMENDATION

That the Audit and Risk Committee notes and receives the current Strategic Risk Register.

OUTCOME/ACTIONS ARISING:

- | |
|---------------------------|
| 1. Recommendation agreed. |
|---------------------------|

10.3 Review of the Effectiveness of the Risk Management Framework

RECOMMENDATION

That the Audit and Risk Committee receives and notes this report.

OUTCOME/ACTIONS ARISING:

- | |
|---------------------------|
| 1. Recommendation agreed. |
|---------------------------|



Audit and Risk Committee Meeting Minutes - 23 November 2023

11. MONITORING

11.1 Reporting on Internal Control Environment

<p>RECOMMENDATION</p> <p>That the ARC receives and notes the updates on the delivery of the Internal Control Environment – Rolling Four Year Plan.</p>
<p>OUTCOME/ACTIONS ARISING:</p> <p>1. Recommendation agreed.</p>

11.2 Draft updated Fraud and Corruption Control Policy and Plan

<p>RECOMMENDATION</p> <p>That the Audit and Risk Committee endorse the updated <i>Fraud and Corruption Control Policy</i> and <i>Fraud and Corruption Control Plan</i> for adoption by Council and the Executive Team, respectively.</p>
<p>OUTCOME/ACTIONS ARISING:</p> <p>1. Recommendation agreed. Policy and plan endorsed. Senior Compliance Officer to review Policy to ensure that it is clear it includes all corrupt conduct, not just criminal activity.</p> <p>2. Compliance Officer to report to next meeting on conflict of interest declarations and reporting on these.</p>

11.3 Fraud and Corruption Reporting

<p>RECOMMENDATION</p> <p>That the Audit and Risk Committee receives and notes this report.</p>
<p>OUTCOME/ACTIONS ARISING:</p> <p>1. Recommendation agreed.</p>



Audit and Risk Committee Meeting Minutes - 23 November 2023

11.4 Response to IBAC Operation Sandon Special Report

RECOMMENDATION

That the Audit and Risk Committee note the report.

OUTCOME/ACTIONS ARISING:

1. Recommendation agreed.

11.5 VAGO, Ombudsman, Inspectorate and IBAC Reports

RECOMMENDATION

That the Audit and Risk Committee receives and notes this report on VAGO, Victorian Ombudsman, IBAC, Victorian Inspectorate and other reports.

OUTCOME/ACTIONS ARISING:

1. Recommendation agreed.

11.6 Audit Compliance Report - November 2023

RECOMMENDATION

That the Audit and Risk Committee:

1. receives and notes this report
2. provides feedback regarding the specific information the Committee deems essential for inclusion in future reports.

OUTCOME/ACTIONS ARISING:

1. Recommendation agreed.

NOTE: Continue to report on high risk overdue actions, extension requests and action closure justifications. For internal audits, Chair recommended a really robust close out process - need to be really specific and focused on actions that will reduce risk rating. If needed, ARC is happy to consider actions with respect to their relative significance.



Audit and Risk Committee Meeting Minutes - 23 November 2023

11.7 Annual Report into the Councillors & Delegated Committee Members Expenses, Resources & Support Policy

RECOMMENDATION

That the Audit and Risk Committee receive and review the expenses paid and/or reimbursed to Councillors and/or members of a delegated committee.

OUTCOME/ACTIONS ARISING:

1. Recommendation agreed.
2. Question on notice for General Manager Regional City Strategy and Transition – what is the threshold for personal development expenses needing to be approved by Council for Councillors or Delegated Committee Members?

NOTE: On next reporting cycle provide more context about the expenses.

11.8 Processes for communicating Council's Employee Code of Conduct and Monitoring Compliance

RECOMMENDATION

That the Audit and Risk Committee receives and notes this report.

OUTCOME/ACTIONS ARISING:

1. Recommendation agreed.
2. Question on notice for General Manager Organisational Performance – does the organisation repeat police checks during employment?

12. PERFORMANCE REPORTING

12.1 Quarter 1 2023/24 Performance Report Summary

RECOMMENDATION

That the Audit and Risk Committee note the Quarterly Performance Summary Report for Q1 2023/24.



Audit and Risk Committee Meeting Minutes - 23 November 2023

OUTCOME/ACTIONS ARISING:

1. Recommendation agreed.

12.2 Quarter 1 2023/24 People and Workcover Reports

RECOMMENDATION

That the Audit and Risk Committee note the Quarterly People Report, Workcover Report and Lost Time Injuries Report for Q1 of the 2023/24 financial year.

OUTCOME/ACTIONS ARISING:

1. Recommendation agreed.
2. Question on notice for General Manager Organisational Performance – does the HR Team conduct staff exit meetings, and if so, are there any recurring themes?

13. FINANCE

13.1 Investment Portfolio & Performance Report

RECOMMENDATION

That the Audit and Risk Committee receive and note the report.

OUTCOME/ACTIONS ARISING:

1. Recommendation agreed.

14. REPORTING REQUIREMENTS

14.1 Annual Committee Assessment Results

RECOMMENDATION

That the Audit and Risk Committee:

1. Receives and notes the results of the self-assessment results



Audit and Risk Committee Meeting Minutes - 23 November 2023

<ol style="list-style-type: none"> 2. Provide feedback on the suggested changes to the Committee agenda 3. Approve the CEO to report the results to Council.
<p>OUTCOME/ACTIONS ARISING:</p> <ol style="list-style-type: none"> 1. Recommendation agreed.
<p>NOTE:</p> <p>The Chair will provide further feedback on recommendation in survey on the suggested changes to the agenda.</p>

15. GENERAL BUSINESS

15.1 Review and Confirmation of Meeting Dates for 2024

<p>RECOMMENDATION</p> <p>That the Audit and Risk Committee confirm their meeting dates for 2024 as follows:</p> <ul style="list-style-type: none"> • Thursday 07 March 2024 • Thursday 6 June 2024 • Thursday 29 August 2024 • Thursday 12 December 2024
<p>OUTCOME/ACTIONS ARISING:</p> <ol style="list-style-type: none"> 1. Recommendation agreed.
<p>NOTE:</p> <p>Jane Watson will not be available for August Meeting.</p> <p>There will likely be an additional meeting in September 2024 to approve the financials – date to be advised at August 2024 meeting.</p>

15.2 Review of Workplan for 2024

<p>RECOMMENDATION</p>



Audit and Risk Committee Meeting Minutes - 23 November 2023

That the Audit and Risk Committee endorse the Draft 2024 Workplan (as attached).

OUTCOME/ACTIONS ARISING:

1. Recommendation agreed, with the addition of the workplan action as suggested by VAGO in item 8 of this agenda.

Next Meeting Date

The next Audit and Risk Committee meeting is to be held on 7 March 2024.

Meeting Closed at 12.05PM.

CONTRACT VARIATIONS FOR THE PERIOD 1 OCTOBER 2023 TO 31 DECEMBER 2023

PURPOSE

To provide Council with a summary of contract variations approved during the period 1 October 2023 to 31 December 2023 in accordance with the requirements of the Procurement Policy.

EXECUTIVE SUMMARY

- In accordance with Latrobe City Council's Procurement Policy 22-POL-14, Section 2.12 Contract Management, there is a requirement for contract variations to be reported to Council.
- For the period 1 October 2023 to 31 December 2023, there were 26 contract variations approved across 10 contracts.

OFFICER'S RECOMMENDATION

That Council receive and note the report on contract variations for the period 1 October 2023 to 31 December 2023.

BACKGROUND

In accordance with Latrobe City Council's Procurement Policy 22-POL-14, Section 2.12 Contract Management, there is a requirement for contract variations to be reported to Council.

