



LATROBE CITY COUNCIL

AGENDA FOR THE COUNCIL MEETING

**TO BE HELD VIA AUDIO-VISUAL LINK
AT 6.00PM ON
07 FEBRUARY 2022**

CM574

Please note:

Pursuant to s66(2)(b) and s66(2)(c), this Council Meeting will not be open to the public to attend in person. Instead participation may occur by video link and the Meeting may be viewed live on the internet from Council's website or Facebook page.

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

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

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COUNCILLOR AND PUBLIC ATTENDANCE

PLEASE NOTE

THE VICTORIAN GOVERNMENT'S *COVID-19 OMNIBUS (EMERGENCY MEASURES) ACT 2020* HAS INTRODUCED INTO THE *LOCAL GOVERNMENT ACT 2020* NEW MECHANISMS THAT ALLOW FOR VIRTUAL COUNCIL MEETINGS TO ENSURE LOCAL GOVERNMENT DECISION-MAKING CAN CONTINUE DURING THE CORONAVIRUS PANDEMIC.

PURSUANT TO SECTION 394 OF THE *LOCAL GOVERNMENT ACT 2020*, A COUNCILLOR MAY ATTEND THIS COUNCIL MEETING REMOTELY BY ELECTRONIC MEANS OF COMMUNICATION; AND

PURSUANT TO SECTION 395 OF THE *LOCAL GOVERNMENT ACT 2020* THIS COUNCIL MEETING MAY BE CLOSED TO THE ATTENDANCE BY MEMBERS OF THE PUBLIC BY MAKING AVAILABLE ACCESS TO A LIVE STREAM OF THE MEETING ON THE COUNCIL'S INTERNET SITE.

1. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

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

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

2. THE PRAYER

Our Father who art in Heaven, hallowed be thy name. Thy kingdom come, thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us, and lead us not into temptation but deliver us from evil. For the kingdom, the power, and the glory are yours now and forever. Amen.

3. APOLOGIES AND LEAVE OF ABSENCE

4. DECLARATION OF INTERESTS

5. ADOPTION OF MINUTES

Proposed Resolution:

That Council confirm the minutes of the Council Meeting held on 6 December 2021.

6. ACKNOWLEDGEMENTS

Councillors may raise any formal acknowledgements that need to be made at this time, including congratulatory or condolences.

7. PUBLIC PARTICIPATION TIME

Attend as an observer

The Victorian Government's *COVID-19 Omnibus (Emergency Measures) Act 2020* has introduced into the *Local Government Act 2020* new mechanisms that allow for virtual Council Meetings and allow for Council Meetings to be closed to the public.

The safety of Councillors, Council staff and our community is at the forefront of our decisions therefore this Meeting will be closed to physical participation by members of the public. To meet our legislated obligations and in the spirit of open, accessible and transparent governance, this Council Meeting is livestreamed and can be viewed by using the link on Council's website or Facebook page.

Public Questions on Notice

In accordance with the Council Meeting Policy, members of the public can lodge a question on notice before 12noon on the 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.

8. QUESTIONS ON NOTICE

Nil reports

NOTICES OF MOTION

9. NOTICES OF MOTION

9.1 2022/01 SPEED REDUCTION - OLD SALE ROAD, MOE

Cr Sharon Gibson

I, Cr Gibson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on 7 February 2022:

That Council request Council officers to write to the Department of Transport requesting consideration of reducing the speed limit along Old Sale Road, Moe; from west of Haigh Street to the entrance to Moe west of Becks Bridge Road from 80km/hr to 60km/hr.

Signed
Cr Sharon Gibson
01 February 2022

Attachments
Nil

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

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

Nil reports

CORRESPONDENCE

11. CORRESPONDENCE

Nil reports

PRESENTATION OF PETITIONS

12. PRESENTATION OF PETITIONS

Nil reports

REGIONAL CITY STRATEGY AND TRANSITION

13. REGIONAL CITY STRATEGY AND TRANSITION

Agenda Item: 13.1

**Agenda Item: Presentation of the Audit and Risk Committee Minutes
- 02 December 2021**

Sponsor: Chief Executive Office

Council Plan Objective: Ensure Council operates openly, transparently and responsibly.

Status: For Information

Proposed Resolution:

That Council receives and notes the attached Audit and Risk Committee Minutes for the 02 December 2021 meeting.

Executive Summary:

The Audit and Risk Committee (Committee) is a statutory committee of the Council. The Committee held its last meeting on 02 December 2021. It is a requirement of the *Audit and Risk Committee Charter* that the minutes are then subsequently tabled at an upcoming Council meeting. A number of motions were made at the meeting (as summarised in this report and set out in full in the attached minutes).

Background:

At the meeting held on 02 December 2021, the Committee resolved the following:

Item	Motion
Confirmation of Minutes	That the minutes of the Audit and Risk Committee meeting held on 02 September 2021 be confirmed and ratified as true and correct.

Item	Motion
Items Referred by The Committee to This Meeting for Consideration	There are no Items Referred by the Committee to this Meeting for Consideration reports tabled for this meeting.
Status of Actions Arising Report	That the Audit and Risk Committee receives and notes the Status of Actions Arising Report along with providing consideration to close the three actions listed.
External Audit Reports	There are no External Audit reports tabled for this meeting.
Internal Audit Status Report	That the Audit and Risk Committee receives and notes the Internal Audit Plan Status report.
Presentation of Internal Audit Scopes/Plans for Endorsement	That the Audit and Risk Committee endorse the following scopes/plans as presented: <ul style="list-style-type: none"> • Review of Accounts Payable Purchasing Payroll Accounts Receivable (Data Analytics) • Review of Council Facilities Management
Internal Audit Report - Management of Waste and Landfill Operations	That the Audit and Risk Committee requests the Review of Management of Waste and Landfill Operations Internal Audit report is reviewed and returned to the March 2022 meeting for consideration.
Quarterly Risk Management Report December 2021	That the Audit and Risk Committee notes and receives the quarterly risk management report.
Quarterly Strategic Risk Register Review December 2021	That the Audit and Risk Committee notes and receives the quarterly strategic risk register report.
Public Interest Disclosure Procedure Review	That the Audit and Risk Committee endorse the presentation of the Public Interest Disclosure Procedures to the Executive Management Team for adoption.

Item	Motion
Review of processes for communicating Council's Employee Code of Conduct	That the Audit and Risk Committee receive this information.
Audit Compliance Report	That the Audit and Risk Committee receive and notes this report and approves the extensions to audit action due dates as set out in this report.
VAGO, Ombudsman and IBAC Reports	That the Audit and Risk Committee: <ul style="list-style-type: none"> a) receives and notes this report into VAGO, Victorian Ombudsman, IBAC, Inspectorate and other reports; and b) notes detailed response to a report is provided separately within this agenda
Response to VAGO report "Maintaining Local Roads"	That the Audit and Risk Committee notes the report.
Project Governance Update	That the Audit and Risk Committee note this report.
Draft updated Fraud and Corruption Control policy and plan	That the Audit and Risk Committee: <ul style="list-style-type: none"> 1. Endorse the updated Fraud and Corruption Control Policy and Fraud and Corruption Control Plan for adoption by Council with the inclusion of quarterly reporting to Audit and Risk Committee; and 2. Note the action plan will be provided at the March meeting.
Annual Report into the Councillors and Delegated Committee Members Expenses, Resources and Support Policy	That the Audit and Risk Committee receive and note this paper.

Item	Motion
IT Penetration Report	That the Audit and Risk Committee note the penetration testing report (2020/1).
Victorian Protective Data Security Framework (VPDSF) update	That the Audit and Risk Committee: <ol style="list-style-type: none"> 1. acknowledge the actions performed by the IT team and the broader organisational groups involved in the LCC PDSP group to progress Latrobe City Council's progress in compliance with the Privacy and Data Protection Act 2014 (PDP Act); and 2. note that a further report be presented to the Audit and Risk Committee when necessary to provide an update on the status of Victorian Protective Data Security Framework.
Quarter 1 2021/22 Performance Report Summary	That the Audit and Risk Committee note the Quarterly Performance Summary Reports for Q1 2021-22.
Quarter 1 2021/22 People and Workcover Reports	That the Audit and Risk Committee note the Quarterly People Report for Q1 of the 2021/22 financial year.
Quarterly Finance Report - September 2021	That the Audit and Risk Committee receives and notes the Quarterly Finance Report for the period ended 30 September 2021, prepared in accordance with the requirements of the Local Government Act 2020.
Financial Plan	That the Audit and Risk Committee note the report.
Investment Report	That the Audit and Risk Committee receive and note the report.
Procurement Policy Review	That the Audit and Risk Committee: <ol style="list-style-type: none"> 1. Review the proposed changes to the Procurement Policy; and 2. Endorse the proposed changes to the Procurement Policy and presentation of this policy to Council for adoption.

Item	Motion
Self-Assessment Survey Results 2021	That the Audit and Risk Committee: <ol style="list-style-type: none"> 1. Receives and notes the self-assessment undertaken; and 2. Uses this self-assessment to inform the bi-annual report by the Chairperson to Latrobe City Council.
Review and Confirmation of Meeting Dates for 2022	That the Audit and Risk Committee confirm their meeting dates for 2022 as follows: <ol style="list-style-type: none"> 1. Thursday 03 March 2022 2. Thursday 09 June 2022 3. Thursday 25 August 2022 4. Thursday 24 November 2022
Review of Work Plan for 2022	That the Audit and Risk Committee confirm their indicative 2022 Work Plan (as attached).
General Matters	That the Audit and Risk Committee note: <ol style="list-style-type: none"> 1. Council recently finalised two key Corporate documents: The 2020/21 Annual Report, The Council Plan 2021-2025 and the Community Vision; and 2. The outcome of the 2021/2022 Mayoral elections.

The full minutes are attached to this report.

Issues:

Strategy Implications

The Audit and Risk Committee provides advice to ensure that Council operates openly, transparently and responsibly.

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.

Financial Implications

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.

Risk Analysis

The Audit and Risk Committee provides advice into the management of risk in the organisation.

Legal and Compliance

A number of reports tabled at each meeting of the Audit and Risk Committee relate to legal or compliance related matters. In addition, a report is tabled for the committee to consider any reports that have been published by the Victorian Ombudsman, Victorian Auditor-Generals Office, Inspectorate or the Independent Broad-based Anti-corruption Commission to ensure that practices within Council are compliant with current expectations of the public sector.

Community Implications

There are no known community implications.

Environmental Implications

There are no known environmental implications.

Consultation

There is no engagement required as part of this process.

Other

There are no other known issues identified.

Declaration of Interests:

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

Supporting Documents:

Nil

Attachments

1  [Audit & Risk Committee Meeting Minutes - 2 December 2021](#)

13.1

Presentation of the Audit and Risk Committee Minutes - 02 December 2021

- 1 Audit & Risk Committee Meeting Minutes - 2 December
2021..... 23**



Audit and Risk Committee Meeting Minutes - 2 December 2021

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

02 September 2021

Held via audio-visual link

Meeting commenced at 10.00 AM

Attendance

- Members:**
- Bev Excell (Chair), Joanne Booth, Terry Richards, Cr Graeme Middlemiss
- In Attendance:**
- Steve Piasente (CEO) (left at 11:38am)
 - Kendrea Pope (Executive Manager Office of the CEO)
 - Greg Drumm (General Manager Organisational Performance)
 - Jody Riordan (General Manager City Planning and Assets)
 - Matthew Rogers (Manager Financial Performance)
 - Kapil Kukreja (HLB Mann Judd)
 - Hanna Steevens (Manager Governance)
 - Nathan Frith (Compliance Officer) (arrived at 10:23am and left at 11:37am)
 - Louise Van Der Velden (Senior Compliance Officer) (arrived at 10:45am)
 - Sonika Sharma (Coordinator Risk) (arrived at 10:23am and left at 11:09am)
 - Simon Dean (Coordinator Information & Technology) (arrived at 10:27am)

Teleconference: Nil

IN CAMERA MEETING

THE AUDIT AND RISK COMMITTEE DID NOT HAVE AN IN CAMERA SESSION.



Audit and Risk Committee Meeting Minutes - 2 December 2021

1. OPENING AND WELCOME

The Chairperson opened the meeting and welcomed all present.

2. APOLOGIES

The following people provided apologies in advance of the meeting:

- Cr Melissa Ferguson
- Gail Gatt (General Manager Community Health and Wellbeing)
- Mark Holloway (HLB Mann Judd)
- Sanchu Chummar

3. DECLARATIONS OF INTEREST

Nil.

It is noted that the Chair encouraged members to properly consider necessary declarations.

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 it had not.

5. CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Audit and Risk Committee meeting held on 02 September 2021 be confirmed and ratified as true and correct.



Audit and Risk Committee Meeting Minutes - 2 December 2021

OUTCOME/ACTIONS ARISING:

1. Nil.

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

There are no Items Referred by the Committee to this Meeting for Consideration reports tabled for this meeting.

7. STATUS OF ACTIONS ARISING

7.1 Status of Actions Arising

RECOMMENDATION

That the Audit and Risk Committee receives and notes the Status of Actions Arising Report along with providing consideration to close the three actions listed.

OUTCOME/ACTIONS ARISING:

1. Nil.

8. EXTERNAL AUDIT

There are no External Audit reports tabled for this meeting.

9. INTERNAL AUDIT

9.1 Internal Audit Status Report

RECOMMENDATION

That the Audit and Risk Committee receives and notes the Internal Audit Plan Status report.

OUTCOME/ACTIONS ARISING:

1. Nil.

9.2 Presentation of Internal Audit Scopes/Plans for Endorsement

RECOMMENDATION

That the Audit and Risk Committee endorse the following scopes/plans as presented:



Audit and Risk Committee Meeting Minutes - 2 December 2021

- Review of Accounts Payable Purchasing Payroll Accounts Receivable (Data Analytics)
- Review of Council Facilities Management

OUTCOME/ACTIONS ARISING:

1. Nil.

9.3 Internal Audit Report - Management of Waste and Landfill Operations

RECOMMENDATION

That the Audit and Risk Committee requests the Review of Management of Waste and Landfill Operations Internal Audit report is reviewed and returned to the March 2022 meeting for consideration.

OUTCOME/ACTIONS ARISING:

1. GMCP&A in consultation with HLB Mann Judd to review the following aspects of the final report before presenting to the March 2022 meeting in a paper that also addresses the identified risks:
 - conclusion to ensure it adequately addresses the objective; and
 - recommendation due dates circulate out of session.
2. If required, GMCP&A to facilitate a meeting with Cr Middlemiss, HLB Mann Judd and possibly Beverley Excell to discuss the Review of Management of Waste and Landfill Operations Internal Audit report.
3. GMCP&A to arrange for the Review of Management of Waste and Landfill Operations Internal Audit report to be presented to a Councillor briefing session.
4. GMCP&A to prepare a paper for the March 2022 meeting outlining the shared waste contract process and addressing the risks to council, particularly the risks from any new legislation.

10. RISK

10.1 Quarterly Risk Management Report December 2021

RECOMMENDATION

That the Audit and Risk Committee notes and receives the quarterly risk management report.

OUTCOME/ACTIONS ARISING:



Audit and Risk Committee Meeting Minutes - 2 December 2021

1. Nil.

10.2 Quarterly Strategic Risk Register Review December 2021

RECOMMENDATION

That the Audit and Risk Committee notes and receives the quarterly strategic risk register report.

OUTCOME/ACTIONS ARISING:

1. Coordinator Risk to consider identified risk - SR14 further. Can this be incorporated into SR09? Are there additional risk sources that originate from Council's actions for example not engaging appropriately or not adequately sharing information.
2. Coordinator Risk to consider controls to include more current or real time monitoring, mitigation, tightening of controls and review cycles.
3. Compliance Officer to consider options to improve reporting to present residual risk ratings and effectiveness ratings.
4. Coordinator Risk to discuss with ERMC the growing risk around corporate governance and councils working together and making decisions. This is an emerging risk in the sector. It is recognised that there has been limited opportunity to make working relationships when physically disconnected.
5. Manager Finance to prepare a deep dive paper into financial sustainability and analyse if the Financial Plan and presentation of financial sustainability risk is properly addressed. This paper should address if further controls are required.

10.3 Public Interest Disclosure Procedure Review

RECOMMENDATION

That the Audit and Risk Committee endorse the presentation of the Public Interest Disclosure Procedures to the Executive Management Team for adoption.

OUTCOME/ACTIONS ARISING:

1. Nil.

10.4 Review of processes for communicating Council's Employee Code of Conduct

RECOMMENDATION

That the Audit and Risk Committee receive this information.



Audit and Risk Committee Meeting Minutes - 2 December 2021

OUTCOME/ACTIONS ARISING:

1. Nil.

11. MONITORING

11.1 Audit Compliance Report

RECOMMENDATION

That the Audit and Risk Committee receive and notes this report and approves the extensions to audit action due dates as set out in this report.

OUTCOME/ACTIONS ARISING:

1. GMOP to provide an update in March 2022 meeting papers for Occupational Health and Safety (July 2018) overdue actions.
2. GMCP&A to provide an update in March 2022 meeting papers for Capital Works Planning (February 2017) overdue actions.
3. Senior Compliance Officer to provide information to the March 2022 meeting on CCTV reporting.
4. Coordinator Risk to provide an update in March 2022 meeting papers for Review of Council's Response to COVID-19 Pandemic Audit (May 2021) overdue actions.

Note: extra column which stipulates a revised date is helpful and practice to continue.

11.2 VAGO, Ombudsman and IBAC Reports

RECOMMENDATION

That the Audit and Risk Committee:

- a) receives and notes this report into VAGO, Victorian Ombudsman, IBAC, Inspectorate and other reports; and
- b) notes detailed response to a report is provided separately within this agenda

OUTCOME/ACTIONS ARISING:

1. Nil.

11.3 Response to VAGO report "Maintaining Local Roads"

RECOMMENDATION



Audit and Risk Committee Meeting Minutes - 2 December 2021

That the Audit and Risk Committee notes the report.

OUTCOME/ACTIONS ARISING:

1. Nil.

11.4 Project Governance Update

RECOMMENDATION

That the Audit and Risk Committee note this report.

OUTCOME/ACTIONS ARISING:

1. Nil.

11.5 Draft updated Fraud and Corruption Control policy and plan

RECOMMENDATION

That the Audit and Risk Committee

1. Endorse the updated Fraud and Corruption Control Policy and Fraud and Corruption Control Plan for adoption by Council with the inclusion of quarterly reporting to Audit and Risk Committee; and
2. Note the action plan will be provided at the March meeting.

OUTCOME/ACTIONS ARISING:

1. Senior Compliance Officer to provide a report at the March 2022 meeting detailing the findings on a process reviewing supplier vetting systems.

11.6 Annual Report into the Councillors and Delegated Committee Members Expenses, Resources and Support Policy

RECOMMENDATION

That the Audit and Risk Committee receive and note this paper.

OUTCOME/ACTIONS ARISING:

1. Nil.



Audit and Risk Committee Meeting Minutes - 2 December 2021

11.7 IT Penetration Report

RECOMMENDATION

That the Audit and Risk Committee note the penetration testing report (2020/1).

OUTCOME/ACTIONS ARISING:

1. Coordinator Information & Technology to provide a paper to the March 2022 meeting outlining management responses to the issues identified. This paper to include comments in relation to the adequacy of SR07 and insurance coverage in consultation with the Coordinator Risk.

11.8 Victorian Protective Data Security Framework (VPDSF) update

RECOMMENDATION

That the Audit and Risk Committee:

1. acknowledge the actions performed by the IT team and the broader organisational groups involved in the LCC PDSP group to progress Latrobe City Council's progress in compliance with the Privacy and Data Protection Act 2014 (PDP Act); and
2. note that a further report be presented to the Audit and Risk Committee when necessary to provide an update on the status of Victorian Protective Data Security Framework.

OUTCOME/ACTIONS ARISING:

1. Manager Governance to include on the work plan an update paper on the Victorian Protective Data Security Framework to be provided at the May 2022 meeting.

12. PERFORMANCE REPORTING

12.1 Quarter 1 2021/22 Performance Report Summary

RECOMMENDATION

That the Audit and Risk Committee note the Quarterly Performance Summary Reports for Q1 2021-22.

OUTCOME/ACTIONS ARISING:

1. Nil.



Audit and Risk Committee Meeting Minutes - 2 December 2021

12.2 Quarter 1 2021/22 People and Workcover Reports

RECOMMENDATION

That the Audit and Risk Committee note the Quarterly People Report for Q1 of the 2021/22 financial year.

OUTCOME/ACTIONS ARISING:

1. Nil.

13. FINANCE

13.1 Quarterly Finance Report - September 2021

RECOMMENDATION

That the Audit and Risk Committee receives and notes the Quarterly Finance Report for the period ended 30 September 2021, prepared in accordance with the requirements of the Local Government Act 2020.

OUTCOME/ACTIONS ARISING:

1. Nil.

13.2 Financial Plan

RECOMMENDATION

That the Audit and Risk Committee note the report

OUTCOME/ACTIONS ARISING:

1. Nil.

13.3 Investment Report

RECOMMENDATION

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

OUTCOME/ACTIONS ARISING:

1. Nil.



Audit and Risk Committee Meeting Minutes - 2 December 2021

13.4 Procurement Policy Review

RECOMMENDATION

That the Audit and Risk Committee

1. Review the proposed changes to the Procurement Policy; and
2. Endorse the proposed changes to the Procurement Policy and presentation of this policy to Council for adoption.

OUTCOME/ACTIONS ARISING:

1. Nil.

14. REPORTING REQUIREMENTS

14.1 Self Assessment Survey Results 2021

RECOMMENDATION

That the Audit and Risk Committee:

1. Receives and notes the self-assessment undertaken; and
2. Uses this self-assessment to inform the bi-annual report by the Chairperson to Latrobe City Council.

OUTCOME/ACTIONS ARISING:

1. Manager Governance to send an out of session email advising committee members or management can send any further feedback to directly to Bev Excell.
2. Manager Governance and Bev Excell to meet to discuss results particularly the response to the question on maintenance and monitoring of an ethical environment.
3. Manager Governance to change survey timing in the work plan to occur at the end of the year once four meetings have occurred.

15. GENERAL BUSINESS

15.1 Review and Confirmation of Meeting Dates for 2022

RECOMMENDATION

That the Audit and Risk Committee confirm their meeting dates for 2022 as follows:



Audit and Risk Committee Meeting Minutes - 2 December 2021

1. Thursday 03 March 2022
2. Thursday 09 June 2022
3. Thursday 25 August 2022
4. Thursday 24 November 2022

OUTCOME/ACTIONS ARISING:

1. Nil.

15.2 Review of Work Plan for 2022

RECOMMENDATION

That the Audit and Risk Committee confirm their indicative 2022 Work Plan (as attached).

OUTCOME/ACTIONS ARISING:

1. Nil.

15.3 General Matters

RECOMMENDATION

That the Audit and Risk Committee note:

1. Council recently finalised two key Corporate documents: The 2020/21 Annual Report, The Council Plan 2021-2025 and the Community Vision; and
2. The outcome of the 2021/2022 Mayoral elections.

OUTCOME/ACTIONS ARISING:

1. Nil.

Next Meeting Date

The next Audit and Risk Committee meeting is to be held on 03 March 2021.



Audit and Risk Committee Meeting Minutes - 2 December 2021

Management and officers left at 12:36pm.

The Committee and the Internal Auditor held an In camera session from 12:36pm. When this concluded the meeting ended.

Agenda Item: 13.2

Agenda Item: Authorisation of Council Officers under the Planning & Environment Act 1987

Sponsor: Chief Executive Office

Council Plan Objective: SMART

Status: For Decision

Proposed Resolution:

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

- 1. Stewart Saunders, Ruth Marx and Jane Stockwell be appointed and authorised as set out in the instrument;**
- 2. The instrument comes into force either immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it; and**
- 3. The instrument be sealed.**

Executive Summary:

This report seeks to authorise Stewart Saunders, Urban Growth Project Officer, Ruth Marx and Jane Stockwell, Statutory Planning Administration Officers under section 147(4) of the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020*.

Council utilises Instruments of Appointment and Authorisation to identify specific officer's 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 Stewart Saunders, Ruth Marx and Jane Stockwell, the officers will be able to perform their duties with respect to the planning powers and functions of the Council.

Background:

This report seeks to authorise Stewart Saunders, Ruth Marx and Jane Stockwell under section 147(4) of the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020*.

Council utilises Instruments of Appointment and Authorisation to identify specific officer's incumbent in roles and, in turn, appoint the officer to be an authorised officer for the administration and enforcement of legislation under applicable Acts.

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. This is why Council needs to identify the authorised officer 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.*

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.

Issues:

Strategy Implications

Council endorsing this authorisation will support the Smart theme in the Council Plan 2021 – 2025 by supporting a skilled and appropriate qualified workforce.

Communication

Not Applicable.

Financial Implications

There are no financial or resource implications. However, if Council decides not to authorise the nominated officer, it will impede their ability to fully execute their duties

Risk Analysis

If an officer is not authorised by Council, the officer will be unable to adequately perform their duties. Further implications to this are as follows:

- Delays in processing decisions on planning applications.
- Development and subdivision projects within the Latrobe City Council having time delays.
- Risk that developers will become frustrated with delays and appeal to the Victorian Civil and Administrative Tribunal.
- Planning officers that do not have the appropriate authorisation and delegation are unable to determine planning applications.

Appointments of authorised officers is also a risk management practice in that it clearly identifies which officer can act on a particular authorisation

Legal and Compliance

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.

By authorising the nominated officer, they will be able to perform and fulfil their role as described in their position description.

Community Implications

No community impact.

Environmental Implications

No environmental impact.

Community Engagement

There is no engagement required as part of this process.




Declaration of Interests:

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

Supporting Documents:

Nil

Attachments

1.  S11A Instrument of Authorisation - Stewart Saunders
2.  S11A Instrument of Authorisation - Ruth Marx
3.  S11A Instrument of Authorisation - Jane Stockwell

13.2

Authorisation of Council Officers under the Planning & Environment Act 1987

- 1 S11A Instrument of Authorisation - Stewart Saunders 40**
- 2 S11A Instrument of Authorisation - Ruth Marx 42**
- 3 S11A Instrument of Authorisation - Jane Stockwell 44**

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)**

Stewart Saunders

Urban Growth Project Officer

February 2022

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

In this instrument "**officer**" means -

Stewart Saunders

By this instrument of appointment and authorisation Latrobe City Council -

1. under section 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 section 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 -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked;
- (c) is automatically revoked upon the officer referred to in this instrument ceasing employment with the Council.

This instrument is authorised by a resolution of the Council on the third of May 2021.

The Common Seal of **LATROBE CITY COUNCIL**
was affixed in accordance with Local Law No. 1
this day of 2021 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)**

Ruth Marx

Statutory Planning Administration Officer

February 2022

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

In this instrument "**officer**" means -

Ruth Marx

By this instrument of appointment and authorisation Latrobe City Council -

1. under section 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 section 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.

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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)**

Jane Stockwell

Statutory Planning Administration Officer

February 2022

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

In this instrument "**officer**" means -

Jane Stockwell

By this instrument of appointment and authorisation Latrobe City Council -

1. under section 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 section 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 -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked;
- (c) is automatically revoked upon the officer referred to in this instrument ceasing employment with the Council.

This instrument is authorised by a resolution of the Council on the third of May 2021.

The Common Seal of **LATROBE CITY COUNCIL**
was affixed in accordance with Local Law No. 1
this day of 2021 in the presence of:

Steven Piasente – Chief Executive Officer

Agenda Item: 13.3

Agenda Item: Council Policy Review - Fraud and Corruption Control Policy

Sponsor: Chief Executive Office

Council Plan Objective: SMART

Status: For Decision

Proposed Resolution:

That Council:

- 1. Adopts the Fraud and Corruption Control Policy 2021; and**
- 2. Notes that with the adoption of this Policy, that any previous versions are revoked;**
- 3. Makes the Fraud and Corruption Control Policy 2021 available on Council's website and available for inspection at all Council Service Centres.**

Executive Summary:

- The Fraud and Corruption Control Policy 2019 has been reviewed and updated, and is now presented for adoption by Council.
- The draft updated Fraud and Corruption Control Policy and Fraud and Corruption Control Plan are key elements of Council's fraud and corruption control framework.
- The fraud and corruption control framework has been reviewed and updated to align with Australian Standard AS8001:2021 Fraud and Corruption Control (the Standard), respond to various integrity body guidance, and address outstanding audit actions.
- Key changes to the policy are to include definitions from the updated Standard and reflect the current organisational structure

Background:

The Fraud and Corruption Control Policy 2019 has been reviewed and updated, and is now presented for adoption by Council. The draft updated Fraud and Corruption Control Policy and Fraud and Corruption Control Plan are key elements of Council's fraud and corruption control framework. They have been reviewed and updated to align with Australian Standard AS8001:2021 Fraud and Corruption Control (the Standard), respond to various integrity body guidance, and address outstanding audit actions.

The review identified opportunities to further improve fraud education, prevention, detection, response and reporting. This includes opportunity to achieve more well known, streamlined and centralised reporting of fraud and corruption, to ensure consistent and appropriate handling of all reports and incidents and the ability to recognise and communicate/report on incidents, trends and areas of concerns, as appropriate.

Key updates to policy and processes include:

- minimal changes to the policy to include definitions from the updated Standard and reflect the current organisational structure
- significant update to the Fraud and Corruption Control Plan, include more detail around the three elements of the control systems (being prevention, detection and response), introduce risk and performance indicators and reporting, include anonymous reporting options for staff and contractors
- completion of a gap analysis against the updated Standard, and development of subsequent action plan to further improve the fraud and corruption control framework, including development of a pressure testing program to assess operating effectiveness of internal controls, development of an Information Security Management System (ISMS), and update of Supplier Code of Conduct to include fraud and corruption requirements.

Issues:

Strategy Implications

Council adopting this policy will support the Smart theme in the Council Plan 2021 – 2025 by supporting a skilled and appropriate qualified workforce and helping protect our assets and resources.

Health Implications

Nil

Communication

The Policy is a Council level Policy, and once adopted will be available on Council's website. The review has involved council's leadership group and stakeholders,

including those that are involved with external stakeholders, such as contractors and suppliers.

Financial Implications

An effective Fraud and Corruption Control Policy assists in preventing or minimising financial impacts on council. As part of Council's insurance program, we have coverage under the Commercial Crime Fund; a shared service for the local government sector, which covers local authorities against losses from fraudulent or dishonest acts committed by an employee or third party.

Risk Analysis

Identified risk	Risk likelihood*	Controls to manage risk
<p>Financial and Reputational Risk</p> <p>Failure to prevent or identify fraud and corruption risks and events</p>	<p>Possible</p>	<p>Fraud and corruption control policy, plan and action plan, setting out current and pending processes around training and awareness, reporting obligations and options, reports and monitoring, system controls etc, aligned with AS8001:2021 Fraud and Corruption Control.</p>

Legal and Compliance

The Fraud and Corruption Control Policy is an important part of the overall fraud and corruption control framework and required in order to align with best practice and AS8001 Fraud and Corruption Control.

Community Implications

There are no known significant community implications as a result of amending the Policy.

Environmental Implications

Nil

Consultation

Benchmarking has been undertaken against other Councils, as well as review of IBAC guidance material and HLB Mann Judd audit reports to ensure understanding of the sector risks and requirements.

In addition, consultation has occurred internally, as well as with the Audit and Risk Committee.

There is no legislative requirement for community consultation on this Policy. As this Policy is to ensure Council's compliance, it is recommended that engagement will be limited to directly informing applicable groups (in addition to publishing the Policy on the website) if the Policy is adopted.

Declaration of Interests:

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

Supporting Documents:

Nil

Attachments

1.   DRAFT Fraud and Corruption Control Policy 2021

13.3

Council Policy Review - Fraud and Corruption Control Policy

- 1 DRAFT Fraud and Corruption Control Policy 2021..... 51**



Fraud and Corruption Control Policy

Approval Date: ~~02 December 2019~~ December 2021

Review Date: ~~December 2021~~ December 2023



Fraud and Corruption Control Policy

DOCUMENT CONTROL

Responsible GM	General Manager Organisational Performance General Manager Regional City Strategy and Transition	
Division	Organisational Performance Regional City Strategy and Transition	
Last Updated (who & when)	Coordinator Governance Senior Compliance Officer	2019 2021
DOCUMENT HISTORY		
Authority	Date	Description of change
Council	02 December 2019	Revised and updated
Council	December 2021	Revised and updated to reflect updates to AS8001:2021 and org structure
References	Refer to Section 8 and 9 of this policy	
Next Review Date	December 2021 December 2023	
Published on website	Yes	
Document Reference No	222-2298	

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Responsible Division	Organisational Performance Regional City Strategy and Transition	Approved Date	02 December 2019 xx December 2021	Review Date	December 2021 December 2023
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Fraud and Corruption Control Policy

1. Background

Council has a “zero tolerance” approach to fraud and corruption. Latrobe City Council is committed to the elimination of all forms of fraud and corruption and to creating an ethical environment and culture that discourages and prevents fraud and corruption.

2. Objectives

The objective of this Policy is to minimise or eliminate risks arising from fraudulent and corrupt behaviour and to protect the organisation from the consequences of fraudulent and corrupt activity.

3. Scope

The Policy will apply to all Councillors, Council employees, contractors, suppliers and volunteers.

4. Principles of Management

Fraudulent and corrupt behaviour can cause damage to Council on a number of levels, including financial, reputational, staff morale and service delivery. Council's “zero tolerance” approach to fraud and corruption demonstrates its commitment to protecting its revenue, expenditure and assets from any attempt by Councillors or its own employees, members of the public, contractors, agents, intermediaries, volunteers, or members of the public, Councillors or its own employees to gain financial or other benefits by deceit, bias or dishonest conduct.

Council's commitment to fraud and corruption control will consider Australian Standard AS 8001-~~2008~~-2021 (Fraud and Corruption Control) and be managed by preventing, detecting and responding to fraud and corruption, to ensure that:

- ~~ensuring that~~ fraudulent or corrupt activity is prevented;
- conflicts of interest are avoided where possible, or declared and managed, to ensure open and transparent decision making;
- risks associated with fraud and corruption is managed as a priority activity within Council's risk management program; and
- auditing systems are in place to deter and/or identify corrupt activities.

In accepting its responsibility for good governance of the municipality, Council will set the example for transparency and integrity in the provision of services to the community and the management of Council.

All reports received will be fully investigated and appropriate action taken where required.

Councillors and employees must be aware of the Council's intention to suspend or dismiss employees, report internal and/or external fraudulent or corrupt activity to

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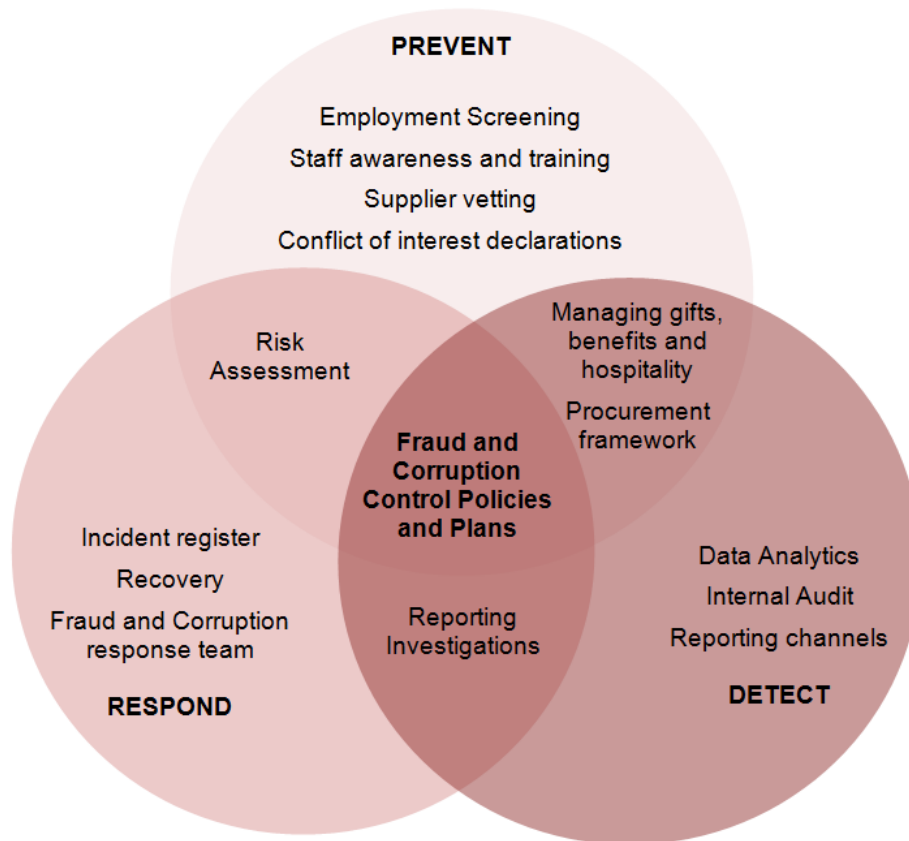
Responsible Division	<u>Organisational Performance-Regional City Strategy and Transition</u>	Approved Date	<u>02-December-2019xx December 2021</u>	Review Date	<u>December 2024-December 2023</u>
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Fraud and Corruption Control Policy

Police, [suspend or dismiss employees](#), and prosecute Councillors or employees and any other parties to the matter, found to be involved in fraudulent and/or corrupt behaviour. Council may pursue recovery of any financial loss through civil proceedings.

[This policy forms part of the fraud and corruption control framework. The diagram below shows the key elements and initiatives of the framework, and the relationship between them.](#)



5. Accountability and Responsibility

All Councillors and Council staff have a responsibility for preventing fraud and corruption as far as practicable.

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Fraud and Corruption Control Policy

Councillors, as elected representatives and the ~~decision-making~~ decision-making body for the municipality, set the tone and expected standards of behaviour for the organisation. They are ultimately responsible for ensuring that obligations under the *Local Government Act 1989-2020* are met and that they comply with specific obligations in the Councillor Code of Conduct.

Management is responsible for the prevention and ~~and~~ detection and investigation of fraud and corruption and other irregularities that arise and reporting such occurrences. Each member of the management team will familiarise themselves with the types of improprieties that might occur within their area of responsibility and be alert for any indication of irregularity. Any irregularity that is detected or suspected will be reported to Governance to be acted upon immediately.

Latrobe City Council requires all staff at all times to act honestly and with integrity, safeguard Council's resources for which they are responsible and comply with the staff Code of Conduct.

All staff are required to understand and discharge their responsibilities in relation to fraud and corruption.

Other accountabilities and responsibilities are set out in the Fraud and Corruption Control Plan.

Accountability and responsibility for this policy is outlined below.

5.1. Council

- Comply with the requirements of the Policy and any frameworks and procedures developed to achieve compliance with this policy
- Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other related Latrobe City Council policies ~~Policy~~
- Responsibility for the decision to approve this Policy by Council Resolution

5.2. Chief Executive Officer

- Overall responsibility for compliance with this policy
- Overall responsibility for enforcing accountability
- Overall responsibility for providing resources
- Overall responsibility for performance monitoring
- Refer cases of suspected fraud or corruption to the Independent Broad-based Anti-corruption Commission (IBAC), the police and other authorities as required.
- Reporting incidents and outcomes of fraud and corruption events to the Audit & Risk Committee

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Fraud and Corruption Control Policy

5.3. General Manager

- Responsibility for compliance with this policy
- Responsibility for enforcing accountability
- Responsibility for providing resources
- Responsibility for performance monitoring

5.4. Manager

- Develop frameworks and procedures in compliance with this policy
- Enforce responsibilities to achieve compliance with frameworks and procedures
- Provide appropriate resources for the execution of the frameworks and procedures
- Refer all reports of suspected fraud and corruption to Manager Governance (unless relates to Manager Governance, then refer to CEO)

5.5. Governance

- Manage and maintain the Policy
- Investigate fraud and corruption reports and incidents and provide report to CEO (unless Public Interest Disclosure or report relates to CEO, PID requirements then apply)
- Maintain central fraud and corruption incident register
- Provide fraud and corruption training and awareness, monitoring and reporting
- Coordinate the internal audit program

5.5-5.6. Employees, Contractors and Volunteers

- Participate where required in the development of frameworks and procedures in compliance with this policy.
- Comply with frameworks and procedures developed to achieve compliance with this policy.
- Report all suspected incidents of fraud and corruption

6. Evaluation and Review

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Responsible Division	<u>Organisational Performance-Regional City Strategy and Transition</u>	Approved Date	<u>02-December-2019xx December 2021</u>	Review Date	<u>December 2021-December 2023</u>
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Fraud and Corruption Control Policy

This Policy will be reviewed on request of Council or in the event of significant change in the Executive Team, significant changes to legislation applying to fraud and corruption control or on the recommendation of Council's Audit and Risk Committee or, in any other case, every two years.

7. Definitions

AS 8001 Fraud and corruption control provides the following definitions:

Fraud – 'is defined by the Commonwealth Fraud Control Guideline as "dishonestly obtaining a benefit, or causing a loss, by deception or other means". Dishonest activity causing actual or potential gain or loss to any person or organisation including theft or moneys or other property by persons internal and /or external to the organisation and/or where deception is used at the time, immediately before or immediately following the activity.'

Fraud against Latrobe City Council may include (but is not limited to):

- theft;
- accounting fraud (false invoices, misappropriation etc);
- unlawful use of or obtaining property, equipment, material or services;
- causing a loss or avoiding and/or creating a liability;
- providing false or misleading information to Latrobe City Council or failing to provide it when there is an obligation to do so;
- misuse of Latrobe City Council's assets, equipment or facilities;
- making or using false, forged or falsified documents and wrongfully using Latrobe City Council's information or intellectual property;
- accepting or seeking anything of material value from contractors, vendors, licensees or persons providing services/materials to Latrobe City Council ~~Victoria~~ without appropriate compliance with the Gifts, Benefits and Hospitality Policy.

Corruption conduct has the meaning given in Section 4(1) of the *Independent Broad-based Anti-Corruption Commission Act 2011* as follows:

Person that adversely affects the honest performance by a public officer or public body of their functions;

Public officer or public body that constitutes or involves the dishonest performance of their functions;

Public officer that knowingly or recklessly breaches public trust;

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Fraud and Corruption Control Policy

~~Public officer or public body that involves the misuse of information or material acquired in the course of the performance of their role or function, whether or not for the benefit of the public body or person;~~

~~Public officer or public body who conspires or attempts to engage in the above corrupt activity.: 'Dishonest activity in which a person associated with and organisation (eg director, executive, manager, employee or contractor) acts contrary to the interests of the organisation and abuses their position of trust in order to achieve personal advantage or advantage for another person or organisation. This can also involve corrupt conduct by the organisation, or a person purporting to act on behalf of and in the interests of the organisation, in order to secure some form of improper advantage for the organisation either directly or indirectly.'~~

8. Related Documents

The current version of the following documents apply to this Policy:

- Fraud and Corruption Control ~~Operational Policy Plan~~
- Internal Fraud and Corruption Investigation Procedures
- Public Interest Disclosures Procedures
- Risk Management Policy
- Risk Management Operational Policy
- Councillor Code of Conduct
- Latrobe City Council's Employee Code of Conduct
- ~~Gifts, Benefits and Hospitality Policy~~

9. Reference Resources

- Australian Standard AS 8001-~~2008-2021~~ Fraud and Corruption Control
- *Local Government Act* ~~1989~~ 2020
- ~~Local Government (Planning and Reporting) Regulations 2014~~ Commonwealth Fraud Control Framework 2017
- State government integrity frameworks review, June 2019 IBAC

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Responsible Division	Organisational Performance Regional City Strategy and Transition	Approved Date	02 December 2019xx <u>December 2021</u>	Review Date	December 2021 <u>December 2023</u>
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Agenda Item: 13.4

Agenda Item: Recommendation to Council for Appointment of an Independent Member and Chair of the CEO Employment Matters Committee

Sponsor: General Manager, Regional City Growth and Investment

Council Plan Objective: SMART

Status: For Decision

Proposed Resolution:

That Council appoints Mr. Kelvin Spiller as Independent Member and Chair upon recommendation of the CEO Employment Matters Committee.

Executive Summary:

Following an open EOI process the CEO Employment Matters Committee recommends Council to appoint Mr. Kelvin Spiller as an Independent Member and Chair of the CEO Employment Matters Committee.

Mr. Kelvin Spiller is proposed to be appointed for a two-year period on terms and conditions approved by Council. There may be an option for a further two-year term by mutual agreement between the Independent Chair and Council.

Background:

The Independent Member and Chair will support the committee's role to report to Council and provide appropriate advice, information and feedback on relevant matters in order to facilitate decision making by the Council in relation to the discharge of its responsibilities in recruitment, review and contract expiry of the CEO.

Mr. Kelvin Spiller is proposed to be appointed for a two-year period on terms and conditions approved by Council. There may be an option for a further two-year term by mutual agreement between the Independent Chair and Council.

Four applications were received in total. Upon shortlisting, Mr. Kelvin Spiller was interviewed by the committee; his professional biography is attached. The remaining three candidates' professional biographies are attached as a confidential attachment.

Issues:

Strategy Implications

The appointment of an Independent Chair for the CEO Employment Matters Committee aligns with Council's objective to ensure that it operates openly, transparently, and responsibly.

Communication

The information regarding the successful applicant will be made available on Council's website in the publication of the minutes from this meeting.

Financial Implications

The fee for the provision of this service has been budgeted for within the operational budget.