ANALYSIS

During the period 1 October 2023 to 31 December 2023, 26 contract variations were processed across 10 contracts. Contract variations were submitted for the following reasons and are detailed in the attachments.

Reason for Variation	Number of Variations
Council Design Variation	10
Design Omission	5
Design Error	3
Latent Condition	2
Additional Works	6
Total	26

The table indicates that the majority of variations were in relation to alterations and improvements associated with design which became evident during construction.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
COMPLIANCE Failure to comply with Council's Procurement Policy	Low <i>Possible x Insignificant</i>	Process created and documented to ensure report is prepared and submitted to Council for noting in a timely manner.
STRATEGIC Perception that Council is not acting in a transparent manner	Low <i>Possible x Insignificant</i>	Present report summarising list of CEO awarded contracts on a regular basis.

CONSULTATION

Not applicable

COMMUNICATION

In accordance with *Latrobe City Council's Procurement Policy 22-POL-14* section 5.2 Communication, summary information relating to contracts awarded is published on Council's eTendering Portal.

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

Not applicable.

Cultural

Not applicable.

Health

Not applicable.

Environmental

Not applicable.

Economic

Not applicable.

Financial

Variations to contracts are funded from within the allocated project budget or, where required, through the reallocation of funds from other projects or additional allocation of surplus funds generated during the relevant financial year.

Variations are approved under delegation by the relevant Officer, as these variations relate to previous periods, there is no ramifications resulting from the adoption of this recommendation.

Attachments

1. Contract Variations - Summary
2. Contract Variations - Detailed
3. Contract Variations > 25%

10.2

Contract Variations for the period 1 October 2023 to 31 December 2023

1	Contract Variations - Summary	182
2	Contract Variations - Detailed.....	183
3	Contract Variations > 25%	185

Summary of Contracts with Variations Approved between 01 October 2023 - 31 December 2023								
Contract Number	Award Date	Contract Title	Initial Contract Value	No. of Approved Variations across contract life	Total \$ Approved Variations across contract life	Revised Contract Value	Variations as a % of Initial Contract Value	Awarded By
LCC-737	17-Feb-22	Provision of Detailed Design for refurbishment works at Kernot Hall, Morwell	\$ 99,540	4	\$ 13,370	\$ 112,910	13.4%	CEO
LCC-759	5-Sep-22	Toners Lane Reserve Archery Pavilion	\$ 1,154,836	14	\$ 286,257	\$ 1,441,093	24.8%	Council
LCC-767	9-Nov-22	Moe Revitalisation Project - Stage 2	\$ 5,418,970	9	\$ 108,542	\$ 5,527,512	2.0%	CEO
LCC-768	17-Nov-22	Kernot Hall Refurbishment - Stage 1	\$ 2,994,570	25	\$ 411,142	\$ 3,405,712	13.7%	CEO
LCC-784	1-May-23	Construction of Leachate Pond - Hyland Highway Landfill	\$ 1,036,841	1	\$ 25,356	\$ 1,062,198	2.4%	Council
LCC-794	13-Jul-23	Traralgon Courthouse - Toilet, Ramp and Heritage Works	\$ 428,034	5	\$ 106,827	\$ 534,861	25.0%	CEO
LCC-797-1	11-Jul-23	Provision of Architectural Design for Traralgon Flood Recovery Project Stage 1 (Project 1 - Traralgon Recreation Reserve Multi-Use Pavilion)	\$ 323,500	1	\$ 4,180	\$ 327,680	1.3%	CEO
LCC-797-2	11-Jul-23	Provision of Architectural Design for Traralgon Flood Recovery Project Stage 1 (Project 2 - Glenview Park Multi-Sports Hall)	\$ 174,600	1	\$ 4,180	\$ 178,780	2.4%	CEO
LCC-806	18-Oct-23	Lead Design Consultant - Multi-Level Car Park Development Morwell	\$ 675,482	1	\$ 13,940	\$ 689,422	2.1%	CEO
LCC-810	17-Oct-23	Reconstruction of the Retaining Wall at Lake Narracan Reserve, Newborough	\$ 258,177	1	\$ 36,462	\$ 294,639	14.1%	CEO
			<u>\$ 12,564,550</u>	<u>62</u>	<u>\$ 1,010,256</u>	<u>\$ 13,574,806</u>	<u>10.1%</u>	

Details of Contract Variations 01 Oct 2023 - 30 December 2023						
Contract Number	Contract Title	Supplier Name	Date Approved	Variation Value	Reason for Variation	Variation Title
LCC-737	Provision of Detailed Design for refurbishment works at Kernot Hall, Morwell	Antarctica Group Pty Ltd	19-Oct-2023	\$ 4,080	Latent Condition	Additional contract administration as the project exceeded the architects program (through no fault of their own) and for additional site meetings.
LCC-737 Total				\$ 4,080		
LCC-759	Toners Lane Reserve Archery Pavilion	RJ LOW PTY LTD	19-Oct-2023	\$ 19,781	Design Error	Supply and install new sliding door and wall framing to the Director of Shooting (DOS) room, additional mortice locks and additional Salto door hardware required for the Pro Shop.
LCC-759	Toners Lane Reserve Archery Pavilion	RJ LOW PTY LTD	19-Oct-2023	\$ 1,382	Council Design Variation	Supply and installation of additional power and data points to the new extension.
LCC-759	Toners Lane Reserve Archery Pavilion	RJ LOW PTY LTD	19-Oct-2023	\$ 6,180	Design Error	Supply and installation of seven rain heads, the pump out fee for the old septic tank, and supply and installation two floor waste chargers.
LCC-759	Toners Lane Reserve Archery Pavilion	RJ LOW PTY LTD	30-Oct-2023	\$ 5,310	Council Design Variation	Supply and install stainless steel splashbacks (full height) behind the commercial cooking appliances and open stainless steel benchtops in the kitchen (initially to be completed by LCC)
LCC-759	Toners Lane Reserve Archery Pavilion	RJ LOW PTY LTD	30-Oct-2023	\$ 37,433	Design Omission	Additional fire service requirements in accordance with the Regulation 139 Report from Fire Rescue Victoria. Works are to install 150mm dual hydrant booster assembly including cabinet and concrete slab and install new connection outlet to the existing 160,000 litre fire tank.
LCC-759	Toners Lane Reserve Archery Pavilion	RJ LOW PTY LTD	22-Nov-2023	\$ 8,132	Council Design Variation	Install a new 3m high roller door is to replace non-compliant barn doors and install with a new personal access door that will comply with emergency exit requirements.
LCC-759	Toners Lane Reserve Archery Pavilion	RJ LOW PTY LTD	22-Nov-2023	\$ 2,732	Design Omission	Additional power points, and two way switching to the existing lights in the indoor shooting range. These works were not detailed on the tender drawings or specification
LCC-759 Total				\$ 80,951		
LCC-767	Moe Revitalisation Project - Stage 2	Multipro Civil Pty Ltd	04-Dec-2023	\$ 3,328	Design Omission	Supply and install one layer of geofabric (protection membrane) over the top of the drainage layer within the new lawn areas
LCC-767 Total				\$ 3,328		
LCC-768	Kernot Hall Refurbishment - Stage 1	Langden Constructions Pty Ltd	10-Oct-2023	\$ 748	Council Design Variation	Changes to joinery in the large meeting room to match the new AV Projector.
LCC-768	Kernot Hall Refurbishment - Stage 1	Langden Constructions Pty Ltd	10-Oct-2023	\$ 138,930	Council Design Variation	Replace box gutters, flashings, cappings and aprons in six sections of roof, where required due to leaking.
LCC-768	Kernot Hall Refurbishment - Stage 1	Langden Constructions Pty Ltd	19-Oct-2023	\$ 6,446	Council Design Variation	Remove existing large double doors to the hall and reinstall new doors, hardware and kickplates.
LCC-768	Kernot Hall Refurbishment - Stage 1	Langden Constructions Pty Ltd	14-Nov-2023	\$ 8,198	Council Design Variation	Install additional data and communication equipment for the possibility of holding council meeting at Kernot Hall
LCC-768	Kernot Hall Refurbishment - Stage 1	Langden Constructions Pty Ltd	14-Nov-2023	\$ 9,156	Design Error	The designed door hinges for the four front entry doors would not fit correctly to the existing floor jambs. Change of hinge style to floor mount hinges as requested by Architect.
LCC-768	Kernot Hall Refurbishment - Stage 1	Langden Constructions Pty Ltd	14-Nov-2023	\$ 2,495	Design Omission	Additional tactile indicators and emergency exit door hardware as directed by Building Surveyor to obtain occupancy certification.
LCC-768	Kernot Hall Refurbishment - Stage 1	Langden Constructions Pty Ltd	14-Nov-2023	\$ 836	Latent Condition	Replace damaged section of existing stormwater pipe at the front of the hall.
LCC-768 Total				\$ 166,810		
LCC-784	Construction of Leachate Pond - Hyland Highway Landfill	RTL Mining and Earthworks Pty Ltd	05-Dec-2023	\$ 25,356	Design Omission	Remove and relocate boundary fence line. Work involves earthworks to relocate the landfill perimeter road leading to stormwater ponds.
LCC-784 Total				\$ 25,356		
LCC-794	Traralgon Courthouse - Toilet, Ramp and Heritage Works	Rebuild Gippsland Pty Ltd	02-Oct-2023	\$ 24,473	Additional Works	Supply and Install seven electric panel heaters to existing courthouse.
LCC-794	Traralgon Courthouse - Toilet, Ramp and Heritage Works	Rebuild Gippsland Pty Ltd	03-Oct-2023	\$ 63,571	Additional Works	Cleaning and Painting of Courtroom Ceiling
LCC-794	Traralgon Courthouse - Toilet, Ramp and Heritage Works	Rebuild Gippsland Pty Ltd	08-Dec-2023	\$ 14,892	Additional Works	Install suspended track lighting and replace light globes in existing light fittings as requested by Friends of the Courthouse.
LCC-794	Traralgon Courthouse - Toilet, Ramp and Heritage Works	Rebuild Gippsland Pty Ltd	08-Dec-2023	\$ 2,081	Additional Works	Install external water tap as requested by Friends of the Courthouse
LCC-794	Traralgon Courthouse - Toilet, Ramp and Heritage Works	Rebuild Gippsland Pty Ltd	18-Dec-2023	\$ 1,810	Additional Works	Install picture rail as requested by Friends of the Courthouse
LCC-794 Total				\$ 106,827		