Risk Analysis

Identified risk	Risk likelihood*	Controls to manage risk
Service Delivery Risk N/A	N/A	N/A
Occupational Health and Safety Risk Council's CEO taking leave related to OHS reasons.	Rare	The appointment of a qualified Independent Member and Chair that will support a healthy, productive and safe working environment for the committee and CEO.
Financial Risk N/A	N/A	N/A

Identified risk	Risk likelihood*	Controls to manage risk
<p>Reputational Risk</p> <p>A relationship break-down between Council and CEO.</p>	Unlikely	The appointment of an Independent Member and Chair that possesses the key knowledge, skills and qualifications is critical in ensuring the working relationship between Council and the CEO is managed and developed.
<p>Legal/Regulatory Risk</p> <p>N/A – Legal requirements under the Local Government Act 2020 are met.</p>	N/A	N/A
<p>Strategic Risk</p> <p>Council’s strategic development does not occur.</p>	Unlikely	It is critical for the appointed Independent Member and Chair to manage the ongoing relationship between Council and CEO to support the management and development of Council’s strategies.

* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

Legal and Compliance

Council has established a committee to oversee matters relating to CEO employment and remuneration in accordance with s. 45(2) of the Local Government Act. As per the policy; this committee is to be chaired by an Independent Member who is a full member of the committee, and is entitled to be remunerated for their advisory role.

Community Implications

N/A

Environmental Implications

N/A

Consultation

N/A

Other

N/A

Declaration of Interests:

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

In good practice there will be encouragement for the Independent Member and Chair to submit declarations of interests voluntarily in a similar way the Audit and Risk Members submit interest returns on a voluntary basis.

Supporting Documents:

- Kelvin Spiller – Professional Biography

Attachments

1.   Kelvin Spiller - Professional Biography

2. Remaining Candidates - Professional Biographies (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. Professional Biographies for unsuccessful applicants. This document is comprised of personal information of three candidates who were not shortlisted to interview for the position of the Independent Member and Chair of the CEO Employment Matters Committee.

13.4

Recommendation to Council for Appointment of an Independent Member and Chair of the CEO Employment Matters Committee

- 1 Kelvin Spiller - Professional Biography..... 64**

Kelvin Spiller Professional Bio

PERSONAL KEY SKILLS

- Relationship building
- Balancing competing interests in political and elected environments
- Managing and overseeing responsibility for multi-million-dollar annual budgets and capital works programs.
- 9 CEO leadership roles - organisations with up to 3,100 employees
- Creating and motivating skilled teams
- 25 business sectors - Executive Coach to CEOs in the public and private sectors
- 35 + Govt, business and community boards / cttees

KEY QUALIFICATIONS

- Certificate Management Studies (Advanced Management Program) - Templeton College Oxford University UK;
- Master Management - RMIT
- Grad Diploma Management - RMIT
- Company Directors Diploma - AICD
- Diploma Business Studies - RMIT
- MBTI Administrator - APP

CEO, Executive Coach to CEOs, and Board Experience

1. SUMMARY CAREER HISTORY

A trusted advisor with over 45 years' experience as a Board Director, Chair, CEO and Executive Coach to CEOs with a sound career track record, who has had exposure to a wide range of government, business and community environments at the highest possible level.

- **Executive Coaching of CEOs experience (current and previous)** – Local Government, NFP, business/industry sectors - 25 different business sectors. (NT, Qld, NSW, Vic, Tas)
- **CEO experience** – 9 CEO roles plus previous executive positions in all aspects of leadership, performance, corporate governance, policy strategy and operations, strategic financial planning, risk and compliance at the highest level with up to 3,100 staff, and annual budgets in range \$450 (m) plus..
- **Corporate and board governance (member and or Chair)** – more than 35 government (including 4 Ministerial board appointments), business and community boards/committees. Including general purpose business incubators; technology business incubator/innovation centre assisting start-up businesses; public hospital; community health centre; water and electricity authorities; insurance; tourism; 6 Sunshine Coast business boards; and national local government and disability organisations.
- **Highly regulated public sector environments** - a diverse range of complex large service focused organisations.
- **Extensive business network, focused on relationship building, lobbying** – extensive relationship network and social media links with political leaders and executives in Federal, State, Local Government, NFP and business circles at national level and in all States and Territories.

2. CEO EXPERIENCE

- **CEO in 9 organisations in Local Government, Water and NFP Sectors**
 - City of Whittlesea (Nov 2019- Feb 2020), requested by Council to be Acting CEO during for 3 months during transition to a new contracted CEO
 - Mornington Peninsula Shire (Aug 2019-Nov 2019), requested by Council to be Acting CEO for 3 months during transition to a new contracted CEO.
 - City of Greater Geelong (2015-18) – 3 years
 - City of Wangaratta (June 2013-February 2014), requested by Council to be Acting CEO for 3 months during transition to a new contracted CEO.
 - Endeavour Foundation Qld (2004-08) – nearly 4 years
 - Maroochy Shire Council Qld (1998-2004) – nearly 7 years
 - AquaGen Water & Energy Qld (2003-04) held simultaneously with Maroochy Shire Council
 - City of Darebin (1994-98) – nearly 5 years
 - City of Preston (1989-94) – nearly 5 years
 - Town Clerk / Manager Corporate Services City of Essendon (1986-89) – 3 years
 - Executive and Administration – 4 more councils in Geelong Region (prior to 1986)

3. CONSULTING AND EXECUTIVE COACHING OF CEOs EXPERIENCE

- **Leadership Coach/Mentor to CEO's and Workshop facilitator with Executive Teams - 25 different business industry sectors** - in areas of leadership, corporate governance, strategy, operational management, organisational and team alignment with KPI's, conflict, maintaining and rebuilding damaged relationships.

Assisting clients to identify strengths and areas for development by coaching, leading, and overseeing professional teams in Vic, Qld, Tas, NSW and NT in the government, NFP, business/Industry Sectors - with the following;

- Chair The Executive Connection (TEC) Brisbane;
- Associate Chandler Macleod Group Brisbane;
- Associate CT Management Group P/L Geelong;
- Director Leadership Thinking Australia. (current)

4. BOARD EXPERIENCE AND QLD AND VIC STATE GOVT MINISTERIAL APPOINTMENTS

- **Current** – Independent Chair, West Wimmera Shire Council CEMAC Cttee.(2021- present)
- **Previous - Director/Member (Chair of some) of more than 35 boards/committees in government, industry and local communities** in 12 different industry sectors in VIC, Qld, NSW, Tas and NT, including the following **Ministerial Board Appointments**
 - Local Government (Sunbury out of Hume City Council) Panel 2014
 - Victorian State Government Barwon Region Partnership 2016-18
 - Gordon Institute of TAFE Geelong 2016-19.
 - (Chair) Queensland Local Government Grants Commission 2007-12
 - Queensland State Government Sippy Downs Knowledge Precinct 2004

REGIONAL CITY PLANNING AND ASSETS

14. REGIONAL CITY PLANNING AND ASSETS

Agenda Item: 14.1

Agenda Item: Council submission to Engage Victoria's consultation on 'Bushfire Planning Made Clearer: Options for Victoria's Planning System'

Sponsor: General Manager, Regional City Planning and Assets

Council Plan Objective: SUSTAINABLE

Status: For Decision

Proposed Resolution:

That Council:

- 1. Endorse Latrobe City Council's submission to the discussion paper on 'Bushfire Planning Made Clearer: Options for Victoria's Planning System (Attachment 1); and**
- 2. Lodge the submission with Engage Victoria for their consideration.**

Executive Summary:

- Engage Victoria, on behalf of the Department of Environment, Land, Water and Planning (DELWP), is conducting consultation in relation to proposed changes to the state bushfire planning provisions.
- A discussion paper (Attachment 2) has been published to inform this consultation. The four specific areas of the Victorian Planning Scheme under review are:
 1. Clause 13.02-1S – Bushfire Planning;
 2. Clause 44.06 – Bushfire Management Overlay;
 3. Clause 53.02 – Bushfire Planning; and
 4. Clause 52.12 – Bushfire Protection: Exemptions.
- The Planning Scheme provisions that support recovery and rebuilding after bushfire are outside of the scope of this project and therefore not under review.

- Most changes proposed are relatively logical and will have positive impacts on all users of the planning system, however the following three concerns were identified when reviewing the discussion paper:
 1. The inadequacy of bushfire hazard landscape assessments when undertaking long term future land use planning;
 2. Additional requirements for Councils to undertake compliance inspections on properties where approvals have been issued under the bushfire provisions; and
 3. Shifting decision-making responsibilities onto Councils for bushfire applications that are low and moderate risk, with fire authority referrals only triggered for high-risk applications.
- Council officers have prepared a submission (Attachment 1) and are seeking endorsement prior to lodgement with Engage Victoria by the 11 February 2021.

Background:

Following the 2009 Bushfire Royal Commission, the Victorian Government has delivered changes to how planning schemes address bushfire with a focus on prioritising human life over other policy objectives.

Over the next two years DELWP is focusing on enhancing the bushfire planning provisions with the aim of making them clearer and simpler to use. As a result, a discussion paper has been published to inform a public consultation process.

The discussion paper identifies areas for improvement that have been highlighted by users of the system over recent years. It also discusses potential solutions to these concerns. A table summarising these issues, proposed solutions and Council officers comments can be found at Attachment 3.

In summary council officers are generally satisfied with the changes proposed, however have raised the following concerns:

- The inadequacy of direction for the completion of bushfire hazard landscape assessments when undertaking long term future land use planning (i.e. Rural Living land zoning).
 - Current policy only provides direction around bushfire hazard assessments at a site, neighbourhood and landscape scale. Changes should be made to allow for the assessment of risk, not just a hazard at a municipal scale, this would better enable councils to guide long term future land use planning including land for rural living purposes. Regional Councils need to be able to grow and expand in a way that is supported and facilitated by bushfire policy and the relevant fire authority.

- Additional requirements for Councils to undertake compliance inspections on properties where approvals have been issued under the bushfire provisions.
 - Of particular concern is the cumulative impact over the years as more and more permits are issued. Realistically, to ensure ongoing compliance, each property with a permit issued under bushfire planning provisions would need to be inspected at a minimum on an annual basis, to ensure defensible space is being maintained. This is an unrealistic expectation that creates an unacceptable resource and financial burden on municipalities, particularly large, regional municipalities.
- Shifting decision-making responsibilities to Councils for bushfire applications that are low and moderate risk, with fire authority referrals only triggered for high-risk applications.
 - The planning system relies on the professional experience, background, and training of specific authorities to appropriately direct our decision-making when it comes to environmental and landscape risks. This should be no different in a bushfire planning context.
 - Paying accredited practitioners to make decisions on applications, in place of fire authorities, is considered unfeasible.
 - The upskilling of Council employees, although appreciated, does not take the place of a professional who can provide specialist advice and knowledge based on years of experience and training.

Issues:

Strategy Implications

Connected – Facilitate appropriate urban growth, industry diversification, liveability, and connectivity throughout Latrobe City.

This submission seeks to ensure that bushfire planning considers the best interests of the Latrobe City community and simplifies the planning system for all users.

Communication

Council and the community were provided with an opportunity to participate in the consultation through Engage Victoria online. Written submissions were invited from all users of the planning system, including landowners.

At this stage, no future engagement by Engage Victoria is proposed.

Financial Implications

There are no financial implications that will result from lodging a submission to the discussion paper.

There is however likely to be financial implications to Councils if the proposed policy is introduced which requires Councils to undertake annual compliance inspections where approvals have been issued under the bushfire provisions. Additional resources would be required to undertake this work.

In addition, if Councils have to seek external advice from accredited practitioners (in the absence of the fire authority or upskilled council staff) in relation to decision making on bushfire applications this will come at an additional cost. Application fees are set by the State Government therefore Councils would be unable to undertake cost recovery via the planning permit process.

Risk Analysis

Identified risk	Risk likelihood*	Controls to manage risk
<p>Reputational Risk</p> <p>The Latrobe community is not appropriately represented in the feedback received by the State Government.</p>	2 – unlikely	Lodge a submission to the discussion paper, highlighting the views and desires of the Latrobe community.
<p>Strategic Risk</p> <p>Failing to make a submission may see planning policies/ strategies implemented at a Stat level that are not as beneficial as they could be for the Latrobe community.</p>	2 – unlikely	Lodge a submission to the discussion paper, highlighting the views and desires of the Latrobe community and the professional opinions of the planning department.

* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

Legal and Compliance

Council is the responsible authority for decisions made under the Latrobe Planning Scheme. Council needs to ensure that any updates to the state planning controls are usable and enforceable so that compliance with permit conditions can be achieved.

Community Implications

The intent of this review is to create a clearer set of bushfire provisions that are simpler to use. This should reduce uncertainty for landowners in bushfire prone areas. Council's review of the discussion paper has been with community and safety implications in mind.

Environmental Implications

Changes to bushfire policy will generally have some form of environmental impact, particularly on vegetation and subsequently the wildlife that are present in that particular habitat. It is the role and obligation of the State Government to ensure that bushfire policy strikes a balanced approach with environmental planning. Council's review of the discussion paper has been with environmental implications in mind.

Health Implications

As confirmed in the discussion paper, state bushfire planning provisions will continue to operate in a manner that priorities human life over all other planning considerations.

Consultation

State-driven community consultation commenced on 7 December 2021 to inform the discussion paper. This current round of state-driven consultation will further inform any changes to the Victorian Planning Schemes. This consultation closes on 11 February 2022.







Declaration of Interests:

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

Supporting Documents:

Nil

Attachments

1.   Attachment 1 - Latrobe City Council Submission
2.   Attachment 2 - Discussion Paper
3.   Attachment 3 - Issues and Proposed Resolutions Assessment Table

14.1

Council submission to Engage Victoria's consultation on 'Bushfire Planning Made Clearer: Options for Victoria's Planning System'

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Bushfire Planning Made Clearer: Options for Victoria's Planning System

Latrobe City Council submission to Engage
Victoria



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Introduction

Engage Victoria are conducting consultation on behalf of the Department of Environment, Land, Water and Planning (DELWP) in relation to proposed changes to state bushfire planning provisions. DELWP is proposing that these changes will make the state bushfire planning provisions clearer and simpler to use.

Consultation on the discussion paper released is closing on 11 February 2022.

Background

Over the past decade the Victorian Government has delivered changes to how planning schemes address bushfire with a focus on prioritising human life over other policy objectives.

Over the next two years the Department of Environment, Land, Water and Planning (DELWP) is focusing on enhancing the bushfire planning provisions. The scope of this review excludes the provisions that support bushfire recovery and rebuilding in bushfire affected communities.

As part of this consultation, six targeted questions have been posed by Engage Victoria. Responses to each of these questions are provided in the following section of this submission.

Responses to questions posed in relation to simpler and more usable state bushfire policies

The six following questions form the template for how submissions can be made to this consultation. Responses from a Latrobe City perspective have been provided to assist in the review of Victorian bushfire planning provisions.

Question 1 – Which parts of the policy are working well?

Council appreciates that the policy is clear in its prioritisation of human life.

Question 2 – Which parts of the policy are not working well?

There are a number of areas that could be improved. These include:

- The scale of bushfire hazard assessments and how bushfire risk is not considered at a municipal scale.
- Current policy generally does not support the development of land for rural living purposes, particularly when it comes to rezoning. Given regional Victoria's population growth, particularly throughout the COVID-19 pandemic, regional Council's need to be able to grow and expand in a way that is supported and facilitated by bushfire policy and the relevant fire authority. This position has been clear from our dealings with the CFA in relation to rural land rezonings.
- There is no 'use' trigger under the Bushfire Management Overlay. This is especially risky if existing buildings are to be utilised for a new, more sensitive use and if outdoor gatherings are proposed that do not require buildings and works.

Question 3 – Do you think we've identified the right policy areas for improvement?

Policy around municipal-scale bushfire risk assessments is urgently required. This will be the best and most logical way to facilitate appropriate future land use planning for councils in a manner that satisfies the relevant fire authority.

Question 4 – What do you think about the identified policy improvements?

Council is supportive of:

- The proposal to simplify the bushfire hazard assessment scales and make them more consistent across the Planning Scheme.
- Introducing a 'use' trigger under the Bushfire Management Overlay with a specific assessment framework to assist with preparing and assessing use applications under the overlay.
- The introduction of clarification around which applications should consider bushfire provisions under the BPA when they are not within the BMO, and what those specific considerations should be.
- The concept of a more streamlined, 'one-stop-shop' approach to application pathways under the BMO. However, our full support could not be offered until we know more about how this might look like.
- Scheduled Bushfire Management Overlay Applications being VicSmart applications.
- The BAL-LOW terminology being replaced and the assessment of ember attack in these areas. However, this is subject to the assessment guidelines being simple, clear, and concise.
- Clarification around how the vegetation exemptions at Clause 52.12 work.

Council is not supportive of:

- Additional requirements for Councils to undertake compliance inspections on properties where approvals have been issued under the bushfire provisions.
 - Of particular concern is the cumulative impact over the years as more and more permits are issued. Realistically, to ensure ongoing compliance, each property with a permit issued under bushfire planning provisions would need to be inspected at a minimum on an annual basis, to ensure defensible space is being maintained. This is an unrealistic expectation that creates an unacceptable resource and financial burden on municipalities, particularly large, regional municipalities.
- Shifting decision-making responsibilities onto Councils for bushfire applications that are low and moderate risk, with fire authority referrals only triggered for high-risk applications.
 - The planning system relies on the professional experience, background, and training of specific authorities to appropriately direct our decision-making when it comes to environmental and landscape risks. This should be no different in a bushfire planning context.
 - Paying accredited practitioners to make decisions on applications, in place of fire authorities, is considered unfeasible.

- The upskilling of Council employees, although appreciated, does not take the place of a professional who can provide specialist advice and knowledge based on years of experience and training.

Question 5 – What parts of the policy could be improved?

Other than matters already raised and issues identified, municipal-wide bushfire risk mapping is considered a major gap in the current bushfire planning provisions. Policy currently only provides direction around bushfire hazard assessments at a site, neighbourhood, and landscape scale. A commitment to a state-wide, uniform way to address bushfire *risk* at a municipal scale to assist in future land use planning is critically needed. This is an ongoing issue with municipalities and makes it particularly difficult to provide an adequate supply of rural living land to meet the demands of rural communities. Other factors outside of those considered in regard to bushfire hazard should be able to be considered in an assessment matrix so as to allow for Council's to paint a picture of bushfire *risk* in an easy-to-read map format.

Question 6 – Do you have any additional comments?

It is considered a significant gap within land use planning that we continue to map and assess something as narrow as 'hazard' when we have the knowledge, technology, and science to map 'risk'. Risk mapping would obviously have regard to the hazards, but consider additional factors such as access and egress to localities, previous bushfire history, etc. The science is available to modernise the way we consider bushfire in a land use planning setting and should therefore be pursued and applied across the state.

We again reiterate our concerns raised under question 4 in relation to proactive compliance pressure and resultant resource and financial impacts on Council and the proposal to reduce the role of the CFA as a referral authority for certain types of planning applications.

Conclusion

Latrobe City is supportive of a review that makes the Victorian bushfire planning provisions clearer and simpler to use. However, some changes proposed are likely to have negative impacts on Council and the end-users of the planning system.

We appreciate our submission and concerns being considered in the development of updated state bushfire planning policy and are happy to discuss our feedback further.

Bushfire Planning made clearer: Options for Victoria's Planning System



Discussion Paper - 2021

Photo credit

Adobe stock images

Acknowledgment

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.



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Department of Environment, Land, Water and Planning

1. Introduction

Over the past ten years the Victorian Government has delivered changes to how planning schemes address bushfire with a focus on prioritising human life over other policy objectives.

Through changes to the Victoria Planning Provisions (VPP), building regulation changes and improved bushfire hazard mapping, the recommendations of the 2009 Victorian Bushfires Royal Commission (VBRC) for Victoria's planning and building systems have been largely implemented. There is now a much greater emphasis on bushfire in planning and building decision making.

The focus over the next two years is to enhance the bushfire planning provisions by making them clearer. This paper is a conversation starter on potential improvements, including many already identified by stakeholders. The scope of this work excludes the provisions that support bushfire recovery and rebuilding in bushfire affected communities.

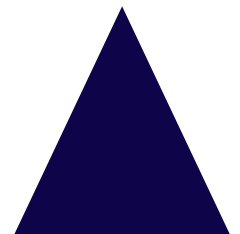
Some of the issues and opportunities presented in this paper are:

- a more usable state bushfire planning policy
- clearer planning requirements for developing land in bushfire prone areas
- better bushfire hazard assessments
- improving the implementation of bushfire-related planning permit conditions
- training and capacity building opportunities.

The Victorian Government remains committed to the planning policy objective of prioritising life in decision making.

The Victorian Government has driven many of the past changes to the bushfire planning provisions and engaged with stakeholders where possible. Stakeholders have said they want to have more say in developing the bushfire planning provisions.

This paper is a key step for stakeholders to have their say and shape the future bushfire planning provisions.





2. Background

2.1 Bushfire planning provisions

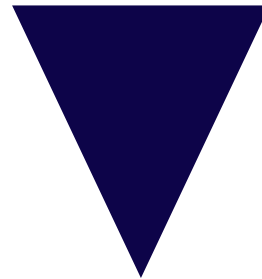
The bushfire planning provisions are made up of four separate provisions that are often used in combination, particularly when preparing or assessing a planning application.

- *Clause 13.02-1S Bushfire planning* – is the state planning policy. It applies to planning scheme amendments and permit applications if land is within a designated bushfire prone area¹, subject to a Bushfire Management Overlay or proposed to be used or developed in a way that may create a bushfire hazard. It requires decisions to take bushfire hazard into consideration, assess the acceptability of additional risk and incorporate bushfire protection measures. New or expanding settlements are required to be directed to low risk locations.
- *Clause 44.06 Bushfire Management Overlay* – is applied to land at the most extreme risk of bushfire. It specifies the type of development under this overlay that requires a planning permit, application requirements and mandatory permit conditions. A purpose of this overlay is to ensure development is only permitted where the bushfire risk can be reduced to an acceptable level.
- *Clause 53.02 Bushfire Planning* – sets out the bushfire protection measures for new development and decision guidelines for an application under the Bushfire Management Overlay. The measures vary according to contextual factors and often include defensible space, access, water supply and construction standard (Bushfire Attack Level). It is sometimes used to guide an application or planning scheme amendment in the bushfire prone area outside of the Bushfire Management Overlay and planning scheme amendments.
- *Clause 52.12 Bushfire Protection: Exemptions* – exempts the removal and lopping of vegetation to create defensible space. Notably, the provision contains the 10/30, 10/50 and fence-line clearance rules, and exempts some dwelling applications from the planning scheme native vegetation offset requirement.

The planning scheme also contains provisions that support recovery and rebuilding after bushfire. These provisions are not in scope for this project.

1. A 'designated bushfire prone area' will be referred to as a 'bushfire prone area' throughout the discussion paper.

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2.2 The development of the bushfire planning provisions

The bushfire planning provisions have been progressively developed over the past 10 years, guided by the recommendations of the VBRC. Table 1 below summarises the development and implementation of the policy.

Table 1: Overview of planning and building reforms over the last 10 years

2011	<p>The VPP and all planning schemes were amended (VC83) to implement most of the recommendations of the 2009 Victorian Bushfires Royal Commission. This included a new policy for bushfire emphasising the priority of human life in all decision making, and introduced:</p> <ul style="list-style-type: none"> • the Bushfire Management Overlay (to replace the Wildfire Management Overlay) • a bushfire particular provision that included bushfire requirements into planning schemes for the first time, requiring development to consider location, layout, siting, defensible space, water supply and site access as part of new development • mandatory bushfire related permit conditions • new requirements for subdivisions to ensure no new lot is created that cannot be safely developed • the interim '10/30' and '10/50' vegetation removal permit exemptions to create defensible space around existing buildings used for accommodation and along fencelines were made permanent <p>Concurrently, the building regulations were changed to introduce:</p> <ul style="list-style-type: none"> • the first statewide bushfire prone area map • a requirement for ember protection for all new dwellings in bushfire prone areas
2014	<p>The VPP and all planning schemes were amended (VC109) to:</p> <ul style="list-style-type: none"> • require broader landscape bushfire risk to be considered in planning decision making • update the bushfire particular provision to expand the scope of matters to be considered when deciding an application • introduce a new decision making framework for applications for single dwellings in urban areas under the Bushfire Management Overlay • introduce a permit exemption to create defensible space for a dwelling under the Bushfire Management Overlay
2016 onwards	<p>New and amended precinct structure plans for Melbourne's growth areas incorporate bushfire requirements on the permanent hazard edge, reducing the cost to build new homes and ensuring Melbourne's newest suburbs incorporate effective bushfire protection through settlement design.</p>

Department of Environment, Land, Water and Planning



2017	<p>The VPP and all planning schemes were amended (VC140) to update the state policy to ensure:</p> <ul style="list-style-type: none"> • that bushfire is considered within the Bushfire Management Overlay and within a bushfire prone area • that strategic planning directs growth to low risk locations <p>Updated mapping of the Bushfire Management Overlay was introduced (GC13) using a consistent methodology applied across Victoria. Schedules to the Bushfire Management Overlay were also introduced to streamline decision making for new homes in settlements and precincts where the bushfire risk was assessed as being acceptable.</p>
2020	<p>The VPP and all planning schemes were amended (VC176) to apply the 10/30 and 10/50 vegetation removal exemptions to all land within a bushfire prone area, with concurrent changes to the fence exemption.</p> <p>The permit exemption to create defensible space for a dwelling under the Bushfire Management Overlay was updated to ensure it applied to the extension or alteration of an existing dwelling.</p>

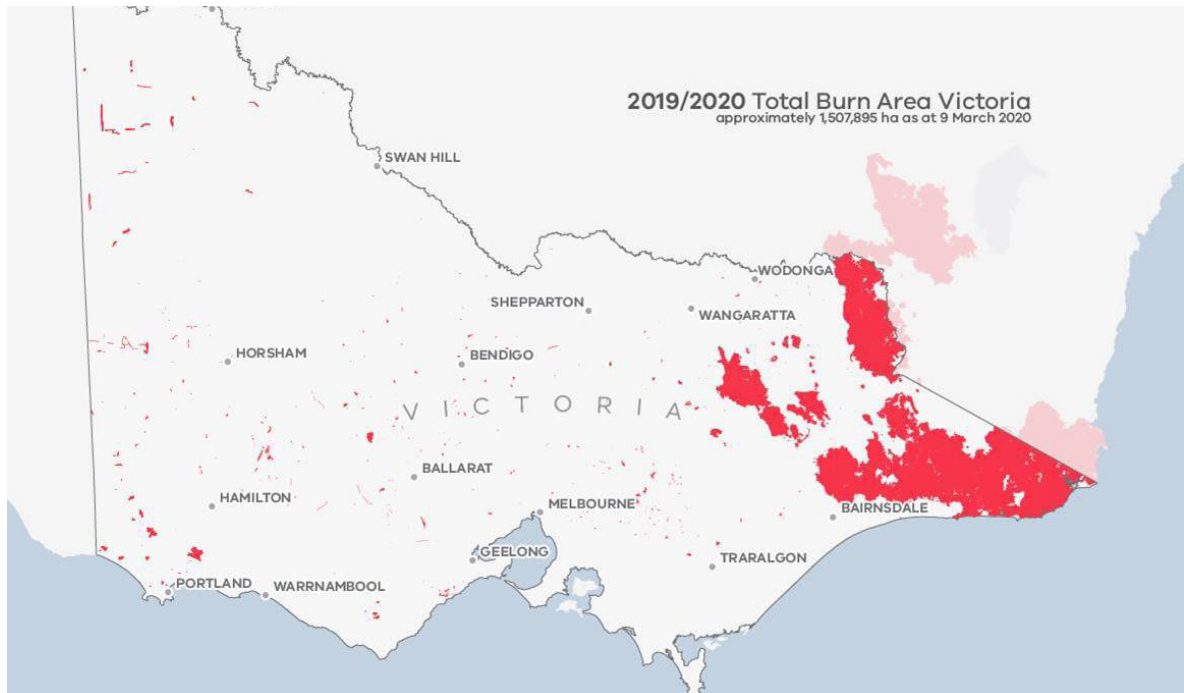


2.3 Recent bushfire inquiries

Recent bushfires in Victoria and across south-east Australia are a reminder of the risk that bushfire poses to many communities and why planning schemes prioritise the protection of human life.

The inquiries into the 2019-2020 bushfires have also reinforced the role of land use planning alongside other mechanisms in developing community resilience and underscored the findings of the VBRC.

Figure 1: Bushfires in Victoria in 2019 – 2020





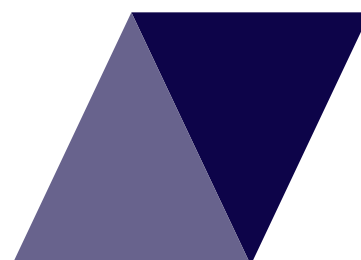
The Phase 1 review into the 2019-2020 Victorian fire season by the Inspector-General for Emergency Management stated:

For those who take a long-term view, the environmental context is evidently changing. The impacts of climate change are evident in the natural and settled landscape. The incidence of large, severe and recurrent bushfire events in Victoria has increased exponentially over recent decades and shows no sign of slowing. The 2009 bushfires aside, this was the third time in less than 20 years that more than 1 million hectares of the state burned over a single summer.

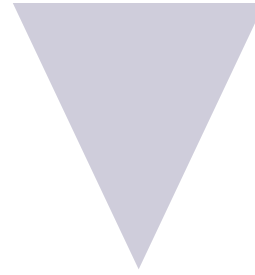
The 2020 Royal Commission into National Natural Disaster Arrangements found:

Fire danger is very likely to increase in the future for many regions of Australia. The increased frequency of days with a high [forest fire danger index] is likely to result in reduced intervals between fire events, and increase fire intensities, which could make fighting fires harder.

Climate projections show that more dangerous weather conditions for bushfires are very likely to occur throughout Australia in the future due to a warming climate. The change in climate is also likely to result in changes to the amount, structure and type of bushfire fuel. Climate models also indicate a future increase in dangerous pyro-convection conditions for many regions of southern Australia.



Department of Environment, Land, Water and Planning



2.4 A growing and changing state

Victoria's population is expected to continue growing steadily. People are increasingly moving to rural and regional Victoria, placing growth pressures on many settlements affected by bushfire hazards. Many communities in bushfire prone areas have aspirations for growth and development to secure economic opportunities, including increased visitation and population.

Figure: 2 Map showing Victoria's bushfire prone area.

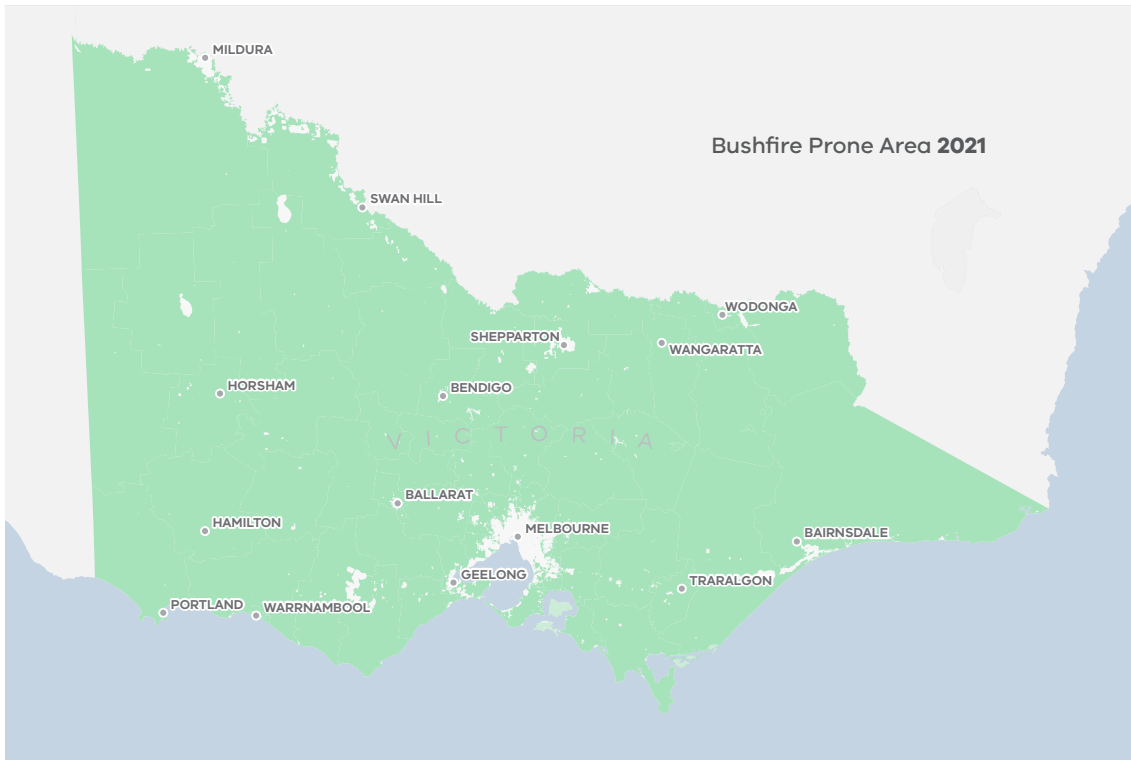
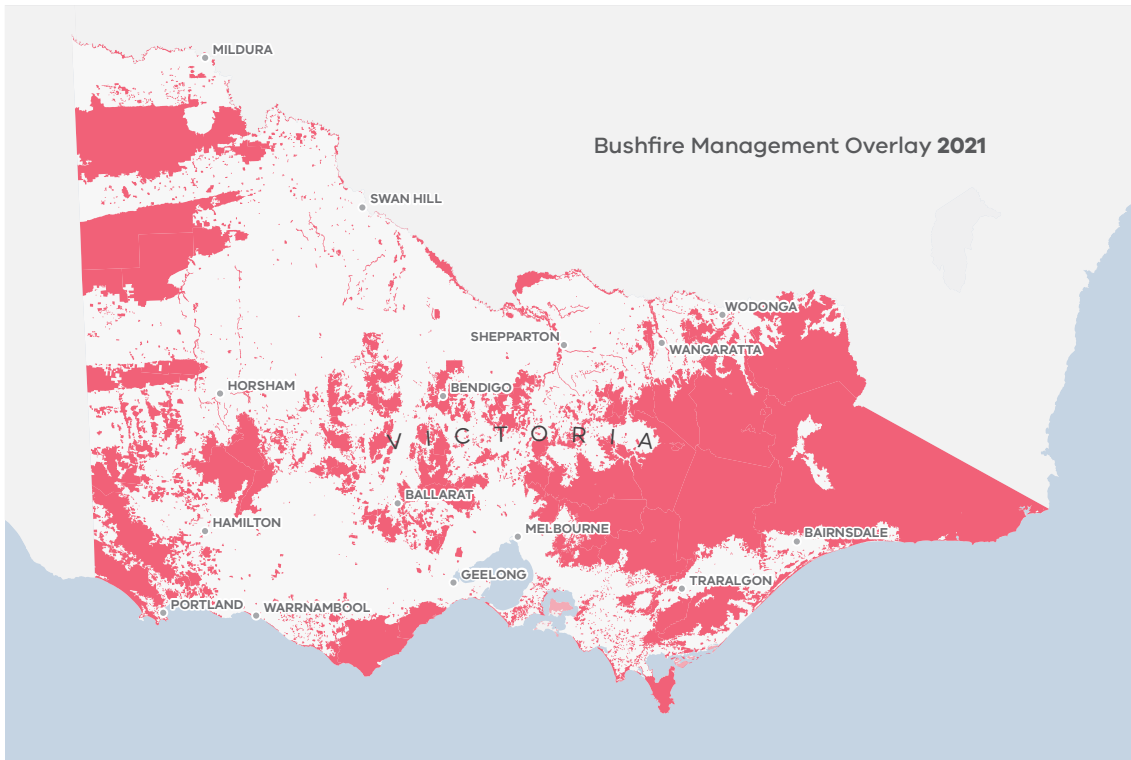




Figure: 3 Map showing the areas of Victoria affected by the Bushfire Management Overlay



Department of Environment, Land, Water and Planning

3. More useable state bushfire policy

Amendment VC140 gazetted in 2017 updated the state policy *Clause 13.02-S Bushfire planning* (the policy) to emphasise that the protection of human life is to be prioritised in all planning decisions, including strategic planning matters and permit applications. This objective will not change.

This section includes ideas to further improve the policy to make it clearer.

3.1 A revised structure for settlement planning strategies

Following Amendment VC140, the Department of Environment, Land, Water and Planning (DELWP) delivered training, workshops and seminars on the bushfire planning provisions. In these sessions the settlement planning strategies were grouped as:

- landscape bushfire considerations
- alternative locations for development
- availability of safe areas in the neighbourhood
- site based exposure and setbacks to bushfire hazards
- biodiversity conservation value
- no net increase in risk.

Participants generally found this grouping assisted their decision making, especially strategic planning and the preparation of planning scheme amendments.

Greater guidance on applying the settlement planning strategies will be published in a new Planning Practice Note.

3.2 Clearer strategies to guide decision making

Stakeholders have told us that some of the terms and concepts used in the policy could be made clearer including:

The scales of assessment necessary to fully consider the bushfire hazard

The bushfire hazard is required to be assessed at a range of scales to ensure it is fully appreciated in decision making. For example, landscape scale, neighbourhood scale and site scale. The use of these scales in practice may be complex and the terms are different to those used in other parts of the planning scheme (for example, in *Clause 53.02 Bushfire Planning*).

The bushfire hazard assessment scales could be simplified and made consistent across the planning scheme.

Describing locations that may be more suitable for development

Low risk locations for population growth and new settlements are those where:

- The risk from large bushfires arising in the wider landscape can be managed.
- Alternative low risk locations have been assessed to confirm that the location under consideration provides the most satisfactory response to the policy.
- Development can be set back from the bushfire hazard for the distances specified in planning schemes.
- There is safe access to a low fuel area where protection can be provided from radiant heat.
- Bushfire protection measures required by the planning scheme (for example, perimeter roads and firefighting water supply) can be deployed to manage the on-going risk from bushfire.

Describing low fuel areas

An area of BAL-LOW is defined as land in the outdoors where there is a lack of hazardous vegetation that may be harmful to people. These areas often correlate with open spaces, urban areas and town centres. Ember attack may still occur in these areas.

The term BAL-LOW in planning decision making has proven complex because it is derived from a building construction requirement. It could be simplified by replacing the term BAL-LOW with alternative wording that describes land without hazardous vegetation. The assessment of ember attack into these areas could also be included.

Describing development setbacks from bushfire hazards

The setback of new development from bushfire hazards is described differently within the policy and across other bushfire planning provisions including: a distance in metres, a radiant heat flux expressed as a kw/sqm or a Bushfire Attack Level. This could be simplified by using one term consistently.

Some stakeholders have said that being more explicit about the features of locations that are suitable for development may better direct the preparation of bushfire assessments and decision making.

Clarifying when strategies are to be applied

The headings in the policy sometimes allocate strategies to different types of decisions, including permit applications and strategic planning matters such as planning scheme amendments.

Some stakeholders have found the headings confusing and have been unsure about which strategies apply to specific decisions. The format of the policy has not necessarily prevented decision makers, including the Minister for Planning, Victorian Civil and Administrative Tribunal (VCAT) and councils, from applying any strategy that assist in determining acceptable risk and prioritising human life.

Further clarification could be provided through a policy format where strategies apply to all decisions unless otherwise specified.

3.3 Better managing bushfire setbacks in strategic plans and planning scheme amendments

Amendment VC140 introduced a policy strategy that required development enabled by a planning scheme amendment approved after 2017 to be setback from bushfire hazards. This was expressed as a requirement for development to be setback by a distance where a Bushfire Attack Level (BAL) of no more than 12.5 could be achieved. The intent was to require a planning scheme amendment to implement a setback, rather than a maximum BAL for permit decisions. This setback overrides any other development setback otherwise available for applications under the Bushfire Management Overlay.

The setback requirement lacks visibility in *Clause 53.02 Bushfire Planning*, which may allow lesser setbacks for other planning applications. It has also required local provisions or other mechanisms to implement the requirement.

Stakeholders have said that they want the 2017 setback integrated across the bushfire planning provisions and the need for consequential local provisions minimised.

Department of Environment, Land, Water and Planning

4. Clearer planning requirements in bushfire prone areas

The Victorian Government in 2017 made it clearer that the policy applies to decision making within a bushfire prone area. This included the introduction of a use and development control in a bushfire prone area that applies to selected planning applications. This was to ensure that bushfire is considered, where relevant, on land outside of the Bushfire Management Overlay.

Requirements for bushfire prone areas could be made clearer to support the preparation and assessment of a planning application. There are no plans to change the requirements for strategic matters, settlement planning and planning scheme amendments that affect land in the bushfire prone area.

4.1 Relationship with the Bushfire Management Overlay

Some stakeholders have indicated they find the use and development control to be confusing where the Bushfire Management Overlay applies. The use and development control could be limited to exclude applications under the Bushfire Management Overlay.

4.2 Use, development and subdivision that require consideration in the bushfire prone area

The use and development control does not trigger a planning permit but requires the consideration of bushfire risk if a permit is required by a non-bushfire planning provision. Many stakeholders have said that they find explaining the operation of the bushfire prone area to be overly complex.

The use and development control could be limited to planning applications where bushfire consideration is particularly warranted.

The following types of applications may be reviewed to decide if the use and development control should continue to apply:

- single dwellings
- accommodation
- subdivisions, including if the number of lots to be created is relevant.

Other types of applications subject to the use and development control are unlikely to be reviewed and therefore retained. These include vulnerable uses (such as childcare centres, education centres, hospitals, leisure and recreation and places of assembly) and applications likely to result in people congregating in large numbers.

Figure 4: Facts about grassfires

The bushfire prone area applies to many grassland areas across Victoria where grassfire can arise.

- Grassfires can start and spread quickly and are extremely dangerous.
- Grassfires can travel up to 25 km per hour and pulse even faster over short distances.
- Grass is a fine fuel and burns faster than bush or forests.
- Grassfires tend to be less intense and produce fewer embers than bushfires, but still generate enormous amounts of radiant heat.
- The taller and drier the grass, the more intensely it will burn.

(CFA 2021, Grassfires – Rural, cfa.vic.gov.au)

The bushfire prone area also contains areas that are of significant bushfire hazard outside the Bushfire Management Overlay.

5. Better bushfire hazard assessments

The bushfire hazard site assessment and the bushfire hazard landscape assessment have been used to inform planning decision making since 2011. However, there is wide variability in the quality and utility of these assessments.

Inferior hazard assessments can slow decision making and result in sub-optimal responses to bushfire hazards. Councils have told us that using bushfire hazard assessments is unnecessarily complicated, particularly when key information is missing or difficult to find.

5.1 Improved bushfire hazard site assessments

The bushfire hazard site assessment provides information on vegetation types and slope under hazardous vegetation. It uses (in part) the site assessment methodology contained in *AS3959-2018 Construction of buildings in a bushfire prone area* (Standards Australia). The assessment is used to determine the appropriate setback of development from bushfire hazards, defendable space and the applicable building construction standard.

The methodology for preparing a bushfire hazard site assessment is set out in technical information published by DELWP, this supports decision making under the Bushfire Management Overlay. The methodology is not proposed to be altered.

However, the features of the bushfire hazard site assessment could be more clearly specified to support decision making by requiring a plan to:

- identify hazardous vegetation
- show the slope under hazardous vegetation based on contours that can be identified
- clearly show the required or recommended setback of development from bushfire hazards
- be to scale or annotated with dimensions so measurable elements are known and can be cross-checked.

These specifications would enable the responsible or planning authority (usually the local council) or relevant fire authority to quickly identify the inputs to the assessment, understand the basis for its recommendations and confirm its accuracy.

The setbacks, defendable space and building construction standard could then be applied with confidence. This is particularly important where responsible authorities make decisions without a referral to the relevant fire authority, which occurs in the bushfire prone area.

The specifications could be included in the planning scheme similar to the *Clause 52.06 Car Parking* or *Clause 52.17 Native Vegetation* application requirements.

5.2 More meaningful bushfire hazard landscape assessments

The bushfire hazard landscape assessment provides information on the bushfire hazard in the wider landscape. This may extend to kilometres around a proposal. The extent of the assessment is determined having regard to state policy strategies, including locations where bushfire may grow large and where low fuel areas are available.

Assessment outcomes are not routinely informing decision making or are only being given cursory weight in describing how development proposals, strategic projects and planning scheme amendments meet the objectives of the bushfire planning provisions. Further clarity could be provided on how assessments are used to derive acceptable outcomes.

Enhancement opportunities might include translating existing guidance material into planning schemes along with better integrating landscape considerations and landscape types into the bushfire provisions.



Department of Environment, Land, Water and Planning

6. Better approaches to prepare and assess planning applications

Bushfire requirements are specified in *Clause 53.02 Bushfire Planning*, which applies to applications under the Bushfire Management Overlay.

Opportunities have been identified to enhance the Bushfire Management Overlay and *Clause 53.02 Bushfire Planning* including the way requirements are described to improve their useability and to enable bushfire risk to be addressed more comprehensively.

This could also include clarifying the pathway for applications in the bushfire prone area that are outside the Bushfire Management Overlay.

6.1 Application pathways

Streamlining efforts over the past ten years has resulted in a range of application pathways under the Bushfire Management Overlay. Each pathway sets out the eligibility criteria, application requirements, bushfire protection measures and assessment process. If the eligibility criteria are not met, an application will default to another pathway.

Pathways include:

- single dwellings in selected zones
- single dwelling in schedules to the Bushfire Management Overlay
- pre-set bushfire measures for non-habitable outbuildings ancillary to a dwelling
- subdivisions
- all other development.

The policy sets out requirements in bushfire prone areas. This has added additional pathways for bushfire matters to be considered in applications outside the Bushfire Management Overlay.

Some stakeholders have told us that working out which pathway and requirements that apply can be difficult. The pathways could be better integrated into the bushfire provisions, through a one stop shop approach, which explains the application requirements.

6.2 Use as a permit trigger in the Bushfire Management Overlay

The Bushfire Management Overlay specifies permit requirements based on building and works associated with various uses. This is a unique approach and was designed recognising that:

- It is often the 'use' of land that increases the number of people in bushfire areas (for example, tourism experience)
- Some proposals have minimal buildings and works (for example, accommodation with non-permanent structures like tents)
- Many bushfire protection measures apply to the ongoing use of land, including the management of defensible space and the maintenance of a firefighting water supply. For some uses, regular closure on high bushfire risk days may be necessary.

DELWP is not aware of any statutory issue with deciding planning applications where use is considered, mainly owing to the use and development control in a bushfire prone area. However, many statutory planners have questioned how the Bushfire Management Overlay should properly operate regarding use.

A use permit trigger within the Bushfire Management Overlay may provide clarification. This is unlikely to result in additional applications. Most uses where this matter arises typically require planning permits under non-bushfire planning scheme provisions.

6.3 Uses where buildings are not proposed

Some planning applications, including for camping and places of assembly, propose to introduce more people within bushfire areas but do not always include buildings. In the absence of buildings, bushfire protection can be harder to achieve because people do not have access to a structure that can provide protection from radiant heat and ember attack. In addition, a firefighting water supply and emergency vehicle access may not be proposed.

There are also applications where new uses are proposed within an existing building. This change of use can significantly alter the bushfire risk from that previously planned for.

Decision makers currently adapt bushfire protection measures on a case-by-case basis. However, a specific assessment framework to assist with preparing and assessing these types of planning applications could be developed.

6.4 VicSmart for bushfire decisions

DELWP introduced schedules to the Bushfire Management Overlay to streamline decision making for single dwellings where specified bushfire protection measures are met. A similar streamlined process applies to outbuildings associated with a dwelling. The requirements for these applications are straightforward and they are exempt from a fire authority referral.

These applications could be included as VicSmart if the specified measures and the usual VicSmart requirements are met.

6.5 Updating the bushfire particular provision to reflect more recent state planning policy

Clause 53.02 Bushfire Planning has not yet been amended to accommodate the 2017 changes made to the policy. Including relevant content from the policy in the objectives, approved measures and decision guidelines would enable the policy to be integrated when preparing and assessing planning applications.

The following matters could be included:

- the availability of low fuel areas (defined as BAL-LOW in the policy) as a consideration in determining acceptable risk
- landscape risk and ensuring the bushfire hazard beyond the site is fully considered
- the strategic location of a proposal and whether development has been directed to locations optimised for life safety outcomes.

7. Permit exemptions for managing vegetation

Clause 52.12 Bushfire Protection: Exemptions contains permit exemptions to assist landowners in the bushfire prone area to create and maintain defensible space by removing or lopping vegetation. This includes an exemption from obtaining a planning permit (the 10/30/50 rule) and an exemption associated with a single dwelling application in the Bushfire Management Overlay.

The exemptions have been progressively amended since 2009. However, some stakeholders say that the exemptions remain complex. There may be opportunities to simplify them and make them more accessible to landowners.

The following elements of the vegetation permit exemptions could be simplified:

1. The 10/30/50 vegetation removal rule is limited to accommodation constructed before the dates specified in the provision. As time progresses, the relevance and availability of information of when a building was constructed diminishes and it becomes harder to identify if the exemption applies.
2. The 10/30/50 vegetation removal rule could be applied to a broader range of contexts where vegetation clearing might be reasonably warranted (for example, places of assembly, education centres, child-care centres).
3. Exemptions to create defensible space for a new dwelling only apply under the Bushfire Management Overlay in specified zones. Many proposals do not meet the exemption criteria. Increasingly, defensible space is included in planning permits wherever the hazard warrants it, irrespective of whether the Bushfire Management Overlay applies. Vulnerable uses in the bushfire prone area are likely to require an area of defensible space but the exemption does not apply. Furthermore, the zone limitation may also exclude many areas of high to extreme bushfire risk.
4. Exemptions to maintain defensible space do not apply if the development was approved without a planning permit under the Bushfire Management Overlay and where the defensible space area has been revegetated. Enabling landowners to reinstate defensible space may be reasonable.



8. Compliance with bushfire-related planning permit conditions

8.1 Context

A planning scheme regulates the way land can be used, developed and protected. The effectiveness of planning schemes, as with any other law or regulation, relates to compliance with and enforcement of their requirements.

Bushfire planning permit conditions are derived from planning scheme provisions and through consideration by responsible authorities and fire authorities. Permit conditions support ongoing bushfire safety, including the maintenance of defensible space areas, firefighting water supply and emergency vehicle access. They may also require the closure of some uses on high risk days and emergency management planning.

Permit conditions apply to the land rather than a specific person. The obligation to comply with permit conditions rests with both the owner and occupier of the land. Where land transfers in ownership the conditions impose the same requirements on the new owners and occupiers. However, they may have limited awareness of their obligations if they were not involved in the permit process.

A responsible authority, usually the local council, has enforcement powers under the *Planning and Environment Act 1987* (the Act) that can be used to support compliance where a condition is not implemented.

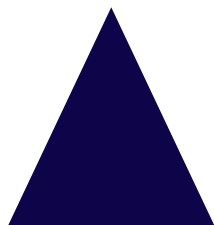
The Victorian Auditor-General report *Reducing Bushfire Risks: Independent assurance report to Parliament (2020)* found that the councils audited did not routinely check compliance with permit conditions. However, some councils do undertake checks at the commencement of development. The Victorian Auditor-General reported that the bushfire controls may not effectively reduce bushfire risks if compliance is not monitored.

The Victorian Government accepted the Victorian Auditor General's recommendation that DELWP provides advice to the Victorian Government, in consultation with Country Fire Authority, Fire Rescue Victoria and councils, on options to improve owner and occupier awareness of and accountability for bushfire planning controls.

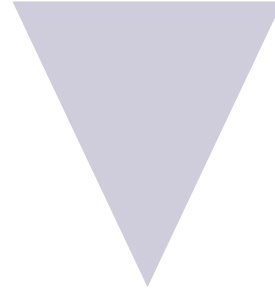
Similarly, the VBRC recommended the state government develop and implement a mechanism for sign-off by councils for permit conditions imposed under the (now) Bushfire Management Overlay and the regular assessment of landowner compliance. In response several steps were taken:

- Information on bushfire prone areas was included into planning property reports, enabling landowners to identify whether their land is bushfire prone.
- Requiring vendor statements under s32C of the *Sale of Land Act 1962* to specify if land is in a bushfire prone area (including the Bushfire Management Overlay).

Planning permits for all new vacant lots created in a subdivision under the Bushfire Management Overlay require s173 agreements under the Act to incorporate a bushfire management plan. This has raised the visibility of bushfire requirements at the point of sale/land transfer, especially for newly created lots.



Department of Environment, Land, Water and Planning



8.2 Current approach to compliance and enforcement

Regular inspections can be carried out by an authorised officer, usually of the local council, to ensure the use or development of land does not contravene a planning scheme, a s173 agreement or a planning permit. Some councils may have limited resources to proactively carry out this work.

Third party complaints may not always be a successful basis for compliance and enforcement as the bushfire permit conditions are technical, and it is not always clear to third parties if conditions have been complied with. This may make compliance activity more costly for all parties and take longer to resolve.

A further dilemma is that many communities value the treed environment. This may make compliance a sensitive and complex matter.

8.3 The critical stages of compliance

Three key triggers have been identified where raising awareness and compliance of permit conditions is important and could be improved, including:

- prior to the occupation of development (for the first time)
- at the point of sale / transfer of land
- annually to coincide with the bushfire season.

In designing a compliance system, the opportunities, limitations, and risks associated with each option, as well as the compliance costs, need to be considered.

Compliance can be improved through improvements to other related activities, such as application documentation, sector education, training, and capacity building. Further opportunities could include public education campaigns in the lead up to each fire season to remind people of their permit conditions and whether they have been implemented.

9. Training, capacity building and longer-term opportunities

The successful implementation of bushfire planning provisions is dependent on the capability of a wide range of planning system users, including planning and bushfire consultants, councils, fire authorities and government departments and agencies.

Over the past ten years the Victorian Government has consistently invested in training and capacity building in conjunction with amendments to the bushfire planning provisions. Across the state, the planning system has a base of skilled professionals who can apply bushfire policy in decision making. However, as the risk of bushfire increases, the planning system will need to keep upskilling and broadening the capability of system users.

Many of the ideas and opportunities in this discussion paper require skilled professionals to secure effective implementation. The Victorian Government is committed to further investing in bushfire training and capacity building.

Broader training will also support the sector, including an on-going pipeline of graduates from the University of Melbourne's Graduate Diploma in Bushfire Planning and Management that was established in response to recommendations of the VBRC.

There is now an opportunity to consider more strategically how to support bushfire decision making.

9.1 Accreditation

Statutory accreditation systems could enable skilled professionals from the private or public sector to take the place of current statutory decision makers or referral authorities. There may also be opportunities to use accreditation to support compliance with planning permit conditions.

New South Wales, Tasmania and Western Australia have statutory accreditation systems where professionals are endorsed to perform enhanced functions in planning-related decision making. These accredited systems are usually led by the relevant fire authority and sometimes are in conjunction with industry. In Victoria, the Fire Protection Association (FPA) works with the Country Fire Authority on a non-statutory accreditation system for bushfire planning and design practitioners.

There may be opportunities to realign some requirements from the planning to the building system where an accreditation system is in place. For example, following Black Saturday the building system was enabled to ensure homes that were rebuilt provided a firefighting water supply and site access, avoiding the need for a planning permit.

Any accreditation system must be underpinned by a statutory basis that provides the quality assurance commensurate with the life safety considerations associated with bushfire.



Department of Environment, Land, Water and Planning

9.2 Aligning bushfire referral and decision making with bushfire risk

Currently the fire authorities are the only body providing advice on bushfire hazard assessments and protection measures ie: as referral authority. Over time, there may be opportunities to better align the referral function with the risk and type of planning application.

Accredited practitioners and responsible authorities could make decisions on bushfire requirements for some types of proposals outside higher risk locations. This could enable fire authorities to increase the breadth of applications referred (for example, high risk proposals in the bushfire prone area). It is recognised that the required skill sets would need to be in place.

Figure 5: Aligning bushfire referral and decision making with bushfire risk



9.3 Training and capacity building for planning system users

DELWP has had a commitment to supporting the implementation of the bushfire planning provisions. Between 2011 – 2013 training was delivered to more than 1,000 planning and building practitioners on the bushfire reforms.

Over this period, a \$1 million bushfire planning grant program was also delivered to support the implementation of the new state policy for councils with the largest coverage of the Bushfire Management Overlay.

In June 2021, over 150 planning system users attended training and workshops on bushfire planning.

The Planning Institute of Australia's PLANET annual training program includes regular bushfire training programs. The Fire Protection Association of Australia also deliver training relevant to Victoria's planning and building system.

DELWP encourages stakeholder feedback on additional training needs.

9.4 Better and more relevant bushfire information

The Victorian Government holds extensive information on bushfire, including information from land managers and fire authorities. Some of this information may be of assistance to planning decision making, especially strategic planning. DEWLP could explore if this information could be made more widely available.

Investigations could also be made into creating an electronic repository of landscape bushfire characteristics of different areas. This could be used by permit applicants to create a bushfire hazard landscape assessment.

Next Steps

This discussion paper is a step towards making the bushfire planning provisions clearer. The Victorian Government aims to ensure any changes are clear, technically robust and practical to implement.

As these planning reforms are developed, consultation and input from stakeholders will be sought including through targeted engagement with key planning system users, such as councils and fire authorities.

We encourage you to have your say.



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Table Assessing Issues Identified and Solutions Proposed

Issue identified	Potential solution	Is Council supportive?
Settlement planning strategies can be difficult to pull-apart and apply when it comes to settlement planning strategies.	Publication of a new Planning Practice Note that provides greater guidance on applying the settlement planning strategies.	Yes
Inconsistencies with how hazard scales are discussed in policy, particularly at Clause 53.02 Bushfire Planning.	Simplify bushfire hazard assessment scales and make them consistent across the Planning Scheme.	Yes
The term 'BAL-LOW' in planning decision making has become complex as it's a term derived from a building construction requirement.	Replace the term with alternate wording that describes land without hazardous vegetation. Assessment of ember attack in these areas could also be included.	Yes
Setback of new development from bushfire hazard being described in different terms such as metres, radiant heat flux or a Bushfire Attack Level.	Simplify by using one term consistently as opposed to the three.	Yes
The headings in strategies can make it difficult to decipher which strategies apply to which type of planning matter.	Update the policy format to be clearer.	Yes
Setback requirements for Planning Scheme amendments approved after 2017 are not consistent with the setback requirements specified in Clause 53.02 Bushfire Planning.	Integrate the VC140 setback specified in 2017 across the Planning Scheme.	Yes

Requirements for applications in Bushfire Requirements for Bushfire Prone Areas (BPA) that are not within the Bushfire Management Overlay (BMO) could be clearer.	Exempt BPA requirements for use and development applications in the BMO.	Yes
The use of land in the BMO does not trigger a planning permit, only buildings and works trigger a permit.	Introduce a use trigger under the overlay with a specific assessment framework to assist with preparing and assessing these types of planning applications.	Yes
Bushfire Hazard Site Assessments can often be lacking and impede decision-making.	Clearly specify the required features of the Bushfire Hazard Site Assessment.	Yes
Bushfire Hazard Landscape Assessments are not achieving what they could in the way of strategic land use planning.	Translate existing guidance material into Planning Schemes along with better integrating landscape considerations and landscape types into the bushfire provisions.	Yes, however we want them to go further here. We should be pushing for guidance on how to assess risk at a municipal scale to guide long-term future land use planning. There is a missed opportunity here considering the knowledge, science, and technology we currently have available to us.
Too many application pathways are available, and it can be difficult to know which one to select.	Better integrate the pathways into the bushfire provisions through a one-stop-shop approach, which explains the application requirements.	Yes, however, we would need more information about how this 'one-stop-shop approach' would look to give full support.
Applications under a Schedule to the BMO could be included as VicSmart applications.	Include scheduled BMO applications as VicSmart applications if the usual requirements are met.	Yes

<p>Clause 53.02 Bushfire Planning has not yet been updated to accommodate the VC140 changes made in 2017.</p>	<p>Update Clause 53.02 to make it consistent with the remainder of the bushfire policy in the Planning Scheme. Updates to availability of low fuel areas in considering acceptable risk; landscape risk and consideration of bushfire hazard beyond the site; and strategic locations of proposals.</p>	<p>Yes, however, we feel that work needs to be done to modernise State policy when it comes to strategically locating developments and rezoning land.</p>
<p>Some find the permit exemptions for managing vegetation complex.</p>	<p>Update Clause 52.12 Bushfire Protection: Exemptions to simplify the provisions. Clarifications around the 10/30/50 rule and where it is applicable and exemptions to create and maintain defensible space.</p>	<p>Yes</p>
<p>The Victorian Auditor-General report on reducing bushfire risks in 2020 found that Councils do not regularly or proactively conduct compliance inspections on properties where approvals were issued under bushfire provisions.</p>	<p>Council's to regularly (prior to the occupation of a development, at the point of sale/transfer of land and at the commencement of each bushfire season) inspect all properties where planning approval was issued under the bushfire provisions.</p>	<p>No. The financial and resourcing burden on councils is unreasonable and unrealistic.</p>
<p>Opportunities to more strategically consider how to support bushfire decision making.</p>	<p>Statutory accreditation systems that allow skilled professionals to take the place of relevant fire authorities in the decision-making process.</p>	<p>No. We rely on State bodies that manage a number of environmental or landscape matters to provide us professional, specialist advice as a referral authority. This should continue with the CFA as a relevant referral authority.</p>

<p>Fire authorities are the only body providing advice on bushfire hazard assessments and protection measures, in the capacity of a referral authority.</p>	<p>Accredited practitioners and Council employees could make decisions on applications that are not in high-risk locations.</p>	<p>No. We rely on State bodies that manage a number of environmental or landscape matters to provide us professional, specialist advice as a referral authority. This should continue with the CFA as a relevant referral authority.</p>
<p>DELWP has been committed to supporting the implementation of the bushfire planning provisions.</p>	<p>Training is offered each year through PLANET and DELWP encourages stakeholder feedback on additional training needs.</p>	<p>While we appreciate the commitment to training and skilling staff, we rely on State bodies that manage a number of environmental or landscape matters to provide us professional, specialist advice as a referral authority. This should continue with the CFA as a relevant referral authority.</p>
<p>The Victorian government holds extensive information on bushfire, including information from land managers and fire authorities.</p>	<p>DELWP could explore if this information could be made more widely available and investigate if landscape bushfire characteristics of different areas could be created in an electronic repository.</p>	<p>Yes. This information would be helpful for a number of council functions.</p>

Agenda Item: 14.2

Agenda Item: Council feedback to the MAV on the Victorian Local Government Social and Affordable Housing Strategic Statement

Sponsor: General Manager, Regional City Planning and Assets

Council Plan Objective: SUSTAINABLE

Status: For Decision

Proposed Resolution:

That Council:

- 1. Endorse Latrobe City Council's submission to the draft Victorian Local Government Social and Affordable Housing Strategic Statement (Attachment 1); and**
- 2 Lodge the submission with the Municipal Association of Victoria (MAV) for consideration.**

Executive Summary:

- The MAV has prepared a draft Victorian Local Government Social and Affordable Housing Strategic Statement (Attachment 2). The intent of this Statement is to advocate on behalf of Victorian councils outlining concerns with Homes Victoria and the State Government, regarding the delivery of Victoria's \$5.3 billion Big Housing Build and the lack of engagement and agreed terms with Local Government to be formalised by way of preparation of Compact. This Compact is to detail the roles and responsibilities of the State and Local governments in the collaborative delivery of Victoria's Big Housing Build.
- Officers are supportive of the MAV Statement, subject to:
 - Strengthening reference to the importance of considering local planning policy and strategies when locating, designing and developing social and affordable housing.
 - The importance of consultation with communities and Local Government during the selection of proposed sites, during design and the assessment of social and affordable housing developments.

- Council officers have prepared a submission (Attachment 1) and are seeking endorsement prior to lodgement with MAV by the 8 February 2021.

Background:

In November 2020 the Victorian State government announced the \$5.3 billion Big Housing Build (BHB) intended to deliver over 12,000 social and affordable dwellings. Of this funding, a minimum spend of \$60 million was pledged to the Latrobe City local government area.

As part of this announcement, the Minister for Housing and Planning committed to the development of a Social and Affordable Housing Compact with Victorian councils. In the Victoria's Big Housing Build November 2020 document released by Homes Victoria, it stated:

"Homes Victoria will work with local governments to develop a 'social and affordable housing compact' – this will include an important role for local government in identifying priorities for social housing growth in their municipality. We will also consult with councils on mechanisms to bring social housing closer to the treatment of other public value infrastructure such as schools and hospitals, which are exempt from council rates. This reflects the public benefit that access to safe, secure and affordable housing brings to local communities".

The four-year program has now entered its second year and to date no Compact has been drafted. This is disappointing considering the work Latrobe City Council has put into directing social and affordable housing projects within the municipality post the November 2020 announcement. The delay will likely have negative impacts on the appropriate delivery of social and affordable housing for the residents of Latrobe City, whereby these development progress with little to no requirement to consider local context and established policy direction.

It is recommended that Latrobe City Council provide its support to the MAV in the development and submission of their Victorian Local Government Social and Affordable Housing Strategic Statement.

Officers are supportive of signing-on to the Victorian Local Government Social and Affordable Housing Strategic Statement subject to updates, including:

- Strengthening references to the importance of considering local planning policy and strategies when locating, designing and developing social and affordable housing.
- The importance of consultation with communities and local government.
- Commitments in the Compact around meaningful engagement when sites are being identified, when concept plans are being developed and when final proposals are being assessed.

Issues:

Strategy Implications

Connected – Facilitate appropriate urban growth, industry diversification, liveability and connectivity throughout Latrobe City.

Appropriately locating social and affordable housing will result in the best outcomes for the community and users of these housing typologies. Access to services will ensure that residents are provided with the liveability deserved.

Connected – Connect people facing barriers to opportunities in education, recreation, sport, culture and the community.

Ensuring that social and affordable housing is provided with accessibility to services, employment, health, education and employment corridors will see these residents connected with their wider community.

Communication

The MAV provided local governments across the State with an opportunity to provide feedback on their draft Statement. As this Statement is meant to cover the view of local governments across Victoria, particularly in relation to the importance of their local planning policies, it was not considered necessary for the MAV to consult beyond local government.

Financial Implications

There are no financial implications that will result from lodging a submission to the draft Statement.

Risk Analysis

Identified risk	Risk likelihood*	Controls to manage risk
<p>Service Delivery Risk</p> <p>Deciding not to provide feedback to the MAV will result in Latrobe-specific feedback being omitted from the Statement.</p>	3 – possible	While Latrobe is unique and has its own set of challenges and opportunities, it is likely that other Councils have similar experiences to share. However, it is still considered appropriate to provide feedback to help inform the MAV’s final Statement.

* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

Legal and Compliance

There will be no legal or compliance impacts as a result of providing feedback to the MAV.

Community Implications

Ensuring a strong Statement is provided to Homes Victoria by the MAV on behalf of Victorian Councils will advocate for the consideration of local planning policies and strategies. These policies and strategies have been developed in consultation with key stakeholders and members of the community. Advocating for this outcome will be advocating for the voice of our community.

Environmental Implications

Advocating for the consideration of local planning policies and strategies when locating and developing social and affordable housing will provide for the best social environment for residents and the wider community.

Health Implications

Advocating for the consideration of local planning policies and strategies when locating and developing social and affordable housing will provide for the best health outcomes for residents, particularly when ensuring projects are appropriately located in areas with high accessibility to services.

Consultation

The MAV has consulted directly with Victorian councils to inform a shared Statement on the views of local government in relation to the delivery of the BHB and Compact. Consultation closes on 21 January 2022 however; the MAV have provided an extension until 8 February 2022.

Declaration of Interests:

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

Supporting Documents:

Nil

Attachments

1.  Attachment 1 - Latrobe City Submission to MAV
2.  Attachment 2 - Draft Victorian Local Government Affordable Housing Strategic Statement

14.2

Council feedback to the MAV on the Victorian Local Government Social and Affordable Housing Strategic Statement

- 1 Attachment 1 - Latrobe City Submission to MAV 109**
- 2 Attachment 2 - Draft Victorian Local Government Affordable Housing Strategic Statement 115**



Social and Affordable Housing Strategic Statement

Latrobe City Council submission to MAV



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Introduction

The Municipal Association of Victoria (MAV) are seeking feedback from councils in relation to a draft Victorian Local Government Social and Affordable Housing Strategic Statement that they have drafted on behalf of local government. This Statement is to be submitted to Homes Victoria in relation to Victoria's Big Housing Build and the Housing Compact that was promised over 12 months ago, but remains outstanding even though the Big Housing Build program continues to be rolled out.

Background

In November 2020 the Victorian government announced Victoria's Big Housing Build. This announcement pledged the spending of \$5.3 billion to deliver more than 12,000 new social and affordable dwellings. Of this funding, a minimum of \$60 million has been committed for spending in Latrobe City.

The Victoria's Big Housing Build November 2020 document released by Homes Victoria contains a section called 'Making housing work' that was authored by the Minister for Housing. In this section, it was stated that *"We will forge the new Social and Affordable Housing Compact with local councils – an agreement to work together to increase social and affordable housing stock"*.

Later in the document there is more discussion about the intent of this Compact. It states *"Homes Victoria will work with local governments to develop a 'social and affordable housing compact' – this will include an important role for local government in identifying priorities for social housing growth in their municipality. We will also consult with councils on mechanisms to bring social housing closer to the treatment of other public value infrastructure such as schools and hospitals, which are exempt from council rates. This reflects the public benefit that access to safe, secure and affordable housing brings to local communities"*.

It is disappointing to local government that the program was rolled out over 12 months ago, however this important Compact is still yet to be drafted. Council is keen to work collaboratively with Homes Victoria to ensure the appropriate and coordinated delivery of social and affordable housing.

In response to this delay and the concerns of local government, the MAV are coordinating a Victorian Local Government Social and Affordable Housing Strategic Statement. This Statement raises a number of concerns and provides feedback around what local government would like to see in the Compact.

Though this feedback was due to the MAV on 21 January 2022, an extension for Latrobe City has been granted until 8 February 2022.

Responses to questions posed in the Victorian Local Government Social and Affordable Housing Strategic Statement Draft (for consultation)

Below are each of the seven questions posed by the MAV in relation to their draft and responses from Latrobe City.

Question 1 – What are the main housing affordability challenges in your municipality, and does this Statement reflect these well?

The COVID pandemic has resulted in an unprecedented surge in housing and rental prices across the four major towns of Latrobe City (Moe-Newborough, Morwell, Churchill and Traralgon).

The Australian Housing and Research Institute have reported in April 2021 that the median cost of renting a house in Moe increased almost 10 per cent during the pandemic, with locals spending \$280 a week on average, a sizeable cost for a community with an average household income of \$771. Also notable is the 27.5% and 25% house price increases for Newborough and Churchill respectively.

Incentives are needed for developers in regional Victoria to provide social and affordable housing as part of their developments. We currently have a significant shortfall of single bedroom dwellings across the municipality. Incentives to provide social and affordable housing in a regional context currently do not exist.

Question 2 – Does the context statement in the Statement capture the key issues to be addressed through a state/local government compact?

Council strongly supports the statements that highlight the importance of social and affordable housing projects having regard to local planning policies and strategies. However, it is felt that further discussion should be included reiterating the importance of meaningful community consultation and consultation with local government, particularly when local government are not the responsible authority under the Planning Scheme for a particular proposal.

Question 3 – How well does the Statement above align with established policy adopted by your Council?

Latrobe City Council is in the process of undertaking a Planning Scheme Amendment that will be informed by a recently developed Social and Affordable Housing Strategy. Until this Planning Scheme Amendment is incorporated into the Latrobe Planning Scheme, an Interim Social and Affordable Housing Policy has been adopted by Council. This interim policy maps areas where social and affordable housing is to be supported and encouraged, subject to being deemed appropriate under the other relevant planning scheme controls.

The main intent of the interim policy; strategy; and ultimate Planning Scheme Amendment is to ensure that social and affordable housing projects are developed at appropriate densities, with an appropriate tenure mix and in well serviced, accessible locations. Advocating for local planning policies and strategies to be given adequate weight in the assessment process for social and affordable housing proposals is an essential component of the Victorian Local Government Social and Affordable Housing Strategic Statement.

Question 4 – Does any of the content in the Statement create impediments to your council adopting this statement? If so, how can be adapted to better reflect your council's position?

The Statement is a clear, concise and considered document. It manages to summarise the needs and concerns of the 79 local government areas in Victoria. Latrobe City Council is prepared to lend its support to the state-wide adoption of this Statement, subject to:

- Strengthening discussions around the importance of considering existing local planning policy and strategies when locating, designing and developing social and affordable housing.
- Discussion around how critically important it is to engage and undertake meaningful consultation with communities and local government when considering social and affordable housing applications. Latrobe City would like to see commitments in the Compact around meaningful engagement when sites are being identified, when concept plans are being developed and when final proposals are being assessed.
- Any minor changes deemed necessary as part of this consultation process.

Question 5 – How well does the Background information about roles and actions capture the respective roles of state and local governments?

It would be beneficial to clarify that the role of the State is to fund social and affordable housing (in the absence of inclusionary zoning or other appropriate planning tool to obtain social and affordable housing as part of the land rezoning or development process). It is the role of local government to undertake strategic land use planning and impose zones and overlays.

Part of Council's strategic land use planning responsibility includes developing town centre plans, town structure plans and precinct structure plans. These plans are to direct specific types of developments to particular locations.

This provides a strong argument for the importance of considering local planning policy and strategies when locating and developing social and affordable housing projects, regardless of who the responsible authority is for the particular proposal.

Question 6 – Four council roles are listed – planning, partnering, engaging, and advocating. Do these actively reflect your council's role in housing affordability? Are there other roles which should be added?

The four Council roles are consistent with the current direction of Latrobe City Council in the social and affordable housing space.

Question 7 – Are there planning and program issues, other than those listed in the Background Information, that could be addressed through a Local Government Social and Affordable Housing Compact?

Latrobe City strongly advocates for active and meaningful community consultation. Our strong preference is for the Compact to ensure commitments in regards to consultation with the community, and particularly relevant local governments when sites are being identified, when concept plans and being developed and when final proposals are being assessed as well as a commitment to local planning policies and strategies being given considerable weight in the decision-making process.

Conclusion

Latrobe City is keen to finalise a Compact with Homes Victoria so as to ensure the appropriate and coordinated delivery of social and affordable housing in a manner that is appropriate for Latrobe City.

Latrobe City are supportive of the draft Victorian Local Government Social and Affordable Housing Strategic Statement prepared by the MAV, subject to the following matters being included:

- Strengthening discussions around the importance of considering existing local planning policy and strategies when locating, designing and developing social and affordable housing.
- Discussion around how critically important it is to engage and undertake meaningful consultation with communities and local government when considering social and affordable housing applications. Latrobe City would like to see commitments in the Compact around meaningful engagement when sites are being identified, when concept plans are being developed and when final proposals are being assessed.
- Any minor changes deemed necessary as part of this consultation process.

Victorian Local Government
Social and Affordable Housing Strategic Statement
Draft – for consultation



Places to Call Home

A Statement of Commitment from Victorian Local Government

Introduction

This draft **Victorian Local Government Social and Affordable Housing Strategic Statement** prepared by the MAV aims to develop a state-wide local government position on social and affordable housing. It articulates the important role council can play in enabling the Victorian Government to realise its 10 year Social and Affordable Housing Strategy.

It also helps define the elements and actions local government would like to see dealt with in the Social and Affordable Housing Compact, which the Victorian Government [committed](#) to developing in November 2020. A year on since the Big Housing Build was announced, it is more than timely for the details of the Compact to be progressed.

This draft draws on the extensive work undertaken by councils to address the growing issue of housing affordability. It is intended to describe the broad roles and capture the intentions of councils regarding social and affordable housing.

Councils are invited to provide feedback to the MAV ahead of its consideration by the MAV Board in early 2022.

Context

Councils are fundamentally concerned about the health and wellbeing of their communities. Housing is a critical determinant of health and wellbeing. Access to safe, secure and affordable housing provides the basis for improved life outcomes, access to education, jobs and services, and better mental and physical health.

When social and affordable housing is integrated into the urban landscape it is beneficial to the health and wellbeing of all.

The significant shortage of affordable housing across Victoria is a cause for considerable concern. All communities are impacted, whether it be young people not able to consider owning their own home, those unable to secure alternative housing as their needs change, or those who can't find a bed for the night.

Housing stress is increasing. The number of people who are sleeping rough is growing. Waiting lists for housing for people on low and very low incomes continue to grow. While housing affordability has always been an issue for low-income households, it is now extending to moderate income households seeking either to rent or buy housing. Young people are finding it more and more difficult to start life in secure housing. In some municipalities, there is no affordable accommodation for key and essential workers supporting local economies. Estimates that nearly 50,000 social and affordable dwellings will be needed in the next 10 years mean concerted action is needed now.

Key drivers of housing affordability involve all three levels of government. At the federal level, Commonwealth tax and income support policies and specific purpose funding to the states have a direct impact. The Victorian Government's investment in social housing dwellings, policy and community programs support direct provision of housing for people on the Housing

Victorian Local Government Social and Affordable Housing Strategic Statement *Draft – for consultation*



Register, state supported residential services and crisis accommodation. It also sets state-wide planning frameworks which influence supply and requirements councils need to comply with in their local planning frameworks and policies.

Despite their lack of direct influence over Commonwealth and state policy and investment decisions, many councils, often working in partnership with the Victorian Government and community agencies, have developed innovative solutions to local housing problems. In many cases councils have contributed their own funds, assets and expertise to facilitate an increase in affordable housing and improve outcomes for social housing tenants.

The Victorian Government's Big Housing Build is a substantial start towards addressing some of these issues. Its long-term success relies on alignment with local strategic planning frameworks, undertaken by councils in consultation with their communities to ensure that social and affordable housing is well connected to existing and planned public transport, infrastructure and services.

A coordinated response across governments, the private sector, the community housing sector, industry groups and the community is critical. It requires ambitious, bold decisions and an ongoing and shared commitment to housing equity.

The development of a Victorian Local Government Housing Compact presents an opportunity to address long standing barriers to ensuring that everyone in Victoria can have a home in our communities now and in the future.

Strategic statement

We believe that:

- There is a significant shortage of affordable housing options for people and that this will only be addressed through close collaboration between different levels of government
- A socially, culturally and economically diverse population requires a diversity of housing, including dwellings that are affordable to households with very low or moderate incomes.
- Thoughtful and considered strategic planning across all levels of government is the foundation for high quality housing, liveable communities, and provides the best outcomes for residents.
- Every Victorian should have access to safe, secure and affordable accommodation that is appropriate to their needs

We commit to work with other levels of government to ensure that:

- Planning for new and upgrading of existing social and affordable housing is undertaken collaboratively with outcomes for people at the centre.
- There is adequate supply of accommodation for people on very low and moderate incomes
- There are optimal levels of social and affordable housing spread throughout the state

Victorian Local Government
Social and Affordable Housing Strategic Statement
Draft – for consultation



- Individuals and families feel well supported and able to access high quality affordable housing and the related support services they need to maintain this housing.

Victorian State/Local Government Social and Affordable Housing Compact

We recognise the important role of the Victorian Government as owner, manager and developer of public housing, and funder and regulator of the community housing sector. Legislative instruments, including the Planning and Environment Act 1987, Housing Act 1983 and Residential Tenancies Act 2010 shape opportunities to increase the supply and provide better support and outcomes for private and social tenancies.

Legislation and state government policy should complement and enable local planning policy. It should support the key roles of local government established in the National Housing and Homelessness Agreement – ‘building approval, local urban planning and development approval and rates and charges that influence housing affordability’¹.

The delivery of 12,000 new social and affordable housing dwellings in the next four years through the Big Housing Build means that alignment of state and local planning frameworks is essential and urgent right now – there is potential for many missed opportunities and mis-aligned service provision if the new dwellings are created out of alignment with local long-term plans and investment strategies.

The development of a Social and Affordable Housing Compact with the Victorian Government provides an opportunity to address long standing planning and program issues including:

1. Alignment of planning frameworks to ensure that the 10 Year Social and Affordable Housing Strategy and local planning policies complement each other and support best outcomes.
2. Local government and MAV participation on inter-departmental working groups to maximise local insights to inform necessary state responses.
3. Coordination of the broad range of services, supports and infrastructure for people who live in social and affordable housing, including flexibility for local arrangements for rate exemptions for social housing provided by Homes Victoria and community housing associations.
4. Shared planning around building renewal and development of state owned and managed public housing to ensure they conform to local planning schemes and are fully integrated into the urban landscape, including environmentally sustainable design.
5. Development of a shared social and affordable housing data and monitoring system that provides transparency and a basis for joint planning.
6. Trialling of different models of social and affordable housing provision including build to rent, shared equity schemes, and housing first and foyer models.

¹ National Housing and Homelessness Agreement, (2018), s. 30

Victorian Local Government
Social and Affordable Housing Strategic Statement
Draft – for consultation



Background information – roles and possible actions

Local government roles and actions that can support housing affordability

Councils can undertake a range of roles to achieve their commitment to affordable housing in line with their capacity and strategic priorities, including:

- Planning which facilitates inclusion of affordable housing supply that is seamlessly and sustainably integrated into the urban fabric close to quality transport, recreation, employment, and support infrastructure.
- Partnering directly and brokering partnerships with the Victorian Government, registered community housing associations, other councils, and developers.
- Engaging with their communities to promote the value of social and affordable housing and understand community needs, views and aspirations around housing.
- Advocating to other levels of government for necessary systemic and lasting change that will increase the supply of social and affordable housing in their communities.

Considering these possible roles, councils in Victoria can undertake actions to:

- Take leadership in advocating for and facilitating increases in social housing in our communities to meet the needs of people on low, very low incomes across Victoria.
- Actively pursue opportunities and partnerships to use council resources, including council land, to develop social and affordable housing projects.
- Develop social and affordable housing policies and planning instruments that complement and extend key council policies including the Council Plan, Municipal Strategic Statement and Municipal Health and Wellbeing Plans.
- Look for opportunities to leverage funding from state and commonwealth governments including development of policies, precinct plans and identification of land and partners.
- Actively pursue partnerships with the state government and community agencies to expand the supply of social and affordable housing.
- Develop programs in partnership with health and wellbeing and support services to ensure that people who live in social and affordable housing receive the support they need.

Build the capacity of council and communities to understand the important role of social and affordable housing as a platform for health and wellbeing and an economic stimulus.

Victorian Local Government
Social and Affordable Housing Strategic Statement
Draft – for consultation



Consultation and feedback on this Statement

You can provide feedback on the Statement by:

- Providing a submission in response to the MAV by John Smith, MAV Social and Affordable Housing Adviser by **Friday, 21 January 2022** – email jsmith@mav.asn.au
- Arranging a presentation and workshop discussion for your council or group of councils
- Contacting John Smith, Social and Affordable Housing Adviser (johns@mav.asn.au) to provide feedback directly or arrange another way to share your feedback.

We're particularly interested in your feedback to these questions:

- What are the main housing affordability challenges in your municipality, and does the Statement reflect these well?
- Does the context statement in the Statement capture the key issues to be addressed through a state/local government compact?
- How well does the Statement above align with established policy adopted by your council?
- Does any of the content in the Statement create impediments to your council adopting this statement? If so, how can be adapted to better reflect your council's position?
- How well does the Background Information about roles and actions capture the respective roles of state and local governments?
- Four council roles are listed – planning, partnering, engaging, and advocating. Do these accurately reflect your council's role in housing affordability?
 - Are there other roles which should be added?
- Are there planning and program issues, other than those listed in the Background Information, that could be addressed through a Local Government Social and Affordable Housing Compact?

Agenda Item: 14.3

**Agenda Item: Proposed Amendment C133, 5 Parer Avenue, Moe -
Request for Authorisation**

Sponsor: General Manager, Regional City Planning and Assets

Council Plan Objective: CONNECTED

Status: For Decision

Proposed Resolution:

That Council:

- 1. Request authorisation from the Minister for Planning to prepare Amendment C133 to the Latrobe Planning Scheme and exhibit it with Permit Application 2022/17, in accordance with sections 8A and 96A of the *Planning and Environment Act 1987*;**
- 2. Prepare Amendment C133 to the Latrobe Planning scheme to rezone land and remove the heritage overlay from 5 Parer Ave, Moe, generally in accordance with the documentation provided at Attachments 1, 2, 4, 5 and 6, subject to Ministerial Authorisation;**
- 3. Prepare a proposed planning permit for exhibition in response to Permit Application 2022/17, for the development of 9 dwellings on a lot, generally in accordance with the document provided at Attachment 4, 7 and 8; and**
- 4. Exhibit combined Amendment C133 and Permit Application 2022/17, (including proposed permit) in accordance with the requirements of section 96C of the *Planning and Environment Act 1987*.**

Executive Summary:

- A combined Planning Scheme Amendment and Planning Permit application was submitted by Beveridge Williams and Co. on behalf of Hillview Property Group Pty Ltd on 4 November 2021 for 5 Parer Ave, Moe.
- The amendment proposes to:
 - Rezone the Neighbourhood Residential Zone Schedule 1 (NRZ1) portion of the land to Residential Growth Zone Schedule 2 (RGZ2);

- Delete the Heritage Overlay from the land;
- Amend the Moe Housing Framework Plan at Clause 16.01-1L
- The planning permit application is for the development of 9 dwellings on the lot.
- Proposed Amendment C133 provides the necessary strategic justification to support the rezoning of the land.
- The planning permit application is consistent with the Latrobe Planning Scheme, including the Latrobe City Council Housing Strategy and Moe-Newborough Housing Framework Plan 2019.
- It is considered appropriate for Council to request authorisation from the Minister to prepare and exhibit the combined amendment and planning permit.

Background:

On the 4 November 2021, Beveridge Williams and Co. on behalf of Hillview Property Group Pty Ltd lodged a combined Planning Permit and Planning Scheme Amendment request for 5 Parer Ave, Moe.

5 Parer Ave, Moe is zoned part Residential Growth Zone Schedule 2 and part Neighbourhood Residential Zone Schedule 1. The Heritage Overlay applies to part of the property for St Andrews Presbyterian Church (34 Fowler Street, Moe), see Figure 1 below.

Figure 1 - 5 Parer Ave, Moe: Zones and Overlays



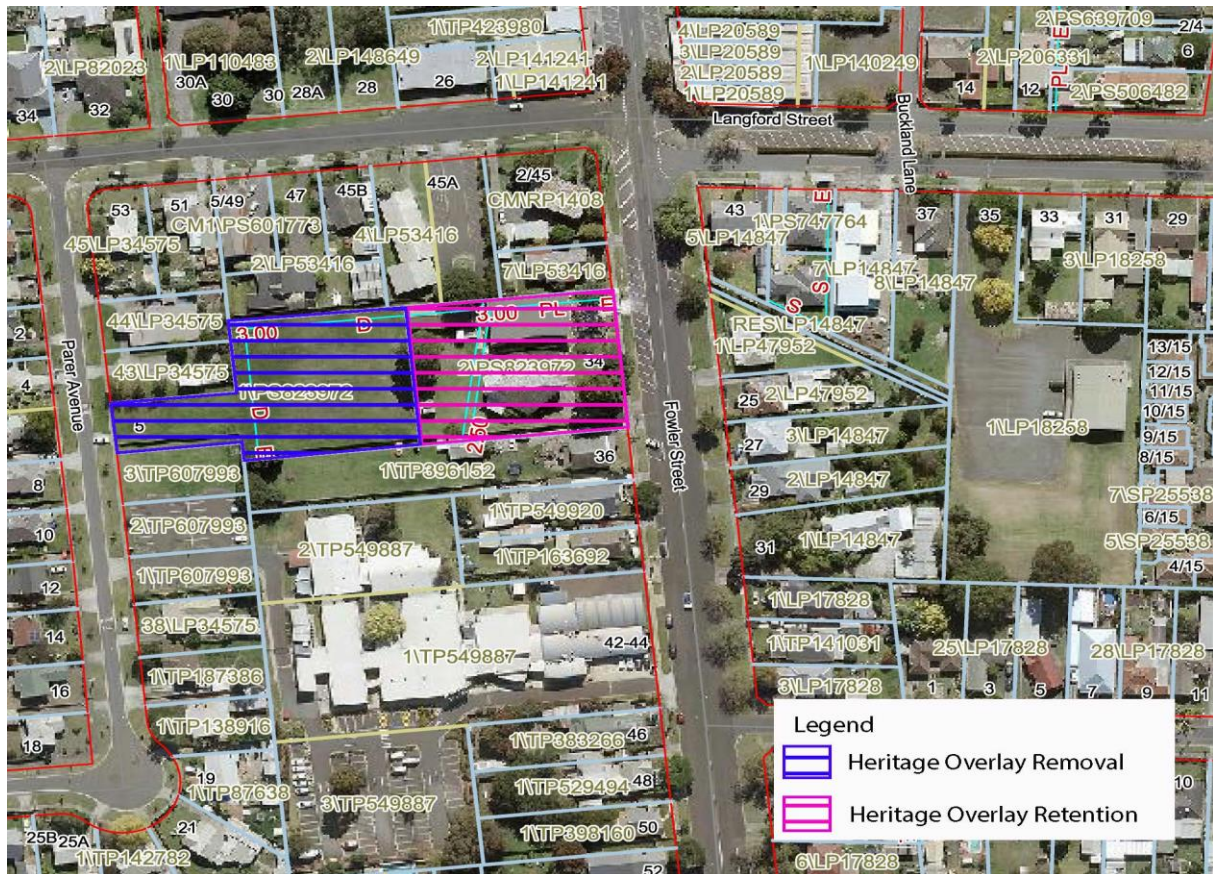
Proposed Planning Scheme Amendment

The amendment proposes to:

- Rezone the Neighbourhood Residential Zone Schedule 1 to Residential Growth Zone Schedule 2 (Attachment 1);
- Delete the Heritage Overlay (HO35) from the site (see Figure 2 and Attachment 2);
- Amend the Housing Framework Plan at Clause 16.01-1L to show the land as substantial change (Attachment 3).

The property used to form part of St Andrew’s Presbyterian Church and was recently re-subdivided. The lot containing the Church was zoned Neighbourhood Residential Zone Schedule 1 due to the presence of the Heritage Overlay.

Figure 2 – Heritage Overlay Removal



The site is located on the southern edge of the Moe's Primary Activity Centre and the surrounding area is zoned Residential Growth Zone Schedule 2 and is in a substantial change area due to the proximity to the Moe Primary Activity Centre.

A substantial change area supports units, townhouses, apartment development due to its proximity to the Primary Activity Centre.

Heritage advice was sought independently by Council regarding the removal of the heritage overlay as part of advice for the previous landowners. This advice determined that there are no heritage values associated with St Andrew's Presbyterian Church on 5 Parer Avenue, Moe. However, the removal of the heritage overlay was only deemed appropriate as part of the Section 96A Planning Scheme Amendment request. This was deemed appropriate as a development application would need to be submitted as part of this request and would ensure the heritage values of 34 Fowler Street were protected.

As the proposed Planning Scheme Amendment is a Section 96A request, it is now appropriate to remove the Heritage Overlay.

As the Amendment is a combined process, this means a planning permit application for the development of the site has been prepared. The rezoning of the site to RGZ2 is necessary to facilitate the development proposed.

The removal of the heritage overlay is deemed appropriate. Additional Heritage advice was submitted with the application which detailed that the proposed amendment and application does not provide any detriment to the surrounding heritage buildings.

The amendment to the Housing Framework Plan is administrative in nature due to the proposed change in land zoning.