Details of Contract Variations 01 Oct 2023 - 30 December 2023						
Contract Number	Contract Title	Supplier Name	Date Approved	Variation Value	Reason for Variation	Variation Title
LCC-797-1	Provision of Architectural Design for Traralgon Flood Recovery Project Stage 1 (Project 1 - Traralgon Recreation Reserve Multi-Use Pavilion)	John Brand and Company Pty Ltd	02-Nov-2023	\$ 4,180	Council Design Variation	Undertake Tree Assessment to determine the Tree Protection Zones for the site (to avoid the need for costly Native Vegetation offsets).
LCC-797-1 Total				\$ 4,180		
LCC-797-2	Provision of Architectural Design for Traralgon Flood Recovery Project Stage 1 (Project 2 - Glenview Park Multi-Sports Hall)	John Brand and Company Pty Ltd	02-Nov-2023	\$ 4,180	Council Design Variation	Undertake Tree Assessment to determine the Tree Protection Zones for the site (to avoid the need for costly Native Vegetation offsets).
LCC-797-2 Total				\$ 4,180		
LCC-806	Lead Design Consultant - Multi-Level Car Park Development Morwell	MGS Architects Pty Ltd	29-Nov-2023	\$ 13,940	Council Design Variation	Additional design options to incorporate new Council Chambers
LCC-806 Total				\$ 13,940		
LCC-810	Reconstruction of the Retaining Wall at Lake Narracan Reserve, Newborough	ACE Earthmoving Pty Ltd	04-Dec-2023	\$ 36,462	Additional Works	Extension of works (initially deemed too difficult to access). Works inclusive of dense vegetation removal, replacement of 140m2 concrete footpath, extension of retaining wall by 10m and extension of post and rail fence by 14m.
LCC-810 Total				\$ 36,462		
Grand Total				\$ 446,114		

Summary of Contracts with Variations Exceeding 25 Percent of Original Contract Value									
Contract Number	Award Date	Contract Title	Initial Contract Value	No. of Approved Variations	Total Approved Variations across contract life	Revised Contract Value	Variations as a % of Initial Contract Value	Awarded By	Additional Comments
LCC-794	13-Jul-23	Traralgon Courthouse - Toilet, Ramp and Heritage Works	\$ 428,034	5	\$ 106,827	\$ 534,861	25.0%	CEO	Additional works including heating the courthouse and painting the ceiling. The Friends of the Courthouse requested additional works also; including a new external tap, picture rail and suspended track lighting.

QUARTERLY BUDGET REPORT - DECEMBER 2023

PURPOSE

To provide Council with the financial results for the second quarter of the 2023/2024 financial year in accordance with the provisions of Section 97(1) of the *Local Government Act 2020*.

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 attached budget report forecasts an income statement surplus result on an accrual basis for the full financial year of \$19.7M which is a favourable variance of \$11.0M 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 2023/2024 is made up of an expected increase in income of \$30.9M and additional expenses of \$20.0M.
- The forecasted increased income is mainly a result of timing of recognition and additional unbudgeted capital grants together with additional interest on investments as a result of higher interest rates and cash on hand available for investment.
- The forecasted additional expenses are primarily a result of funding carried forward relating to works funded but not completed in 2022/2023 together with unbudgeted government grants to be received in 2023/2024 and recognition of loss on disposal of assets, which relates to residual infrastructure asset balances retired as part of the capital works program.
- Based on the results of the first six months of the financial year none of the three criteria for the preparation of a revised budget under section 95 of the Act exist, nor are they required.

- The report is provided for Council's information.

OFFICER'S RECOMMENDATION

That Council receive and note the Budget Report for the Quarter ended 31 December 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 December 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 first half of the financial year. The key issues of note are:

- The “Comprehensive Income Statement” report forecasts a surplus result for the full financial year of \$19.7M which is a favourable variance of \$11.0M to the original budget. This result is due to a number of variances with a forecast increase in income of \$30.9M and additional expenses of \$19.9M. 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 2022/2023 financial year, together with additional interest on investments as a result of higher interest rates and cash on hand. The forecasted additional expenses are primarily a result of funding carried forward relating to works funded but not completed in 2022/2023, together with expenditure associated with unbudgeted government grants to be received in 2023/2024 and recognition of loss on disposal of assets, which relates to residual infrastructure asset balances retired as part of the capital works program. This process was not allowed for in to the 2023/2024 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 \$160.2M in current assets compared to \$29.1M current liabilities (a liquidity ratio of 5.5:1).
- The “Statement of Cash Flows” shows that Council has \$99.8M 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 \$73.7M compared to the budget of \$43.8M. The increase is mainly due to funds carried forward from 2022/2023 and additional government funding received for various programs including Roads Program, 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.

Further details on these and other variations are provided in the attached report.