A copy of the Planning Scheme Amendment request including justification for the Amendment is provided at Attachment 4. A copy of the Explanatory Report is provided at Attachment 5. A copy of the Amendment documents and instruction sheet is provided at Attachment 6.

Proposed Planning Permit Application

The planning permit application is for the development of 9 dwellings on a lot.

All the dwellings will be single storey and the proposed site layout is such that two attached dwellings will be in the narrow part of the site, in a battleaxe layout and in the wider part of the site, the remaining dwellings will be located on either side of a central accessway. Eight of the dwellings are attached in pairs and one dwelling will be detached. Two of the dwellings are two-bedroom dwellings and 7 dwellings are three-bedroom dwellings.

Based on the configuration of the lot, only one dwelling will have a direct frontage to the street (see Attachment 7).

The proposed planning permit application meets the following requirements:

- Municipal Planning Strategy;
- Planning Policy Framework
- Residential Growth Zone Schedule 2;
- Clause 52.06 – Car Parking;
- Clause 55 – Rescode;
- Clause 53.18 – Stormwater Management in Urban Developments
- Housing Framework Plan at Clause 16.01;
- Latrobe City Council Housing Strategy 2019; and
- Urban Design Guidelines (March 2020).

The proposed Amendment proposes to change the land to Residential Growth Zone Schedule 2. As this change is proposed to be made, the application has been considered under this zone. This change means that 5 Parer Ave, Moe will be in a substantial change area, it is within close proximity and walking distance to the Moe Activity Centre. 9 dwellings in this location, close to services, public transport and the

Moe Activity Centre means that it is consistent with the Latrobe City Council Housing Strategy 2019.

The application has been referred to internal departments within Council and Gippsland Water to seek comments and conditions for the planning permit. Both have consented subject to conditions being placed on the planning permit.

Draft planning permit conditions have been prepared for exhibition as part of the planning scheme amendment process to allow the development of the lot (see Attachment 8).

Issues:

Strategy Implications

Connected – A regional City which recognises the connectedness between our goals and towns, and efficiently utilises the assets we have for the benefit of our whole community while protecting the environment.

Proposed Amendment C133 and planning permit uses existing infrastructure, supports the direction of the existing Housing Framework Plan and provides a range of dwellings to support the needs of our towns.

Communication

The proposed amendment was referred both internally and externally for comment. In particular so draft planning permit conditions could be created. No concerns have been raised about the proposed amendment or planning permit application.

Financial Implications

As Amendment C133 is to be prepared at the request of Beveridge Williams and Co. on behalf of Hillview Property Group Pty Ltd, the proponent will be required to pay Council the fees prescribed at Regulation 6 of the *Planning and Environment (Fees) Regulations 2016* for each stage of the amendment process. They have also been required to pay Council the fees at Regulation 14 for Permit application 2022/17.

Stage 1 fees for the Planning Scheme Amendment C133 and Planning Permit application 2022/17 for a total of \$5012.50 were paid.

Further fees for stages 2, 3 and 4 will be required as the Amendment moves through the planning permit process. If the Amendment proceeds to a Planning Panel, full fee recovery will be required from the applicant.

Risk Analysis

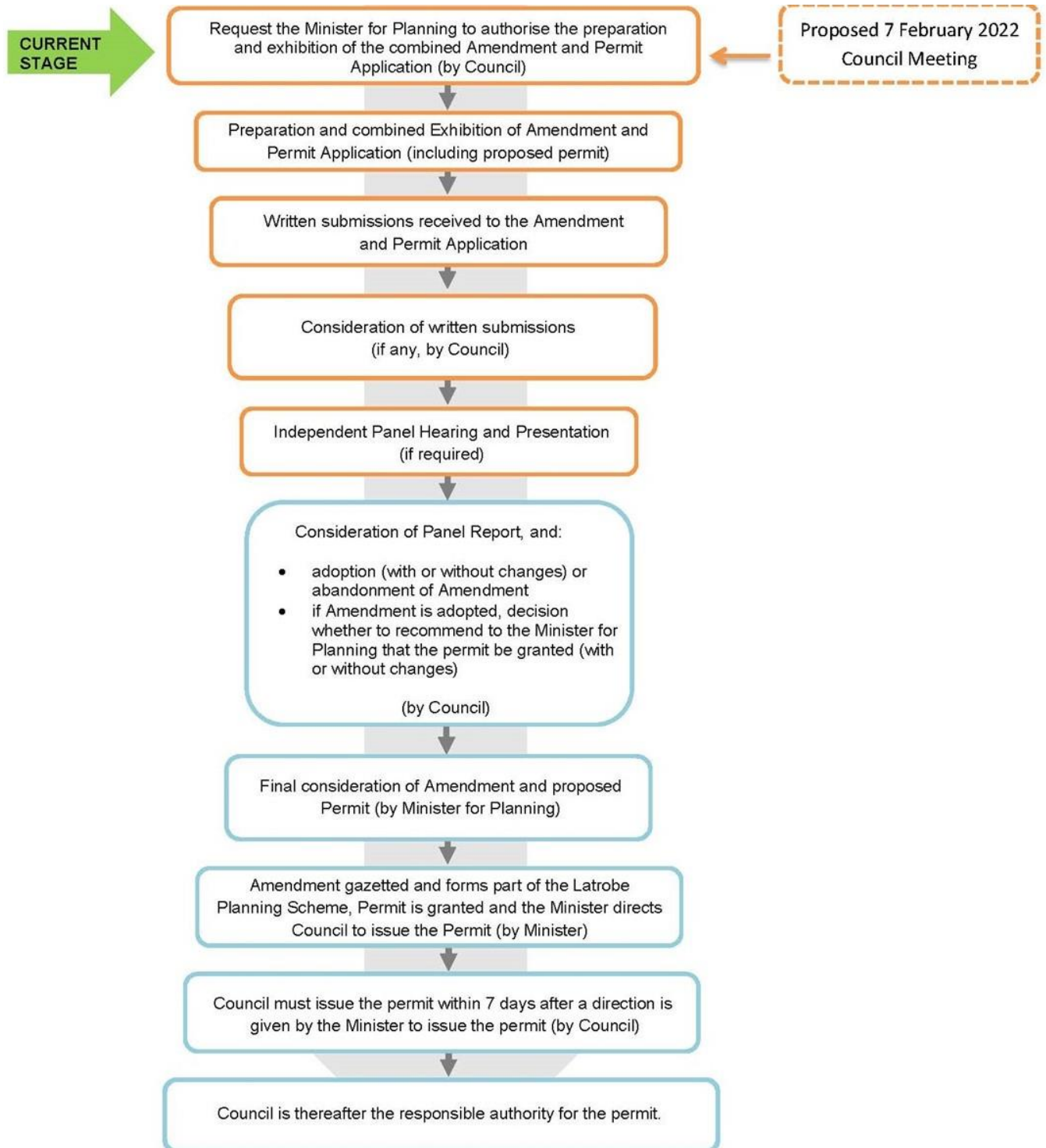
Identified risk	Risk likelihood*	Controls to manage risk
<p>Legal/Regulatory Risk</p> <p>An affected landowner does not receive notice of the amendment and is unable to be involved in the process.</p>	2 (unlikely)	A range of engagement activities will be undertaken to ensure that landowners and the community are aware of the proposal.
<p>Strategic Risk</p> <p>A landowner does not agree with the amendment and objects to it.</p>	3 (possible)	Planning officers will respond to any submissions received. If the submission cannot be resolved, Council has the option to refer the Amendment to an independent planning panel to be considered.

* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

Legal and Compliance

The combined planning scheme amendment and planning application process provided for under section 96A-96N of the Act is shown in Figure 2 below, which identifies the current stage of Amendment C133 and Permit application 2022/17 are at in the process.

Figure 2 – Amendment C133 Planning Scheme Amendment Process



In accordance with section 8A of the Act, the Minister for Planning may authorise Council to prepare an amendment to State and local provisions of the Latrobe Planning Scheme.

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

- The Minister's directions;
- The Victoria Planning Provisions;
- Any strategic plan, policy statement, code or guideline which forms part of the Latrobe Planning Scheme;
- Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by the amendment.
- Any social and economic effects.

Council has had regard to section 12(2) of the Act and considers Amendment C133 to be consistent with these requirements.

Community Implications

This proposal will provide a choice in housing options for the Moe community. Engagement with the community as part of the exhibition process will be undertaken to ensure all concerns are known.

Environmental Implications

There are no environmental implications as part of this report.

Consultation

Amendment C133 and Permit Application 2022/17 will be subject to the prescribed process in accordance with the public notice and consultation requirements of section 96C of the *Planning and Environment Act 1987* (Act).

An engagement plan will be developed to ensure appropriate engagement activities are undertaken for Amendment C133 and Permit Application 2022/17. This will include:

- Exhibition of Amendment C133 and Permit Application 2022/17 (including a proposed permit) for a minimum of 1 calendar month;
- Documents available on Latrobe City Council's website
- Have Your Say page created;

- Letters / emails notifying affected owners and occupiers, agencies, public authorities and Ministers believed to be materially affected by Amendment C133 or Permit Application 2022/17 or prescribed under the Act;
- Notices in the Latrobe Valley Express;
- Notice in the Government Gazette; and
- 1:1 sessions will be offered to the community to discuss the proposal.

Other

There are no other implications for this report.

















Declaration of Interests:

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

Supporting Documents:

Nil

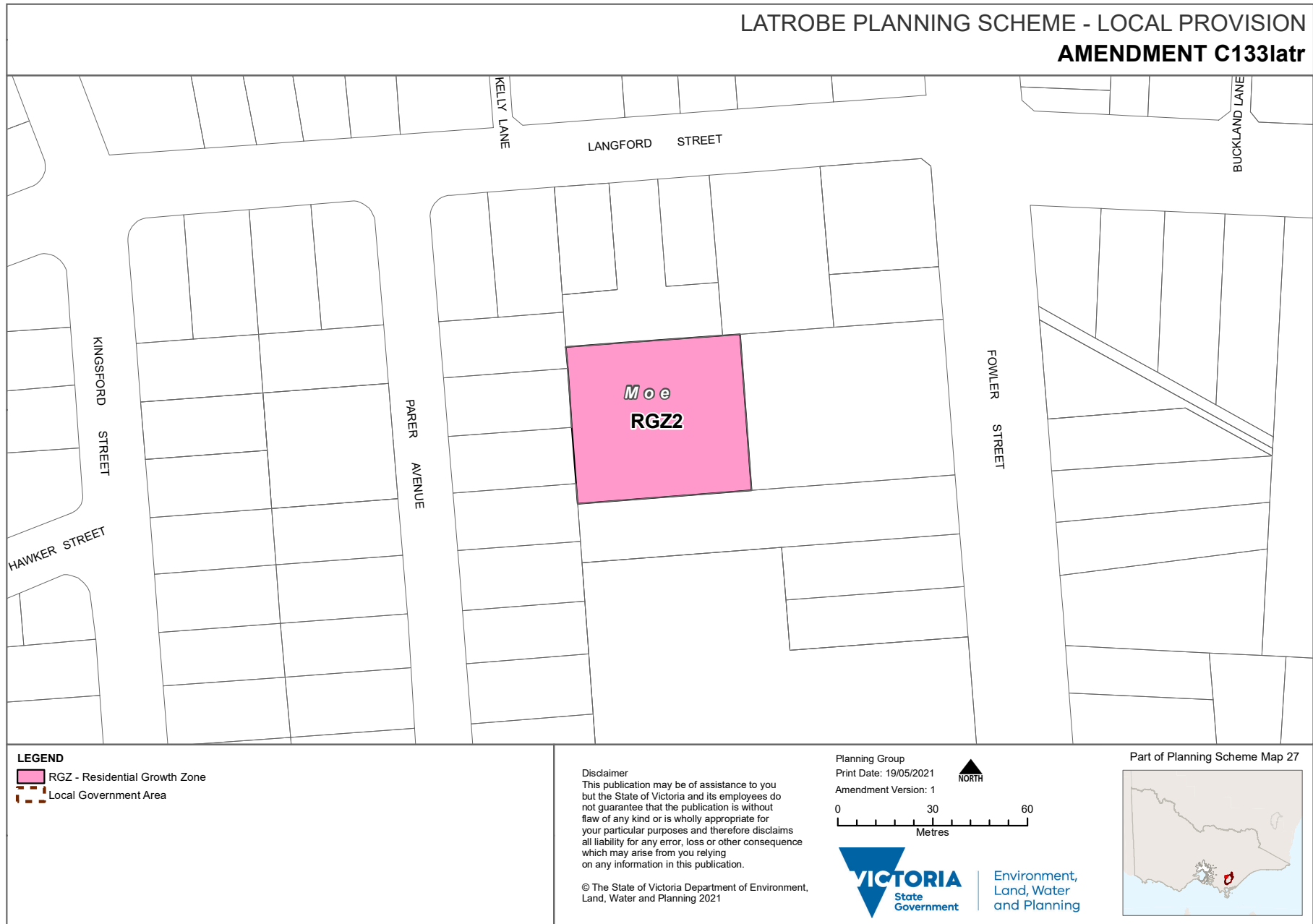
Attachments

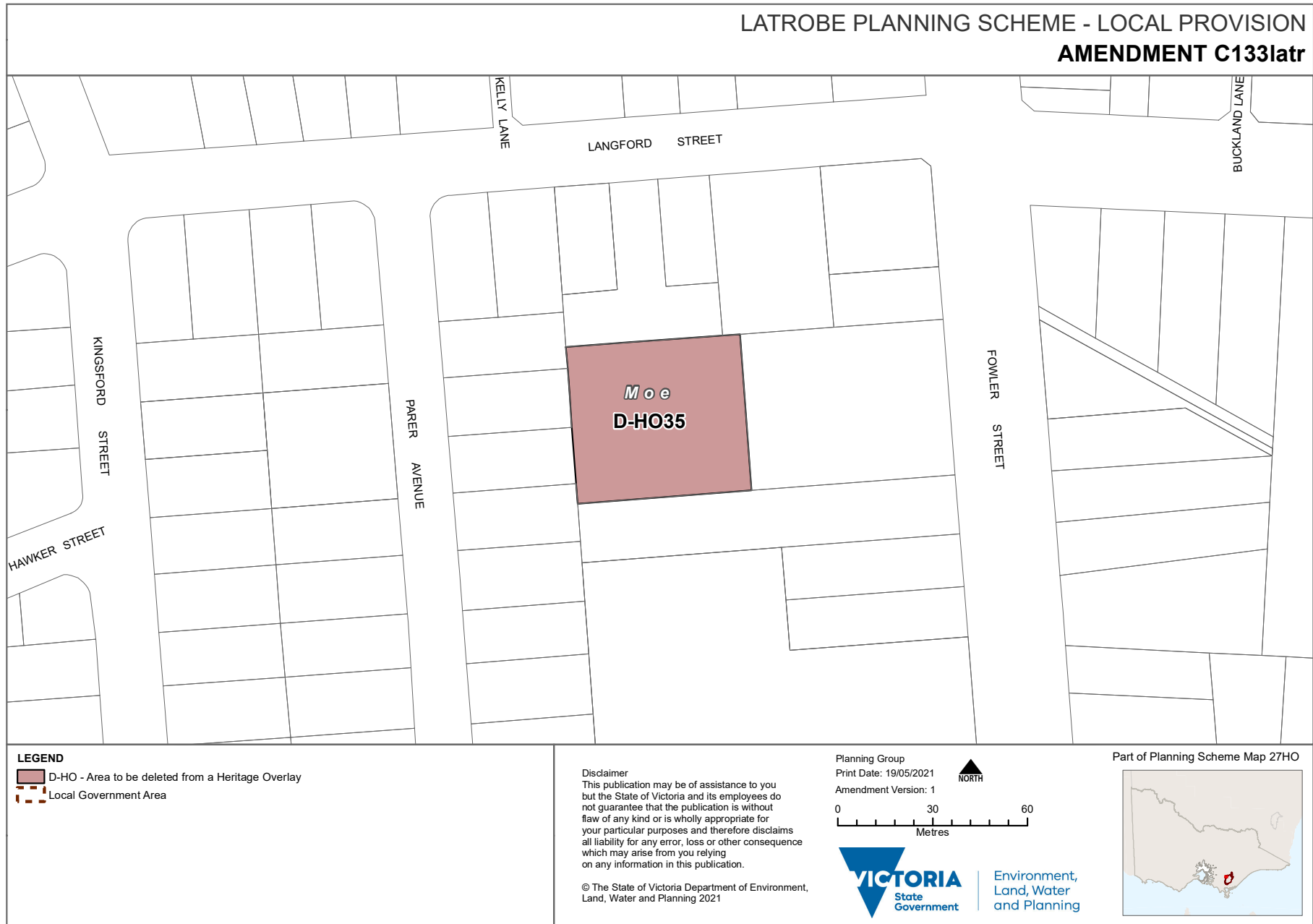
1.   Zone Map
2.   Overlay Deletion Map
3.   Updated Moe / Newborough Housing Framework Plan
4.   Planning Report
5.   Explanatory Report
6.   Other Amendment Documents
7.   Planning Permit Application Plans
8.   Draft Planning Permit Conditions

14.3

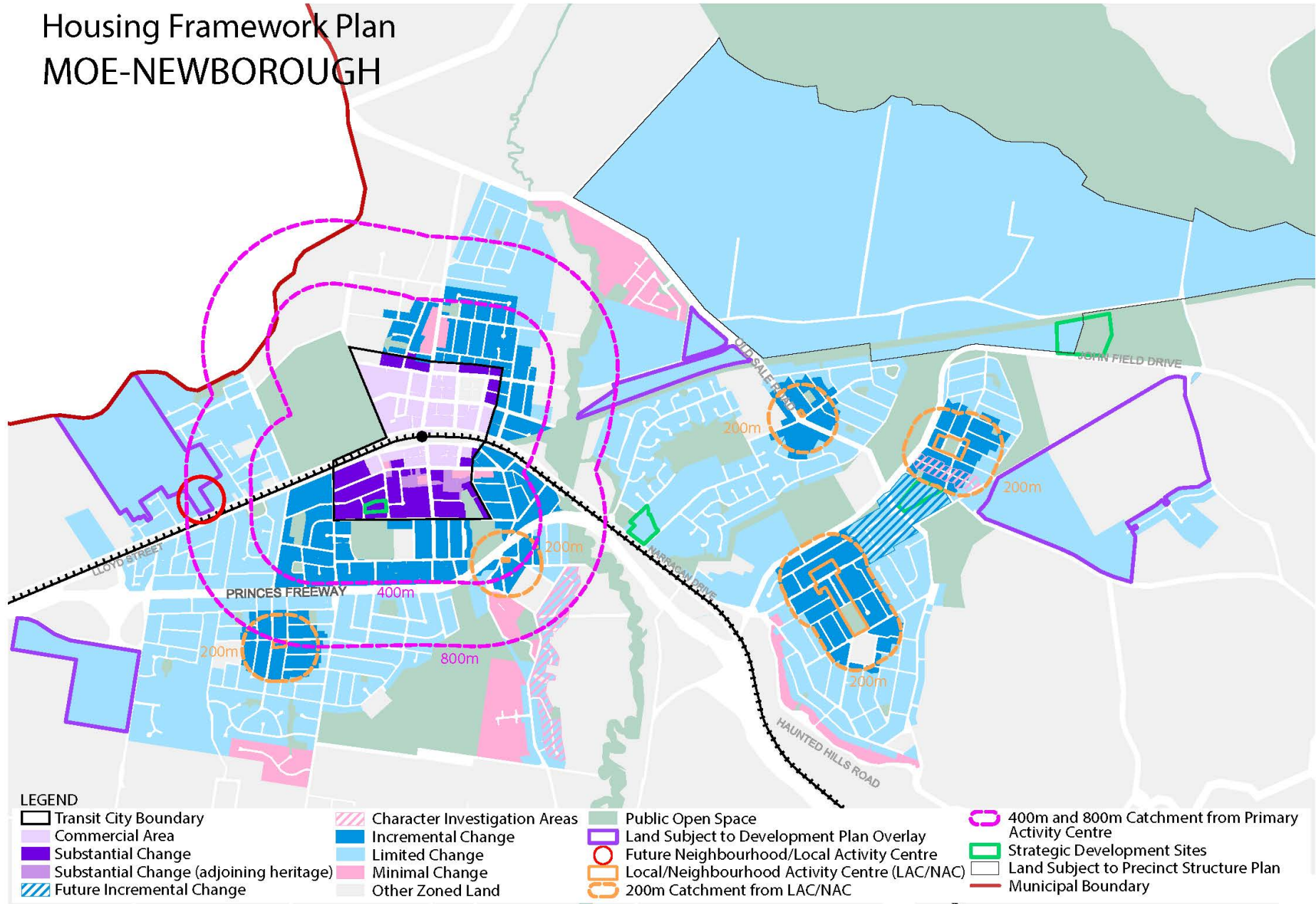
Proposed Amendment C133, 5 Parer Avenue, Moe - Request for Authorisation

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Housing Framework Plan MOE-NEWBOROUGH



Beveridge Williams

Our Reference: 2000657

31 October 2021

The Chief Executive Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840

Attention: Lorrae Dukes – Coordinator Strategic Planning

Dear Lorrae

**RE: SECTION 96A – PLANNING AND ENVIRONMENT ACT 1987
COMBINED PLANNING SCHEME AMENDMENT & PLANNING PERMIT APPLICATION
5 PARER AVENUE, MOE
HILLVIEW PROPERTY GROUP PTY LTD**

I refer to the above matter and wish to advise that we act for Hillview Property Group Pty Ltd.

On behalf of our client, we wish to make application for a combined Planning Scheme Amendment to rezone and Planning Permit Application to develop land at 5 Parer Avenue, Moe in accordance with Section 96A of the *Planning and Environment Act 1987*. More specifically, the request involves:

- Rezoning the portion of the site currently in the Neighbourhood Residential Zone, Schedule 1 (NRZ1) to the Residential Growth Zone, Schedule 2 (RGZ2) and amending Map 27 of the Latrobe Planning Scheme accordingly;
- Deleting the Heritage Overlay (HO35) and amending Map 27HO of the Latrobe Planning Scheme accordingly;
- Amending the Municipal Strategic Statement by:
 - Replacing the Moe-Newborough Housing Framework Plan in Clause 21.09-4, to include all the site within a 'Substantial Change (adjoining heritage)' on this plan (i.e. remove the 'Minimal Change' designation on this plan), and,
- Approval of a Planning Permit Application to develop nine (9) single storey dwellings on the site.

In support of our application, please find attached the following documents:

- A Town Planning Report with associated attachments including the proposed development plans and heritage assessment;
- A completed Application for Planning Permit form; and,
- Planning Scheme Amendment statutory documentation.

ACN 006 197 235
ABN 38 006 197 235

Traralgon Office
Suite 8, Level 1
81-89 Hotham Street
Traralgon VIC 3844
Tel: (03) 5176 0374

beveridgewilliams.com.au



Please provide an invoice at your earliest convenience to enable payment of the requisite combined fees for consideration of the amendment request and planning permit application.

Should you require any further information, please contact the writer on 5176 0374 or stown@bevwill.com.au

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Nicole Stow'.

NICOLE STOW
Principal Town Planner
BEVERIDGE WILLIAMS

Planning Scheme Amendment & Planning Permit Application

5 Parer Avenue, Moe

Client

Hillview Property
Group Pty Ltd

Issued

1/11/2021



Traralgon Office
Suite 8, Level 1
81-89 Hotham Street
Traralgon VIC 3844
Tel: (03) 5176 0374

beveridgewilliams.com.au



2

Client: Hillview Property Group P/L
 Issued: 1/11/2021
 Version: 01
 Prepared by: Nicole Stow
 Checked by: Chris Curnow
 Project Manager: Nicole Stow
 Project Number: 2000657

Surveying
 Asset Recording
 Civil Engineering
 Infrastructure Engineering
 Traffic & Transport Engineering
 Environmental Consulting
 Water Resource Engineering
 Strata Certification (NSW)
Town Planning
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 Landscape Architecture
 Project Management

Revision Table

REV	DESCRIPTION	DATE	AUTHORISED
01	Final Planning Report for Submission	1/11/2021	Nicole Stow

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Appendix F:	Heritage Advice by Context Pty Ltd
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1 INTRODUCTION

Beveridge Williams & Co Pty Ltd has been requested by Hillview Property Group Pty Ltd to prepare a combined Planning Scheme Amendment to rezone and Planning Permit Application to develop land at 5 Parer Avenue, Moe in accordance with Section 96A of the *Planning and Environment Act 1987*. More specifically, the request involves:

- Rezoning the portion of the site currently in the Neighbourhood Residential Zone, Schedule 1 (NRZ1) to the Residential Growth Zone, Schedule 2 (RGZ2) and amending Map 27 of the Latrobe Planning Scheme accordingly;
- Deleting the Heritage Overlay, Schedule 35 (HO35) and amending Map 27HO of the Latrobe Planning Scheme accordingly;
- Amending the Planning Policy Framework at **Clause 16.01-1L** by replacing the Moe-Newborough Housing Framework Plan to include all of the site within a Substantial Change (adjoining heritage) area; and,
- Approval of a Planning Permit Application to develop nine (9) single storey dwellings on the site.

The amendment seeks to apply an appropriate planning control to the site which will:

- Provide greater flexibility for the efficient use of the land for residential purposes, which is not afforded under the existing Neighbourhood Residential Zone; and,
- Provide an appropriate level of control over the intended development of the land for multiple dwellings.

The amendment will also remove the Heritage Overlay, as this planning control is no longer relevant to the land since it was subdivided from the adjoining locally significant heritage place at 34 Fowler Street.

Presented within this report is:

- A description of the site and environs;
- An assessment against the relevant planning controls and policies of the Latrobe Planning Scheme;
- An assessment of the proposed development against the relevant decision guidelines of the Latrobe Planning Scheme; and,
- An assessment of the proposed rezoning and overlay removal against the strategic assessment guidelines.

2 SITE AND SURROUNDS

2.1 Site context

Moe is situated within the municipality of Latrobe City in the Gippsland region, approximately 135 kilometres east of Melbourne. It is located within the Latrobe Valley, south of the foothills of the Great Dividing Range and north of the Strzelecki Ranges.

In population terms, the municipality of Latrobe City is the third largest outside the Melbourne metropolitan area and Geelong. It is recognised as the main regional centre for Gippsland.

Moe is located on the Princes Highway transport corridor. It is identified as a 'supporting network town' on the Latrobe City Strategic Framework Plan and provides a wide range of services and facilities for both the town's resident population and the wider Gippsland region.

2.2 Subject site

The site is located at 5 Parer Avenue, Moe.

The land is more particularly described as Lot 1 on PS 823972V, being land contained in Certificate of Title Vol. 12079 Fol. 676. The title is not encumbered by a restriction such as a covenant or Section 173 Agreement. A copy of the title search statement and associated plan is contained in **Appendix A**.

The site is a 'hatchet' shape, with an overall area of 3,479m² and a frontage to Parer Avenue measuring 18.29 metres.

The land is vacant and covered in lawn. Two exotic trees (an English Oak and Willow) and a small self-seeded sapling were removed from the site at the end of 2020, pursuant to the approval provided in Planning Permit no. 2020/203 issued 22 October 2020. A copy of this permit is provided in **Appendix B**.

The topography of the site is relatively flat, as demonstrated in the Level Survey Plan contained in **Appendix C**.

Vehicular access to the site is provided from Parer Avenue via an existing concrete driveway crossover positioned near the site's southern boundary.

The site frontage is unfenced, as is part of the northern side boundary abutting 3 Parer Avenue. The eastern boundary (abutting 34 Fowler Street) is partially delineated by post and wire fencing. The remainder of the property boundaries are delineated by either timber paling or iron fencing generally averaging 1.8 metres in height.

The site is encumbered by two easements:

- o Easement E-2, vested in Latrobe City Council for drainage purposes. This easement is 3 metres wide and protects an existing underground stormwater drain that extends along the full length of the site's northern boundary to a drainage junction pit in its north-west corner.
- o Easement E-3, vested in the Central Gippsland Region Water Corporation for pipeline or ancillary purposes. This easement is 4.75 metres wide and protects an existing underground sewer main that extends between the north and south side boundaries of the site. The location of the sewer main is displayed in **Figure 1**.

No part of the site is within an area of cultural heritage sensitivity as per the provisions of the *Aboriginal Heritage Regulations 2018*.



Figure 1 – Gippsland Water sewer and water assets (source: DBYD)

The Level and Feature Survey Plan in **Appendix C** and following photographs detail the site characteristics. The survey plan was completed in August 2020, prior to the removal of the existing trees from the site.



Photograph 1 – Site Aerial Plan (photo source: Nearmap 2021)



Photograph 2 – View of the subject site facing east from Parer Avenue



Photograph 3 – View facing north-west across the site from its south-east corner



Photograph 4 – View facing west along the southern portion of the site from its south-east corner



Photograph 5 – View facing north along the eastern boundary of the site

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Photograph 6 – View of the east side of Parer Avenue, facing south towards the site frontage (vehicle in photo is parked in existing crossover servicing the site)



Photograph 7 – View of the site from Parer Avenue, facing east

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Photograph 8 – View across the western portion of the site, facing north towards the side boundary



Photograph 9 – View across the western portion of the site, facing west towards the site frontage to Parer Avenue (vehicle is parked in the existing crossover servicing the site)

2.3 Surrounding environment

The site is located on the southern edge of Moe's Primary Activity Centre and within the Transit City Precinct.

The location of the site in context of Moe's Primary Activity Centre is provided in **Figure 2** below.



Figure 2: Locality Plan

The site is surrounded by a mixture of land use and development, which is summarised as follows:

- Abutting the full length of the site's 50.31 metre long eastern boundary is the St. Andrew's Presbyterian Church at 34 Fowler Street. This property is 3,301m² and developed with the church, ancillary hall (currently under renovation) and two other buildings that appear to be used for storage purposes. The site is recognised for its local historic, social and aesthetic significance to the municipality in the Latrobe City Heritage Study and has been included in the Heritage Overlay. The heritage citation in *The Latrobe City Heritage Study Vol. 3: Place and Precinct Citations July 2010* provides the following description of the site:

*"St. Andrew's Presbyterian Church at Moe is a fine example of a Modernist church."
 "The church is situated on a large site and there are two additional buildings on the north side. One is a former SECV building of gabled roof form with metal deck cladding to the walls....The other building is a fibro cement sheet and weatherboard hall with gabled roof and timber framed windows....There are several trees on the site including three large specimens at the front of the church. These trees complement the scale and setting of the church and are landmarks in the street."*

The heritage citation states that the St. Andrew's Presbyterian Church is significant to the Latrobe City as it is:

- o Historically, a representative example of a community building associated with an important phase of post-Second World War era development, with the church having been constructed in 1963. It provides evidence of the new community facilities that were constructed at the time to serve the needs of the growing population of Moe. It is also a significant example of a church that continued as a Presbyterian church following the creation of the Uniting Church in 1977 and is a fine example of the work on notable Modernist architect, Keith Reid.
 - o Socially, an example of a building that has been used by the community for over 50 years; and,
 - o Architecturally, the best example of a Modernist church in Latrobe City and one of the best in Gippsland.
- Abutting the majority of the eastern portion of the site's northern boundary is a residential property at 47 Langford Street which has an area of approximately 1,370m² in a 'T' shape and is provided with vehicular access from Langford Street at its northern end. The southern portion of this site is developed with a single storey brick dwelling and shed. The southern wall of the dwelling is setback approximately 2 metres from the shared boundary with the subject site, whilst the shed is set back approximately 1 metre off this boundary.
 - The remainder of the eastern portion of the site's northern boundary (for a length of approximately 5 metres) abuts the rear boundary of the Moe Senior Citizen Centre at 45A Langford Street. This site is comprised of two adjoining lots with an overall area of approximately 3,600m² and is developed with a single storey community building, bitumen sealed car park and ancillary landscaping.
 - Abutting the eastern portion of the site's southern boundary is a residential property at 36 Fowler Street which has an area of approximately 2,250m² in a rectangular shape. The eastern portion of this site is developed with a single storey dwelling and shed. The remainder of the property (which abuts the subject site) is vacant and predominantly covered in lawn, aside from a couple of planted trees at its southern end.
 - The western end of the site's northern boundary and northern section of its western boundary dog-legs around the adjoining property at 1-3 Parer Avenue. This site is comprised of two adjoining lots with an overall area of approximately 1,440m² in a rectangular shape. The land is developed with a single storey building with attached carport, detached garage, concrete driveway and car parking area and ancillary landscaping. Vehicular access from Parer Avenue is provided via concrete driveway crossovers at either end of the site frontage. The land appears to currently be used by Moe Life Skills Disability Services as a community facility.
 - The western end of the site's southern boundary and southern section of its western boundary dog-legs around the adjoining property at 7 Parer Avenue. This land forms part of a larger holding of properties including 9-11 Parer Avenue and 42-44 Fowler Street, which are used and developed for the Latrobe Community Health Service. The majority of 7 Parer Avenue is vacant and comprised of lawn, apart from a small portion along its southern boundary that forms the northern edge of the bitumen sealed staff car park at 9-11 Parer Avenue.
 - Opposite the site at 4 Parer Avenue is a single storey residential unit complex comprising six units, with one group of four attached units on the south side of the property and the other two attached units on the north side. A common accessway, car parking area is accessed from Parer Avenue towards the northern end of the site. The units are of brick construction with a hip and gable iron roof profile and appear to be dated to the late 1980s or early 1990s. The land surrounding the units is well landscaped with a variety of trees, shrubs and lawn cover. A low semi-permeable front fence comprising brick pillars and vertical steel rails is provided along part of the site frontage.
 - Also opposite the site at 8 and 10 Parer Avenue are two single storey dwellings that are estimated to have been built in the early 2000s. Both dwellings are constructed in the single storey suburban architectural style that is typical of contemporary residential infill development. The dwellings are both of brick construction with Colorbond or tiled hipped roof profiles, entry porches and double car garages with roller doors incorporated under the dwelling roofline. Front yard landscaping is minimalist, with mainly lawn cover in both properties. The property at 8 Parer Avenue has a front fence comprised of vertical timber slats and support posts at a height of approximately 1.6 metres. The fence is impermeable

and extends along the full length of the frontage except for the section abutting the driveway. The property at 10 Parer Avenue has no front fence.

Parer Avenue is a bitumen sealed local access street with roll-over concrete kerb and channel drainage and concrete footpaths on both sides. It commences at its intersection with Langford Street approximately 85 metres north of the site, extends a further 100 metres to the south before turning on a 90 degree angle to the west for another 90 metres and terminating at its intersection with Kingsford Street. Two traffic calming low speed humps are located within the road, one of which is positioned opposite the subject site's northern boundary. The road has an even grade, electricity poles and overhead lines on its west side and intermittently planted street trees on both sides. There are no existing street trees within the naturestrip abutting the site.

The site and surrounding residential area is serviced by reticulated electricity, water, sewerage, telecommunications, natural gas and underground stormwater drainage. There are no infrastructure inspection pits or drainage side entry pits within the road reserve abutting the site.

The South Street Primary School is located approximately 500 metres south of the site, whilst the St. Kieran's Catholic Primary School is situated 550 metres to the west. Numerous other primary and secondary schools are also located throughout both Moe and Newborough's urban area.

A wide range of commercial and community facilities are available within Moe's Primary Activity District, the southern edge of which is located approximately 200 metres from the site and is accessible via a well-connected series of concrete footpaths.

Kingsford Street Reserve comprising an expansive grassed recreational area is located 220 metres south-west of the site. Ted Summerton Reserve, a major recreational facility comprising the Gippsland Cricket Centre of Excellence, a football and cricket oval, public hall and other associated infrastructure, is located 320 metres to the south-west on Saviges Road. Numerous other recreational facilities for both passive and active use are located throughout Moe and Newborough.

V-Line train and bus services between Bairnsdale and Melbourne operate from the Moe train station located in the centre of the Primary Activity District approximately 450 metres north of the site. A local bus service also operates from the train station, with bus route number 11 running along Langford Street in proximity to the site (refer to **Figure 3**).

The general topography of the area is relatively flat.

The following Figure and series of photographs display existing public transport, land use and development in proximity to the site.

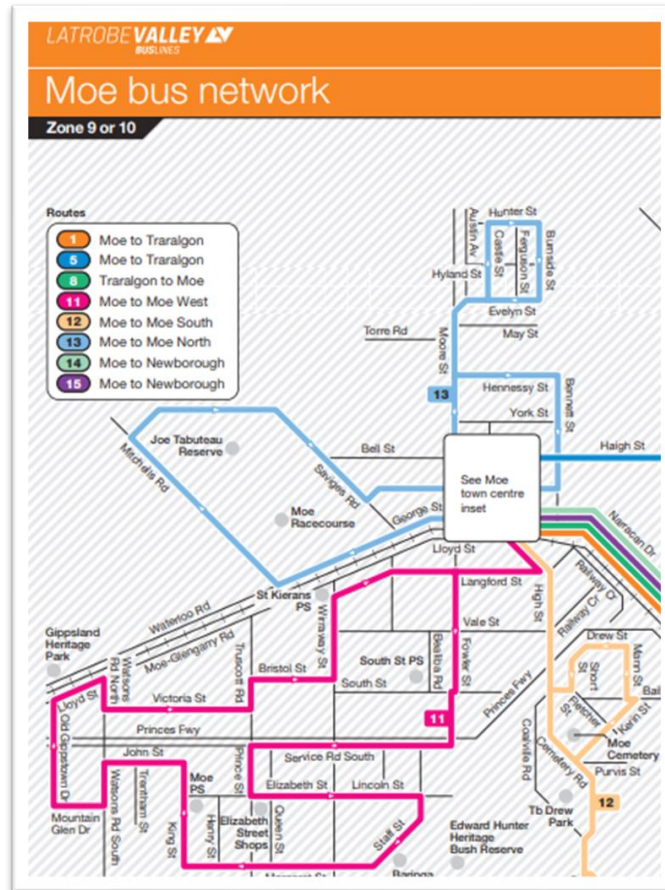


Figure 3: Moe Bus Network map (source: ptv.vic.gov.au)



Photograph 10 – Site Context Plan (photo source: Nearmap 2021)



Photograph 11 – View of the St. Andrew's Presbyterian Church site at 34 Fowler Street, abutting the eastern boundary of the subject site. Photo taken facing west from Fowler Street



Photograph 12 – View of the St. Andrew's Presbyterian Church at 34 Fowler Street



Photograph 13 – View of the St. Andrew's Presbyterian Church at 34 Fowler Street

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Photograph 14 – View facing west towards the rear boundary of the St. Andrew's Presbyterian Church site at 34 Fowler Street



Photograph 15 – Rear view of the St. Andrew's Presbyterian Church site at 34 Fowler Street, facing east from the rear boundary shared with the subject land

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Photograph 16 – Streetscape view of the existing residential unit development at 4-6 Parer Avenue opposite the subject site, facing west



Photograph 17 – Streetscape view of existing residential development on the west side of Parer Avenue at 8, 10 and 12 Parer Avenue.

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Photograph 18 – View of the existing dwelling, garage and driveway on the adjacent residential property at 1-3 Parer Avenue



Photograph 19 – View of vacant land and bitumen sealed staff car park at 7-9 Parer Avenue, which forms part of the Latrobe Community Health Centre site at 42-44 Fowler Street

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Photograph 20 – View of the existing dwelling at 8 Parer Avenue opposite the subject site



Photograph 21 – Streetscape view of Parer Avenue, facing south from its intersection with Langford Street

3 CURRENT PLANNING CONTROLS

3.1 Zoning

The subject land is currently zoned part Residential Growth Zone, Schedule 2 (Compact Living with Special Character) (RGZ2) and part Neighbourhood Residential Zone, Schedule 1 (Heritage Precincts and Areas Affected by Environmental Constraints) (NRZ1).

The RGZ2 applies to a rectangular portion of the site abutting Parer Avenue (having an area of approximately 712m²). The balance land, being approximately 2,767m², is zoned NRZ1. The dual zoning of the site is a result of the recent (May 2019) subdivision of the land with the adjacent property at 34 Fowler Street. This subdivision, authorised by Planning Permit no. 2017/214, resulted in the land formerly comprised within the title to 34 Fowler Street (i.e. the vacant and unused rear portion of the St. Andrew's Presbyterian Church property) being consolidated with the title to 5 Parer Avenue. The resultant dual-zoning of the consolidated parcel forming 5 Parer Avenue was not considered by the Latrobe City Council as an impediment to the subdivision approval.

An extract of the existing zoning map for the site and surrounding land is provided in **Figure 4**.

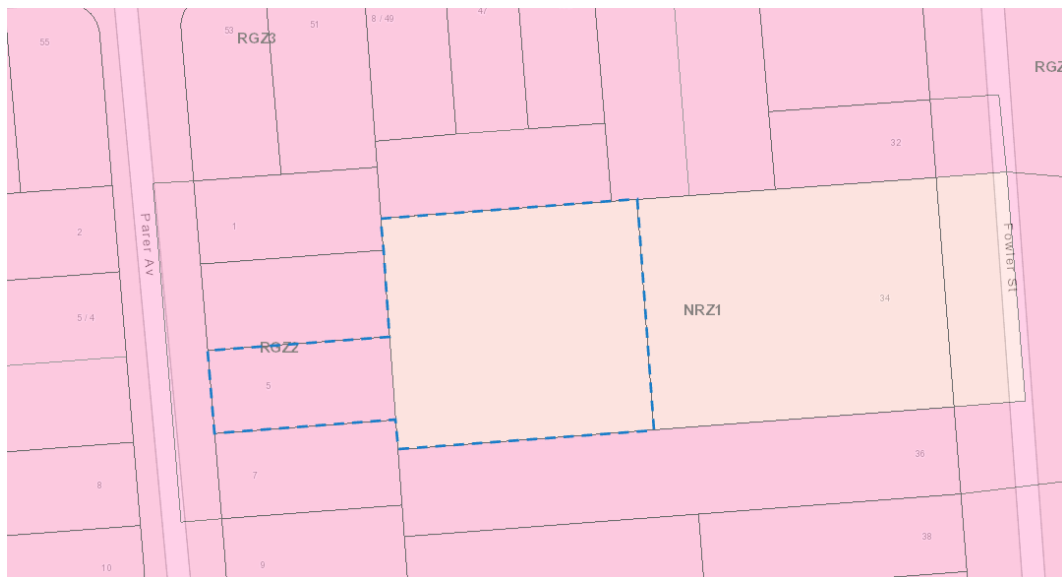


Figure 4: Extract of existing zoning map - site outlined in blue
(source: mapshare.vic.gov.au)

The purposes of the Residential Growth Zone are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide housing at increased densities in buildings up to and including four storey buildings.
- To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.

- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Schedule 2 to the Residential Growth Zone has the following design objectives for Compact Living with Special Character:

- *To provide for a compact urban form that retains a garden appearance and wide streetscape, whilst enabling increased housing density and diversity that is sympathetic to identified heritage values.*
- *To ensure that the design and siting of new buildings does not dominate the streetscape or compromise identified heritage character.*
- *To ensure upper levels of buildings are set back to minimise dominance within the streetscape.*
- *To ensure that the design of vehicle access points and car parking support a safe, accessible and walkable neighbourhood.*

The purposes of the Neighbourhood Residential Zone are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Schedule 1 to the Neighbourhood Residential Zone does not have any specified design objectives for Heritage Precincts and Areas Affected by Environmental Constraints.

3.2 Overlay

The site is currently partially within the Heritage Overlay (HO35).

An extract of the existing overlay map for the site and surrounding land is provided in **Figure 5**.

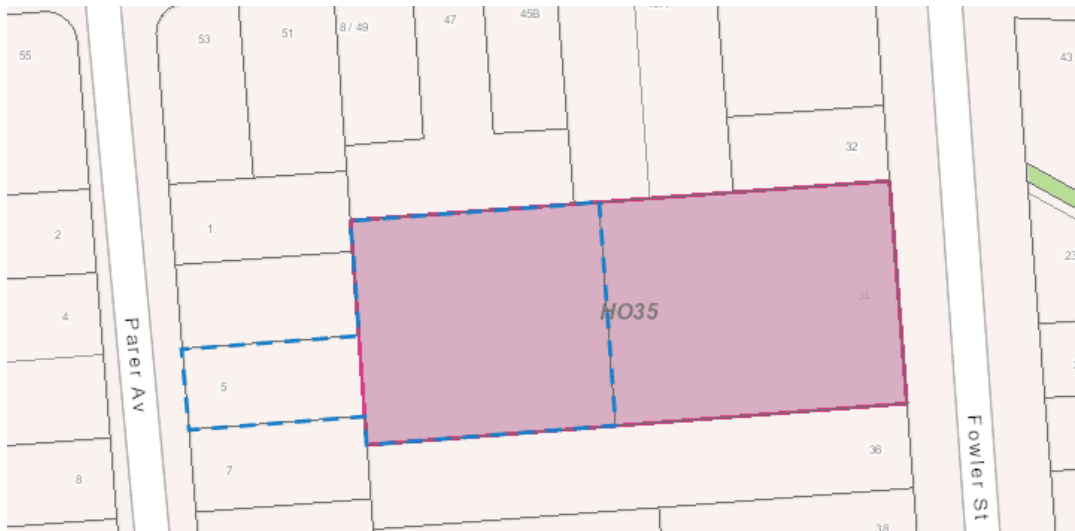


Figure 5: Extract of existing overlay map - site outlined in blue
(source: mapshare.vic.gov.au)

The purposes of the Heritage Overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Latrobe Planning Scheme Map reference 35 to the Heritage Overlay applies to the St. Andrew's Presbyterian Church at 34 Fowler Street, Moe. The heritage citation for this heritage place is contained in the *Latrobe Heritage Study Volume 3: Heritage Places and Precinct Citations, July 2010*. A copy of the citation is provided in **Appendix D** and it notes that the St. Andrew's Presbyterian Church is of local historic, social and aesthetic significance to Latrobe City.

3.3 Particular Provisions

The following particular provisions are relevant to the planning permit application:

- **Clause 52.06** – *Car parking*

The provisions of **Clause 52.06** state that:

- 2 car spaces must be provided for each 3+ bedroom dwelling
- Visitor car parking must be provided for developments of 5 or more dwellings, at the rate of 1 car space per 5 dwellings

- **Clause 53.18** – *Stormwater management in urban development*

The relevant provisions of **Clause 53.18** for the proposed buildings and works (i.e. **Clauses 53.18-5** and **53.18-6**) will apply to the proposal.

- **Clause 55** – *Two or more dwellings on a lot*

The provisions of **Clause 55** are applicable to the development of land for two or more dwellings.

3.4 General Provisions

The requirements of **Clause 65** – *Decision Guidelines* are relevant to the proposal.

3.5 Incorporated and Reference Documents

The following incorporated and reference documents are relevant to the planning permit application:

Incorporated Documents:

- *Latrobe City Council Heritage Study Citations*
- *Design Vehicles and Turning Path Templates, Austroads, 1995 (AP-34/95)*

Background Documents:

- *Gippsland Regional Growth Plan (Victorian Government, 2014)*
- *Latrobe City Council Urban Design Guidelines (March 2021)*

4 LATROBE PLANNING SCHEME – STRATEGIC POLICY CONTEXT

4.1 Municipal Planning Strategy & Planning Policy Framework

The Municipal Planning Strategy (MPS) of the Latrobe Planning Scheme contains strategic directions for the future use and development of the municipality. The following are relevant to the proposed rezoning, overlay removal and planning permit application:

Settlement – A networked city

- *'The Moe and Newborough urban areas are joined, creating a single urban settlement (Moe-Newborough) that is serviced by the Moe Primary Activity Centre (Sub-Regional Retail Centre within the Latrobe City Retail Centre Hierarchy). Moe-Newborough has the potential to be a peri-urban settlement. It is the first of the four major towns within the Latrobe Valley from Melbourne and consequently is identified as the 'Gateway to Latrobe'.*

Built environment and heritage

- *'Planning for heritage seeks to:*
 - *Protect places of heritage, cultural and social significance'*
- *'Planning for neighbourhood character seeks to:*
 - *Retain the regional suburban character of established and growing neighbourhoods where they are identified as limited change areas or where special neighbourhood character values have not been identified.*
 - *Protect areas with special neighbourhood character values.*
 - *Maintain the rural character of district and small towns.*
 - *Balance development and consolidation with respecting residential amenity and neighbourhood character.'*

Housing

- *'Council has aspirations to grow the municipal population to 100,000 by 2050, which is expected to be dominated by a high proportion of older people (Latrobe City Council, 2019). A significant shift to smaller households is expected, with one and two person households expected to represent 76 per cent of all new households over the next 15 years (Latrobe City Council, 2019)'.*
- *'Given the land use constraints and decreasing household size, urban renewal and housing intensification will play a key role to diversify housing choice, accommodate growth and maximise access to infrastructure and services'.*
- *'Housing Framework Plans have been prepared for all towns and they provide direction on the location of preferred housing change including areas of 'Substantial' Change, 'Incremental' Change, 'Limited' Change and 'Minimal' Change.*
- *'Planning for housing seeks to:*
 - *Encourage a substantial increase in housing density and diversity to maximise access to existing services, transport and infrastructure in Substantial Change Areas.*
 -
 - *Promote opportunities for infill development in all main urban settlements as a priority.*

Both the Strategic Framework Plan and Settlement Plan at **Clause 02.04** identify Moe as part of the Networked City, where future settlement growth is promoted.

The Planning Policy Framework (PPF) of the Latrobe Planning Scheme contains a series of objectives and strategies that are relevant to the proposed rezoning, overlay removal and planning permit application:

Clause 11.01-1S Settlement

Clause 11.01-1S has the objective 'to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements'. A strategy to achieve this objective is to focus both investment and growth in major regional centres such as Latrobe City. Other relevant strategies include the following:

- 'Ensure regions and their settlements are planned in accordance with their relevant regional growth plan'
- 'Create and reinforce settlement boundaries'
- 'Provide for growth in population and development of facilities and services across a regional or sub-regional network'
- 'Limit urban sprawl and direct growth into existing settlements'
- 'Promote and capitalise on opportunities for urban renewal and infill development'
- 'Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services'

The Victoria Settlement Framework Plan at **Clause 11.01-1S** identifies Latrobe City (which includes Moe) as a regional city where major growth should be facilitated. An extract of the Victoria Settlement Framework Plan is provided in **Figure 6**.

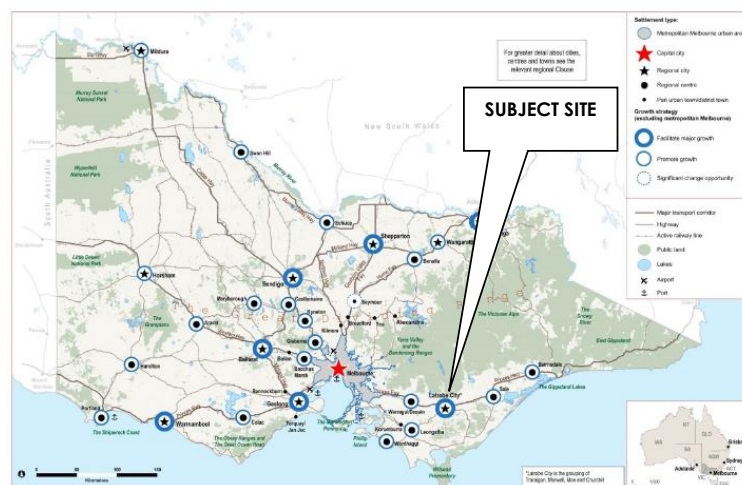


Figure 6: Victoria Settlement Framework plan

Source: Latrobe Planning Scheme

Clause 11.01-1R Settlement - Gippsland

Clause 11.01-1R contains strategies that specifically support urban growth in Latrobe City as Gippsland's regional city and new urban growth in regional centres where natural hazards and environmental risks can be avoided or managed appropriately.

The Gippsland Regional Growth Plan (GRGP) identifies the site within Gippsland's regional city of Latrobe City, where growth is to be promoted. A copy of the GRGP is provided at **Figure 7**.

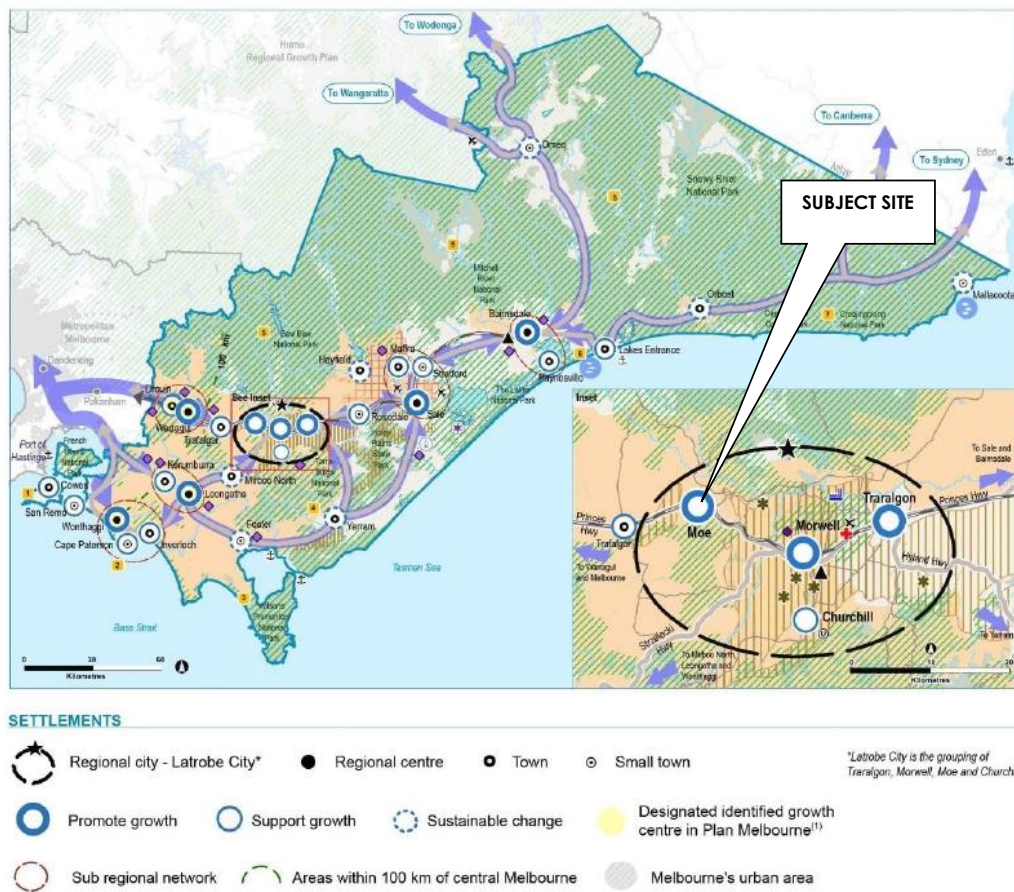


Figure 7 – Gippsland Regional Growth Plan
Source: Latrobe Planning Scheme

Clause 11.01-1L Moe-Newborough

This policy applies to land within the Moe-Newborough Town Structure Plan (MNTSP), a copy of which is provided in **Figure 8**.

The MNTSP shows the subject site as:

- Existing residential land within the Moe-Newborough boundary;
- Within the Transit City Precinct boundary; and,
- Located just south of the southern edge of the Primary Activity Centre.

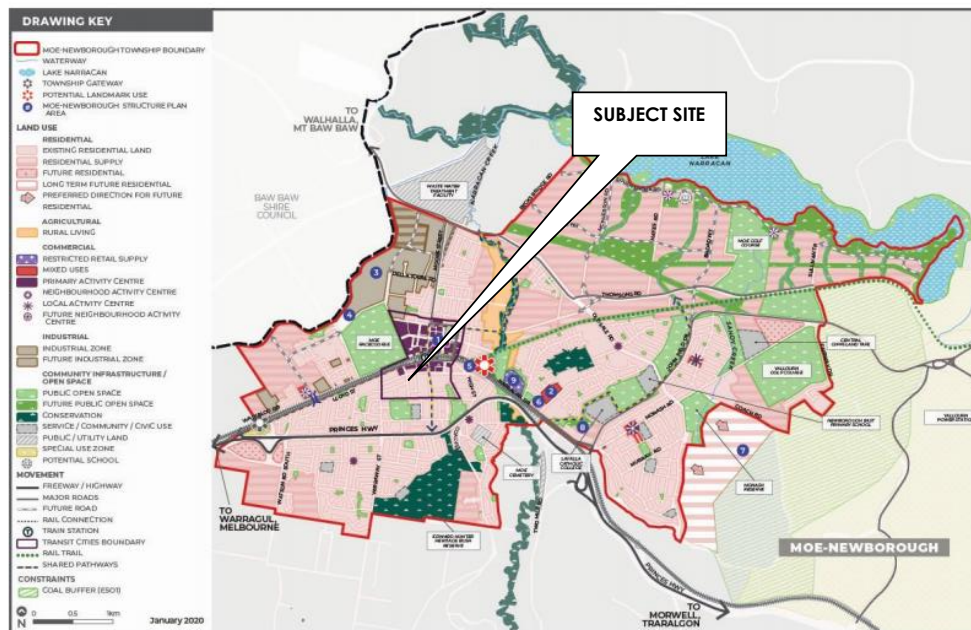


Figure 8 – Moe-Newborough Town Structure Plan
Source: Latrobe Planning Scheme

Clause 11.02-2S Structure planning

Clause 11.02-2S has the objective 'To facilitate the orderly development of urban areas'. To achieve this objective, a key strategy is to ensure that structure plans are prepared to guide the orderly and effective planning and management of areas, provide for sustainable and liveable urban areas and enable the efficient provision and use of infrastructure and services.

Clauses 11.03-1S & 11.03-1L Activity centres

Clause 11.03-1S has the objective 'To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community'. Relevant strategies to achieve this are:

- 'Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:
 - Comprises a range of centres that differ in size and function.
 - Is a focus for business, shopping, working, leisure and community facilities.
 - Provides different types of housing, including forms of higher density housing.
 - Is connected by transport.
 - Maximises choices in services, employment and social interaction.'
- 'Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.'

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- 'Encourage a diversity of housing types at higher densities in and around activity centres.'
- 'Facilitate development in the activity centres of Moe and Churchill that support their role as secondary urban centres.'

Clause 11.03-1L Moe activity centre

This policy applies to land within the Moe Activity Centre Plan (MACP) in **Clause 11.03-1L**.

The Moe Activity Centre Plan (MACP) shows the subject site within the Activity Centre Plan Boundary and a Demonstration Housing Precinct 'B'. A copy of the MACP is provided in **Figure 9**.



Figure 9 – Moe Activity Centre Plan
Source: Latrobe Planning Scheme

The following strategies are relevant to the proposal:

- Encourage retail, office and residential mixed use developments within Moe Primary Activity Centre.
- Support the redevelopment of higher density housing to the south of Moe town centre and train station through a demonstration project (MACP Area A to D).

The above strategies are based on the key principles for Precinct B, as detailed in the Moe Activity Centre Plan – Urban Renewal Strategy and Implementation Report (2007). These include:

- Support the orderly redevelopment of higher density housing to the south of Moe town centre and train station through a demonstration project and precinct planning.
- Capitalise on significant government land holdings and site opportunities for affordable and accessible housing.

An extract of the Moe Activity Centre Plan – Southern Precinct Housing from the 2007 report is provided in **Figure 10**, for reference purposes.

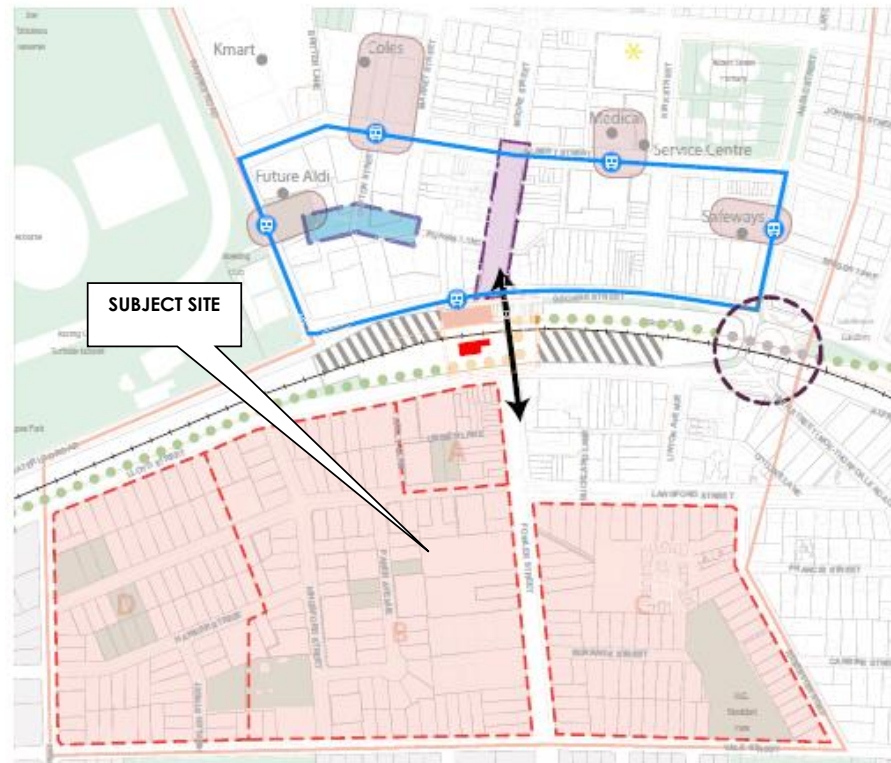


Figure 10: Extract from Moe Activity Centre Plan – Southern Precinct Housing

Clauses 15.01-1S & 15.01-1L Urban design

The objective of **Clause 15.01-1S** is 'To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity'. Relevant strategies to achieve this are:

- 'Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate'.
- 'Encourage built form that provides and enhances passive surveillance'.

Clause 15.01-2S Building design

The objective of **Clause 15.01-2S** is 'To achieve building design outcomes that contribute positively to the local context and enhance the public realm.' Strategies to achieve this objective that are relevant include:

- 'Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.'
- 'Ensure development responds and contributes to the strategic and cultural context of its location.'

- *'Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.'*
- *'Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.'*
- *'Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.'*
- *'Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.'*
- *'Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.'*

Clauses 15.01-5S & 15.01-5L Neighbourhood character

The objective of **Clause 15.01-5S** is *'To recognise, support and protect neighbourhood character, cultural identity, and sense of place.'* Strategies to achieve this objective are:

- *'Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.'*
- *'Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.'*
- *'Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*
 - *Pattern of local urban structure and subdivision.*
 - *Underlying natural landscape character and significant vegetation.*
 - *Neighbourhood character values and built form that reflect community identity.'*
- *'Ensure that multi-unit housing is landscaped, with tree and shrub selection.'*
- *'Ensure there is scope for canopy tree planting in private residential properties.'*

Clauses 15.02-1S & 15.02-1L Energy and resource efficiency

The objective of **Clause 15.02-1S** is *'To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions'.* Strategies to achieve this objective that are relevant include:

- *'Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.'*
- *'Promote consolidation of urban development and integration of land use and transport.'*
- *'Support low energy forms of transport such as walking and cycling'*
- *'Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation.'*
- *'Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.'*
- *'Encourage development to incorporate energy efficient design measures.'*

Clause 15.03-1S & 15.03-1L Heritage conservation

The objective of **Clause 15.03-1S** is 'To ensure the conservation of places of heritage significance.' Strategies to achieve this objective that are relevant include:

- 'Encourage appropriate development that respects places with identified heritage values.'
- 'Ensure an appropriate setting and context for heritage places is maintained or enhanced.'
- 'Design and site development so that it does not adversely affect the significance of the heritage place or any adjoining heritage place.'

Clauses 16.01-1S & 16.01-1L Housing supply

The objective of **Clause 16.01-1S** is 'To facilitate well-located, integrated and diverse housing that meets community needs.' Application of the policy applies to all land identified in the Moe-Newborough Housing Framework Plan in **Clause 16.01-1L**. Strategies to achieve this objective that are relevant include:

- 'Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supporting accommodation for people with disability, rooming houses, student accommodation and social housing.'
- 'Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.'
- 'Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.'
- 'Identify opportunities for increased residential densities to help consolidate urban areas.'
- 'Encourage the development of well-designed housing that:
 - Provides a high level and internal and external amenity.
 - Incorporate universal design and adaptable internal dwelling design.'
- 'Support opportunities for a range of income groups to choose housing in well-serviced locations.'
- 'Encourage and concentrate a diverse range of housing in locations with access to community services, activity centres and public transport in accordance with the Housing Framework Plans in this Clause.'
- 'Encourage the development of smaller housing types, particularly one and two bedroom dwellings in Substantial Change Areas and Incremental Change Areas as indicated on the Housing Framework Plans for each town in this Clause.'
- 'Support development that is flexible for different age groups and abilities without the need for major adaptation post construction.'

The following general policy guideline and strategy in **Clause 16.01-1L** are relevant to the proposal:

- 'Encouraging medium and high density housing typologies within 400 metres of the Primary Activity Centres of Moe, Morwell, Churchill and Traralgon.'
- 'Encourage multi-level residential development in the form of low scale apartments, townhouses, shop tops and units.'

The Moe-Newborough Housing Framework Plan at **Clause 16.01-1L** shows the subject site as:

- Partly within a Substantial Change Area (adjoining heritage);
- Partly within a Minimal Change Area; and
- Within the 400 metre Catchment from the Primary Activity Centre.

The Moe-Newborough Housing Framework Plan is provided in **Figure 11** below.

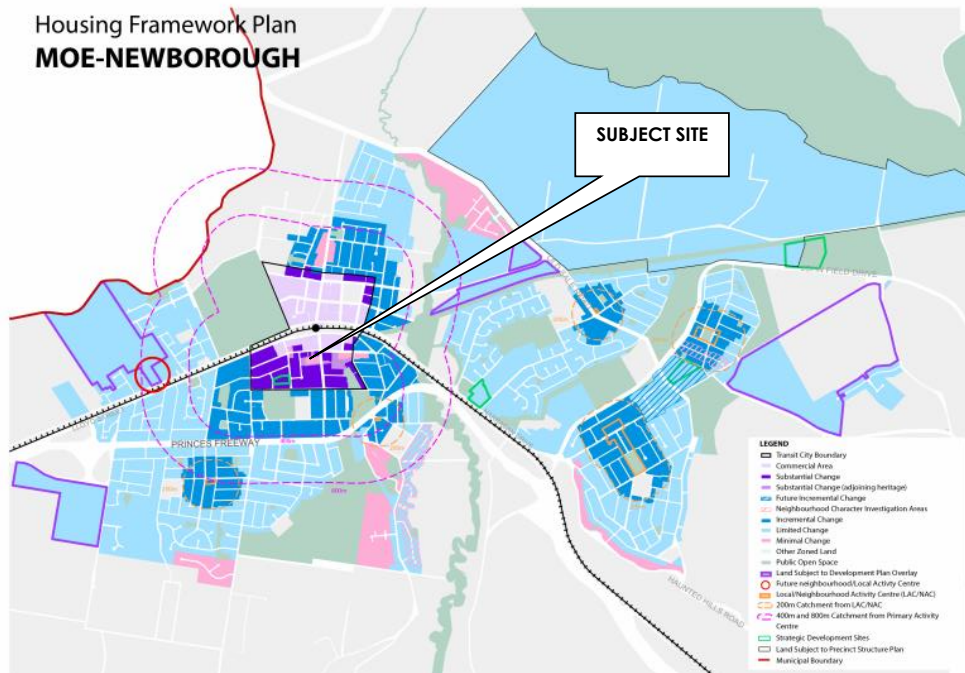


Figure 11: Existing Moe-Newborough Housing Framework Plan

Clause 16.01-2S Housing affordability

The objective of **Clause 16.01-2S** is 'To deliver more affordable housing closer to jobs, transport and services.' Strategies to achieve this objective that are relevant include:

- 'Improve housing affordability by:
 - o Ensuring land supply continues to be sufficient to meet demand.
 - o Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
 - o Promoting good housing and urban design to minimize negative environmental impacts and keep costs down for residents and the wider community.
 - o Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.'
- 'Increase the supply of well-located affordable housing by:
 - o Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.'

An assessment of the proposal against the provisions of the Planning Policy Framework is provided in section 6 of this report.

5 PLANNING CONSIDERATIONS

The following section of the report provides a detailed assessment of the merits of both:

- The Planning Scheme Amendment to rezone the land to the Residential Growth Zone, Schedule 2 and remove the Heritage Overlay, Schedule 35; and,
- The Planning Permit Application to develop the land with nine (9) single storey dwellings.

5.1 The Proposed Amendment

It is proposed to amend the Latrobe Planning Scheme by:

- Rezoning the portion of the site currently in the Neighbourhood Residential Zone, Schedule 1 (NRZ1) (being an area of approximately 2,760m²) to the Residential Growth Zone, Schedule 2 (RGZ2) and amending Map 27 of the Latrobe Planning Scheme accordingly;
- Removing the Heritage Overlay, Schedule 35 (HO35) and amending Map 27HO of the Latrobe Planning Scheme accordingly;
- Amending the Municipal Planning Strategy by:
 - Replacing the Moe-Newborough Housing Framework Plan in Clause 16.01-1L, to include all the site within a 'Substantial Change (adjoining heritage)' on this plan (i.e. remove the 'Minimal Change' designation on this plan).

The amendment intends to apply an appropriate planning control to the land which:

- Provides greater flexibility for the development of the land with multiple dwellings, which is not afforded under the existing Neighbourhood Residential Zone and 'Minimal Change' designation on the Moe-Newborough Housing Framework Plan;
- Provides a planning control that will facilitate a higher density residential development of the land, which is specifically encouraged within the Moe Transit City Precinct and 400 metre catchment of Moe's Primary Activity Centre;
- Removes a dual-zoning anomaly that was not addressed appropriately at the time of the subdivision approval which created the subject lot in 2019;
- Removes a redundant Heritage Overlay control that is no longer applicable or appropriate, given that the affected land has been alienated from the St. Andrews Presbyterian Church property and does not present any contribution to its heritage significance;
- Provides an appropriate level of control over the intended development of the land for multiple dwellings in accordance with the accompanying planning permit application.

5.1.1 The proposed zoning

It is proposed to rezone the land to the Residential Growth Zone, Schedule 2 (Compact Living with Special Character).

The purpose of the Residential Growth Zone (RGZ) is:

'To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide housing at increased densities in building up to and including four storey buildings.

To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.

To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.

To ensure residential development achieves design objectives specified in a schedule to this zone.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.'

Schedule 2 (Compact Living with Special Character) to the RGZ has the following design objectives:

'To provide for a compact urban form that retains a garden appearance and wide streetscape, whilst enabling increased housing density and diversity that is sympathetic to identified heritage values.

To ensure that the design and siting of new buildings does not dominate the streetscape or compromise identified heritage character.

To ensure upper levels of buildings are set back to minimise dominance within the streetscape.

To ensure that the design of vehicle access points and car parking support a safe, accessible and walkable neighbourhood.'

Under the provisions of the RGZ, a planning permit is required for the construction of two or more dwellings on a lot. Schedule 2 to the RGZ varies the Clause 55 requirements for landscaping, front fence height and maximum building height.

In considering the most appropriate zone to apply to the site, the following matters were taken into account:

- Rezoning the portion of land currently zoned NRZ to RGZ would ensure that it is consistent with the zoning of the balance land and would remove the existing dual-zoning anomaly;
- Rezoning of the land to RGZ would ensure that it is consistent with the zoning of adjacent residential land that does not have any heritage significance;
- Application of the RGZ will facilitate increased housing density and diversity on the site, which is encouraged in locations with good access to services and transport;
- Application of Schedule 2 to the RGZ will ensure that the heritage character and values of the St Andrews Presbyterian Church site are appropriately considered in the siting and design of future development on the site;
- The Latrobe City Council has advised that the application of the RGZ2 is appropriate and has provided support in writing for this rezoning change (refer to correspondence in **Appendix E**).

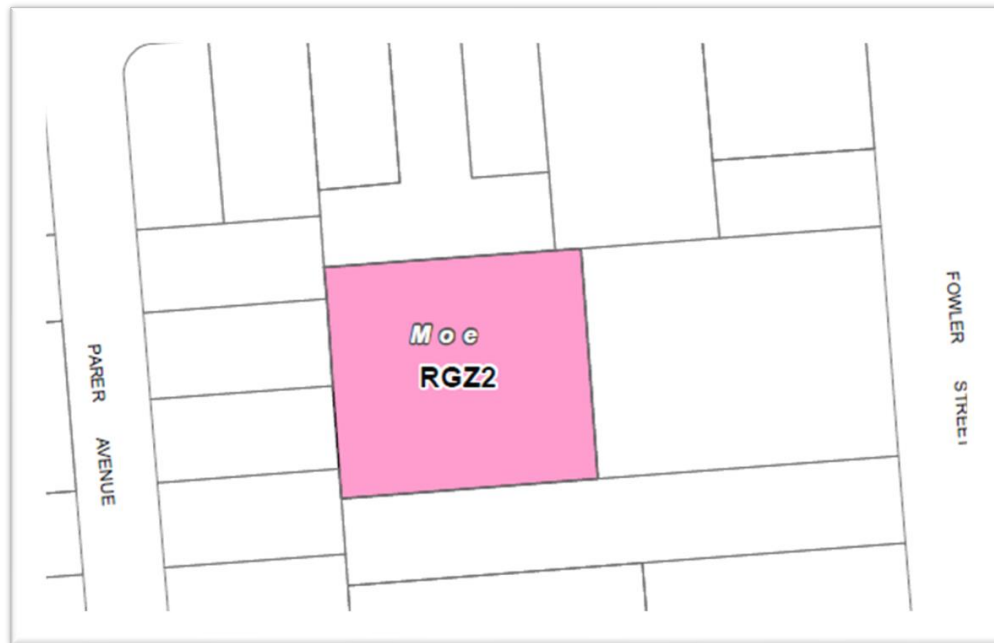


Figure 12: Proposed Zoning Plan
Source: DELWP Planning Scheme Mapping Service

5.1.2 The proposed deletion of the Heritage Overlay

It is proposed to delete the Heritage Overlay (HO35), as it is a redundant control that is no longer applicable or appropriate since the land was alienated from the St. Andrews Presbyterian Church property.

The deletion of the overlay is supported by the heritage advice prepared by Context Pty Ltd to Latrobe City Council dated 9 April 2020 (copy provided in **Appendix F**) in which it is stated that:

'In considering whether there is a strong case for the removal of the Heritage Overlay from 5 Parer Avenue, regard is given to whether the removal of HO35 from this land would still allow an adequate setting and context for the heritage place (or item). The heritage place is identified in the Statement of Significance as the church itself, its associated outbuildings and the three trees to the Fowler Street frontage. The significant elements are all united onto the 34 Fowler Street lot, which is substantial and provides an appropriate and generous setting and context to the heritage place.'

The land at 5 Parer Street makes no particular contribution to the understanding or significance of the heritage place, other than to demonstrate the size of the original land bequest in 1963, which is not considered essential to understanding the significance of the site.'

Given the above considerations, it is therefore an acceptable outcome to allow a Planning Scheme Amendment to remove the Heritage Overlay HO35 from 5 Parer Avenue, Moe.'

This is further supported by the Memorandum of Heritage Advice prepared by Peter Barrett, Architectural Conservation Consultant (provided in **Appendix G**), in which it is stated that the proposed rezoning, removal of the existing heritage control and the subsequent redevelopment of the land into nine residential units for independent living, will have no appreciable impact upon the recognised heritage values of the St. Andrew's Presbyterian Church.

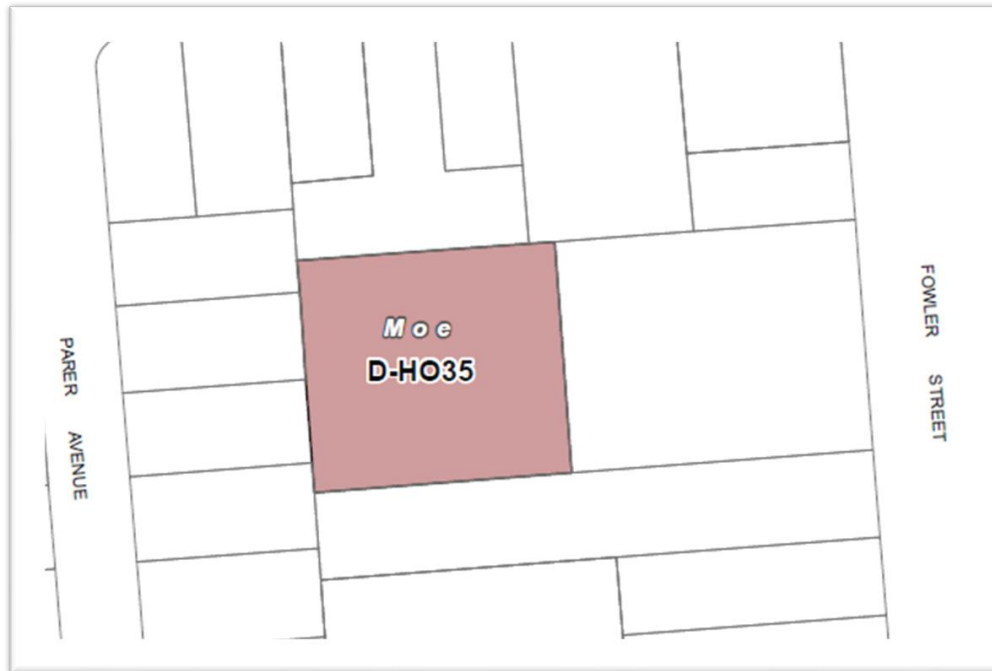


Figure 13: Proposed Overlay Deletion Plan
Source: DELWP Planning Scheme Mapping Service

5.2 The Planning Permit Application for Construction of Nine Dwellings

5.2.1 The proposed development

It is proposed to construct nine (9) single storey dwellings on the site, comprising two 2 bedroom dwellings and seven 3 bedroom dwellings.

The proposal is supported by an Application for Planning Permit form and following suite of plans in **Appendix H**:

- Site plans, floor plans and elevations, for endorsement with the planning permit when issued;
- Shadow diagrams, for information purposes as part of the assessment documentation; and,
- Landscaping plan, for endorsement with the planning permit when issued.

The development will comprise nine dwellings (units) with eight different floor plans, as follows:

Unit 1

- A master bedroom with a walk-in-robe and ensuite;
- One additional bedroom with built-in-robe;
- An open plan kitchen, living and meals room;
- Bathroom;
- Laundry;
- Toilet;
- Study nook;
- Single car garage with internal storage; and,
- Rear patio with permeable paving.

Unit 2

- A master bedroom with a walk-in-robe and ensuite;
- One additional bedroom with built-in-robe;
- An open plan kitchen, living and meals room;
- Bathroom;
- Laundry;
- Toilet;
- Study nook;
- Single car garage with internal storage; and
- Rear patio with permeable paving.

Unit 3

- A master bedroom with a walk-in-robe and ensuite;
- Two additional bedrooms with built-in-robos;
- An open plan kitchen, living and dining room;
- Study;
- Bathroom;
- Laundry;
- Toilet;
- Double car garage with internal storage; and
- Rear patio with tiled paving.

Unit 4

- A master bedroom with a walk-in-robe and ensuite;
- Two additional bedrooms, with either a walk-in-robe or built-in-robe;
- An open plan kitchen, living and dining room;
- Bathroom;
- Laundry;
- Toilet;
- Study nook;
- Double car garage with internal storage; and
- Rear alfresco dining area with tiled paving.

Unit 5

- A master bedroom with a walk-in-robe and ensuite;
- Two additional bedrooms with built-in-robos;
- An open plan kitchen, living and dining room;
- Bathroom;
- Laundry;
- Toilet;
- Study nook;
- Double car garage with internal storage; and
- Rear alfresco dining area with tiled paving.

Units 6 & 7

- A master bedroom with a walk-in-robe and ensuite;
- Two additional bedrooms with built-in-robos;
- An open plan kitchen, living and dining room;
- Study;
- Bathroom;
- Laundry;
- Toilet;

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- Double car garage with internal storage; and
- Rear alfresco dining area with tiled paving.

Unit 8

- A master bedroom with a walk-in-robe and ensuite;
- Two additional bedrooms with built-in-robos;
- An open plan kitchen, living and dining room;
- Bathroom;
- Laundry;
- Toilet;
- Study nook;
- Double car garage with internal storage; and
- Rear alfresco dining area with tiled paving.

Unit 9

- A master bedroom with a walk-in-robe and ensuite;
- Two additional bedrooms with built-in-robos;
- An open plan kitchen, living and dining room;
- Bathroom;
- Laundry;
- Toilet;
- Study nook;
- Double car garage with internal storage; and
- Rear alfresco dining area with tiled paving.

The development has adopted a street setback of 6 metres to the front wall of Unit 1.

Each dwelling will have a maximum height of approximately 5 metres above ground level and an overall building floor area of between 128m² and 201m².

Secluded private open space will be located at the rear of each dwelling, where it is directly accessible from the open plan living/dining areas.

Each dwelling will be provided with 6m³ of externally accessible and secure storage within its garage.

Garbage and recycling bins will be stored at the side of each dwelling, where they can be wheeled out through a side access gate for collection in Parer Avenue.

Units 1 to 5, 8 and 9 are each provided with a fold-out clothesline attached to their rear or side fence. As Units 6 and 7 have larger rear yards, they will be provided with 'hills hoist' clotheslines.

The development utilises contemporary styling and building materials that are prevalent in domestic suburban architecture, including:

- A mixture of materials and finishes, including face brickwork, painted Hebel power panel cladding, Lysaght custom orb roof sheeting and timber look feature cladding;
- Timber entry door with frosted glass;
- Extensive use of glazing; and,
- A consistent colour scheme comprising a muted palette of grey tones to provide a harmonious finish.

Access to the development will be provided from Parer Avenue via a shared driveway. The driveway will be accessed via the existing crossover which will be upgraded and widened to 6 metres at the property boundary. Within the site, the driveway will extend along the southern boundary past Units 1 and 2 before bisecting the remainder of the property in an east-west alignment to provide access to the remaining 7 Units.

A variety of attractive low maintenance and drought-tolerant vegetation in mulched garden beds will be provided within the front gardens of each unit and along each side of the shared driveway. This will include several strategically positioned feature trees to enhance the visual amenity of the development. A comprehensively designed landscape plan has been prepared and is provided in **Appendix H**. Lopping of some overhanging branches of an existing mature eucalyptus tree on the adjoining land at 34 Fowler Street will be required to facilitate the development. However, this will be confirmed once the detailed design plans are finalised (following planning permit approval) and, if necessary, a separate planning permit approval will be sought by the owner of that property under the provisions of the Heritage Overlay (noting that this tree has been previously assessed and confirmed as having no heritage significance to the St. Andrew's Presbyterian Church at 34 Fowler Street – refer to the heritage advice in **Appendix F**). Furthermore, a proposal to lop a tree in the Heritage Overlay can be assessed via the VicSmart application process.

No fencing is proposed along the front boundary of the site or in front of each dwelling, providing an integrated development that allows for passive surveillance of Parer Avenue and the shared driveway. New 1.8 metre high timber paling fences will be used within the site as 'side and rear boundaries' to delineate and screen the secluded private open space areas of each dwelling.

Each dwelling will be connected to the existing range of reticulated services and underground drainage system in accordance with the requirements of the relevant authorities.

Individual letterboxes and a service connection box will be accommodated within purpose-designed brick structures adjacent to the driveway, near the site frontage.

The shared driveway will be designed to allow for shared usage by pedestrian and vehicles and will ensure that there is unobstructed access between the entry door and garage of each dwelling.

5.2.2 The Decision Guidelines of the Residential Growth Zone

The Municipal Planning Strategy and the Planning Policy Framework

Both the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) of the Latrobe Planning Scheme contain numerous objectives and strategies that strongly encourage consolidation of residential areas to restrict the outward expansion of urban areas, protect productive agricultural land and make more efficient usage of existing infrastructure.

The MPS identifies the Latrobe City as one of the State's regional cities and a location where major growth needs to be facilitated. It states that growth should be directed into existing settlements in order to limit urban sprawl. Both the MPS and PPF state that priorities in all the main urban settlements of the municipality include realising opportunities for infill development and diversity of housing types, whilst maximising use of existing infrastructure and community facilities. More specifically, the site is located within the 400 metre catchment of Moe's Primary Activity Centre where new medium to high density housing typologies are explicitly encouraged. This direction is ratified by the Live Work Latrobe Housing Strategy and Moe-Newborough Housing Framework Plan (once amended), which identify the subject site within an area suitable for 'Substantial Change (adjoining heritage)'. 'Substantial Change Areas' are where a significant increase in housing density and diversity in the form of townhouses, apartments and units is required, to maximise access to existing services, transport and infrastructure.

It is considered that the proposal implements the MPS and PPF objectives for urban consolidation, increased housing density and diversity, as it:

- Makes more efficient use of a fully serviced vacant residential allotment within Moe's urban area;

- Is within an area where a significant increase in housing density and diversity is encouraged through the Moe-Newborough Housing Framework Plan;
- Is located in close proximity to Moe's Primary Activity Centre via a network of pedestrian paths that provide a direct connection between the site and the commercial precinct; and,
- Is also located in close proximity to public bus and train services.

Both the MPS and PPF seek to improve housing affordability and provide for diversity in housing types. The proposal will achieve this through the creation of a medium density residential development designed with single level dwellings that can accommodate residents who are transitioning into the later stages of their lives, as an alternative to a retirement village or similar type of residential complex. Parer Avenue's central location and close proximity to Moe's Primary Activity Centre will also provide residents with easy accessibility to a range of shops and lifestyle facilities.

In planning for urban growth, both the MPS and PPF encourage consolidation of existing urban areas whilst respecting neighbourhood character. However, there are no existing neighbourhood character objectives, policies or statements in relation to the site within the Scheme; the only guidance being the Latrobe Housing Strategy. The PPF encourages well-designed, innovative and energy efficient medium density housing that contributes positively to the local and urban character. The PPF also promotes and supports high quality urban design within the built environment. Within 'Substantial Change Areas', multi-level residential development and smaller housing types that have an appropriate interface with adjoining heritage places is encouraged. In response to these matters, the following comments are made:

- The PPF specifically encourages infill residential development on land close to Moe's Primary Activity District and public transport services, such as this site. Hence, a level of urban renewal expressed through increased development density within this part of Moe's urban area should be anticipated;
- Due to the age and condition of some of the existing housing stock in proximity to the site, it is expected that the area will continue to experience urban renewal and infill development at the density proposed in the short term and a change to the existing neighbourhood character will inevitably occur as a result. This outcome is consistent with the zoning of the land and the Housing Strategy for areas suitable for 'substantial change';
- Although the dwellings have been designed in a contemporary suburban architectural style reflective of current residential building construction, they are of a size and scale comparable to those on adjacent and nearby properties and therefore respect the existing housing typology;
- By limiting the number of dwellings positioned near the site's eastern boundary and restricting the building height to a single storey, the development provides an appropriate interface with the adjoining St. Andrew's Presbyterian Church;
- The proposed dwellings have been designed for energy efficiency and the development utilises contemporary architectural styling and building materials reflective of the expected standard for residential infill development within this precinct;
- The rhythm and spacing of development has been designed to respect the streetscape character, through:
 - Positioning one dwelling (Unit 1) at the front of the site that is orientated towards Parer Avenue;
 - Positioning the eight remaining dwellings (Units 2-9) behind the front dwelling so that they have minimal visual impact on the streetscape;
 - Providing a building setback distance from each site frontage that is comparable to the prevailing setbacks of adjacent and nearby development;
 - Providing a building setback distance from the site frontage that allows for an appropriate level of landscaping;
 - Providing for generous side boundary setbacks to create the perception of spaciousness between the built form whilst allowing for landscaping; and,

- Avoiding the use of front boundary fencing, thereby complementing the existing minimal usage of front fences within Parer Avenue.

Council's adopted Urban Design Guidelines specifically address design matters relating to unit developments within 'substantial change' areas, with the following provisions being relevant:

- Only one driveway crossover will be required to service the site, which will be positioned generally in the same location as the existing crossover;
- Unit 1 has been designed and orientated to face Parer Avenue, with its front entry door and two bedroom windows facing this street;
- Unit 1 will achieve site permeability exceeding 50% within the front setback area for landscaping, with adequate room for a feature canopy tree;
- Side and rear boundary setbacks provide for a sense of spaciousness, whilst achieving an efficient development layout.

In summary, it is considered that the proposal is appropriate, having regard to the location of the site and the outcomes contemplated by the Municipal Planning Strategy and Planning Policy Framework of the Latrobe Planning Scheme.

The purpose of the zone

The proposal meets the following purposes of the Residential Growth Zone (as relevant):

- *To implement the Municipal Planning Strategy and the Planning Policy Framework*
This is addressed above.
- *To provide housing at increased densities in buildings up to and including four storey buildings*
This is addressed above.
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres*
This is addressed above.
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas*

It is considered that the proposed development provides an appropriate form of transitional development between land on the south-western edge of Moe's Primary Activity Centre and the older, inner residential precinct to the west and south.

It is noted that the maximum height limit for residential development in this zone is 13.5 metres and the height of the proposed dwellings is well below this. The development is comprised of single storey dwellings that can accommodate residents who are transitioning into the later stages of their lives, as an alternative to a retirement village or similar type of residential complex. A key element of the design is to cater for persons with limited mobility, or those who may become less mobile as they age. Hence, the dwellings have no change in floor level, wider doors for wheelchair access to the entries, master bedroom and ensuite.

Decision guidelines of Schedule 2 to the Residential Growth Zone

The proposal responds to the four design objectives stipulated in Schedule 2 to the zone, as follows:

- The adjacent heritage place has been considered in the single storey height and design of the development;

- Proposed Unit 1 adopts a building setback distance from the site frontage that complements the setback of the existing building on the adjacent property at 1-3 Parer Avenue. This building setback allows for an appropriate level of landscaping and inclusion of a feature canopy tree;
 - The development utilises an existing vehicle access point (to be widened and upgraded) and provides on-site car parking that facilitates a safe, accessible and walkable neighbourhood; and,
 - The development presents a built form that is comparable in height to other contemporary residential development within the precinct.
- *Whether the design of new developments exceeding 9 metres above natural surface level provides a stepped or graduated elevation treatment to the adjoining General Residential Zone, Neighbourhood Residential Zone or land located within a Heritage Overlay*

This is not relevant, as the proposed dwellings will not exceed 9 metres above natural surface level.
 - *Whether land is of sufficient size to achieve setbacks, landscaping and car parking requirements*

This is addressed in the Clause 55 assessment provided within this report.
 - *On corner sites, buildings should address both street frontages with either openings and/or windows at street level*

This is not relevant to the proposal.
 - *The scale and design of the development against the heritage significance of adjoining heritage sites and precincts*

By limiting the number of dwellings positioned near the site's eastern boundary and restricting the building height to a single storey, the development provides an appropriate interface with the adjoining St. Andrew's Presbyterian Church.

The proposed design is supported by the Memorandum of Heritage Advice prepared by Peter Barrett, Architectural Conservation Consultant (provided in **Appendix G**), in which it is stated that the proposed rezoning, removal of the existing heritage control and the subsequent redevelopment of the land into nine residential units for independent living, will have no appreciable impact upon the recognised heritage values of the St. Andrew's Presbyterian Church.