Based on the results of the first six months of the financial year, none of the three criteria for the preparation of a revised budget under section 95 of the Act exist nor are they required. As follows;

- (a) there is no requirement to vary the declared rates or charges; and

- (b) there is no requirement to undertake any new borrowings that have not been approved in the budget; and
- (c) there are no changes proposed to the budget that, in Management's opinion, should be the subject of community engagement.

RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
COMPLIANCE Non-compliance with the requirements of the <i>Local Government Act 2020</i> .	Low <i>Unlikely x Minor</i>	Timely presentation of quarterly budget report.

CONSULTATION

Not applicable.

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

Not applicable.

Cultural

Not applicable.

Health

Not applicable.

Environmental

Not applicable.

Economic

Not applicable.

Financial

A strong financial position allows Council to adapt and respond to challenges as they arise.

Attachments

1. Quarterly Budget Report December 2023

10.3

Quarterly Budget Report - December 2023

1	Quarterly Budget Report December 2023.....	192
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Quarterly Budget Report
December 2023

Quarterly Budget Report

December 2023

Contents

	Page
- Summary	1
- Income Statement	4
- Balance Sheet	9
- Statement of Cash Flows	10
- Statement of Capital Works	11
- Financial Performance Ratios	14

December 2023 Quarterly Budget Report Summary

KEY ISSUES

The attached report provides the overall outcomes to the end of the first half of the 2023/24 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 \$19.7M which is an favourable variance of \$11.0M to the original budget.
- The "Balance Sheet" shows that Council maintains a strong liquidity position with \$160.2M in current assets compared to \$29.1M current liabilities (a liquidity ratio of 5.5:1).
- The "Statement of Cash Flows" shows that Council has \$99.8M 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 \$73.7M compared to the budget of \$43.8M. The increase is mainly due to funds carried forward from 2022/23 and additional government funding received for various programs including Roads Programs, 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. 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. loss on disposal of property, infrastructure, plant and equipment).

The "Comprehensive Income Statement" report forecasts a surplus result for the full financial year of \$19.7M which is a favourable variance of \$11.0M to the original budget. This result is due to a number of variances with a forecast increase in income of \$30.9M and additional expenses of \$19.9M. The increased income is mainly a result of capital grants, largely due to unbudgeted grants announced after the budget was developed together with variances related to the recognition of funds that were budgeted in the 2022/23 financial year, together with additional interest on investments as a result of higher interest rates and cash on hand. The forecasted additional expenses are primarily a result of funding carried forward relating to works funded but not completed in 2022/23, together with expenditure associated with unbudgeted government grants to be received in 2023/24 and recognition of loss on disposal of assets, which relates to residual infrastructure asset balances retired as part of the asset renewal program.

December 2023 Quarterly Budget Report Summary

Year to date

The year to date result shows an operating position of \$56.9M surplus which is \$10.3M favourable to budget. The key items that make up this variance are as follows;

- Grants - Capital - (\$10.2M favourable) 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 \$5.2M, Local Roads and Community Infrastructure Program \$1.7M, Landslip Remediation \$1.8M, Traralgon Railway Conservation Reserve Large Dam rehabilitation \$0.8M, Free Public Wi-Fi Services program \$0.3M and Sporting Oval Drainage \$0.5M.
- Other Income - (\$2.0M favourable) is primarily due to increases in interest rate yields and additional cash holdings on council investments that were not anticipated when the budget was developed \$1.3M, additional interest on rates revenue \$0.1M and unbudgeted reimbursements \$0.4M.
- User Fees - (\$0.7M favourable) is mainly due to higher than expected Childcare Fees \$0.7M.
- Materials and Services - (\$2.5M unfavourable) is mainly due to earlier than expected timing incurred by Hard Waste Collection \$1.0M and Materials Recovery \$0.4M, together with unbudgeted expenditure incurred as a result of internal and external funding carried over from previous years and 2023/24 government grants not known when the budget was developed Business Improvement Projects \$0.5M, Emergency Management Yinnar Bushfires \$0.2M and School Readiness Program \$0.2M.

Full year forecast

The full year forecasted result shows an operating surplus of \$19.7M which is a \$11.0M favourable variance to the adopted budget. The key items that make up this variance are as follows;

- Grants – Capital (\$23.1M favourable) - 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 \$8.7M, Regional Car Parks Fund \$8.7M, Local Roads and Community Infrastructure Programs \$1.1M, National Building Blackspot Program \$2.4M, Traralgon Railway Conservation Reserve Large Dam rehabilitation \$0.8M, Logistics Precinct and Intermodal Freight Terminal \$4.7M, Free Public Wifi \$0.3M, Drainage Upgrades \$0.4M and other various grants. This is partially offset by an unfavourable timing variance for multi year projects with funding for the Traralgon Indoor Multi Sports Hall \$2.7M and Multi Use Pavillion Traralgon Rec Reserve \$1.8M which is now expected to be recognised in the 2024/25 financial year.
- Grants - Operating (\$3.5M favourable) - is mainly due to additional 2023/24 annual Victoria Grants Commission Financial Assistance Grants (FAGS) (\$2.3M which includes an adjustment related to the 2022/23 financial year of an \$0.7M additional) and Pre-School programs \$1.0M together with and an unbudgeted grant for Startup Gippsland \$0.1M.
- Other Income - (\$3.4M favourable) - is primarily due to increases in interest rate yields on Council investments that were not anticipated when the budget was developed \$2.6M and additional interest on rates revenue \$0.4M, and unbudgeted reimbursements \$0.4M.
- Employee costs - (\$2.9M 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 \$2.1M and Emergency Management/Community Recovery \$0.6M.
- Materials and Services (\$10.6M unfavourable) - is mainly due to unbudgeted expenditure incurred as a result of internal and external funding carried over from previous years and 2023/24 government grants not known when the budget was developed including Capital Works programs \$2.4M, Family Services programs \$1.6M, Emergency Management \$0.6M, Social Inclusion Projects \$0.3M, Leisure Facilities \$0.3M, Waste Services \$1.3M, Branding Campaign \$0.9M, Centre for Australian Automotive Business Case \$0.4M, Enterprise Services \$0.2M, Business Transformation Projects \$0.3M, City Presentation \$0.4M and City Assets \$0.4M.
- 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 2023/24 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.

December 2023 Quarterly Budget Report Summary

- Other expenses (\$1.0M unfavourable) - is mainly due to unexpended community grants funds carried over from the 2022/23 financial year to be paid out in 2023/24 \$0.9M including Clean up and Storm Resilience in Gippsland \$0.2M and Small Town grants \$0.2M.

BALANCE SHEET

The significant movements in the balance sheet over the second quarter were as follows;

- Cash and Cash Equivalents together with Other Financial Assets (i.e. investments). The overall decrease of \$19.4M is mainly due to expenditure of funds carried over from prior financial years.
- Trade and Other receivables (\$53.2M 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 full payment and quarterly instalment due dates.
- Other Assets (\$2.2M decrease) is primarily due to prepayments and accrued revenue as at 30 June 2023 having now been reversed/received in the current financial year.
- Property, Infrastructure, Plant and Equipment (\$4.5M increase) total capital expenditure has exceeded depreciation to date.
- Payables (\$13.3M decrease) is primarily due to amounts that were outstanding to suppliers as at 30 June 2023 being paid/recognised in the current financial year.
- Unearned income (\$10.7M decrease) is primarily due to amounts that were received in advance as at 30 June 2023 having now been recognised in the current financial year.
- Interest-bearing Liabilities (\$3.7M increase) due to drawdown of borrowings for the Kernot Hall and Moe Activity Centre projects.