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- *The front setback of a new building should not be set forward from an adjoining heritage building*
This is not relevant to the proposal, as the heritage place is located at the rear of the site.
- *The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in Residential Growth Zone*

As evidenced by the aerial photograph in **Figure 14**, there are solar panels on the roof of a shed at 45B Langford Street. This property is in the Residential Growth Zone, but the property is on the north side of the proposed development and there will be no shadowing impact on these panels.

- *The pattern of subdivision and its effect on the spacing of buildings*

This is not relevant to the proposal.



Figure 14: Location of Rooftop Solar Energy Facilities adjoining 5 Parer Avenue (photo source: Nearmap, January 2021)

- For the construction and extension of two or more dwellings on a lot, the objectives, standards and decision guidelines of **Clause 55**

Standards and decision guidelines of **Clause 55**

Site & Context Description

In accordance with the provisions of **Clause 55.01** of the Latrobe Planning Scheme, a Neighbourhood and Site Description is required to be submitted. This is provided in section 2 and **Appendix H** of this report.

Objectives and Standards

In accordance with **Clause 55.01-2** of the Latrobe Planning Scheme, an application to construct nine dwellings on an existing lot must be accompanied by a design response that explains how the proposed design:

- Derives from and responds to the neighbourhood and site description.
- Meets the objectives of **Clause 55**.
- Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay.

The design response is provided in the set of plans contained in **Appendix H** and the following analysis against the objectives of **Clause 55**.

Clause 55.01-2 requires the submission of correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. It is considered that the suite of plans contained in **Appendix H** provide an adequate level of information to comply with this requirement, given that only one dwelling will have a direct abuttal to Parer Avenue.

The following analysis against the objectives of **Clause 55** is provided:

55.02-1 Neighbourhood character objectives – Standard B1

As stated in section 5.1.1, the PPF specifically encourages higher density residential development on land within 400 metres of Moe's Primary Activity Centre. The site is situated within this threshold and is proposed to be included in a 'Substantial Change (adjoining heritage) Area' where smaller housing types such as units are specifically encouraged. Hence, a level of urban renewal expressed through increased development density within this part of Moe's urban area should be anticipated and some impact on the existing neighbourhood character will inevitably occur as a result.

Although the dwellings have been designed in a contemporary suburban architectural style reflective of current residential building construction, they are of a size and scale comparable to those on adjacent and nearby properties and therefore respect the existing housing typology.

The rhythm and spacing of the development has been designed to respect the existing streetscape character, through:

- Positioning only one dwelling at the front of the site and orientating its front entry door so it faces Parer Avenue;
- Providing a building setback distance from the site frontage that is comparable to the setbacks of the existing development on adjacent and nearby properties;

- Providing a building setback distance from the site frontage that allows for an appropriate level of landscaping;
- Positioning the eight remaining dwellings behind the front dwelling so that they have minimal visual impact on the streetscape;
- Providing a modest single storey built form of a comparable scale to existing development within Parer Avenue;
- Avoiding the use of front boundary fencing and incorporating both low level landscaping and feature trees; and,
- Utilising the existing driveway crossover (upgraded and widened) to provide access to a shared driveway within the site.

In summary, it is considered that the proposal is appropriate, having regard to the location of the site and the outcomes contemplated by the Municipal Planning Strategy and Planning Policy Framework of the Latrobe Planning Scheme.

The proposal meets the objectives and standard of this clause.

55.02-2 Residential policy objectives – Standard B2

This has been addressed in section 5.2.2 of this report.

The proposal meets the objectives and standard of this clause.

55.02-3 Dwelling diversity objective – Standard B3

This clause is not applicable as only nine dwellings are proposed.

55.02-4 Infrastructure objective – Standard B4

The proposed dwellings will be connected to reticulated sewerage, water, electricity, gas and telecommunications services, all of which will be located underground within the development.

The lawn and landscaped areas on the site will assist on-site infiltration of stormwater. Any stormwater runoff from the site will be directed to water tanks in the first instance, then the underground drainage system. A site drainage plan will be prepared to demonstrate how this will be achieved.

It is not considered that the proposed development will place an unreasonable load on the capacity of the utility services and drainage infrastructure.

Vehicular access to the proposed dwellings will be obtained from Parer Avenue, which is a bitumen sealed access street in excellent condition. The existing standard of the road is considered adequate to accommodate any traffic generated by the proposed development. It is also considered that the proposed development will not place an unreasonable burden on the carrying capacity of the surrounding road network.

The proposal meets the objectives and standard of this clause.

55.02-5 Integration with the street objective – Standard B5

The proposed development has been designed to integrate with Parer Avenue by:

- Providing a building setback distance from the site frontage that respects the existing setbacks of buildings on the adjoining and nearby properties, whilst allowing for an appropriate level of landscaping;
- Providing a high standard in the quality of the external finishes and landscaping to create an attractive and liveable residential development with its own character;
- Orientating the dwellings so their front entries face towards either Parer Avenue or the shared accessway and avoiding the use of fencing in front of each dwelling to create a spacious feel to the development layout and provide for passive surveillance of the road and accessway; and,
- Providing adequate dimensions to the shared driveway to allow for safe movement of pedestrians within the site and connectivity to Parer Avenue.

The proposal meets the objective and standard of this clause.

55.03-1 Street setback objective – Standard B6

There is an existing building on one abutting allotment facing Parer Avenue. The other abutting allotment is vacant.

Pursuant to the provisions of this clause, the recommended minimum applicable setback distance for the proposed development is:

- *The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.*

The adjacent building at 1-3 Parer Avenue is set back approximately 8.5 metres to its front wall, with an attached carport that is set back approximately 4.18 metres from the site frontage.

The proposed development has adopted a 6 metre front setback distance from Parer Avenue. The entry porch encroaches into this setback, but complies with the allowable standard (i.e. it does not exceed 3.6 metres in height and does not extend into the setback for more than 2.5 metres).

The setback of 6 metres makes efficient usage of the site in a precinct where higher density residential development is strongly encouraged, noting that it adopts the mid-point of the staggered front setback of the adjoining development at 1-3 Parer Avenue.

The proposal meets the objective of this clause.

55.03-2 Building height objective – Standard B7

The proposed dwellings are single storey, with a maximum height between approximately 4.2 metres and 5 metres between finished ground level and the roof pitch. This is well below the maximum height limit of 13.5 metres specified in **Clause 32.07-9** of the Residential Growth Zone and Clause 3.0 of Schedule 2 to the Zone.

The proposal meets the objective and standard of this clause.

55.03-3 Site coverage objective – Standard B8

The site area covered by the proposed buildings is 1,588m² or 45.7%.

This comfortably complies with the recommended standard maximum site coverage of 60%.

The proposal meets the objective and standard of this clause.

55.03-4 Permeability objectives – Standard B9

The site area covered by a permeable surface (lawn or landscaping) is approximately 1,293m² or 37%.

This exceeds the recommended minimum standard of 20% of the site.

The proposal meets the objectives and standard of this clause.

55.03-5 Energy efficiency objectives – Standard B10

Each proposed dwelling will have an open plan kitchen/dining/living area, with sliding doors leading directly onto an area of secluded private open space.

Each kitchen/dining/living area is provided with at least one openable window and a set of glazed sliding doors, allowing direct access to sunlight and natural ventilation. This will ensure that the residents benefit from daylight and solar energy and, ultimately, from a reduction in energy costs.

Each proposed dwelling will be designed to meet the minimum energy rating requirements.

The proposal meets the objectives and standard of this clause.

55.03-6 Open space objective – Standard B11

No public or communal open space is proposed.

The built form and/or 1.8 metre high timber paling fences will separate the private open space areas of each dwelling.

The objectives and standard of this clause are not relevant to the proposal.

55.03-7 Safety objective – Standard B12

The front entry door to each dwelling will be clearly visible and identifiable from either Parer Avenue or the shared driveway. The doors are orientated towards their respective road or driveway abuttal and will not be obscured by either fencing or high level landscaping.

Each front entry is located under a covered porch area or sheltered by the roofline and can be directly accessed from the driveway and pathways within the site.

Primarily low level plantings of vegetation will be provided around the front walls of each dwelling and adjacent to the driveway, ensuring that no unsafe spaces are created. Where feature trees are proposed in the front yards, they will be positioned away from the entry door to ensure that visibility to the front door of these dwellings is not obscured.

No private spaces within the development will be able to be used as public thoroughfares.

The proposal meets the objective and standard of this clause.

55.03-8 Landscaping objectives – Standard B13

A detailed landscape design is provided with the suite of plans in **Appendix H**. It is proposed that medium sized feature trees and low level feature plants in mulched garden beds and lawn will be planted throughout the site. This landscaping will soften the hard edges of each building and the adjacent driveway, reducing the appearance of the built form when viewed from the public realm and nearby properties, whilst also creating an attractive presentation to Parer Avenue.

The proposal can meet the objectives and standard of this clause.

55.03-9 Access objectives – Standard B14

All nine dwellings will be accessed from Parer Avenue via a new shared driveway crossover with a width of 6 metres at the property boundary. The existing concrete crossover that is positioned adjacent to the southern boundary of the site will be upgraded and widened to facilitate this.

The lot has a frontage width of 18.29 metres. Therefore, the crossover equates to 32.8% of the street frontage and is well below the standard of 40%.

The development has been designed to allow standard vehicles to reverse and exit the shared driveway in a forward direction. Garbage vehicles will not be able to access the site and therefore all waste collection will need to occur within Parer Avenue.

The proposal meets the objectives and standard of this clause.

55.03-10 Parking location objectives – Standard B15

Each proposed dwelling will be provided with a garage under its roofline that can accommodate either one or two car spaces.

The development has been designed so that each dwelling's garage is located at least 1.5 metres from the bedroom windows of another dwelling.

The shared driveway will be located a minimum of 1 metre from habitable room windows in all nine dwellings.

There is adequate space within Parer Avenue for visitors to park their vehicles adjacent to the site, where unrestricted parallel parking is available on both sides of the road. In addition, a visitor car parking space has been provided within the site, adjacent to the shared driveway and Unit 4.

The proposal meets the objectives and standard of this clause.

55.04-1 Side and rear setbacks – Standard B17

The side and rear setback distances for the development meet or exceed the minimum standard for walls not on or within 200mm of a boundary.

The proposal meets the objective and standard of this clause.

55.04-2 Walls on boundaries objective – Standard B18

The proposed development does not involve construction of any dwelling walls on the property boundaries.

This clause is not applicable.

55.04-3 Daylight to existing windows objective – Standard B19

As demonstrated in the shadow diagrams contained in **Appendix H**, the proposed development will have no impact on the extent of uninterrupted daylight to habitable room windows of existing dwellings adjoining the site. Furthermore, the development achieves the minimum light court requirement of 3 square metres clear to the sky.

The proposed meets the objective and standard of this clause.

55.04-4 North-facing windows objective – Standard B20

There are no existing dwellings on land to the immediate south of the site, so no north-facing windows will be impacted.

This clause is not applicable.

55.04-5 Overshadowing open space objective – Standard B21

As demonstrated by the shadow diagrams in **Appendix H**, the proposed development will not cast any shadows over private open space on the adjacent property to the south much beyond the extent cast by the existing boundary fence and is therefore not expected to result in any detrimental impact on the residents' amenity.

The proposal meets the objective and standard of this clause.

55.04-6 Overlooking objective – Standard B22

The single storey dwelling design and existing side boundary fencing will limit direct views from the proposed dwellings into the adjacent residential properties.

The objective and standard of this clause are not relevant to the proposal.

55.04-7 Internal views objective – Standard B23

The proposed development has been designed to prevent direct views into the private open space and habitable room windows of each dwelling, through the use of:

- A single storey building design;
- Careful placement and design of windows;

- Adequate separation and provision of space between each dwelling; and,
- 1.8 metre high timber paling fences to delineate and screen private open space areas.

The proposal meets the objective and standard of this clause.

55.04-8 Noise impacts objectives – Standard B24

Each dwelling has been designed with adequate noise attenuation measures, including a good separation distance between the respective living room/private open space to minimise any potential noise transmission within the development.

There are no noise sources, other than those common to a residential area, on immediately adjacent properties or public land.

The proposal meets the objectives and standard of this clause.

55.05-1 Accessibility objective – Standard B25

The proposed dwellings will be 'slab on ground' single storey construction, with no change in level between the exterior and interior. These design features will accommodate the needs of both residents and visitors with limited mobility.

The proposal meets the objective and standard of this clause.

55.05-2 Dwelling entry objective – Standard B26

The development has been designed so that the front entry of each dwelling is easily identifiable and accessible from either Parer Avenue or the shared driveway. The proposed porches will provide shelter and a transitional space around each entry.

It is also proposed that predominantly low level plantings of vegetation will be provided adjacent to the front wall of each dwelling to ensure that no unsafe spaces are created.

The proposal meets the objective and standard of this clause.

55.05-3 Daylight to new windows objective – Standard B27

The proposed dwellings have been designed to ensure that all habitable room windows are located to face an outdoor space clear to the sky with a minimum area of 3m².

The proposed dwellings have also been designed with openable windows and/or sliding doors on the north side of the open plan kitchen/dining/living area, allowing this space to receive an adequate amount of direct sunlight throughout the day (refer to the shadow diagrams in **Appendix H**).

The proposal meets the objective and standard of this clause.

55.05-4 Private open space objective – Standard B28

Each proposed dwelling will be provided with private open space exceeding 40m², inclusive of an area of secluded open space at the rear of each dwelling that meets the minimum area of 25m², minimum dimension of 3 metres and convenient access from its living room.

Hence, the quantity, dimensions and location of private open space for each dwelling complies with the standard.

Furthermore, it is noted that the amount of private open space provided for each of these dwellings is suitable for its intended purpose and, if additional recreational space for passive pursuits is required, residents will have direct access to nearby public open space reserves (such as Ted Summerton Reserve or Kingsford Street Reserve). It is submitted that this is an acceptable outcome for higher density residential development within a 'Substantial Change' residential precinct.

For privacy, either the built form or a 1.8 metre high timber paling fence will separate the open space areas of each dwelling.

To minimise future maintenance requirements, each area of secluded private open space is proposed to be surfaced in a combination of permeable paving and lawn. Each space has also been designed to facilitate ease of manoeuvrability by persons with limited mobility.

The proposal meets the objective of this clause.

55.05-5 Solar access to open space objective – Standard B29

Units 1, 2, 4, 5, 8 & 9 have each been provided with an area of secluded open space that has a northerly aspect, along with adequate depth and setback distance from walls on its northern side to ensure solar access is not compromised.

Units 3, 6 & 7 are located on the south side of the site, so the ability to accommodate north-facing secluded open space is limited. Nevertheless, the development has been designed to maximise the depth of the open space so that it receives adequate solar access.

The level of solar access to all areas of private open space within the development is considered adequate, given the orientation and shape of the property.

The proposal meets the objective and standard of this clause.

55.05-6 Storage objective – Standard B30

6 cubic metres of designated storage space for each dwelling will be provided within its garage.

The proposal meets the objective and standard of this clause.

55.06-1 Design detail objective – Standard B31

The subject site is a large and relatively unencumbered vacant residential lot. Due to the age and condition of some of the existing housing stock in proximity to the site, it is expected that the area will continue to experience urban renewal and infill development at the density proposed in the short term and a change to the existing neighbourhood character will inevitably occur as a result.

Although the proposed dwellings have been designed in a contemporary suburban architectural style reflective of current residential building construction, they are of a size and scale comparable to those on adjacent and nearby properties and therefore respect the existing housing typology. The proposed development incorporates design details that are prevalent in the neighbourhood:

- A modest single storey built form;
- Front entry porches and eaves;

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- Similar window proportions to external wall space;
- No front boundary fencing; and,
- Landscaping that incorporates feature trees, a variety of shrubs and lawn cover.

The proposal meets the objective and standard of this clause.

55.06-2 Front fences objective – Standard B32

No front fencing is proposed, thereby allowing the development to integrate with the streetscape.

The proposal meets the objective and standard of this clause.

55.06-3 Common property objectives – Standard B33

The internal driveway will be shared by the residents of the development. If the land is subdivided, this space will be designated 'common property' and will be subject to Owners Corporation rules and regulations.

The proposal meets the objectives and standard of this clause.

55.06-4 Site services objectives – Standard B34

Letterbox and service box structures will be provided adjacent to the shared driveway, next to the site frontage. A pathway will be provided adjacent to the letterbox structure to enable safe and unrestricted access from both Parer Avenue and the shared driveway.

The shared driveway will be designed to allow for shared usage by pedestrians and vehicles and will ensure that there is unobstructed access between the entry door and garage of each dwelling.

Garbage and recycling bins will be stored at the side or rear of each dwelling where they are screened from view from both Parer Avenue and the shared driveway, but can be readily wheeled out to the street kerb on garbage collection day.

The proposal meets the objectives and standard of this clause.

*Standards and decision guidelines of **Clause 65***

The decision guidelines contained in **Clause 65** set out matters that the responsible authority must consider, as appropriate.

Clause 65.01 – Approval of an application or plan

- *The matters set out in Section 60 of the Act;*
These are matters that the responsible authority must take into account before making a decision on an application. These matters cannot be addressed in this report.
- *The Municipal Planning Strategy and the Planning Policy Framework;*
This has been addressed previously in this report.
- *The purpose of the zone, overlay or other provision;*
The proposal achieves the purposes of the Residential Growth Zone, Schedule 2 (Compact Living with Special Character), as it will:

- Provide for smaller and more compact housing in the form of units within walking distance of Moe's Primary Activity Centre;
- Provides smaller and more compact housing, to meet the specific needs of persons with physical disabilities;
- Facilitate more intensive development of a fully serviced residential property, therefore resulting in more efficient use of both land and infrastructure;
- Incorporates contemporary architectural features and building materials that are expected in current domestic suburban residential development, whilst also complementing existing established housing in the surrounding area through the use of a modest building design, eaves, subtle colour palette and landscaping;
- Provides a new medium density development that presents a sensitive interface with the Parer Avenue streetscape and adjacent heritage precinct;
- Provides adequate setback distances from side and rear boundaries to achieve space between dwellings and room for landscaping; and,
- Provides room for canopy trees in front yards and avoids the use of front fencing.

- *Any matter required to be considered in the zone, overlay or other provision;*

This has been addressed in section 5.1 and the remainder of section 5.2 of this report, apart from the provisions of **Clause 52.06** which is discussed as follows:

- Each two bedroom dwelling will be provided with one on-site car space in a lock-up garage. This meets the required standard for two bedroom dwellings;
- Each three bedroom dwelling will be provided with two on-site car spaces in a lock-up garage. This meets the required standard for three bedroom dwellings; and,
- One visitor car parking space is provided within the site.

- *The orderly planning of the area;*

This has been addressed in section 5.2.2 of this report.

- *The effect on the amenity of the area;*

The proposal involves development of nine new dwellings with easy access to the Primary Activity District, and public transport services. The site is located within an area where more efficient usage of residential land, higher density residential development and diversity in housing types is specifically encouraged. As addressed previously in this report, it is considered that the proposal will complement the neighbourhood character and will not result in any detrimental impact on the amenity of adjacent properties or the surrounding area.

- *The proximity of the land to any public land;*

The only public land abutting the site is the Parer Avenue road reserve. It is not anticipated that the proposal will have any detrimental impact on the functionality of this public land, as:

- Parer Avenue is a wide, well-constructed road in excellent condition;
- The existing standard of this road is considered adequate to accommodate any traffic generated by the development; and,
- The proposal is unlikely to place an unreasonable burden on the carrying capacity of the surrounding road network.

- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality;*

There are no known factors likely to cause or contribute to land degradation, salinity or reduction in water quality.

- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site;*

Stormwater runoff from both the site and surrounding land is directed to the underground stormwater drainage system. A drainage system will be required to be installed to drain the land to its legal point of discharge. This will be detailed in a site drainage plan which will be prepared following the issue of a planning permit.

- *The extent and character of native vegetation and the likelihood of its destruction;*

The site is devoid of any vegetation. If any overhanging branches of the existing eucalyptus tree at 34 Fowler Street need to be lopped to facilitate the development, this will be addressed through a separate VicSmart planning permit application.

- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

The protection, revegetation or regeneration of native vegetation is not appropriate in this context.

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

The land is not susceptible to erosion, flooding or bushfire.

- *The adequacy of loading and unloading facilities and associated amenity, traffic flow and road safety impacts.*

This issue is not relevant to the proposal.

6 STRATEGIC ASSESSMENT OF THE AMENDMENT

Ministerial Direction No. 11 – Strategic Assessment of Amendments requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations.

In accordance with the provisions of Planning Practice Note No. 46 (DELWP, August 2018), the proposed amendment requires a full assessment against the strategic considerations and this is provided in the following section of this report.

6.1 Why is an amendment required?

The amendment seeks to rezone that portion of the land currently in the Neighbourhood Residential Zone, Schedule 1 (Heritage Precincts and Areas Affected by Environmental Constraints) to the Residential Growth Zone, Schedule 2 (Compact Living with Special Character) and delete the Heritage Overlay, Schedule 35.

The RGZ2 applies to the rectangular portion of the site abutting Parer Avenue (having an area of approximately 712m²). The balance land, being approximately 2,767m², is zoned NRZ1. The dual zoning of the site is a result of the recent (May 2019) subdivision of the land with the adjacent property at 34 Fowler Street. This subdivision, authorised by Planning Permit no. 2017/214, resulted in the land formerly comprised within the title to 34 Fowler Street (i.e. the vacant and unused rear portion of the St. Andrew's Presbyterian Church property) being consolidated with the title to 5 Parer Avenue. The resultant dual-zoning of the consolidated parcel forming 5 Parer Avenue was not considered by the Latrobe City Council as an impediment to the subdivision approval. Following completion of the subdivision and issuing of the new titles, the Presbyterian Church of Victoria Trusts Corporation sold the consolidated land parcel at 5 Parer Avenue to the current owner, Hillview Property Group Pty Ltd. Hillview Property Group intend developing the land for multiple dwellings as per the planning permit application submitted in conjunction with the amendment.

The Neighbourhood Residential Zone, Schedule 1, does not explicitly discourage the development of multiple dwellings on the site. However, the portion of the site zoned NRZ1 is identified as a 'Minimal Change Area' on the Moe-Newborough Housing Framework Plan at Clause 16.01.1L of the Planning Policy Framework. The corresponding strategies for Minimal Change Areas as stated in this clause, are to 'support minimal change in the form of detached houses and dual occupancies in locations with distinct character attributes, such as heritage, neighbourhood character, environmental or amenity values or infrastructure limitations' and 'encourage the retention and provision of vegetated areas including canopy trees and large garden spaces'. These MSS strategies do not support more intensive residential development of the site, which is a significant impediment for a fully serviced, vacant and relatively unencumbered 3,479m² land parcel situated approximately 200 metres from the edge of Moe's Primary Activity Centre.

The amendment seeks to apply a consistent planning control across the whole of the site and a corresponding housing framework that provides for higher density residential development that is sympathetic to the identified heritage values of the St. Andrew's Presbyterian Church. The amendment will achieve this by:

- Providing greater flexibility for the development of the land with multiple dwellings, which is not afforded under the existing Neighbourhood Residential Zone and 'Minimal Change' designation on the Moe-Newborough Housing Framework Plan;
- Providing a planning control that will facilitate a higher density residential development of the land, which is specifically encouraged within the Moe Transit City Precinct and 400 metre catchment of Moe's Primary Activity Centre;
- Removing a dual-zoning anomaly that was not addressed appropriately at the time of the subdivision approval which created the subject lot in 2019;

- Deleting a redundant Heritage Overlay control that is no longer applicable or appropriate, given that the affected land has been alienated from the St. Andrews Presbyterian Church property and does not present any contribution to its heritage significance; and,
- Providing an appropriate level of control over the intended development of the land for multiple dwellings in accordance with the accompanying planning permit application.

The amendment is necessary, as there are no other mechanisms capable of achieving the desired future land development outcome as detailed in the accompanying planning permit application. The matters addressed in the amendment are not dealt with under other regulations.

6.2 How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria as set out in the Planning and Environment Act 1987:

- *'To provide for the fair, orderly, economic and sustainable use and development of land*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria*
- *To balance the present and future interests of all Victorians'*

The amendment provides for the orderly use and development of large, vacant and fully serviced residential property within Moe's town boundary, thereby maximising use of existing infrastructure and community facilities and reducing the pressure for urban sprawl. This will be achieved through the application of an appropriate land zoning and removal of a redundant overlay control to guide future land use and development on the site and provide for a sustainable and pleasant living environment.

6.3 How does the amendment address any environmental, social and economic effects?

Environmental effects

The site is devoid of native vegetation and does not have any other significant environmental characteristics.

Other environmental matters, such as stormwater management, can be addressed through conditions on the planning permit and/or building permit.

Social effects

The amendment will have positive social effects on the community of Moe. The amendment will facilitate the use and development of a large residential site that is currently unused and vacant. It provides a significant opportunity to facilitate new housing opportunities, building development and associated landscape design works, which will enhance the amenity and liveability of the public realm and promote the attractiveness of this part of Moe's urban area. It also promotes the concept of a 'walkable neighbourhood' by facilitating increased residential densities within walking distance of the Primary Activity Centre and public transport network.

Economic effects

The amendment will have positive economic effects. It will facilitate the infill development of residential land within Moe's town boundary and make more efficient usage of existing servicing and community infrastructure. The future development of the land is expected to provide additional short-term

employment opportunities associated with building construction and related works, which will be beneficial to the local economy.

6.4 Does the amendment address any relevant bushfire risk?

The amendment will not result in any increase to the risk to life, property, community, infrastructure or the natural environment from bushfire.

The site is not within a designated bushfire prone area.

6.5 Does the amendment comply with the requirements of any other applicable Minister's Direction?

The amendment complies with Ministerial Direction No. 11 – Strategic Assessment of Amendments and is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

6.6 How does the amendment support or implement the Planning Policy Framework (PPF)?

The following provisions of the Planning Policy Framework (PPF) are relevant to the consideration of this amendment:

- Clause 11.01 & 11.02 – Settlement & Structure planning
- Clause 11.03 – Activity centres
- Clause 15.01 – Urban design, Building design and Neighbourhood character
- Clause 15.02 – Energy and Resource efficiency
- Clause 15.03 – Heritage conservation
- Clause 16.01 – Housing supply & Housing affordability

Clauses 11.01 & 11.02 – *Settlement and Structure planning* seeks to focus both investment and growth in major regional centres such as Latrobe City. It states that settlement boundaries need to be reinforced to limit urban sprawl, develop compact urban areas and maximise accessibility to facilities and services. The planning of settlements is to be guided by the relevant regional growth plan and structure plan and opportunities for urban renewal and infill development should be promoted and capitalised on. The amendment is consistent with these objectives and strategies, as it will facilitate a residential infill development within a major regional centre and maximise the use of existing infrastructure and community facilities.

Clause 11.03 – *Activity centres* seeks to provide a diversity of housing types at higher densities where they are accessible to commercial and community facilities and public transport. The amendment will apply a zone and accompanying schedule that will facilitate more intensive residential development of the site within 200 metres of Moe's Primary Activity Centre and public transport network and within a precinct specifically identified as suitable for housing demonstration projects.

Clause 15.01 – *Urban design, Building design and Neighbourhood character* seeks to create urban environments that respond to their site context in terms of character, natural features and surrounding landscape. The amendment will apply a zone and accompanying schedule that will facilitate new housing opportunities, building development and associated landscape design works. This is expected to enhance the amenity and liveability of the site and surrounding area.

Clause 15.02 – *Energy and resource efficiency* seeks to encourage land use and development that is energy and resource efficient and minimises greenhouse gas emissions. It states that consolidation of urban development will be promoted and supported by low energy forms of transport such as walking and cycling. The amendment will apply a zone and accompanying schedule that will facilitate more intensive residential development of the site, comprising

smaller and energy efficient housing typologies that are conveniently located within 200 metres of Moe's Primary Activity Centre and public transport network.

Clause 15.03 – *Heritage conservation* seeks to conserve places of heritage significance and encourage development that respects places with heritage values through appropriate siting and design.

Clause 16.01 – *Housing supply and Housing affordability* seeks to facilitate well-located, diverse and affordable housing opportunities and increase the supply of housing on under-utilised residential land. The amendment achieves this outcome by facilitating the development of a large, unused and vacant parcel of serviced land for higher density residential purposes, in a location close to employment, transport and services available in Moe's Primary Activity Centre.

6.7 How does the amendment support or implement the Municipal Planning Strategy and Planning Policy Framework?

The Municipal Planning Strategy (MPS) at Clause 02.04 refers to the Latrobe City Strategic Framework Plan, in which Moe is classified as a Supporting Network Town where growth is promoted. Clause 02.01 it states that the municipality's population is expected continue to grow, but will be characterised by a higher proportion of older people compared with the State average and smaller household sizes comprising one or two persons. The amendment will rezone a large parcel of vacant, serviced land within Moe's town boundary, providing the opportunity for new residential development that will contribute towards the diversity of housing required to meet the predicted changing population needs of the municipality.

The amendment is consistent with the Moe-Newborough Structure Plan, the Moe-Newborough Housing Framework Plan, the Moe Activity Centre Plan and Latrobe City Housing Strategy, which all encourage the majority of new medium to high density housing typologies to within 400 metres of Moe's Primary Activity Centre. This approach supports other strategies relating to enhancing the liveability of towns and efficient use of infrastructure, by facilitating development that encourages walkability and use of non-car based transport. By including the entire site within the Residential Growth Zone and a 'Substantial Change Area' on the Moe-Newborough Housing Framework Plan, it will facilitate a change in the form and density of housing as envisaged by this plan and the supporting strategies. In particular, the Moe Activity Centre Plan specifically encourages high density, affordable and accessible housing to the south of the Moe Primary Activity Centre and the amendment will implement a suite of planning controls to achieve this outcome.

The PPF at Clauses 16.01-1S and 16.01-1L notes that good quality private development contributes to the function, safety and liveability of urban environments. It seeks to facilitate new development of varying scale and density in accordance with the Moe-Newborough Housing Framework Plan, whilst preserving the amenity of existing neighbourhoods and heritage places. The amendment will apply Schedule 2 to the Residential Growth Zone, which acknowledges the site's interface with the St. Andrew's Presbyterian Church and the need to guide the design and siting of new development to ensure that its heritage values are not compromised.

6.8 Does the amendment make proper use of the Victorian Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions.

Application of the RGZ2 is the most appropriate planning tool to achieve the desired outcome, which is to facilitate the future development of the land for multiple dwellings. The RGZ is consistent with the zoning applied to surrounding residential land and the application of Schedule 2 is appropriate for the site's abuttal to a heritage place.

Removal of the HO35 is appropriate, as it is a redundant control that is no longer applicable to the site.

The amendment does not affect, conflict with or duplicate another existing provision in the planning scheme that deals with the same land, use or development.

The proposed control does not capture matters that do not specifically relate to the purpose or objectives of the control or matters that should not be dealt with under planning.

The amendment complies with all relevant Practice Notes.

6.9 Does the amendment address the views of relevant agencies?

The views of the Latrobe City Council, as the responsible authority administering the Latrobe Planning Scheme, were sought during the preparation of the amendment. The Council did not express any objection to the amendment.

The amendment will be referred to all relevant agencies that may have an interest in the proposed zoning change. This will occur as a part of the amendment process.

The amendment does not seek to create any new formal or informal referral requirements.

6.10 Does the amendment address the requirements of the *Transport Integration Act 2010*?

The amendment is unaffected by and unrelated to the *Transport Integration Act 2010*.

6.11 What impact will the new planning provisions have on the administrative costs of the responsible authority?

The proposed rezoning is not expected to have a significant impact on the resource and administration costs of Latrobe City Council. The application of the RGZ2 will not trigger an increase in the number of planning permit applications and will have negligible impact on the resource and administrative costs of the responsible authority.

7 CONCLUSION

This report has been prepared in support of a request to prepare a combined Planning Scheme Amendment to rezone and Planning Permit Application to develop land at 5 Parer Street, Moe in accordance with Section 96A of the *Planning and Environment Act 1987*.

The subject land is currently zoned part Residential Growth Zone, Schedule 2 (Compact Living with Special Character) (RGZ2) and part Neighbourhood Residential Zone, Schedule 1 (Heritage Precincts and Areas Affected by Environmental Constraints) (NRZ1). The Heritage Overlay, Schedule 35 (St. Andrew's Presbyterian Church) also affects the portion of the site in the NRZ1.

Following an assessment of the site conditions and surrounding context, the provisions of the Latrobe Planning Scheme and Ministerial Direction No. 11: Strategic Assessment of Amendments, it has been determined that the most appropriate zone for the whole site is the Residential Growth Zone, Schedule 2 (Compact Living with Special Character). In conjunction with the zoning change, the redundant Heritage Overlay control that is no longer applicable or appropriate, will be removed.

It is therefore proposed to amend the Latrobe Planning Scheme by:

- Rezoning the portion of the site currently in the Neighbourhood Residential Zone, Schedule 1 (NRZ1) to the Residential Growth Zone, Schedule 2 (RGZ2) and amending Map 27 of the Latrobe Planning Scheme accordingly;
- Deleting the Heritage Overlay (HO35) and amending Map 27HO of the Latrobe Planning Scheme accordingly;
- Amending the Planning Policy Framework at **Clause 16.01-1L** by replacing the Moe-Newborough Housing Framework Plan to include all the site within a Substantial Change (adjoining heritage) area.

It is also requested that Latrobe City Council issue a planning permit to allow the development of nine (9) single storey dwellings on the site.

APPENDIX A: CERTIFICATE OF TITLE



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

Page 1 of 1

VOLUME 12079 FOLIO 676

Security no : 124092956235S
Produced 08/10/2021 11:46 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 823972V.

PARENT TITLES :

Volume 10545 Folio 412 Volume 10699 Folio 980

Created by instrument PS823972V 13/05/2019

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

HILLVIEW PROPERTY GROUP PTY LTD of 51 STODDARTS ROAD WARRAGUL VIC 3820
AT615890W 18/09/2020

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS823972V FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 5 PARER AVENUE MOE VIC 3825

ADMINISTRATIVE NOTICES

NIL

eCT Control 17384G VERHOEVEN & CURTAIN PTY. LTD.
Effective from 18/09/2020

DOCUMENT END



Imaged Document Cover Sheet


The document following this cover sheet is an imaged document supplied by LANDATA®, Victorian Land Registry Services.

Document Type	Plan
Document Identification	PS823972V
Number of Pages (excluding this cover sheet)	2
Document Assembled	13/05/2021 13:38

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The document is invalid if this cover sheet is removed or altered.

PLAN OF SUBDIVISION		EDITION 1	PS823972V	
<p>LOCATION OF LAND</p> <p>PARISH: MOE TOWNSHIP: MOE SECTION: 11 CROWN ALLOTMENT: 20 & 27(PT) CROWN PORTION: — TITLE REFERENCE: VOL.10699 FOL.980 VOL.10545 FOL.412 LAST PLAN REFERENCE: LP34575 (LOT 42) POSTAL ADDRESS: 34 FOWLER ST & 5 PARER AVE, (at time of subdivision) MOE, 3825 MGA CO-ORDINATES: E: 435 200 ZONE: 55 (of approx centre of land N: 5 774 000 GDA 94 in plan)</p>		<p>Council Name: Latrobe City Council</p> <p>Council Reference Number: 2018/32/CRT2 Planning Permit Reference: 2017/214 SPEAR Reference Number: S125121V</p> <p>Certification</p> <p>This plan is certified under section 6 of the Subdivision Act 1988</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Catherine Bryant for Latrobe City Council on 20/02/2019</p> <p>Statement of Compliance issued: 04/04/2019</p>		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
NOTATIONS				
DEPTH LIMITATION: 15.24m BELOW THE SURFACE.				
<p>SURVEY: This plan is based on survey.</p> <p>STAGING: This is not a staged subdivision. Planning Permit No. 2017/214</p> <p>This survey has been connected to permanent marks No(s). 16, 20, 55, 214 & 285</p> <p>In Proclaimed Survey Area No. —</p>				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1 & E-3	PIPELINE OR ANCILLARY PURPOSES	SEE DIAG.	THIS PLAN - SEC 136 OF THE WATER ACT 1989	CENTRAL GIPPSLAND REGION WATER CORPORATION
E-2 & E-3	DRAINAGE	SEE DIAG.	THIS PLAN	LATROBE CITY COUNCIL
 <p>Beveridge Williams development & environment consultants Traralgon ph : 03 5176 0374 www.beveridgewilliams.com.au</p>		<p>SURVEYORS FILE REF: RW5641</p> <p>Digitally signed by: steven john wallace, Licensed Surveyor, Surveyor's Plan Version (1), 31/08/2018, SPEAR Ref: S125121V</p>		<p>ORIGINAL SHEET SIZE: A3</p> <p>SHEET 1 OF 2</p> <p>PLAN REGISTERED TIME: 02:31 pm DATE: 13/05/2019 Tarek Mahmoud Assistant Registrar of Titles</p>

APPENDIX B: PLANNING PERMIT NO. 2020/203

Planning and Environment Regulations 2015 No. 33

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2020/203
Planning Scheme: Latrobe Planning Scheme
Responsible Authority: Latrobe City Council

ADDRESS OF THE LAND: 5 Parer Avenue, MOE
DESCRIPTION: L 1 PS 823972

THE PERMIT ALLOWS: Removal of two trees and a sapling in the Heritage Overlay, in accordance with the endorsed plan(s)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Endorsed Plan Condition:

1. The development as shown on the endorsed plans must not be altered without the consent of the Responsible Authority.

Standard Condition:

2. Once the vegetation removal has commenced it must be completed to the satisfaction of the Responsible Authority.

Expiry of Permit:

3. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit; or
 - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit. An extension of time to complete the development or a stage of the development may be requested if—

- the request for an extension of time is made within 12 months after the permit expires; and
- the development or stage started lawfully before the permit expired.

Date Issued: 22 October 2020



Signature for the Responsible Authority

Page 1 of 3

Planning and Environment Regulations 2015 No. 33

FORM 4

Section 63

PLANNING PERMIT

Permit No.: 2020/203
Planning Scheme: Latrobe Planning Scheme
Responsible Authority: Latrobe City Council

Note 1. Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.

END CONDITIONS

Date Issued: 22 October 2020



Signature for the Responsible Authority

Page 2 of 3

IMPORTANT INFORMATION ABOUT THIS NOTICE**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning and Environment Act 1987*.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the *Planning and Environment Act 1987*.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- ❖ from the date specified in the permit, or
- ❖ if no date is specified, from:
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

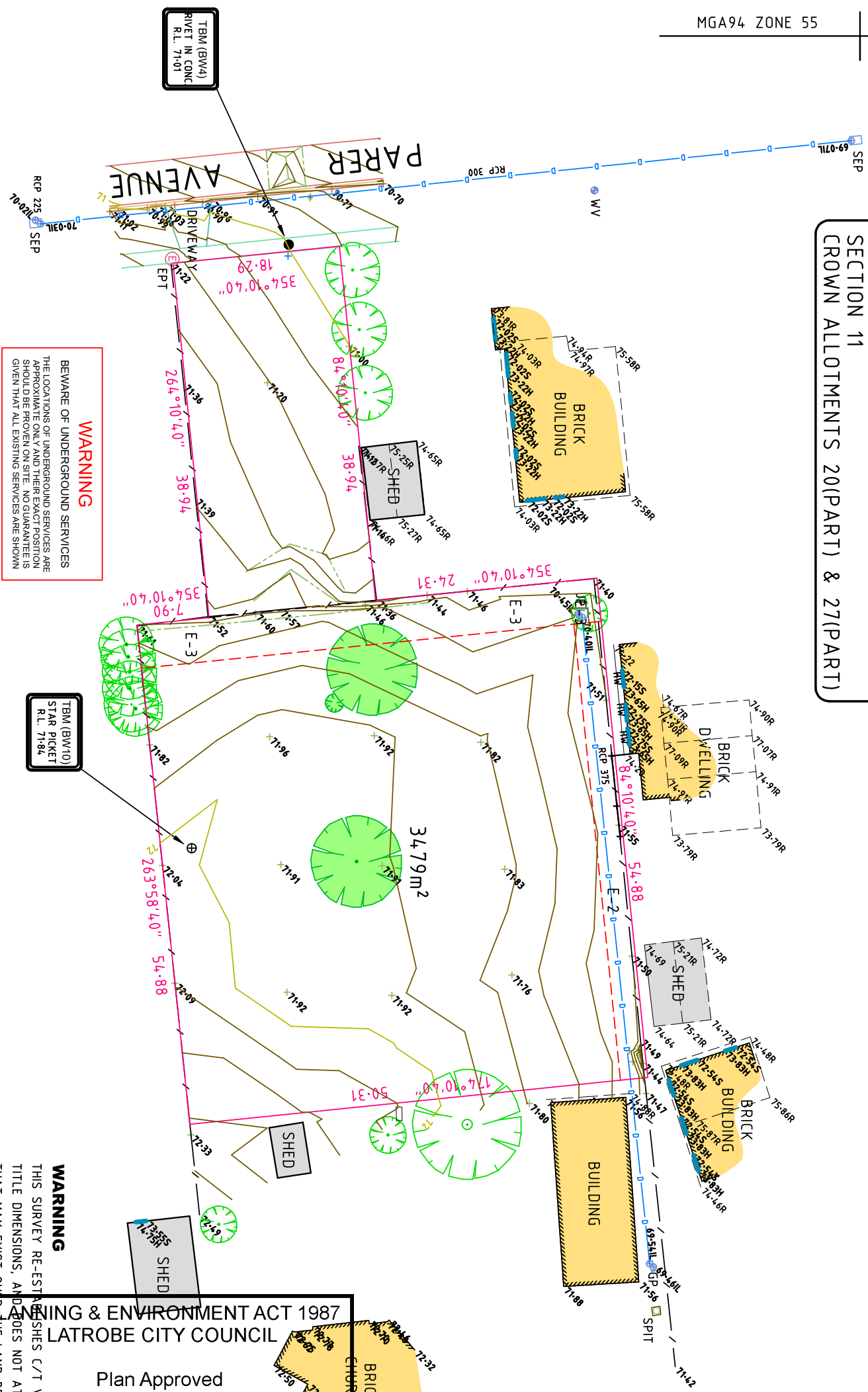
1. A permit for the development of land expires if:
 - ❖ the development or any stage of it does not start within the time specified in the permit, or
 - ❖ the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - ❖ the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if:
 - ❖ the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - ❖ the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
 - ❖ the development or any stage of it does not start within the time specified in the permit; or
 - ❖ the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - ❖ the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development, or
 - ❖ the use is discontinued for a period of two years
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision:
 - ❖ the use or development of any stage is to be taken to have started when the plan is certified; and
 - ❖ the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- ❖ The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of review exists.
- ❖ An application for review must be lodged within 60 days after the permit was issued, unless a Notice of Decision to Grant a Permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- ❖ An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- ❖ An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- ❖ An application for review must state the grounds upon which it is based.
- ❖ A copy of an application for review must also be served on the Responsible Authority.
- ❖ Details about applications for review and the fees payable can be obtained from VCAT.

TITLE PARTICULARS
 TITLE REF: Vol. 12079 Fol. 676
 LAST PLAN REF: PS823972 (LOT 1)
 PARISH OF MOE
 TOWNSHIP OF MOE
 SECTION 11
 CROWN ALLOTMENTS 20(PART) & 27(PART)

MGA94 ZONE 55



- DENOTES TREES TO BE REMOVED
 (1 WILLOW, 1 ENGLISH OAK & 1 SAPLING)

LEGEND

- RIVET IN CONC.
- ⊕ STEEL STAR PICKET
- + GENERAL SPOT HEIGHT
- 🌳 TREE
- ⊖ SEP - SIDE ENTRY PIT
- ⊖ GP - GRATED PIT
- ⊖ JP - JUNCTION PIT
- ⊖ INV - INVERT PIPE
- ⊖ SIGN
- ⊖ EPT - ELECTRICITY PIT
- ⊖ SPIT - SEWER PIT
- ⊖ WV - WATER VALVE
- BREAKLINE
- CONCRETE KERB
- CONCRETE PATH
- DRIVEWAY
- EDGE OF CONCRETE
- SHED
- HOUSE/MAJOR BUILDING
- WINDOW
- BUILDING ROOF
- FENCE
- UNDERGROUND DRAINAGE
- TITLE BOUNDARY
- EASEMENT
- MAJOR CONTOUR
- MINOR CONTOUR
- DENOTES ROOF HEIGHT
- DENOTES WINDOW SILL HEIGHT
- DENOTES WINDOW HEAD HEIGHT
- HW - DENOTES HABITABLE WINDOW

WARNING
 THIS SURVEY RE-ESTABLISHES C/T V. 12079 FOL. 676 IN ACCORDANCE WITH THE CONVEYANCE AND REGISTRATION ACT 1987 AND DOES NOT ATTEMPT TO DETERMINE POSSESSORY RIGHTS THAT MAY EXIST OVER THE LAND BETWEEN THE TITLE BOUNDARIES AND FENCING. FULL TITLE DIMENSIONS SHOULD NOT BE ASSUMED FOR DESIGN PURPOSES WHERE FENCING ENCROACHES UNTIL THESE ISSUES HAVE BEEN RESOLVED.