STATEMENT OF CASH FLOWS

The budgeted cash & investments at the beginning of the year was \$79.9 million, the actual opening balance was \$119.2 million. The additional \$39.3 million was largely the result of carry forward funding for capital and operational projects and programs. This included \$15.5M of Victorian Grants Commission FAGS funding that was advanced to Council in the 2022/23 financial year, this advance was not factored into the budget calculations. Total Cash and financial assets (investments) as at the end of December stand at \$99.8M which represents a net outflow cash movement of \$19.4M 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 December 2023 Council had spent \$21.7M on capital works mostly on Infrastructure projects \$13.7M (including Roads projects \$4.9M and Parks, Open Spaces & Streetscapes \$4.4M), Plant & Equipment \$2.3M and Property (buildings) \$5.7M. Full year forecasted capital expenditure is \$73.7M compared to the budget of \$43.8M. The increase is mainly due to funds carried forward from 2022/23 and additional government funding received for various programs including Roads Programs, Regional Car Parks Fund and Local Roads and Community Infrastructure program (LRCI).

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 December 2023

		YTD Actual	YTD Budget	Variance YTD Act/Bud fav/(unfav)	Variance Type (P)ermanent/ (T)iming	Full Year Forecast	Annual Budget	Variance Annual Budget /Forecast fav/(unfav)
	NOTE	\$'000	\$'000	\$'000		\$'000	\$'000	\$'000
INCOME								
Rates and charges	1	93,201	93,245	(44)	P	93,398	93,445	(47)
Statutory fees and fines	2	1,114	989	125	T	2,817	2,871	(54)
User fees	3	5,792	5,096	696	P	11,370	10,477	893
Grants - operating	4	6,925	6,772	152	P	29,857	26,349	3,508
Grants - capital	5	17,472	7,300	10,173	P	33,141	10,040	23,101
Contributions - monetary	6	180	38	142	P	240	90	150
Contributions - non monetary	7	0	0	0	P	4,151	4,151	0
Other income	8	4,579	2,566	2,013	P	8,170	4,792	3,378
TOTAL INCOME		129,263	116,006	13,257		183,144	152,215	30,929
EXPENSES								
Employee costs	9	30,385	30,520	134	T	65,009	62,123	(2,886)
Materials and services	10	22,557	20,016	(2,540)	P	52,734	42,174	(10,560)
Bad and doubtful debts	11	0	0	0	P	4	4	0
Depreciation	12	17,063	16,850	(213)	P	34,127	33,700	(427)
Amortisation - intangible assets	13	475	366	(108)	P	949	733	(216)
Amortisation - right of use assets	14	77	91	14	P	155	182	27
Borrowing costs	15	170	272	102	P	442	541	99
Finance costs - leases	16	26	21	(5)	T	37	42	5
Net loss/ (gain) on disposal of property, infrastructure, plant and equipment	17	(393)	(397)	(4)	P	5,000	(0)	(5,000)
Other expenses	18	1,969	1,657	(312)	P	4,955	3,956	(999)
TOTAL EXPENSES		72,329	69,396	(2,933)		163,411	143,454	(19,957)
SURPLUS (DEFICIT) FOR THE YEAR		56,934	46,610	10,324		19,733	8,761	10,972

NOTES TO THE COMPREHENSIVE INCOME STATEMENT - Year to Date and Full Year Variances**1. Rates and charges**

Year to Date - (\$0.0M) Unfavourable

Minor variance.

Full Year - (\$0.0M) Unfavourable

Minor variance.

2. Statutory fees and fines

Year to Date - \$0.1M Favourable

Minor timing variance.

Full Year - (\$0.1M) Unfavourable

Minor variance.

3. User fees

Year to Date - \$0.7M Favourable

Favourable variances to date are mainly due to higher than expected Childcare Fees \$0.7M.

Full Year - \$0.9M Favourable

Favourable variances to date are mainly due to higher than expected Childcare Fees \$0.8M and increased forecasted Latrobe Leisure operations revenue \$0.2M.

4. Grants - operating

Year to Date - \$0.2M Favourable

The favourable variance is mainly due to higher than expected Pre School grant funding \$0.6M and an unbudgeted grant for Startup Gippsland \$0.1M. These are partially offset by timing variances due to delays in receipt of library funding \$0.6M.

Full Year - \$3.5M Favourable

The favourable variance is mainly due to additional 2023/24 annual Victoria Grants Commission Financial Assistance Grants (FAGS) (\$2.3M which includes an adjustment related to the 2022/23 financial year of an \$0.7M additional) and Pre-School programs \$1.0M together with and an unbudgeted grant for Startup Gippsland \$0.1M.

5. Grants - capital

Year to Date - \$10.2M 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 \$5.2M, Local Roads and Community Infrastructure Program \$1.7M, Landslip Remediation \$1.8M, Traralgon Railway Conservation Reserve Large Dam rehabilitation \$0.8M, Free Public Wi-Fi Services program \$0.3M and Sporting Oval Drainage \$0.5M.

Full Year - \$23.1M 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 Landslip remediation \$8.7M, Regional Car Parks Fund \$8.7M, Local Roads and Community Infrastructure Programs \$1.1M, National Building Blackspot Program \$2.4M, Traralgon Railway Conservation Reserve Large Dam rehabilitation \$0.8M, Logistics Precinct and Intermodal Freight Terminal \$4.7M, Free Public Wifi \$0.3M, Drainage Upgrades \$0.4M and other various grants. This is partially offset by an unfavourable timing variance for multi year projects with funding for the Traralgon Indoor Multi Sports Hall \$2.7M and Multi Use Pavillion Traralgon Rec Reserve \$1.8M which is now expected to be recognised in the 2024/25 financial year.

NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances**6. Contributions - monetary**

Year to Date - **\$0.1M Favourable**

Minor variance

Full Year - **\$0.1M Favourable**

Minor variance

7. Contributions - non monetary

Year to Date - **\$0.0M Nil Variance**

No variance.

Full Year - **\$0.0M Nil Variance**

No variance.

8. Other income

Year to Date - **\$2.0M Favourable**

The favourable variance is primarily due to increases in interest rate yields and additional cash holdings on council investments that were not anticipated when the budget was developed \$1.3M, additional interest on rates revenue \$0.1M and unbudgeted reimbursements \$0.4M.

Full Year - **\$3.4M 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 \$2.6M and additional interest on rates revenue \$0.4M, and unbudgeted reimbursements \$0.4M.

9. Employee costs

Year to Date - **\$0.1M Favourable**

Minor variance

Full Year - **(\$2.9M) 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 \$2.1M and Emergency Management/Community Recovery \$0.6M.

10. Materials and services

Year to Date - **(\$2.5M) Unfavourable**

The unfavourable variance is mainly due to earlier than expected timing incurred by Hard Waste Collection \$1.0M and Materials Recovery \$0.4M, together with unbudgeted expenditure incurred as a result of internal and external funding carried over from previous years and 2023/24 government grants not known when the budget was developed Business Improvement Projects \$0.5M, Emergency Management Yinnar Bushfires \$0.2M and School Readiness Program \$0.2M

Full Year - **(\$10.6M) 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 2023/24 government grants not known when the budget was developed including Capital Works programs \$2.4M, Family Services programs \$1.6M, Emergency Management \$0.6M, Social Inclusion Projects \$0.3M, Leisure Facilities \$0.3M, Waste Services \$1.3M, Branding Campaign \$0.9M, Centre for Australian Automotive Business Case \$0.4M, Enterprise Services \$0.2M, Business Transformation Projects \$0.3M, City Presentation \$0.4M and City Assets \$0.4M.