WARNING
 BEWARE OF UNDERGROUND SERVICES
 THE LOCATIONS OF UNDERGROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT POSITION SHOULD BE PROVEN ON SITE. NO GUARANTEES GIVEN THAT ALL EXISTING SERVICES ARE SHOWN

BRICK BUILDING



Beveridge Williams
 development & environment consultants

Traralgon ph : 03 5176 0374

www.beveridgewilliams.com.au

CAD REFERENCE: 2000657 Vegetation Plan.dwg

SURVEYORS REF: 2000657
 VERSION A
 SURVEYOR: SF
 DRAWN: SF

SHEET SIZE: ORIGINAL A3
 CHECKED: NS
 SHEET: 1 OF 1

SCALE 1:500
 0 5 10 15 20
 LENGTHS ARE IN METRES

NOTATIONS

-LEVELS ARE TO AHD VIA GPS HEIGHTING OF YARRAGON PM87 (RL.70-374), SINES 17/08/2020. CONTOUR INTERVAL IS 0.10m.
 -DETAILS OF NEIGHBOURING PROPERTIES ARE SHOWN FOR PLANNING & DISCUSSION PURPOSES. THEY HAVE BEEN MEASURED FROM WITHIN SUBJECT SITE & THEREFORE THE POSITION OF THESE ARE APPROXIMATE.
 -SOME SYMBOLS, SPOT HEIGHTS & 3D TRIANGLES HAVE BEEN FROZEN (TURNED OFF) FOR CLARITY PURPOSES.
 -E-2 & E-3 DENOTES EXISTING DRAINAGE EASEMENTS (SEE TITLE FOR DETAILS)
 -DATE OF SURVEY 18TH AUGUST 2020

VEGETATION REMOVAL PLAN

5 PARER AVENUE,
 MOE 3825
 GARY HILL

PLANNING & ENVIRONMENT ACT 1987
 LATROBE CITY COUNCIL

Plan Approved Under Planning Permit No.2020/203
 Sheet 1 of 1 sheet(s)

Date:22/10/2020

Amelia Coleman
 Council Delegate

TBM (BW22)
 RIVET IN CONC
 R.L. 72.86

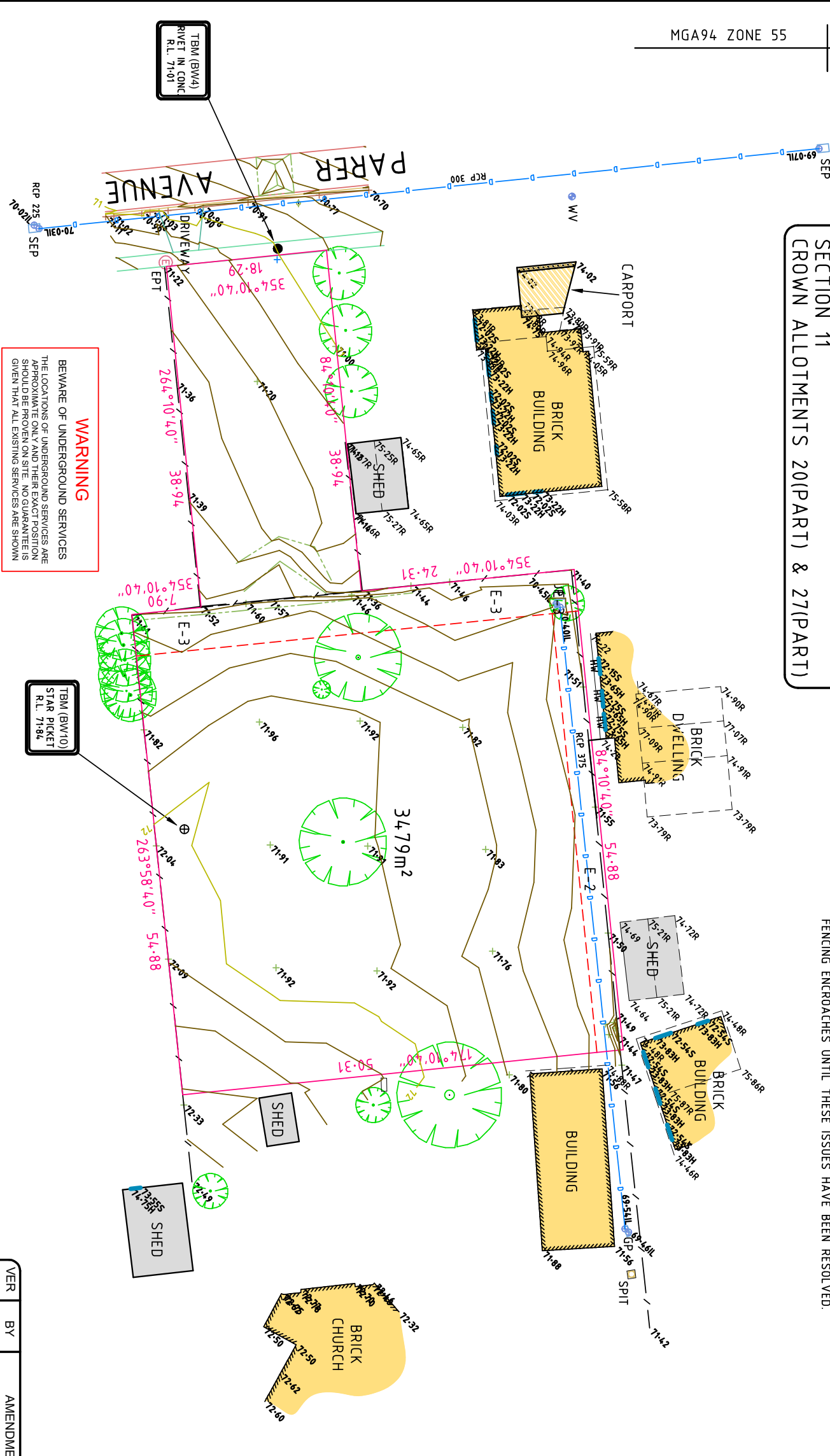
TBM (BW4)
 RIVET IN CONC
 R.L. 71.91

TBM (BW10)
 STAR PICKET
 R.L. 71.84

APPENDIX C: TITLE RE-ESTABLISHMENT AND LEVEL & FEATURE SURVEY PLAN

TITLE PARTICULARS
 TITLE REF: Vol. 12079 Fol. 676
 LAST PLAN REF: PS823972 (LOT 1)
 PARISH OF MOE
 TOWNSHIP OF MOE
 SECTION 11
 CROWN ALLOTMENTS 20(PART) & 27(PART)

WARNING
 THIS SURVEY RE-ESTABLISHES C/T VOL 12079 FOL 676 IN ACCORDANCE WITH TITLE DIMENSIONS, AND DOES NOT ATTEMPT TO DETERMINE POSSESSORY RIGHTS THAT MAY EXIST OVER THE LAND BETWEEN THE TITLE BOUNDARIES AND FENCING. FULL TITLE DIMENSIONS SHOULD NOT BE ASSUMED FOR DESIGN PURPOSES WHERE FENCING ENCROACHES UNTIL THESE ISSUES HAVE BEEN RESOLVED.

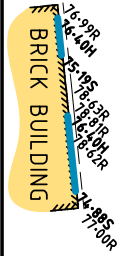


WARNING
 BEWARE OF UNDERGROUND SERVICES
 THE LOCATIONS OF UNDERGROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT POSITION SHOULD BE PROVEN ON SITE. NO GUARANTEES GIVEN THAT ALL EXISTING SERVICES ARE SHOWN

LEGEND

●	RIVET IN CONC.
⊕	STEEL STAR PICKET
+	GENERAL SPOT HEIGHT
🌳	TREE
⊖	SEP - SIDE ENTRY PIT
⊖	GP - GRATED PIT
⊖	JP - JUNCTION PIT
⊖	INVP - INVERT PIPE
⊖	SIGN
⊖	EPT - ELECTRICITY PIT
⊖	SPT - SEWER PIT
⊖	WV - WATER VALVE
—	BREAKLINE
—	CONCRETE KERB
—	CONCRETE PATH
—	DRIVEWAY
—	EDGE OF CONCRETE
—	SHED
—	HOUSE/MAJOR BUILDING
—	WINDOW
—	BUILDING ROOF
—	FENCE
—	UNDERGROUND DRAINAGE
—	TITLE BOUNDARY
—	EASEMENT
—	MAJOR CONTOUR
—	MINOR CONTOUR
—	74-03R DENOTES ROOF HEIGHT
—	74-03S DENOTES WINDOW SILL HEIGHT
—	74-33H DENOTES WINDOW HEAD HEIGHT
—	HW - DENOTES HABITABLE WINDOW

VER	BY	AMENDMENTS	DATE
B	SF	FRONT OF COMMUNITY BUILDING ADDED	12/20

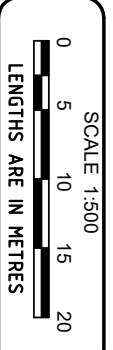


Beveridge Williams
 development & environment consultants
 Traralgon ph : 03 5176 0374
 www.beveridgewilliams.com.au

CAD REFERENCE: 2000657 Feature (2D).dwg

SURVEYORS REF: 2000657
 VERSION B
 SURVEYOR: SF
 DRAWN: SF

ORIGINAL SHEET SIZE: A3
 CHECKED: BV
 SHEET: 1 OF 1



NOTATIONS

LEVELS ARE TO AHD VIA GPS HEIGHTING OF YARRAGON PM87 (RL.70-374), SMES 17/08/2020. CONTOUR INTERVAL IS 0.10m.
 -DETAILS OF NEIGHBOURING PROPERTIES ARE SHOWN FOR PLANNING & DISCUSSION PURPOSES. THEY BEEN MEASURED FROM WITHIN SUBJECT SITE & THEREFORE THE POSITION OF THESE ARE APPROXIMATE.
 -SOME SYMBOLS, SPOT HEIGHTS & 3D TRIANGLES HAVE BEEN FROZEN (TURNED OFF) FOR CLARITY PURPOSES.
 -E-2 & E-3 DENOTES EXISTING DRAINAGE EASEMENTS (SEE TITLE FOR DETAILS)
 -DATE OF SURVEY 18TH AUGUST 2020

TITLE RE-ESTABLISHMENT SURVEY
FEATURE & LEVEL SURVEY

5 PARER AVENUE,
MOE 3825
 GARY HILL

APPENDIX D: HERITAGE CITATION FOR ST. ANDREW'S PRESBYTERIAN CHURCH AT 34 FOWLER STREET

ST ANDREW'S PRESBYTERIAN CHURCH

		Place No.	444
ADDRESS	34 Fowler Street Moe	Last Update	29/02/2008
		HO No.	



DESCRIPTION St Andrew's Presbyterian Church at Moe is a fine example of a Modernist church. The form of steeply pitched roof culminating in a high point near the altar is one that was adopted as an almost universal style of church building from the 1960s onward. The soaring roof form for churches became as ubiquitous in the later decades of the 20th century as the steeply pitched gable roof was in the 19th century. The symmetrical floor plan associated with churches of this type was dictated largely by the angled walls with the narrowing to the altar and widening to where the congregation is seated.

St Andrew's follows this pattern and is built of a predominantly grey-brown, multi-coloured brick blend with a tiled roof. The brick colouring is unusual and would have probably been a special blend. Window detailing and porches are of concrete and the large concrete elongated Latin cross dominates the front of the church. The architect, Keith Reid, has controlled where light enters the building through full length windows at the low points of the roof at the sides, long narrow windows at the altar and small openings above the side doors.

The church is situated on a large site and there are two additional buildings on the north side. One is a former SECV building of gabled roof form with metal deck cladding to the walls. A series of regularly spaced multi-paned windows are placed along both elevations. The entry is from a porch formed by the overhang of the gable at one end. It is possible that this was once used as workers' accommodation and moved to this site.

The other building is a fibro cement sheet and weatherboard hall with gabled roof and timber framed windows. It appears to date from c.1940 and may also have been moved to the site. It contains a kitchen, toilets and hall. The roof has been replaced with metal decking. The walls have weatherboard cladding to window sill level and fibro above.

There are several trees on site including three large specimens at the front of the church. At the front of the site are three mature trees; An Italian Cypress, a Liquidamber and a Flowering Gum. These trees complement the scale and setting of the church and are landmarks in the street.

The front fence is a low brick wall of non matching colour and is likely to be a later addition to the site. The manse is built of the same brickwork with a tiled roof and aluminium windows.

Condition	Good	Integrity	High
Threats	Redevelopment	Key elements	Buildings Tree/s
Designer	Keith Reid (Church)	Builder	N.L. Robinson (Church)

HISTORY**THEMATIC CONTEXT**

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

The churches and their associated buildings, such as halls, residences and schools, have made distinctive contributions to town streetscapes and rural districts throughout the region. Communities have had close affiliations with their churches, especially during times of sectarian rivalry when people's denominations greatly influenced their identity, work and social contacts. Churches also contain community memorials to local people through stained glass windows, monuments and plaques (Context, 2008:59)

PLACE HISTORY

The first Presbyterian Church in Moe was erected in Kirk Street in 1911 and dedicated on 17 December of that year. It served for almost fifty years until it was destroyed by fire in 1961 (MDHS, 1988:31).

As noted above the post-war era was a time of significant growth in Moe and all of the major religions erected new places of worship. The site for the new church in Fowler Street, comprising 3.5 acres of land was donated by Mr. Reg Adamson and he had the honour of laying the foundation stone on 3 March 1963 in the presence of Minister J.J. Den-Houting and Session Clerk, W. Wybenga. The architect was Keith Reid and the builder, N.L. Robinson (MDHS, 1988:31, Foundation stone).

After the church was built, the church hall, which had been built in 1955 in South Street, was moved to the site (MDHS, 1988:31).

When the Uniting Church of Australia, comprising Congregational, Methodist and Presbyterian congregations came into being in 1977 the Moe Presbyterian Church voted to be part of a continuing Presbyterian Church (MDHS, 1988:31).

KEITH REID, ARCHITECT

For 50 years Keith Reid designed a large number of predominantly Presbyterian churches, halls and manses in Victoria. From 1933 to 1939 he practised with John Pearson and one of their notable commissions in association with Stuart Calder was the McPherson's Building at 566 Collins Street, Melbourne, in 1934-37, one of the city's earliest examples of architecture influenced by the European Modern Movement. From 1939 to 1948 he practised alone, then between 1941-43 he worked in the Commonwealth Department of Munitions followed by a stint in the Army Engineers. K Murray Forster became a partner in 1949-51, and in 1967 Keith's son John joined his father as a partner creating the practice of Keith Reid and John R. Reid (Coleman, 1996:58). Their office designed a number of modernist houses in the suburbs of Templestowe and Warrandyte (Context). In 1978 Graham Reid joined his father, thus forming the practice Reid Partnership Pty Ltd. Keith Reid retired from full-time practice in 1983 (Coleman, 1996:58).

Keith Reid designed churches predominantly for the Presbyterian Church although he also did design at least two Anglican and three Baptist churches (Coleman, 1996:58). His first commission was a Presbyterian church in Mooroolbark in 1940. Other examples include the Templestowe Presbyterian Church (1967), the Regent Baptist Church (1964), The Avenue Uniting Church at Blackburn (1960), and St John's Anglican at Croydon (1956). In Gippsland Reid is known to have designed the Uniting Church at Trafalgar in 1958 (Context, 2006).

SOURCES

Foundation stone

Coleman, Ian & Roslyn et al, 'Twentieth century churches in Victoria, A study for the Historic Buildings Council', HBC, 1996

Context Pty Ltd & Dr Meredith Fletcher, 'Latrobe City Heritage Study. Volume 1: Thematic Environmental History', 2008

Context Pty Ltd, 'Baw Baw Shire Heritage Study Stage 1', Baw Baw Shire Council, 2006

Moe & District Historical Society (MDHS), 'A pictorial history of Moe', Moe, 1988

Creation Date 1963

Change Dates

Associations	Local Themes
Presbyterian Church, Keith Reid	9. COMMUNITY & CULTURAL LIFE 9.1 Creating places for worship
STATEMENT OF SIGNIFICANCE	<p>What is significant? Moe experienced significant growth in the post-Second World War. St Andrew's Presbyterian Church, Moe was constructed in 1963. It was the second Presbyterian Church in Moe and was built to serving the growing congregation. It was designed by the notable Modernist architect, Keith Reid and is a fine example of a Modernist church. The form of steeply pitched roof culminating in a high point near the altar is one that was adopted as an almost universal style of church building from the 1960s onward. The soaring roof form for churches became as ubiquitous in the later decades of the 20th century as the steeply pitched gable roof was in the 19th century. The symmetrical floor plan associated with churches of this type was dictated largely by the angled walls with the narrowing to the altar and widening to where the congregation is seated. St Andrew's follows this pattern and is built of a predominantly grey-brown, multi-coloured brick blend with a tiled roof. The brick colouring is unusual and would have probably been a special blend. Window detailing and porches are of concrete and the large concrete elongated Latin cross dominates the front of the church. The architect, Keith Reid, has controlled where light enters the building through full length windows at the low points of the roof at the sides, long narrow windows at the altar and small openings above the side doors.</p> <p>The church is situated on a large site and there are two additional buildings on the north side. One is a former SECV building of gabled roof form with metal deck cladding to the walls. A series of regularly spaced multi-paned windows are placed along both elevations. The entry is from a porch formed by the overhang of the gable at one end. It is possible that this was once used as workers' accommodation and moved to this site. The other building is a fibro cement sheet and weatherboard hall with gabled roof and timber framed windows. It was moved to the site. It contains a kitchen, toilets and hall. The roof has been replaced with metal decking. The walls have weatherboard cladding to window sill level and fibro above.</p> <p>There are several trees on site including three large specimens at the front of the church. At the front of the site are three mature trees; An Italian Cypress, a Liquidamber and a Flowering Gum. These trees complement the scale and setting of the church and are landmarks in the street.</p> <p>The low front fence and the manse are not significant.</p> <p>How is it significant? St Andrew's Presbyterian Church, Moe is of local historic, social, and aesthetic significance to Latrobe City.</p> <p>Why is it significant? St Andrew's Presbyterian Church, Moe is of historical significance as a representative example of a community building that is associated with an important phase of development of Moe in the post-Second World War era. It provides tangible evidence of the new community facilities that were built to serve the needs of the growing population. It is also significant as a rare example of a church that continued as a Presbyterian church after the creation of the Uniting Church in 1977. It is also significant as an example of the work of notable Modernist architect, Keith Reid, which illustrates the influence of Modernism upon church design in the post-war era. (RNE criteria A.4, D.2, H.1)</p> <p>St Andrew's Presbyterian Church, Moe is of social significance as a building that has been used by the community for over 50 years. (RNE criterion G.1)</p> <p>St Andrew's Presbyterian Church, Moe is of architectural significance as a fine example of a Modernist church, which is the best example of this style in Latrobe City and one of the best in the Gippsland region. The intactness of the church, including its interior, which demonstrates the skill of the architect, contributes to its significance. It has aesthetic qualities as a landmark building, and the mature trees at the front of the site contribute to its setting (RNE criteria E.1, F.1)</p>
LEVEL	Local significance

RECOMMENDATIONS

Heritage Register Listings

Register	Reference	Zoning	Status
Latrobe Planning Scheme	HO		Recommended

Extent To the extent of the whole property as defined by the title boundaries.

Heritage Schedule

External Paint Controls:	No	On VHR:	No	VHR Ref No:	No
Internal Alteration Controls:	No	Prohibited Uses:	No		
Tree Controls:	Yes	Aboriginal Heritage Place:	No		
Outbuildings or Fences:	No	Incorporated Plan:	No	Incorporated Plan Details	
Description:	None specified			Incorporated Plan Details	None specified

Conservation Management**GUIDELINES (GENERAL)**

In order to conserve the heritage significance of this place, it is policy to, as appropriate:

1. Conserve the fabric of the features (building, structure, tree, fence etc.) that contribute to the significance of the place and in particular to:
 - Encourage the accurate restoration or reconstruction of missing or modified features on the basis of available evidence.
 - Encourage the removal of non-significant or intrusive elements, particularly where this would assist in revealing or interpreting the significance of the place.
- 2a. Encourage a contextual approach to new development that is complementary in form, scale detailing and materials to the significant building/s or other features, but is clearly contemporary in design.
- 2b. Avoid new development that distorts the historic evidence by simply copying or reproducing historic styles or detailing.
3. Ensure that new development does not become a visually dominant element as a result of its scale, form or siting; i.e. it should appear as a secondary element when compared to the significant building/s or other features.
- 4a. Discourage the demolition of significant buildings except where it can be demonstrated that:
 - the building is structurally unsound and cannot feasibly be repaired, or
 - any repairs would require the replacement of significant fabric to such an extent that the integrity of the building would be so reduced that it is no longer significant.
- 4b. Demolition or removal of part of a significant building or feature may be considered when it can be demonstrated to the satisfaction of the responsible authority that its demolition or removal will not adversely affect the significance of the place and, as appropriate:
 - It will remove a non-significant alteration or addition, particularly where this would assist in revealing the significance of the place, or
 - It will assist in the long term conservation or maintenance of the place, or
 - It will support the viability of the existing use of the place or will facilitate a new use that is compatible with the on-going conservation of the building, or
 - It will upgrade the building to meet contemporary living standards such as improving energy efficiency.
5. Conserve significant outbuildings and maintain a visual relationship between the outbuildings and other buildings in order to demonstrate the historic use and/or development of the place.
6. Conserve significant trees or other plantings (see below), and maintain a visual relationship between the plantings and the significant buildings on the property.

7. Conserve or reveal views that contribute to the significance of the place.
8. In the case of subdivision of the place, encourage the retention of the significant features on one lot.

GUIDELINES (SPECIFIC)

None specified.

GUIDELINES (TREES)

In order to conserve the heritage significance of significant trees, it policy to:

- i. Encourage regular maintenance of significant trees including monitoring of condition, pruning, pest and disease.
- ii. Ensure that any future development or changes in immediate environmental conditions, adjacent to the significant trees does not have a detrimental impact upon the integrity and condition of the trees. Investigate ways in which adjacent development could include or coordinate with recovery and improvement of the trees' integrity and condition.
- iii. If the significant trees require replacement, encourage replacement with 'like with like' species

REVIEW OF SIGNIFICANCE & POLICY

While every effort has been made to ensure that the information contained in this citation is accurate, it is possible that more detailed investigation may reveal further information about the significance of the place. For example, in most cases an internal inspection was not made of buildings at the time of initial assessment. In the time since the place was first assessed it is also possible that the condition of buildings or trees may have changed.

The information contained in this citation should therefore be reviewed at the time that it is proposed to make changes to the property. This would likely require a more detailed assessment of any significant or contributory element that is affected by any proposed buildings or works. Once this more detailed assessment has been made, a review of the significance of the place and the conservation policy should be carried out by Council's Heritage Adviser or an appropriately qualified professional.

Extra Research None specified

BIBLIOGRAPHY Context Pty Ltd. (2008), Latrobe City Heritage Study, Latrobe City Council, Morwell

APPENDIX E: LATROBE CITY COUNCIL PRELIMINARY ADVICE

PLANNING ADVICE

CUSTOMER	Nicole Stow, Beveridge Williams & Co
ADDRESS	5 Parer Street, Moe
ZONE	Neighbourhood Residential Zone Schedule 1 (part) Residential Growth Zone Schedule 3 (part)
OVERLAY	Heritage Overlay HO35
SUBJECT	Permit Requirements

Thank you for your request for written planning advice received on 18 June 2020 in relation to the development of land for multi dwellings at 5 Parer Street, Moe (Lot 1 PS823972).

Based on the information provided, I provide you with the following advice.

The subject land is zoned Residential Growth Zone Schedule 2 (RGZ2) at the front and Neighbourhood Residential Zone Schedule 1 (NRZ1) at the rear. The rear of the site is also subject to Heritage Overlay HO35.

Pursuant to Clause 21.09-4, the front of the site is located in an area of 'substantial change (adjoining heritage)' and the rear is 'minimal change' on the Moe-Newborough Housing Framework Plan.

Clause 21.02-11 Objective 2 – Substantial Change Areas states:
Encourage a substantial increase in housing density and diversity to maximise access to existing services, transport and infrastructure. Low scale apartments and townhouses among other housing types are supported.

Clause 21.02-14 Objective 5 – Minimal Change Areas states:
Preserve and enhance the significant environmental, heritage or neighbourhood character attributes through minimal housing growth and change. Single dwellings and dual occupancies are supported.

Whilst the zonings and overlay that apply to the land do not prohibit multi dwellings, the development of each part of the site is subject to the applicable policy which is to be read in conjunction with the zoning and zoning schedules, the Heritage Overlay (where it applies) and Clause 55.

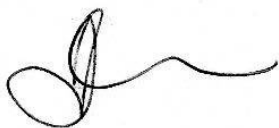
Please be advised that Council has recently approached DELWP on behalf of the landowner to rezone the NRZ1 part of the site to RGZ2 and remove the Heritage Overlay. DELWP has advised that a full planning scheme amendment would be required to be undertaken to achieve this. It is possible that a section 20(2) amendment might be considered with limited notification.

Advice has been provided to the landowner that the planning scheme amendment would be at their cost and would need to include a heritage report to remove the heritage overlay at the rear of the property, and an amended housing framework plan for Moe-Newborough showing the rear of the site has substantial change (adjoining heritage) and an amended zoning map.

Please note: This advice and information provided is preliminary in nature and is based on the current provisions of the planning scheme which may change over time. A detailed assessment will be conducted when the planning permit application is formally lodged. Further information may be requested at that stage if it is considered necessary to assess the proposal. This advice is also subject to any restriction, encumbrance or covenant on title and is based on the information that has been provided to Council about your proposal.

If you have any enquiries regarding this matter, please contact the Statutory Planning team on 1300 367 700.

Yours sincerely



Janet Power
Planning Officer

APPENDIX F: HERITAGE ADVICE BY CONTEXT PTY LTD



9 April 2020

Ms Karen Egan
Senior Strategic Planner
Latrobe City Council

Email: Karen.Egan@latrobe.vic.gov.au

Our Ref: 2579

Melbourne Office
22 Merri Street
Brunswick VIC Australia 3056
T +61 3 9380 6933
E context@contextpl.com.au

GML Heritage Victoria Pty Ltd
trading as Context
ABN 31 620 754 761

Re: Tree removal proposal – 34 Fowler Street, Moe (HO35)

Dear Karen,

This letter of advice is prepared in response to a request for statutory advice submitted by Kristy Crawford, Senior Statutory Planner, on 28 February 2020, regarding the land at 34 Fowler Street, Moe, and a subsequent email from Karen Egan requesting additional information of a strategic nature relating to the land at 5 Parer Avenue, Moe. Both places are included within the curtilage of HO35 St Andrews Presbyterian Church.



Figure 1 Curtilage of HO35 'St Andrews Presbyterian Church'. Note the Heritage Overlay is applied to both lots 1 and 2 of PS823972.

The advice below addresses all queries to date, including:

- Are the two trees on the western boundary of Lot 2 considered to be significant to HO35?
- Should removal of the two trees on the western boundary of Lot 2 be supported?
- Are the two trees on Lot 1 significant?
- Can the Heritage Overlay be removed from Lot 1?

CONTEXT

Background

St Andrews Presbyterian Church is Scheduled as HO35 in the Schedule to the Heritage Overlay of the Latrobe Planning Scheme. The Heritage Overlay was applied several years ago to the whole of 34 Fowler Street, Moe. The land was recently subdivided into two lots.

Lot 1 (now known as 5 Parer Avenue, Moe) is flat, grassed vacant land with two immature trees located near the centre of the lot.

Lot 2 (34 Fowler Street, Moe) contains a substantial Modernist Church (St Andrews Presbyterian Church) set well back on the lot, with two additional buildings (both relocated to 34 Fowler Street from elsewhere) situated on the northern boundary. Mature trees, including Liquidambar (*Liquidambar styraciflua*), Italian Cypress (*Cupressus sempervirens*) and Flowering Gum (*Corymbia ficifolia*), as well as a variety of smaller shrubs are located in the front setback of the lot. A low brick front fence with glazed tile capping extends across the Fowler Street boundary with a deep inset to accommodate the substantial Flowering Gum, located on the street boundary.

A site inspection of the whole heritage place was undertaken on 1 April 2020.

HO35 applies to both 34 Fowler Street and 5 Parer Avenue. Additional controls which apply to the site are Internal Controls (Church only) and Tree Controls under *Clause 43.01-3*. The Statement of Significance identifies the Church and mature plantings of Liquidambar, Italian Cypress and Flowering Gum as significant. The Statement of Significance does not clearly identify whether the outbuildings are considered significant to the heritage place, although the front fence is clearly identified as not significant.



Figure 2 Trees identified as contributing to the significance of the site (left to right, Italian Cypress, Liquidambar, Flowering Gum)

CONTEXT

Council has raised two specific queries regarding the site. The first relates to a proposal to remove two trees located on the rear boundary of Lot 2, and whether these trees are considered significant, and should be allowed to be removed. The second is strategic and relates to a proposal to remove the Heritage Overlay from Lot 1.



Figure 3 Subject site (34 Fowler Street, Moe - Lots 1 and 2) showing location of trees on each lot under review.

In considering the above queries, an inspection of the site has been carried out, and the following documentation reviewed:

- Schedule to the Heritage Overlay of Latrobe Planning Scheme
- the published Statement of Significance, place citation and management recommendations in the HERMES database for HERMES No: 119879 'St Andrews Presbyterian Church'
- Local Policy Clause 21.06 *Built Environment and Heritage*, Latrobe Planning Scheme
- Incorporated Plan *Latrobe City HO Permit Exemptions and Applications Requirements, July 2010*

Removal of 2 trees to the rear of 34 Fowler Street, Moe & 2 trees located on land at 5 Parer Avenue, Moe (HO35)

Discussion

The Schedule to the Heritage Overlay applies Tree Controls to the whole site. Clause 43.01-1 states that 'a permit is required to remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply'.

An inspection of the site, undertaken in April 2020 found that the three trees mentioned in the Statement of Significance remain extant, and are in good condition. A range of other trees and shrubs are located in the front setback of 34 Fowler Street, including semi-mature specimens of She Oak, Silky Oak, Camellia, Cypress and a range of Australian native shrubs. A mature specimen of eucalypt species and an immature

CONTEXT

Silver Birch are located on the rear boundary of 34 Fowler Street. Two immature plantings of English Oak are located on the vacant land at 5 Parer Avenue.

In considering whether these trees were significant to the site, regard is given to the Statement of Significance and my own expert opinion. Firstly, the 'What is Significant' portion of the statement identifies as significant to the heritage place '...three mature trees; An Italian Cypress, a Liquidambar and a Flowering Gum'. Secondly, the 'Why is it Significant' portion of the statement justifies the importance of these elements as '...the mature trees at the front of the site contribute to its [the church's] setting'.

It is therefore reasonable to believe that the intent in applying additional Tree Controls to HO35 was to protect the three mature specimens (mentioned above) located to the front of the church at 34 Fowler Street, rather than the other trees on the land covered by HO35. This reasoning is supported by the site inspection, which found that all of the other trees located on the site were of lesser (if any) significance to the heritage place, most making a limited contribution to the setting of the Church itself through their location, size and age. It is agreed that the only trees which contribute to the heritage place are those specifically mentioned in the statement of significance.

The Silver Birch located on the rear boundary of 34 Fowler Street is a small and stunted specimen of no heritage or aesthetic value to the place. The adjacent eucalypt is substantial in size and scale, but its location – set well back on the lot (some 20m to the rear of the Church) diminishes any aesthetic contribution the tree may make to the heritage place.



CONTEXT

Figure 4 Subject trees located on the rear (west) boundary of 34 Fowler Street.



Figure 5 View of subject eucalypt to the rear of the site, demonstrating limited contribution to the setting of the church. Also showing other lesser (non-contributory) plantings to the front of the site.

The trees located on the land at 5 Parer Avenue are both immature specimens of English Oak and Willow, estimated to be approximately 20 years old. As plantings which are unrelated spatially, historically and aesthetically to the construction of the church these trees have no heritage significance.

In response to *Clause 21.06-8*, which states that the objective of this clause is to identify, recognise and protect places of heritage, cultural and social significance, there is no concern with the removal (or demolition) of the two trees on the rear boundary, nor those on the land at 5 Parer Avenue, as:

- they are not part of the identified fabric which contributes to the significance of the place, and
- their removal will have no detrimental impact on the significance of understanding of HO35 St. Andrews Presbyterian Church, nor will it adversely affect the significance of the place.

Conclusion

It is therefore my opinion, that as none of the four trees are identified as contributory in the statement of significance and this assessment is supported by a site inspection, an application to remove any of the specified trees (Silver Birch, Eucalyptus, English Oak and Willow) at 34 Fowler Street and 5 Parer Avenue, Moe can be supported. A planning permit application will however be required as Tree Controls apply under the Heritage Overlay.

Removal of HO35 from land at 5 Parer Avenue, Moe

Discussion

The Heritage Overlay is currently applied to the whole of the former Church Reserve. This approach is consistent with previous and current Practice Notes related to the application of the Heritage Overlay. Originally a single lot, the land was recently subdivided into two separate lots, the Church and its associated

CONTEXT

buildings and garden remaining as 34 Fowler Street and the vacant land to the rear becoming 5 Parer Avenue, Moe.

A site inspection of the land found that the land at 5 Parer Avenue has been fenced into two smaller lots (it appears that this has been used for animal grazing in the immediate past), and the only features of any note are two immature exotic trees, an English Oak and a Willow, both approximately 20-25 years old and a small concrete trough of no heritage interest.

The subject site has recently been sold, and it is understood that the new owner wishes to remove the Heritage Overlay, and develop the land. It is important to note that while the HO remains on 5 Parer Avenue, Council retains some control over the way in which the land is developed. Ideally, the Heritage Overlay would be retained to ensure that the scale, form, materials, density and setbacks of new development is sympathetic to and does not adversely impact the significant elements of HO35 as identified in the Statement of Significance. Once the Heritage Overlay is removed, there may be no requirement for a Planning Permit if the proposal complies with other regulations specified in the zone.

The Practice Note *Applying the Heritage Overlay* (2018:5) provides the following guidance for the appropriate application of curtilage for the Heritage Overlay:

The Heritage Overlay applies to both the listed heritage item and its associated land. It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item.

In considering whether there is a strong case for the removal of the Heritage Overlay from 5 Parer Avenue, regard is given to whether the removal of HO35 from this land would still allow an adequate setting and context for the heritage place (or item). The heritage place is identified in the Statement of Significance as the church itself, its associated outbuildings and the tree trees to the Fowler Street frontage. The significant elements are all united onto the 34 Fowler Street lot, which is substantial and provides an appropriate and generous setting and context to the heritage place.

The land at 5 Parer Street makes no particular contribution to the understanding or significance of the heritage place, other than to demonstrate the size of the original land bequest in 1963, which is not considered essential to understanding the significance of the site.

Given the above considerations, it is therefore an acceptable outcome to allow a Planning Scheme Amendment to remove the Heritage Overlay HO35 from 5 Parer Avenue, Moe.

However, in considering the strategic removal of the Heritage Overlay from the land, this should be timed to ensure that Council retains control of development on the lot to ensure that appropriate consideration of the impacts that any new development might have on the Church complex is considered adequately.

The removal of the Heritage Overlay prior to the site being developed may result in inappropriate and insensitive development which has an adverse impact on the heritage significance of the Church complex. It is therefore recommended that the Heritage Overlay either:

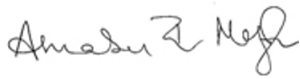
1. remains in place until the site is developed, or
2. that a Planning Scheme Amendment for removal of the Heritage Overlay, combined with an endorsed set of suitable plans (which adequately consider the impact of the development on the Church complex) is lodged in conjunction, with one dependent on the other.

CONTEXT

Conclusion

The removal of the Heritage Overlay from 5 Parer Avenue, Moe is an acceptable outcome. Council should however not allow or facilitate the removal of the Heritage Overlay from this land until there is certainty that any proposed development will not result in an adverse impact on the St Andrews Presbyterian Church complex at 34 Fowler Street, Moe.

Yours Sincerely,



Annabel Neylon, Special Advisor

APPENDIX G: MEMORANDUM OF HERITAGE ADVICE BY PETER BARRETT

Peter Andrew Barrett

Architectural Conservation
Consultant

Melbourne
San Francisco

Level 31
120 Collins Street
Melbourne
Victoria 3000
Australia

T: 61 3 9639 2646
E: info@pabarrett.com
W: www.pabarrett.com

4 November 2021

MEMORANDUM OF HERITAGE ADVICE

ATTENTION: NICOLE STOW
PRINCIPAL TOWN PLANNER
BEVERIDGE WILLIAMS

REGARDING: PROPOSED UNIT DEVELOPMENT
5 PARER AVENUE, MOE

Thank you for referring this matter to me for comment.

I have now had the opportunity to inspect the subject site, and review drawings of the proposed works. These are drawings titled 'Unit Development. 5 Parer Avenue, Moe', Revision P1, prepared by Latrobe Valley Drafting, and are dated 27 October 2021. The works involve building nine, single-storey, residential units for independent living of the aged. All but one unit is semi-detached, and the development is landscaped. The units are accessed from a drive leading from Parer Avenue. Units flank the drive towards the rear of the site. The units are designed in a restrained contemporary expression, with walls clad in Hebel panels and brick veneer, and roofing in Lysaght Custom Orb steel cladding.

In the course of preparing this memorandum of heritage advice, I have also reviewed an Explanatory Report in regard to Amendment C133LATR. The amendment seeks to rezone the portion of this site currently in Neighbourhood Residential Zone, Schedule 1 (NRZ1) to the Residential Growth Zone, Schedule 2 (RGZ2); and remove the existing heritage overlay HO35 from the rear of this site. The amendment to the heritage overlay will scale back HO35 to include only the land and buildings that now form part of the St Andrews Presbyterian Church, and exclude land alienated at the rear portion of the church that now forms part of this development site in Parer Avenue.

I make the following comments from a heritage perspective.

In assessing any potential impacts from a proposed development upon either land subject to the heritage overlay, or adjacent to a heritage overlay, the statement of significance for the heritage place will provide assistance in understanding the inherent heritage values of a site that need to be retained and conserved. The statement of significance for the HO35 St Andrews Presbyterian Church, prepared as part of the 'Latrobe City Heritage Study' (vol 3, 2020), identifies this heritage place to be of historic, social and aesthetic significance, with these values said to derive from:

Peter Andrew Barrett

St Andrew's Presbyterian Church, Moe is of historical significance as a representative example of a community building that is associated with an important phase of development of Moe in the post-Second World War era. It provides tangible evidence of the new community facilities that were built to serve the needs of the growing population. It is also significant as a rare example of a church that continued as a Presbyterian church after the creation of the Uniting Church in 1977. It is also significant as an example of the work of notable Modernist architect, Keith Reid, which illustrates the influence of Modernism upon church design in the post-war era. (RNE criteria A.4, D.2, H.1 [HERCON Criterion A])

St Andrew's Presbyterian Church, Moe is of social significance as a building that has been used by the community for over 50 years. (RNE criterion G.1 [HERCON Criterion G])

St Andrew's Presbyterian Church, Moe is of architectural significance as a fine example of a Modernist church, which is the best example of this style in Latrobe City and one of the best in the Gippsland region. The intactness of the church, including its interior, which demonstrates the skill of the architect, contributes to its significance. It has aesthetic qualities as a landmark building, and the mature trees at the front of the site contribute to its setting (RNE criteria E.1, F.1 [Criterion E]).

The subdivision of the church site has been approved (Subdivision 823972V), and resulted in the need for Amendment C133LATR to rezone the land and to remove a portion of the site from the heritage overlay HO35 St Andrews Presbyterian Church.

The proposed rezoning and removal of the existing heritage controls (HO35) on this former land of the St Andrew's Presbyterian Church, and its subsequent redevelopment into nine residential units for independent aged living, will have no appreciable impacts upon the recognised heritage values of HO35 St Andrew's Presbyterian Church, Moe.

The recognised historic social and architectural values of St Andrews Presbyterian Church will be maintained, as the church building of 1963 is not physically impacted by the proposed works. Nor will the church be visually impacted by this proposed development to its rear, as the proposed units are single-storey in scale and set back some distance from the rear elevation of the church. Views of the proposed development from Fowler Avenue, at the front of St Andrews Presbyterian Church, will be glimpses of the roofs of the proposed units.

I note that the citation identifies only three specific trees on the St Andrews Presbyterian Church site, all of these are adjacent to Fowler Avenue, and will not be affected by the proposed works.

Peter Andrew Barrett

The proposed works are consistent with the intention of the amendment, which is to allow for substantial change adjoining a heritage place. This will be a residential development sympathetic in scale to the adjacent church, and one that will not impact upon the historic and social significance of St Andrew's. The provision of housing for the aged is a use consistent with the earlier history of this site, when, as part of St Andrew's Presbyterian Church, it was a place for the provision of care and support to members of the community with special needs.

The purpose of a heritage overlay, as defined by Clause 43.01 Heritage Overlay of the *Latrobe Planning Scheme*, is to conserve and enhance heritage places and to ensure that new works do not adversely affect a heritage place. In assessing a proposed development adjacent to a heritage place, the responsible authority must consider as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*
- *Any applicable heritage design guideline specified in the schedule to this overlay.*
- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place. **Not applicable***
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the proposed subdivision will adversely affect the significance of the heritage place. **Not applicable. Subdivision approved.***
- *Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place. **Not applicable***
- *Whether the lopping or development will adversely affect the health, appearance or significance of the tree.*
- *Whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place. **Not applicable***

Peter Andrew Barrett

The proposed works will not impact upon the recognised historic, social and aesthetic values of St Andrews Presbyterian Church, as defined by the statement of significance in the 'Latrobe City Heritage Study'. The alienation of part of the subject site from St Andrew's Presbyterian Church has not impacted upon the Church's heritage values, as the land to the rear of the church does not contain any built form or landscaping of significance.

The bulk, form and scale of the proposed units will not visually impact upon the church, in particular the appreciation of St Andrews Presbyterian Church from the Fowler Avenue frontage, or within the church grounds. From many points within the St Andrew's site, the proposed development will be obscured by the church and its auxiliary buildings and a fence. This fence will be 1.8 metres in height, and will extend across the shared boundary of the church and the proposed unit development.

The proposal is also consistent with Clause 15.03 Heritage Conservation of the *Latrobe Planning Scheme*, which seeks to conserve places of heritage significance and encourage development that respects places with heritage values through appropriate siting and design.

The proposed works are in my view consistent with the intent of the heritage overlay, which is to conserve heritage places and to ensure that new works do not adversely affect them. In my view, the proposed works will not impact upon the recognised heritage values of St Andrew's Presbyterian Church, as appreciated and understood today. It is a development of an appropriate use, scale and design in terms of its response to St Andrew's Presbyterian Church. It is on this basis that I believe the proposed nine-unit residential development is supportable from a heritage perspective.

Please contact me if you have any questions concerning this matter.

Yours sincerely



Peter Barrett
Master of Architectural
History & Conservation (Melb.)

Peter Andrew Barrett

APPENDIX H: PLANNING PERMIT APPLICATION FORM AND PROPOSED DEVELOPMENT PLANS

Planning and Environment Act 1987

LATROBE PLANNING SCHEME
AMENDMENT C133LATR
PLANNING PERMIT APPLICATION 2022/17
EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the Latrobe City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Beveridge Williams & Co Pty Ltd, on behalf of the land owner Hillview Property Group Pty Ltd.

Land affected by the amendment

The amendment applies to land at 5 Parer Avenue, Moe.

The land is known as Lot 1 Plan of Subdivision 823972V and contained in Certificate of Title Volume 12079 Folio 676.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

The amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The planning permit application applies to land at 5 Parer Avenue, Moe.

The land is known as Lot 1 Plan of Subdivision 823972V and contained in Certificate of Title Volume 12079 Folio 676.

What the amendment does

The amendment seeks to:

- Rezone the portion of the site currently in the Neighbourhood Residential Zone, Schedule 1 (NRZ1) (being approximately 2,760m²) to the Residential Growth Zone, Schedule 2 (RGZ2) and amend Map 27 of the Latrobe Planning Scheme accordingly;
- Delete the Heritage Overlay (HO35) and amend Map 27HO of the Latrobe Planning Scheme accordingly; and,
- Amend the Planning Policy Framework at Clause 16.01-1L by replacing the Moe-Newborough Housing Framework Plan to include all the site within a Substantial Change (adjoining heritage) area.

The planning permit application seeks approval for:

- Construction of nine (9) single storey dwellings on the land.

The planning permit is attached as a separate document to this Explanatory Report.

Strategic assessment of the amendment

Why is the amendment required?

The amendment seeks to rezone that portion of the land currently in the Neighbourhood Residential Zone, Schedule 1 (Heritage Precincts and Areas Affected by Environmental Constraints) to the Residential Growth Zone, Schedule 2 (Compact Living with Special Character) and delete the Heritage Overlay.

The RGZ2 applies to rectangular portion of the site abutting Parer Avenue (having an area of approximately 712m²). The balance land, being approximately 2,767m², is zoned NRZ1. The dual zoning of the site is a result of the recent (May 2019) subdivision of the land with the adjacent property at 34 Fowler Street. This subdivision, authorised by Planning Permit no. 2017/214, resulted in the land formerly comprised within the title to 34 Fowler Street (i.e. the vacant and unused rear portion of the St. Andrew's Presbyterian Church property) being consolidated with the title to 5 Parer Avenue. The resultant dual-zoning of the consolidated parcel forming 5 Parer Avenue was not considered by the Latrobe City Council as an impediment to the subdivision approval. Following completion of the subdivision and issuing of the new titles, the Presbyterian Church of Victoria Trusts Corporation sold the consolidated land parcel at 5 Parer Avenue to the current owner, Hillview Property Group Pty Ltd. Hillview Property Group intend developing the land for multiple dwellings as per the planning permit application submitted in conjunction with the amendment.

The Neighbourhood Residential Zone, Schedule 1, does not explicitly discourage the development of multiple dwellings on the site. However, the portion of the site zoned NRZ1 is identified as a 'Minimal Change Area' on the Moe-Newborough Housing Framework Plan at Clause 16.01-1L of the Municipal Strategic Statement. The corresponding strategies for Minimal Change Areas are as stated in this clause, are to '*support minimal change in the form of detached houses and dual occupancies in locations with distinct character attributes, such as heritage, neighbourhood character, environmental or amenity values or infrastructure limitations*' and '*encourage the retention and provision of vegetated areas including canopy trees and large garden spaces*'. These strategies do not support more intensive residential development of the site, which is a significant impediment for a fully serviced, vacant and relatively unencumbered 3,479m² land parcel situated approximately 200 metres from the edge of Moe's Primary Activity Centre.