11. Bad and doubtful debts

Year to Date - **\$0.0M Nil Variance**

No variance

Full Year - **\$0.0M Nil Variance**

No variance

NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances**12. Depreciation**

Year to Date - (\$0.2M) Unfavourable

Due to increased asset valuations in the 2022/23 financial year \$0.2M which were higher than projected in 23/24 budget.

Full Year - (\$0.4M) Unfavourable

Due to increased asset valuations in the 2022/23 financial year \$0.4M which were higher than projected in 23/24 budget.

13. Amortisation - intangible assets

Year to Date - (\$0.1M) Unfavourable

Minor variance.

Full Year - (\$0.2M) Unfavourable

Higher than expected value of the airspace asset value for cell 6 at Highland Highway landfill.

14. Amortisation - right of use assets

Year to Date - \$0.0M Favourable

Minor variance.

Full Year - \$0.0M Favourable

Minor variance.

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) Unfavourable

Minor variance.

Full Year - \$0.0M Favourable

Minor variance.

17. Net (gain) / loss on disposal of property, infrastructure, plant and equipment

Year to Date - (\$0.0M) Unfavourable

Minor variance.

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 2023/24 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 - (\$0.3M) Unfavourable

The unfavourable variance is mainly due to unexpended community grants funds carried over from the 2022/23 financial year for the Clean up and Storm Resilience in Gippsland project \$0.2M.

Full Year - (\$1.0M) Unfavourable

The unfavourable variance is mainly due to unexpended community grants funds carried over from the 2022/23 financial year to be paid out in 2023/24 \$0.9M including Clean up and Storm Resilience in Gippsland \$0.2M and Small Town grants \$0.2M.

COMPARISON TO PREVIOUS FINANCIAL YEAR

For the corresponding December quarter

	2023/24			2022/23		
	YTD Actuals	YTD Budgets	Variance YTD Act/Bud fav/(unfav)	YTD Actuals	YTD Budgets	Variance YTD Act/Bud fav/(unfav)
INCOME						
Rates and charges	93,201	93,245	(44)	88,547	88,332	215
Statutory fees and fines	1,114	989	125	1,316	928	389
User fees	5,792	5,096	696	5,672	5,137	535
Grants - operating	6,925	6,772	152	9,627	7,662	1,966
Grants - capital	17,472	7,300	10,173	10,772	3,600	7,172
Contributions - monetary	180	38	142	301	38	263
Contributions - non monetary	0	0	0	0	0	0
Other income	4,579	2,566	2,013	3,828	1,678	2,150
TOTAL INCOME	129,263	116,006	13,257	120,064	107,374	12,690
EXPENSES						
Employee costs	30,385	30,520	134	27,068	27,112	44
Materials and services	22,557	20,016	(2,540)	19,506	18,987	(519)
Bad and doubtful debts	0	0	0	2	0	(2)
Depreciation	17,063	16,850	(213)	14,935	15,891	956
Amortisation - intangible assets	475	366	(108)	0	366	366
Amortisation - right of use assets	77	91	14	19	19	(0)
Borrowing costs	170	272	102	144	212	68
Finance costs - leases	26	21	(5)	18	22	3
Net loss/ (gain) on disposal of property, infrastructure, plant and equipment	(393)	(397)	(4)	31	(30)	(61)
Other expenses	1,969	1,657	(312)	2,119	1,812	(307)
TOTAL EXPENSES	72,329	69,396	(2,933)	63,844	64,391	547
SURPLUS (DEFICIT) FOR THE YEAR	56,934	46,610	10,324	56,220	42,983	13,237

BALANCE SHEET

As at 31 December 2023

	Current Balance \$'000s	Opening Balance 01/07/23 \$'000s	Movement for Year to Date \$'000s	Balance as at 31/12/22 \$'000s
CURRENT ASSETS				
Cash and Cash Equivalents	9,791	24,181	(14,390)	11,302
Other Financial Assets	90,000	95,000	(5,000)	90,000
Other Assets	2,634	4,861	(2,227)	2,367
Trade and Other Receivables	57,781	4,613	53,168	54,531
Total Current Assets	160,206	128,655	31,551	158,200
NON CURRENT ASSETS				
Property, Infrastructure, Plant and Equipment	1,452,011	1,447,440	4,571	1,344,877
Intangible Assets	1,861	2,335	(475)	0
Right-of-use assets	1,143	1,221	(77)	719
Trade and Other Receivables	4	4	0	10
Financial Assets	2	2	0	2
Total Non-Current Assets	1,455,022	1,451,003	4,019	1,345,608
TOTAL ASSETS	1,615,227	1,579,658	35,570	1,503,808
CURRENT LIABILITIES				
Payables	1,528	14,835	(13,308)	565
Unearned income	0	10,720	(10,720)	3,648
Interest-bearing Liabilities	6,874	3,127	3,747	864
Provisions - Employee Benefits	10,948	11,518	(571)	10,472
Provisions - Landfill	4,572	4,722	(150)	3,986
Trust Funds and Deposits	5,156	5,447	(291)	5,285
Lease Liabilities	66	137	(71)	13
Total Current Liabilities	29,142	50,507	(21,365)	24,834
NON CURRENT LIABILITIES				
Interest-bearing Liabilities	12,163	12,163	0	13,645
Provisions - Employee Benefits	1,370	1,370	0	859
Provisions - Landfill	15,754	15,754	0	11,475
Lease Liabilities	1,132	1,132	0	734
Total Non-Current Liabilities	30,419	30,419	0	26,712
TOTAL LIABILITIES	59,561	80,926	(21,365)	51,546
NET ASSETS	1,555,666	1,498,732	56,934	1,452,262
EQUITY				
Current Year Surplus/(Deficit)	56,934	19,389	37,546	56,220
Accumulated Surplus	848,869	829,770	19,099	831,327
Reserves	649,863	649,573	290	564,715
TOTAL EQUITY	1,555,666	1,498,732	56,934	1,452,262

STATEMENT OF CASH FLOWS

For the Quarter ended 31 December 2023

	NOTE	YTD Cash	Adopted	Cash Flow
		Flow	Budget	2022/23
		\$'000s	Annual	\$'000s
		Inflows	Inflows	Inflows
		(Outflows)	(Outflows)	(Outflows)
			Cashflow	
			\$'000s	
CASH FLOWS FROM OPERATING ACTIVITIES				
Rates and charges		41,114	93,317	86,826
Statutory fees & fines		1,114	2,800	2,741
User fees		5,827	10,548	12,233
Grants - operating		6,968	27,620	35,749
Grants - capital		7,478	10,404	17,917
Contributions - monetary		180	90	1,237
Interest received		2,695	2,600	2,661
Trust funds and deposits taken/(repaid)		(292)	98	5,447
Other receipts		605	2,192	2,401
Net GST refund/(payment)		208	3,800	(897)
Employee costs		(33,276)	(61,729)	(45,804)
Materials & services		(28,246)	(46,135)	(42,998)
Short-term, low value and variable lease payments		(36)	(144)	(138)
Other payments		(1,933)	(4,000)	(5,269)
Net cash from operating activities		2,406	41,461	72,106
CASH FLOWS FROM INVESTING ACTIVITIES				
Payments for property, infrastructure, plant & equipment		(25,716)	(43,757)	(35,876)
Proceeds from sale of property, plant & equipment		444	510	555
Payments for investments		(60,000)	(125,000)	(145,000)
Proceeds from sale of investments		65,000	127,000	130,000
Loans and advances made		0	0	0
Payments of loans and advances		3	0	5
Net Cash Flows used in investing activities		(20,270)	(41,247)	(50,315)
CASH FLOWS FROM FINANCING ACTIVITIES				
Finance costs		(177)	(540)	(281)
Proceeds from borrowings		4,500	5,000	1,635
Repayment of borrowings		(753)	(2,315)	(1,559)
Interest paid - lease liability		(26)	(41)	(36)
Repayment of lease liabilities		(71)	(170)	(62)
Net Cash Flows from Financing Activities		3,473	1,934	(303)
Net Increase/(Decrease) in cash held		(14,390)	2,148	21,489
Cash & cash equivalents at beginning of year		24,181	9,880	27,825
Cash & cash equivalents at end of period		9,791	12,028	49,313
Summary of Cash & Investments				
		Current	Current year	Opening
		Balance	Movement	Balance
Cash & Cash Equivalents		9,791	(14,390)	24,181
Other Financial Assets (Investments)		90,000	(5,000)	95,000
Total Cash & Investments	1	99,791	(19,390)	119,181
Budgeted Opening Balance of Cash & Investments				79,880
Variance in Opening Balance				39,301

NOTES

1. The budgeted cash & investments at the beginning of the year was \$79.9 million, the actual opening balance was \$119.2 million. The additional \$39.3 million was largely the result of higher than anticipated surplus funds and carry forward funding for capital and operational projects and programs. This included \$15.5M of Victorian Grants Commission FAGS funding that was advanced to Council in the 2022/23 financial year, this advance was not factored into the budget calculations.

STATEMENT OF CAPITAL WORKS

For The Quarter Ended 31 December 2023

	NOTE	YTD Actuals \$'000	Full Year Forecast \$'000	Annual Budget \$'000	Variance Annual Budget /Forecast \$'000
Property					
Land	1	0	12	0	(12)
Buildings	2	5,645	13,227	11,286	(1,941)
Heritage buildings	3	8	773	0	(773)
Total Property		5,654	14,012	11,286	(2,726)
Plant and Equipment					
Plant, machinery & equipment	4	2,157	3,597	2,095	(1,502)
Fixtures, fittings & furniture	5	37	84	50	(34)
Computers & telecommunications	6	125	728	600	(128)
Artwork collection	7	0	20	15	(5)
Total Plant and Equipment		2,318	4,430	2,760	(1,670)
Infrastructure					
Roads	8	4,876	22,291	17,855	(4,436)
Bridges & culverts	9	85	241	150	(91)
Footpaths & cycleways	10	572	1,556	1,095	(461)
Drainage	11	401	2,522	1,223	(1,299)
Waste management	12	80	1,517	500	(1,017)
Parks, open space and streetscapes	13	4,398	8,129	4,700	(3,429)
Recreational, leisure & community facilities	14	352	1,320	0	(1,320)
Aerodromes	15	0	0	0	0
Offstreet carparks	16	1,012	10,567	1,746	(8,821)
Other infrastructure	17	1,936	7,136	2,441	(4,695)
Total Infrastructure		13,713	55,279	29,710	(25,569)
Total Capital Works expenditure		21,685	73,721	43,756	(29,965)
REPRESENTED BY;					
New asset expenditure	18	5,354	21,444	13,044	(8,400)
Asset renewal expenditure	19	9,899	30,363	21,557	(8,806)
Asset expansion expenditure	20	49	3,965	0	(3,965)
Asset upgrade expenditure	21	6,382	17,949	9,155	(8,794)
Total Capital Works expenditure		21,685	73,721	43,756	(29,965)

NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances

1. Land **(\$0.0M) Increased Expenditure**

Minor variance.

2. Buildings **(\$1.9M) 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 Twin City Archery Club extension \$1.1M, Kernot Hall Refurbishment \$1.0M, Parklands Preschool refurbishment \$0.7M, Solar Power generation installations \$0.7M, Gippsland Regional Aquatics Centre \$0.4M, Latrobe Creative Precinct \$0.3M, Depot Morwell Upgrade \$0.3M, Apex Park Chaning Place \$0.2M, Council Chambers \$0.2M and assorted renewal programs \$0.6M. These variances are partially offset by multi year project expenditure budgeted in 23/24 now expected to be spent in the following financial year on Flood Recovery projects; Traralgon Indoor Multi Sports Hall \$2.4M and Multi Use Pavilion Traralgon Rec Res \$1.5M.

3. Heritage buildings **(\$0.8M) Increased Expenditure**

Mainly reflects funds carried forward from 2022/23 associated with the Traralgon Courthouse upgrades.

NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances

- 4. Plant, machinery & equipment** **(\$1.5M) 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 2023/24 financial year 1.3M. Funds have been carried forward to pay for these items.
- 5. Fixtures, fittings & furniture** **(\$0.0M) Increased Expenditure**
Minor variance.
- 6. Computers & telecommunications** **(\$0.1M) 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** **(\$4.4M) Increased Expenditure**
Mainly relates to unbudgeted government funding and surplus funds allocated including Landslip remediation \$1.0M, National Blackspot program \$2.6M and Road Rehabilitation Program \$2.2M. 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 \$1.4M, with some works expected to be finalised in the 24/25 financial year.
- 9. Bridges & culverts** **(\$0.1M) Increased Expenditure**
Primarily due to funds carried forward from 2022/23 for bridge and major culvert works.
- 10. Footpaths & cycleways** **(\$0.5M) Increased Expenditure**
Mainly due to unbudgeted government grant funding, together with other funding carried forward from the 2022/23 financial year to complete the Footpath Missing Links Program \$0.1M and Traralgon West Linear Paths \$0.1M in addition to other minor works.
- 11. Drainage** **(\$1.3M) Increased Expenditure**
Mainly due to unbudgeted government grant funding, together with other funding carried forward from the 2022/23 financial year to complete the rehabilitation of Traralgon Railway Reserve Large Dam \$1.1M and Gross Pollutant Trap de-watering facility \$0.2M.
- 12. Waste management** **(\$1.0M) Increased Expenditure**
This mainly relates to works on the new cell and Leachate Pond Construction Hyland Highway Landfill funded by 2022/23 carry forwards \$1.0M.
- 13. Parks, open space and streetscapes** **(\$3.4M) Increased Expenditure**
Mainly relates to works on the Street Lighting upgrade to LED program largely funded by cash reserves and unbudgeted LRCI funding \$1.7M together with funds carried forward from 2022/23 to complete projects including the Moe Revitalisation Project Stage 2 \$0.9M and retaining walls \$0.7M.
- 14. Recreational, leisure & community facilities** **(\$1.3M) Increased Expenditure**
Mainly due to unbudgeted government grant funding, together with other funding carried forward from the 2022/23 financial year to complete the Duncan Cameron Cricket Nets \$0.4M, Oval Drainage Upgrades \$0.7M and Gask Park Cricket Pitch Construction \$0.2M.
- 15. Aerodromes** **\$0.0M Nil Variance**
No current year projects.
- 16. Offstreet carparks** **(\$8.8M) Increased Expenditure**
Mainly related to unbudgeted government grants for the Regional Car Parks fund \$8.7M.
- 17. Other infrastructure** **(\$4.7M) Increased Expenditure**
Mainly due to carried forward 2022/23 funds relating to the Gippsland Logistics Precinct and Intermodal Freight Terminal \$4.7M.

NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances**18. New asset expenditure (\$8.4M) Increased Expenditure**

Primarily due to unexpected funds carried over from 22/23 financial year and unbudgeted government grants for the Regional Car Parks Fund \$4.8M, Logistics Precinct \$4.7M, Leachate Pond Construction \$1.2M, Gippsland Regional Aquatics Centre \$0.4M, New Energy Projects Solar \$0.7M, Latrobe Creative Precinct \$0.3M and Free Public WiFi Services \$0.3M. This has been largely offset by Traralgon Indoor Multi Sport Hall \$2.4 M and the Multi Use Pavilion Traralgon Rec Reserve \$1.5M.

19. Asset renewal expenditure (\$8.8M) Increased Expenditure

Primarily due to funds carried forward from the 2022/23 financial year and additional unbudgeted government grants including road rehabilitation program \$2.2M, rehabilitation of Traralgon Railway Reserve Large Dam \$1.1M, Fleet and large plant replacement programs \$1.0M, sporting light towers replacement \$1.0M, retaining walls \$0.7M, building and roof renewal programs \$0.3M, Parklands preschool \$0.7M, Depot Morwell upgrade \$0.3M, landslip remediation \$0.2M, Latrobe Leisure renewl \$0.2M, Apex Park Moe \$0.2M and Footpath rehabilitation \$0.2M.

20. Asset expansion expenditure (\$4.0M) Increased Expenditure

Mainly due to unbudgeted grant revenue for the Regional Car Park Fund Commercial Road Morwell and Kay Street Traralgon \$3.9M.

21. Asset upgrade expenditure (\$8.8M) Increased Expenditure

Mainly due to unexpended funds carried over from the 2022/23 financial year and unbudgeted government grants including National Blackspot program \$2.6M, Street Lighting LED upgrade project \$2.0M, Twin City Archery Club extensions \$1.1M, Kernot Hall Refurbishment \$1.0M, Landslip Upgrade and Betterment \$0.9M, Traralgon Court House Upgrades \$0.8M, Sporting Oval Drainage \$0.7M and Cricket Pitch/Net Upgrades \$0.6M. 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 \$1.4M, now expected to be completed in 24/25 financial year.

LGPRF FINANCIAL PERFORMANCE RATIOS

As at 31 December 2023

	Year to Date Ratios					Expected Range
	\$'000s	Ratio at 31/12/23	Ratio at 31/12/22	Forecast at 30/06/24	Budget at 30/06/24	
OPERATING POSITION						
Adjusted Underlying Result Indicator						
(Indicator of the broad objective that an adjusted underlying surplus should be generated in the ordinary course of business. A surplus or increasing surplus suggests an improvement in the operating position)						
Adjusted underlying surplus (or deficit)						
<u>Adjusted net Surplus/(Deficit)</u>	40,113					
Adjusted underlying revenue	112,442	35.7%	41.4%	(10.9%)	(2.7%)	-20% - +20%
The ratio takes out the effect of once off capital grants & developer contributions.						
Note: The forecasted lower ratio of (10.9%) is mainly due to additional expenditure as a result of unspent 2022/2023 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 2022/23 that was budgeted in 2023/24.						
LIQUIDITY						
Working Capital Indicator						
(Indicator of the broad objective that sufficient working capital is available to pay bills as and when they fall due. High or increasing level of working capital suggests an improvement in liquidity)						
Current assets compared to current liabilities						
<u>Current Assets</u>	160,206					
Current Liabilities	29,142	549.7%	637.0%	225.6%	225.6%	100% - 300%
Unrestricted Cash Indicator						
(Indicator that sufficient cash which is free of restrictions is available to pay bills as and when they fall due. High or increasing level of cash suggests an improvement in liquidity)						
<u>Unrestricted Cash</u>	4,636					
Current Liabilities	29,142	15.9%	24.2%	(20.5%)	(20.5%)	0.0% - 200%
Note: 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 30/06/24	Budget at 30/06/24	Expected Range
	\$'000s	Ratio at 31/12/23	Ratio at 31/12/22				
OBLIGATIONS							
Loans and borrowings Indicator							
(Indicator of the broad objective that the level of interest bearing loans and borrowings should be appropriate to the size and nature of a council's activities. Low or decreasing level of loans and borrowings suggests an improvement in the capacity to meet long term obligations)							
Loans and borrowings compared to rates							
<u>Interest Bearing loans and borrowings</u>	19,037	20.4%	16.4%	19.2%	19.3%	0% - 50%	
Rate Revenue	93,201						
Loans and borrowings repayments compared to rates							
<u>Interest & principal repayments</u>	923	1.0%	0.2%	3.0%	3.1%	0% - 10%	
Rate Revenue	93,201						
Indebtedness Indicator							
(Indicator of the broad objective that the level of long term liabilities should be appropriate to the size and nature of a Council's activities. Low or decreasing level of long term liabilities suggests an improvement in the capacity to meet long term obligations)							
Non-current liabilities compared to own source revenue							
(to ensure Council has the ability to pay its long term debts & provisions)							
<u>Non Current Liabilities</u>	30,419	29.1%	26.9%	26.5%	27.5%	0% - 50%	
Own Source Revenue	104,687						
Own Source Revenue is adjusted underlying revenue which excludes revenue which is not under the control of council (including government grants)							
Asset Renewal Indicator							
(Indicator of the broad objective that assets should be renewed as planned. High or increasing level of planned asset renewal being met suggests an improvement in the capacity to meet long term obligations)							
<u>Asset Renewal & Upgrade Expenditure</u>	16,282	95.4%	61.5%	141.6%	91.1%	50%-100%	
Depreciation	17,063						
Note: 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.							

	Year to Date Ratios					Expected Range	
	\$'000s	Ratio at 31/12/23	Ratio at 31/12/22	Forecast at 30/06/24	Budget at 30/06/24		
STABILITY							
Rates Concentration Indicator							
(Indicator of the broad objective that revenue should be generated from a range of sources. High or increasing range of revenue sources suggests an improvement in stability)							
Rates compared to adjusted underlying revenue							
	<u>Rate Revenue</u>	93,201	82.9%	81.2%	63.4%	66.9%	40% - 80%
	Adjusted underlying revenue	112,442					
The ratio takes out the effect of once off capital grants & developer contributions.							
Rates Effort Indicator							
(Indicator of the broad objective that the rating level should be set based on the community's capacity to pay. Low or decreasing level of rates suggests an improvement in the rating burden)							
Rates compared to property values							
	<u>Rate Revenue</u>	93,201	0.4%	0.5%	0.4%	0.4%	0.2% to 0.7%
	property values (CIV)	21,523,508					
EFFICIENCY							
Expenditure Level Indicator							
(Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of expenditure suggests an improvement in organisational efficiency)							
Expenses per property assessment							
	<u>Total expenses</u>	72,329	\$ 1,789	\$ 1,599	\$ 4,041	\$ 3,547	\$2000 - \$4000
	Number of property assessments	40					
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.							
Revenue Level Indicator							
(Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of rates suggests an improvement in organisational efficiency)							
Average general rate & municipal charge per property assessment							
	<u>Total General Rates and Municipal Charges</u>	67,994	\$ 1,681	\$ 1,613	\$ 1,681	\$ 1,681	\$800 - \$1,800
	Number of property assessments	40					

11. QUESTIONS ON NOTICE

Nil reports

NOTICES OF MOTION

12. NOTICES OF MOTION

Nil reports

ITEMS FOR TABLING

13. ITEMS FOR TABLING

Nil reports

14. 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**

15. 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:

- 15.1 **LCC-814 Hyland Highway Landfill - Construction of Landfill Cap Cells 4 and 5 (Stage 3)**
This item is confidential as it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)) and 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)). These grounds apply because releasing this information publicly and/or prematurely may prejudice the undertaking of this process and would release private commercial information of the tenderers that may cause disadvantage.
- 15.2 **LCC-801 Cleaning of Public Conveniences**
This item is confidential as it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)) and 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)). These grounds apply because releasing this information publicly and/or prematurely may prejudice the undertaking of this process and would release private commercial information of the tenderers that may cause disadvantage.

15.3 Microsoft Enterprise Agreement

This item is confidential as it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)). This ground applies as commercial negotiations have not yet been finalised with Microsoft.