The amendment seeks to apply a consistent planning control across the whole of the site and a corresponding housing framework that provides for higher density residential development that is sympathetic to the identified heritage values of the St. Andrew's Presbyterian Church. The amendment will achieve this by:

- Providing greater flexibility for the development of the land with multiple dwellings, which is not afforded under the existing Neighbourhood Residential Zone and 'Minimal Change' designation on the Moe-Newborough Housing Framework Plan;
- Providing a planning control that will facilitate a higher density residential development of the land, which is specifically encouraged within the Moe Transit City Precinct and 400 metre catchment of Moe's Primary Activity Centre;
- Removing a dual-zoning anomaly that was not addressed appropriately at the time of the subdivision approval which created the subject lot in 2019;

- Deleting a redundant Heritage Overlay control that is no longer applicable or appropriate, given that the affected land has been alienated from the St. Andrews Presbyterian Church property and does not present any contribution to its heritage significance; and,
- Providing an appropriate level of control over the intended development of the land for multiple dwellings in accordance with the accompanying planning permit application.

The amendment is necessary, as there are no other mechanisms capable of achieving the desired future land development outcome as detailed in the accompanying planning permit application. The matters addressed in the amendment are not dealt with under other regulations.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria as set out in the Planning and Environment Act 1987:

- *'To provide for the fair, orderly, economic and sustainable use and development of land*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria*
- *To balance the present and future interests of all Victorians'*

The amendment provides for the orderly use and development of large, vacant and fully serviced residential property within Moe's town boundary, thereby maximising use of existing infrastructure and community facilities and reducing the pressure for urban sprawl. This will be achieved through the application of an appropriate land zoning and removal of a redundant overlay control to guide future land use and development on the site and provide for a sustainable and pleasant living environment.

How does the amendment address any environmental, social and economic effects?

Environmental effects

The site is devoid of native vegetation and does not have any other significant environmental characteristics.

Other environmental matters, such as stormwater management, can be addressed through conditions on the planning permit and/or building permit.

Social effects

The amendment will have positive social effects on the community of Moe. The amendment will facilitate the use and development of a large residential site that is currently unused and vacant. It provides a significant opportunity to facilitate new housing opportunities, building development and associated landscape design works, which will enhance the amenity and

liveability of the public realm and promote the attractiveness of this part of Moe's urban area. It also promotes the concept of a 'walkable neighbourhood' by facilitating increased residential densities within walking distance of the Primary Activity Centre and public transport network.

Economic effects

The amendment will have positive economic effects. It will facilitate the infill development of residential land within Moe's town boundary and make more efficient usage of existing servicing and community infrastructure. The future development of the land is expected to provide additional short-term employment opportunities associated with building construction and associated works, which will be beneficial to the local economy.

Does the amendment address relevant bushfire risk?

The amendment will not result in any increase to the risk to life, property, community, infrastructure or the natural environment from bushfire.

The site is not within a designated bushfire prone area.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with Ministerial Direction No. 11 – Strategic Assessment of Amendments and Ministerial Direction No. 15 – The Planning Scheme Amendment Process.

The amendment is also consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The following provisions of the Planning Policy Framework (PPF) are relevant to the consideration of this amendment:

- Clause 11.01 & 11.02 – Settlement & Structure planning
- Clause 11.03 – Activity centres
- Clause 15.01 – Urban design, Building design and Neighbourhood character
- Clause 15.02 – Energy and Resource efficiency
- Clause 15.03 – Heritage conservation
- Clause 16.01 – Housing supply & Housing affordability

Clauses 11.01 & 11.02 – *Settlement and Structure planning* seeks to focus both investment and growth in major regional centres such as Latrobe City. It states that settlement boundaries need to be reinforced to limit urban sprawl, develop compact urban areas and maximise accessibility to facilities and services. The planning of settlements is to be guided by the relevant regional growth plan and structure plan and opportunities for urban renewal and infill development should be promoted and capitalised on. The amendment is consistent with these objectives and strategies, as it will facilitate a residential infill development within a major regional centre and maximise the use of existing infrastructure and community facilities.

Clause 11.03 – *Activity centres* seeks to provide a diversity of housing types at higher densities where they are accessible to commercial and community facilities and public transport. The amendment will apply a zone and accompanying schedule that will facilitate more intensive residential development of the site within 200 metres of Moe's Primary Activity Centre and public transport network and within a precinct specifically identified as suitable for housing demonstration projects.

Clause 15.01 – *Urban design, Building design and Neighbourhood character* seeks to create urban environments that respond to their site context in terms of character, natural features and surrounding landscape. The amendment will apply a zone and accompanying schedule that will facilitate new housing opportunities, building development and associated landscape design works. This is expected to enhance the amenity and liveability of the site and surrounding area.

Clause 15.02 – *Energy and resource efficiency* seeks to encourage land use and development that is energy and resource efficient and minimises greenhouse gas emissions. It states that consolidation of urban development will be promoted and supported by low energy forms of transport such as walking and cycling. The amendment will apply a zone and accompanying schedule that will facilitate more intensive residential development of the site, comprising smaller and energy efficient housing typologies that are conveniently located within 200 metres of Moe's Primary Activity Centre and public transport network.

Clause 15.03 – *Heritage conservation* seeks to conserve places of heritage significance and encourage development that respects places with heritage values through appropriate siting and design. The amendment is consistent with this policy, as it will delete a redundant Heritage Overlay control from a site that does not have any heritage significance.

Clause 16.01 – *Housing supply and Housing affordability* seeks to facilitate well-located, diverse and affordable housing opportunities and increase the supply of housing on under-utilised residential land. The amendment achieves this outcome by facilitating the development of a large, unused and vacant parcel of serviced land for higher density residential purposes, in a location close to employment, transport and services available in Moe's Primary Activity Centre.

How does the amendment support or implement the Municipal Planning Strategy and Planning Policy Framework?

The Municipal Planning Strategy (MPS) at Clause 02.04 refers to the Latrobe City Strategic Framework Plan, in which Moe is classified as a Supporting Network Town where growth is promoted. Clause 02.01 states that the municipality's population is expected continue to grow, but will be characterised by a higher proportion of older people compared with the State average and smaller household sizes comprising one or two persons. The amendment will rezone a large parcel of vacant, serviced land within Moe's town boundary, providing the opportunity for new residential development that will contribute towards the diversity of housing required to meet the predicted changing population needs of the municipality.

The amendment is consistent with the Moe-Newborough Structure Plan, the Moe-Newborough Housing Framework Plan, the Moe Activity Centre Plan and Latrobe City Housing Strategy, which all encourage the majority of new medium to high density housing typologies to within 400 metres of Moe's Primary Activity Centre. This approach supports

other strategies relating to enhancing the liveability of towns and efficient use of infrastructure, by facilitating development that encourages walkability and use of non-car based transport. By including the entire site within the Residential Growth Zone and a 'Substantial Change' area on the Moe-Newborough Housing Framework Plan, it will facilitate a change in the form and density of housing as envisaged by this plan and the supporting strategies. In particular, the Moe Activity Centre Plan specifically encourages high density, affordable and accessible housing to the south of the Moe Primary Activity Centre and the amendment will implement a suite of planning controls to achieve this outcome.

The PPF at Clauses 16.01-1S and 16.01-1L notes that good quality private development contributes to the function, safety and liveability of urban environments. It seeks to facilitate new development of varying scale and density in accordance with the Moe-Newborough Housing Framework Plan, whilst preserving the amenity of existing neighbourhoods and heritage places. The amendment will apply Schedule 2 to the Residential Growth Zone, which acknowledges the site's interface with the St. Andrew's Presbyterian Church and the need to guide the design and siting of new development to ensure that its heritage values are not compromised.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions.

Application of the RGZ2 is the most appropriate planning tool to achieve the desired outcome, which is to facilitate the future development of the land for multiple dwellings. The RGZ is consistent with the zoning applied to surrounding residential land and the application of Schedule 2 is appropriate for the site's abuttal to a heritage place.

Deletion of the HO35 is appropriate, as it is a redundant control that is no longer applicable to the site.

The amendment does not affect, conflict with or duplicate another existing provision in the planning scheme that deals with the same land, use or development.

The proposed control does not capture matters that do not specifically relate to the purpose or objectives of the control or matters that should not be dealt with under planning.

The amendment is consistent with the following Planning Practice Notes, which are relevant to the rezoning, deletion of the overlay and the planning permit application:

- PPN15: Assessing an Application for One or More Dwellings in the Residential Zone.
- PPN16: Making a Planning Application for One or More Dwellings in a Residential Zone.
- PPN27: Understanding the Residential Development Provisions.
- PPN43: Understanding Neighbourhood Character
- PPN46: Strategic Assessment Guidelines
- PPN77: Pre-setting Panel Hearing Dates
- PPN91: Using the Residential Zones

How does the amendment address the views of any relevant agency?

The views of the Latrobe City Council, as the responsible authority administering the Latrobe Planning Scheme, were sought during the preparation of the amendment. The Council did not express any objection to the amendment.

The amendment will be referred to all relevant agencies that may have an interest in the proposed zoning change. This will occur as a part of the amendment process.

The amendment does not seek to create any new formal or informal referral requirements.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is unaffected by and unrelated to the *Transport Integration Act 2010*.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The proposed rezoning is not expected to have a significant impact on the resource and administration costs of Latrobe City Council. The application of the RGZ2 will not trigger an increase in the number of planning permit applications and will have negligible impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

The amendment can be inspected free of charge at the Latrobe City Council website at www.latrobe.vic.gov.au

The amendment is available for public inspection, free of charge, during office hours at the following places:

Corporate Headquarters

141 Commercial Road, MORWELL VIC 3840

Moe Service Centre

1-29 George Street, MOE VIC 3825

Churchill Service Centre

9-11 Phillip Parade, CHURCHILL VIC 3842

Traralgon Service Centre

34-38 Kay Street, TRARALGON VIC 3844

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment and/or planning permit make a submission to the planning authority. Submissions about the amendment and/or planning permit must be received by [to be determined following authorisation].

A submission must be sent to:

Latrobe City Council
Strategic Planning Department
PO Box 264, MORWELL VIC 3840

Or

Attention: Strategic Planning
latrobe@latrobe.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date]

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Latrobe	5 Parer Avenue, Moe	Latrobe C133latr 001d-hoMap27 Exhibition Latrobe C133latr 002znMap27 Exhibition

*Planning and Environment Act 1987***LATROBE PLANNING SCHEME****AMENDMENT C133latr****INSTRUCTION SHEET**

The planning authority for this amendment is the Latrobe City Council.

The Latrobe Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of two attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No.27 in the manner shown on the attached map marked "Latrobe Planning Scheme, Amendment C133latr".

Overlay Maps

2. Amendment Planning Scheme Map No.27HO in the manner shown on the attached map marked "Latrobe Planning Scheme, Amendment C133latr".

Planning Scheme Ordinance

3. The Planning Scheme Ordinance is amended as follows:
4. In **Planning Policy Framework** – replace Clause 16.01-1L with a new Clause 16.01-1L in the form of the attached document.

End of document

LATROBE PLANNING SCHEME

16.01 RESIDENTIAL DEVELOPMENT

31/07/2018
VC148

LATROBE PLANNING SCHEME**16.01-1S**20/12/2021
VC174**Housing supply****Objective**

To facilitate well-located, integrated and diverse housing that meets community needs.

Strategies

Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Identify opportunities for increased residential densities to help consolidate urban areas.

Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Encourage the development of well-designed housing that:

- Provides a high level of internal and external amenity.
- Incorporates universal design and adaptable internal dwelling design.

Support opportunities for a range of income groups to choose housing in well-serviced locations.

Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

Policy documents

Consider as relevant:

- *Homes for Victorians - Affordability, Access and Choice* (Victorian Government, 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2021)

LATROBE PLANNING SCHEME

16.01-1L Housing Supply**28/05/2021
G422latrProposed C133latr**
Policy Application

This policy applies to all land identified in the Housing Framework Plans in this clause.

General Strategies

Encourage and concentrate a diverse range of housing in locations with access to community services, activity centres and public transport in accordance with the Housing Framework Plans in this Clause.

Support lot consolidation to maximise opportunities for increased residential yield and integrated development in locations identified for Substantial and Incremental Change in the Housing Framework Plans in this Clause.

Encourage the development of smaller housing types, particularly one and two bedroom dwellings in Substantial Change Areas and Incremental Changes Areas as indicated on the Housing Framework Plans for each town in this Clause.

Support development that is flexible for different age groups and abilities without the need for major adaptation post construction.

General policy guidelines

Consider as relevant:

- Encouraging medium and high density housing typologies within 400 metres of the Primary Activity Centres of Moe, Morwell, Churchill and Traralgon.
- Supporting infill development within 200 metres of existing of planned Neighbourhood Activity Centres and Local Activity Centres and the retails centres of District and Small Towns.

Substantial change area strategies

Encourage multi-level residential development in the form of low scale apartments, townhouses, shop tops and units.

Discourage housing intensification in areas identified for 'Future Substantial Change' south of Shakespeare Street, Traralgon, until existing industrial development located to the south (Area 6 of the Traralgon Township Structure Plan in Clause 11.01-1L) transitions to light industrial or other non - sensitive uses.

Incremental change areas strategies

Encourage higher density housing in the form of townhouses, units and dual occupancies that are sensitive with adjoining streetscapes, buildings and residential areas.

Discourage housing intensification south of Commercial Road, Morwell until rehabilitation works to the northern extent of the Hazelwood open cut brown coal mine area are complete (Area 3 on the Morwell Town Structure Plan in Clause 11.01-1L).

Facilitate the development of streetscape character that contains:

- Private gardens in front yards.
- Space between buildings.
- Views to local landmarks.
- Natural shade.

LATROBE PLANNING SCHEME**Limited change areas strategy**

Support the development of detached dwellings and dual occupancies that reinforce the spacious regional suburban character.

Limited change areas policy guidelines

Consider as relevant:

- Encouraging smaller and diverse housing types, including units and townhouses, within 200 metres of existing or planned Neighbourhood and Local Activity Centres and where public transport is accessible.
- Discouraging units of townhouses beyond 200 metres from an existing or planned Neighbourhood Activity Centre and Local Activity Centre, except on Strategic Development Sites identified on the Housing Framework Plans.
- Discouraging higher densities unless a lot is greater than 1500 square metres and is:
 - Within 400 metres walking distance from a public transport network.
 - Consistent with the average lot size of density development of residentially zoned land that is within a 150 metre radius (excluding the subject site in the calculation).
 - Not constrained by an overlay that affects the development potential of the lot (heritage, bushfire or flooding overlay).

Minimal change areas strategies

Support minimal change in the form of detached houses and dual occupancies in locations with distinct character attributes, such as heritage, neighbourhood character, environmental or amenity values or infrastructure limitations.

Encourage the retention and provision of vegetated areas including canopy trees and large garden spaces.

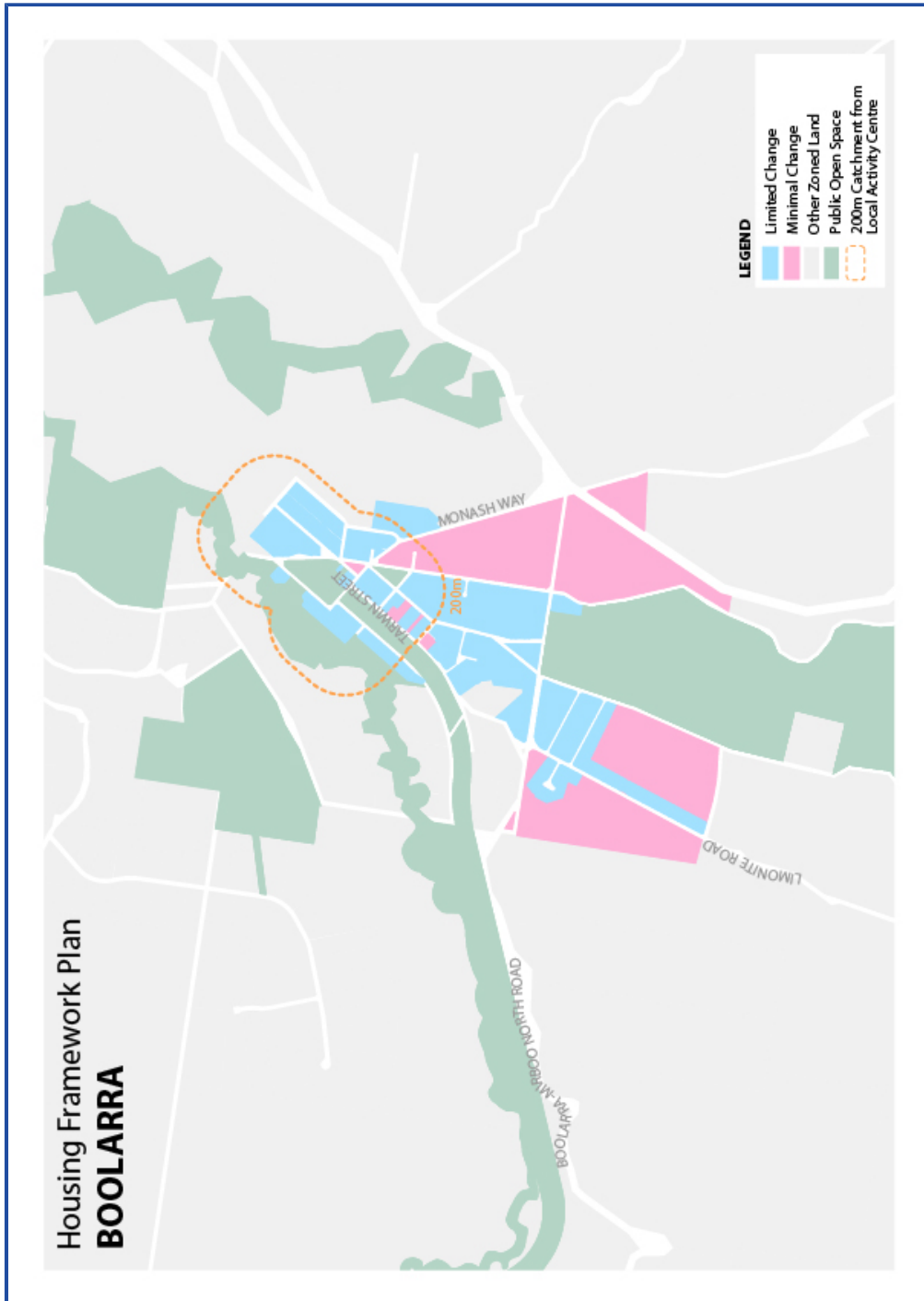
Policy document

Consider as relevant:

- *Live Work Latrobe Housing Strategy* (Latrobe City Council, MacroPlan Dimasi, RMCG and Planisphere, 2019)

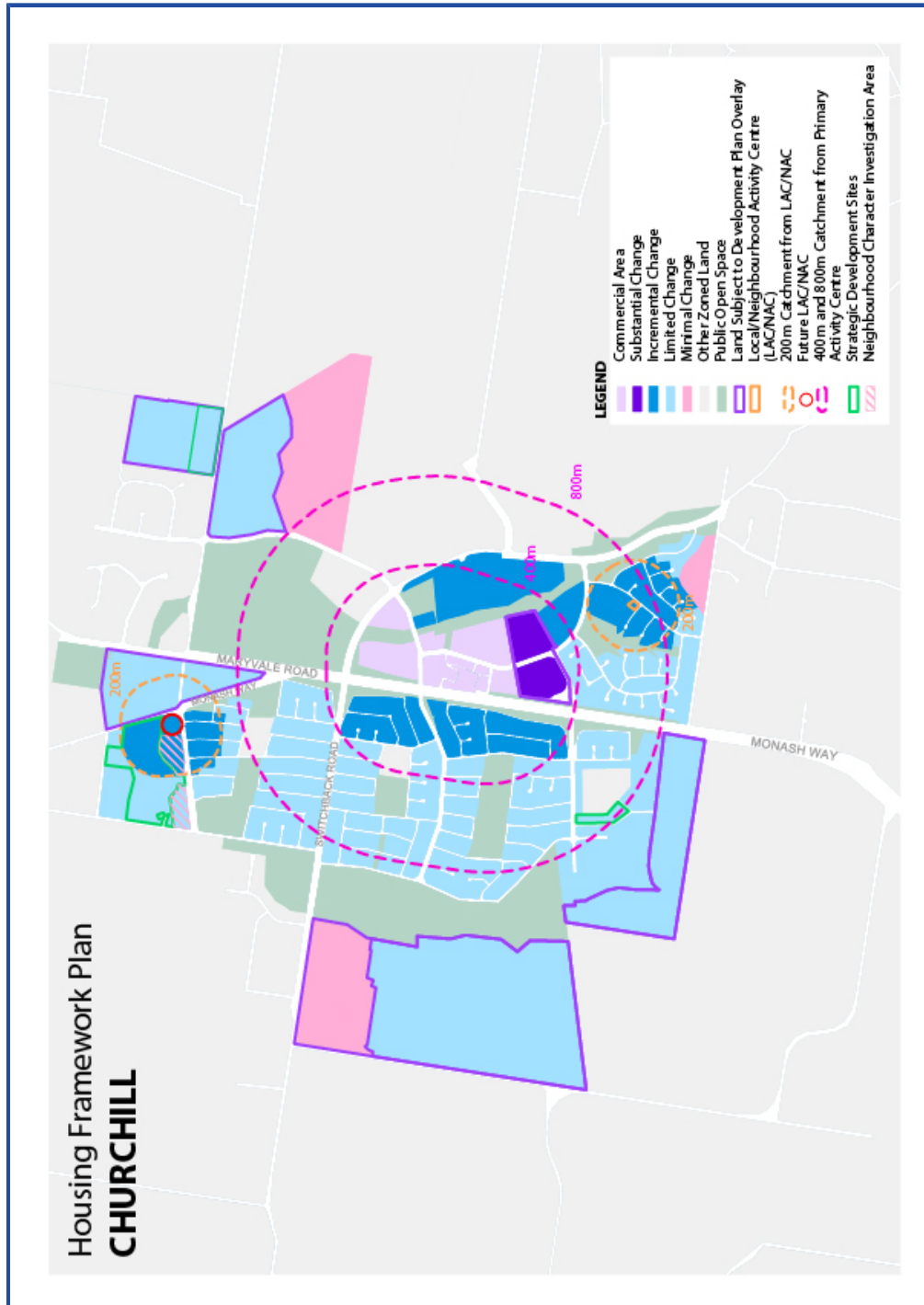
LATROBE PLANNING SCHEME

Boolarra Housing Framework Plan



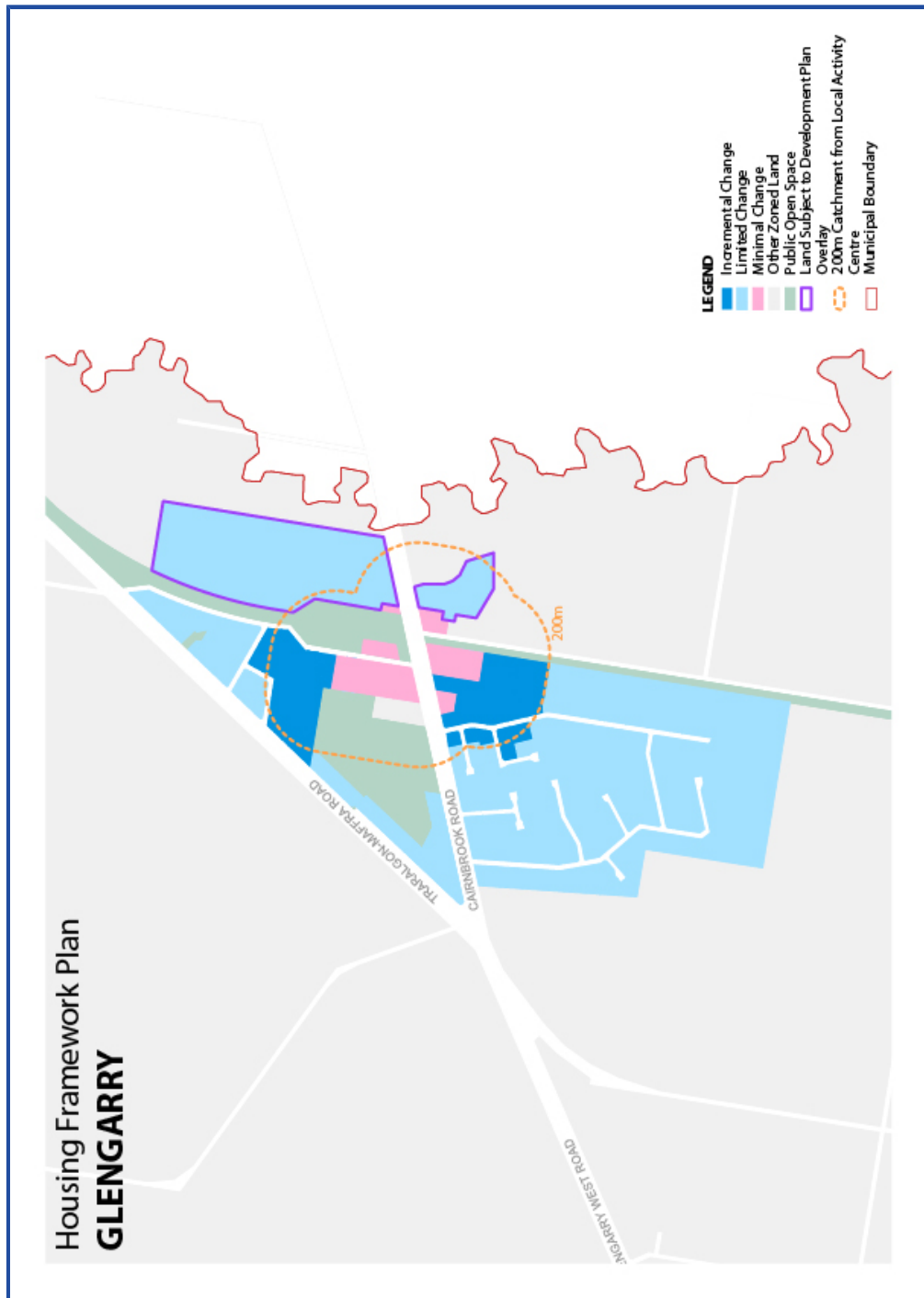
LATROBE PLANNING SCHEME

Churchill Housing Framework Plan



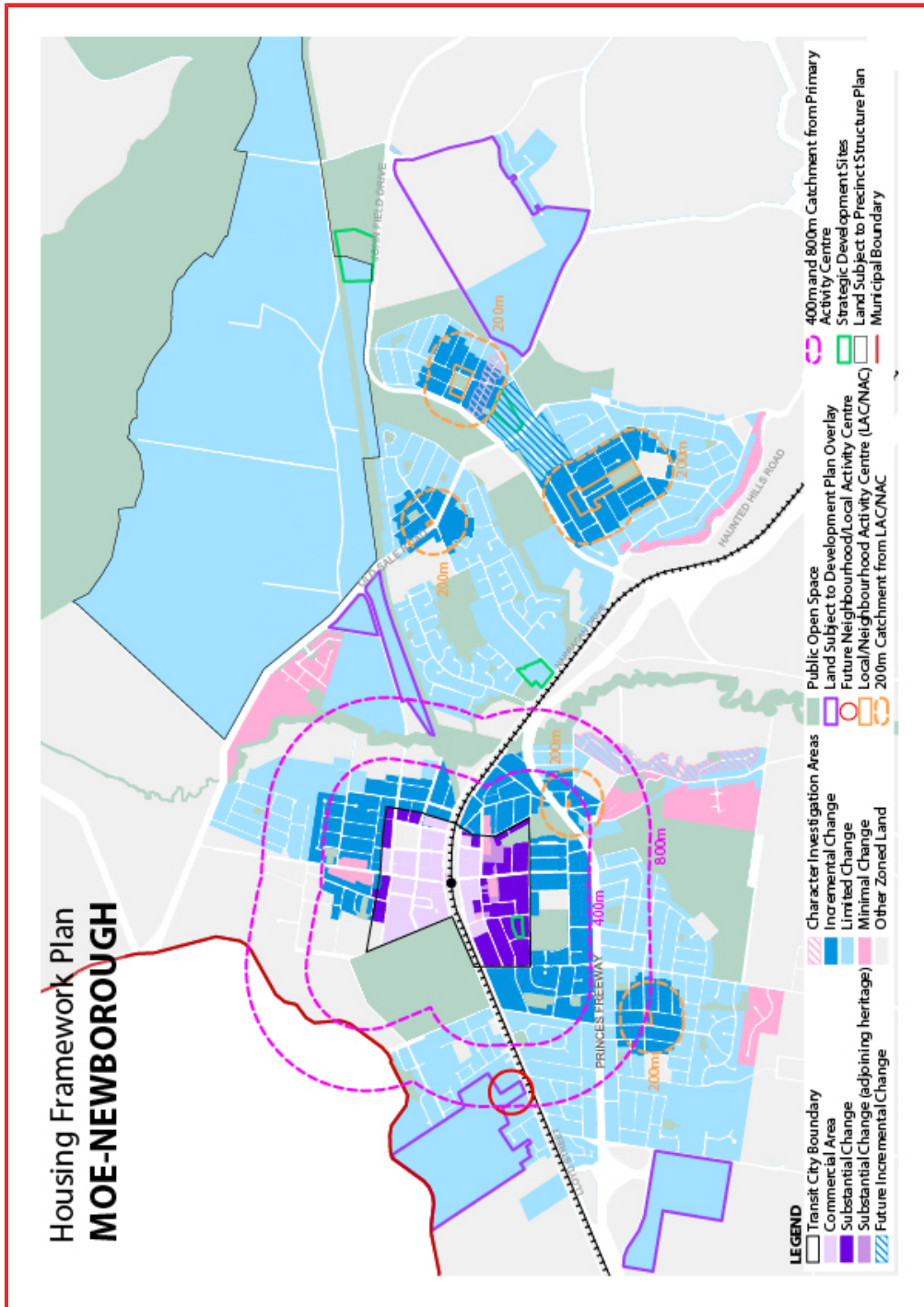
LATROBE PLANNING SCHEME

Glengarry Housing Framework Plan

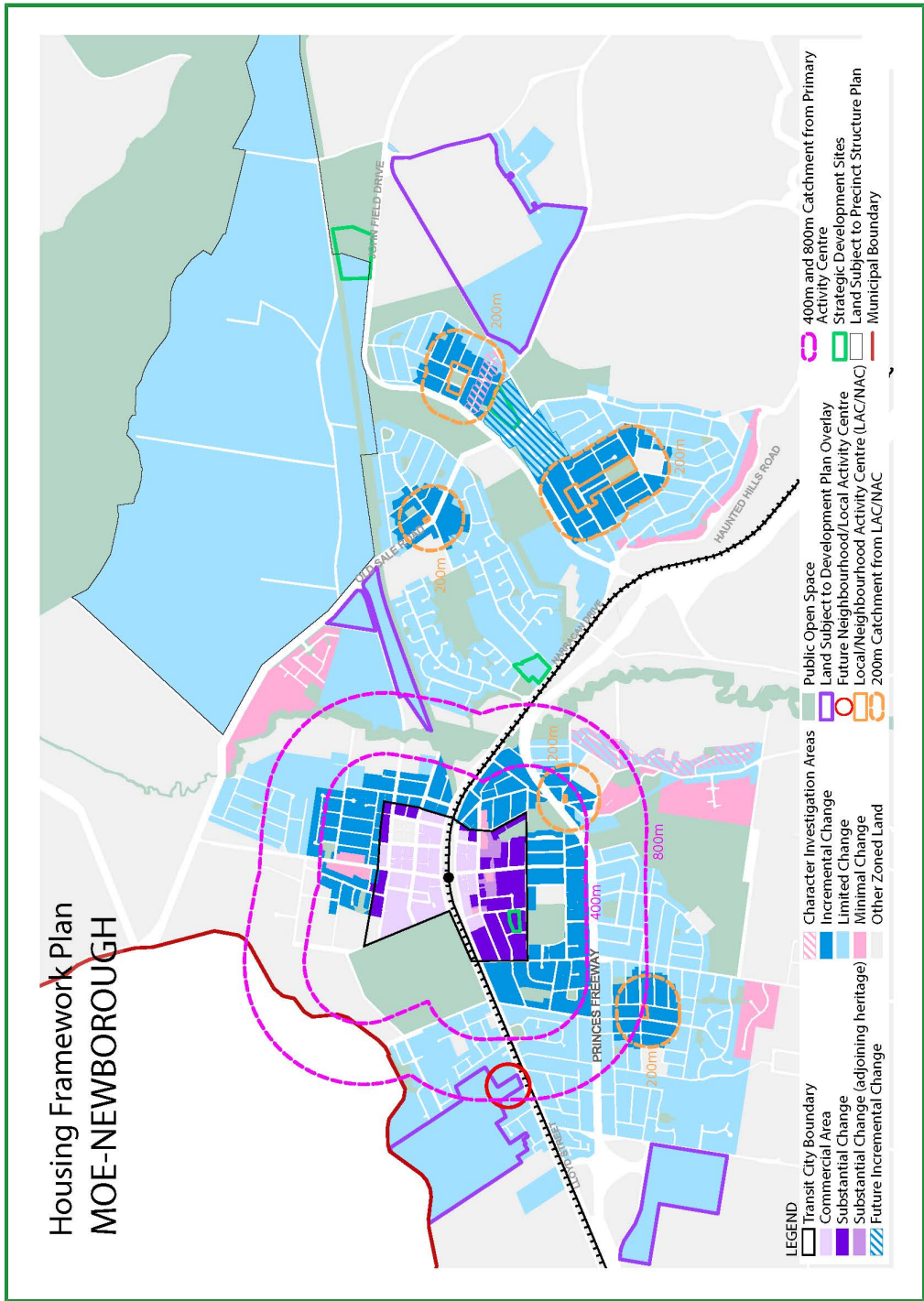


LATROBE PLANNING SCHEME

Moe - Newborough Housing Framework Plan

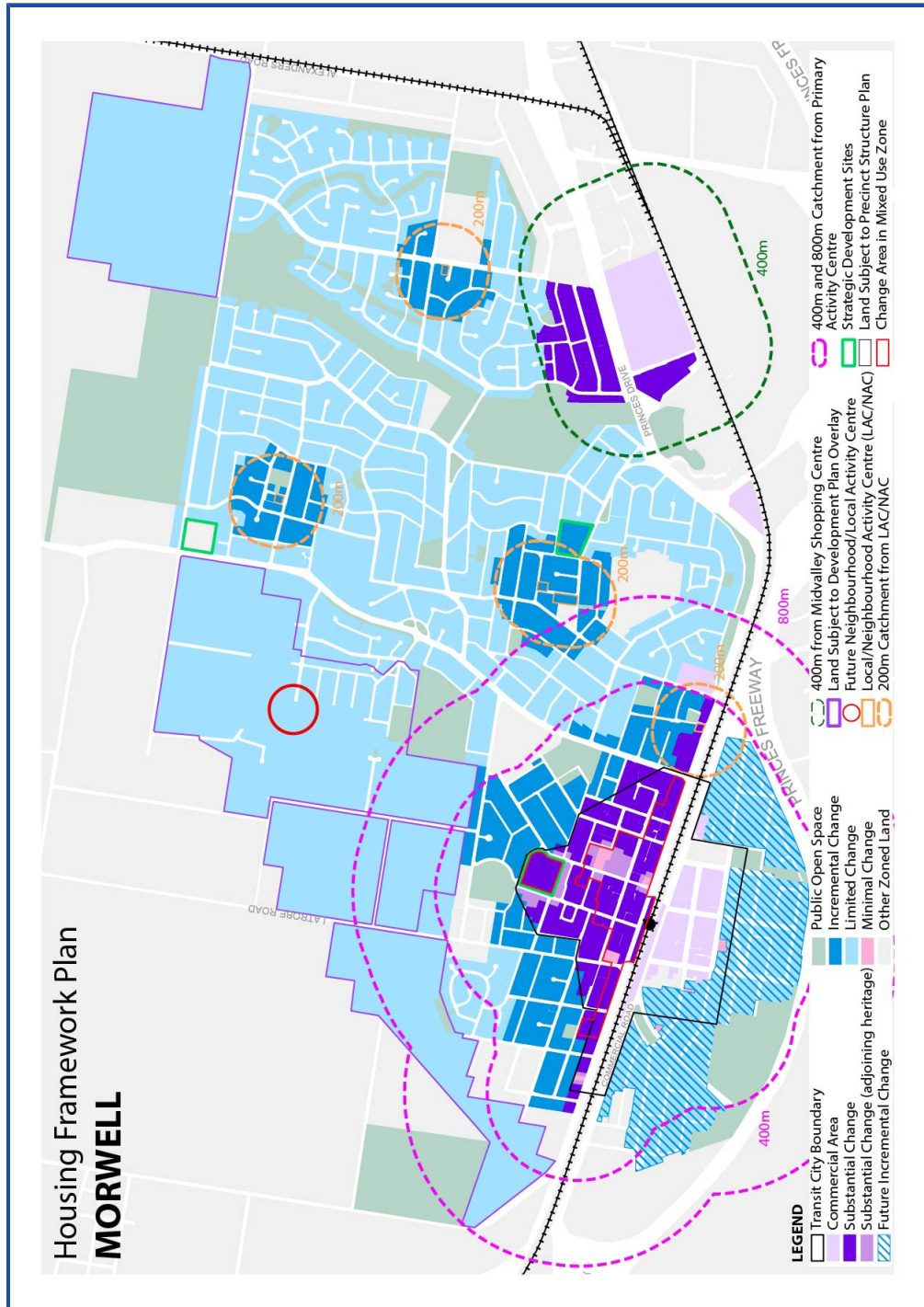


LATROBE PLANNING SCHEME



LATROBE PLANNING SCHEME

Morwell Housing Framework Plan



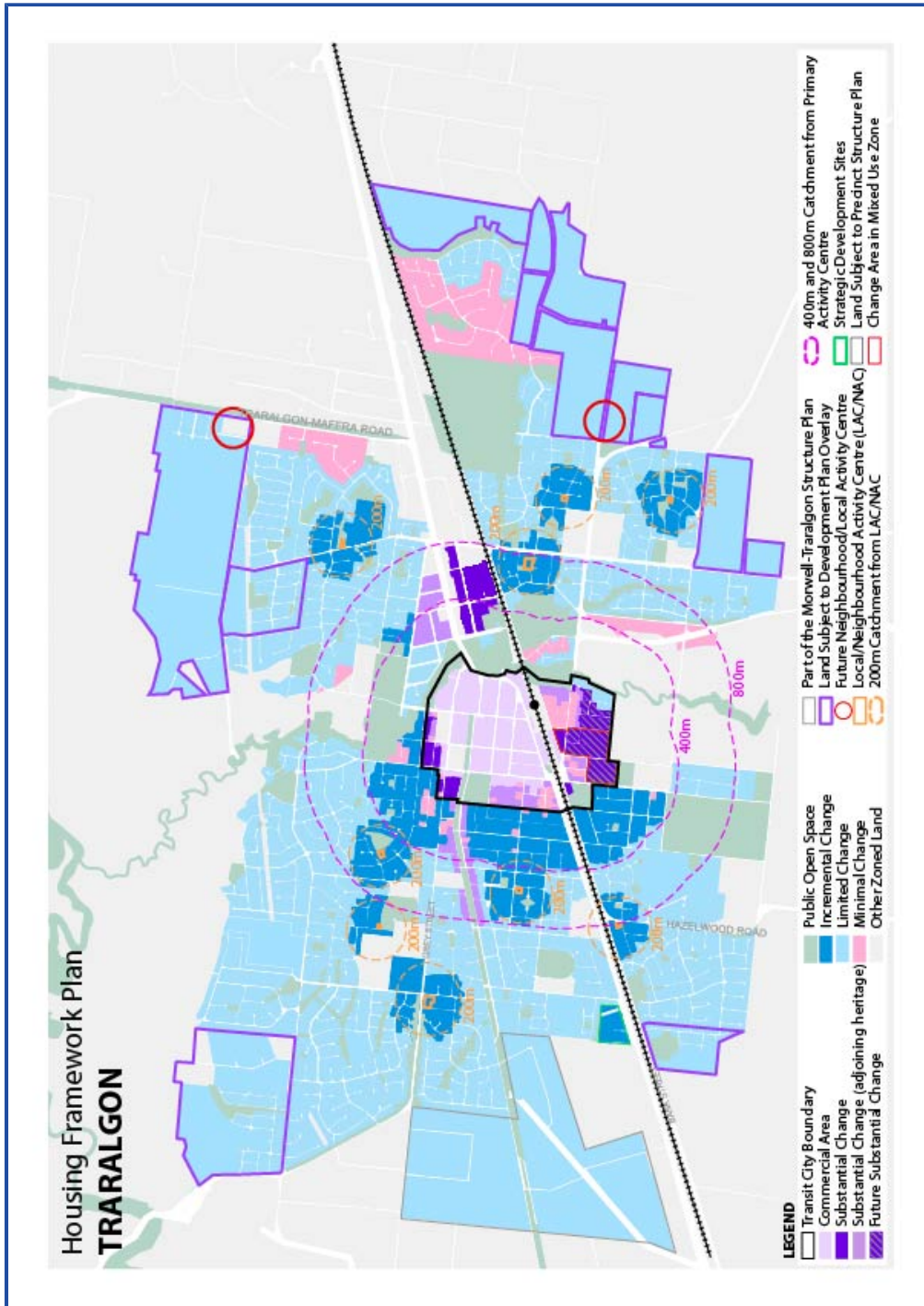
LATROBE PLANNING SCHEME

Toongabbie Housing Framework Plan



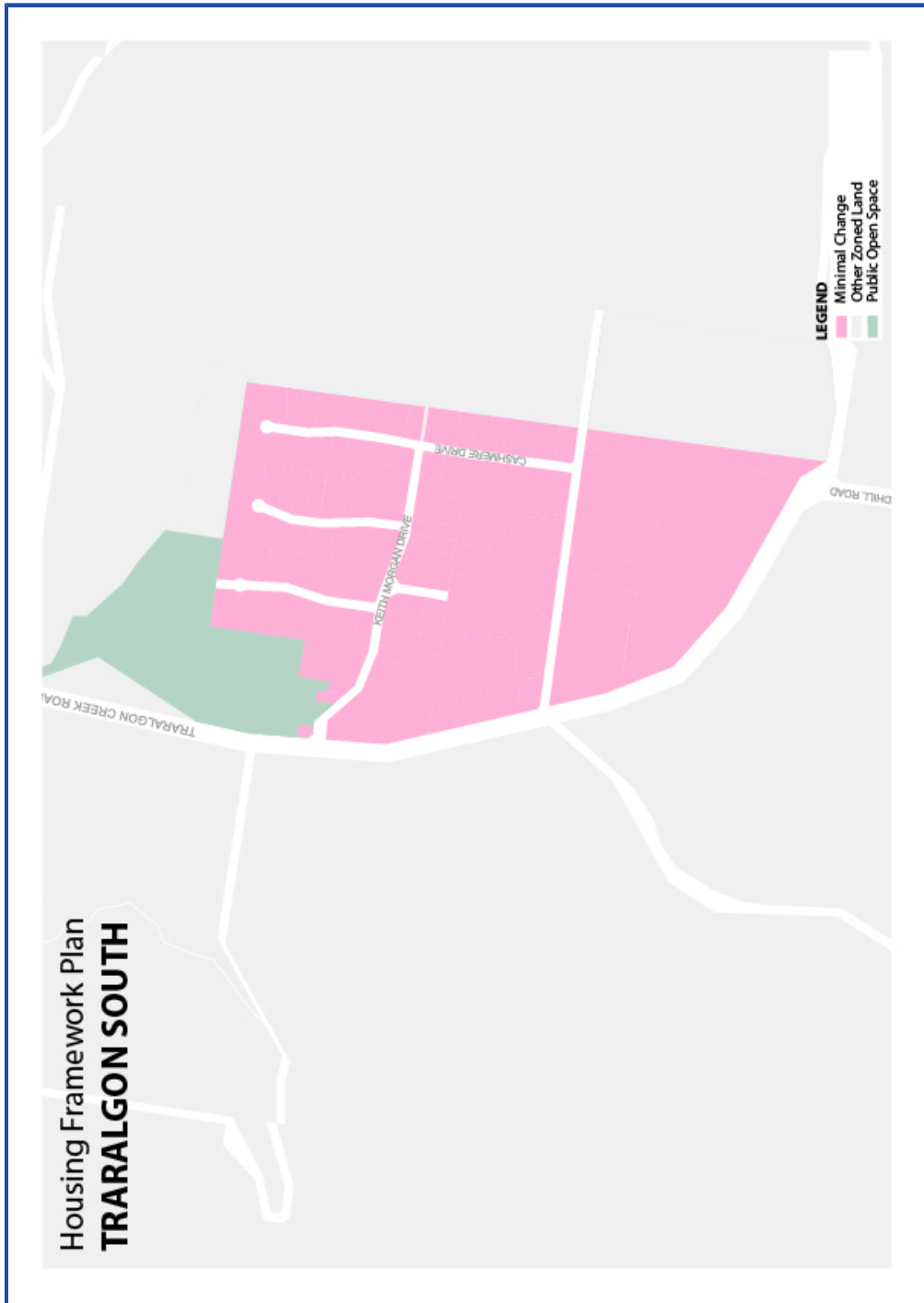
LATROBE PLANNING SCHEME

Traralgon Housing Framework Plan



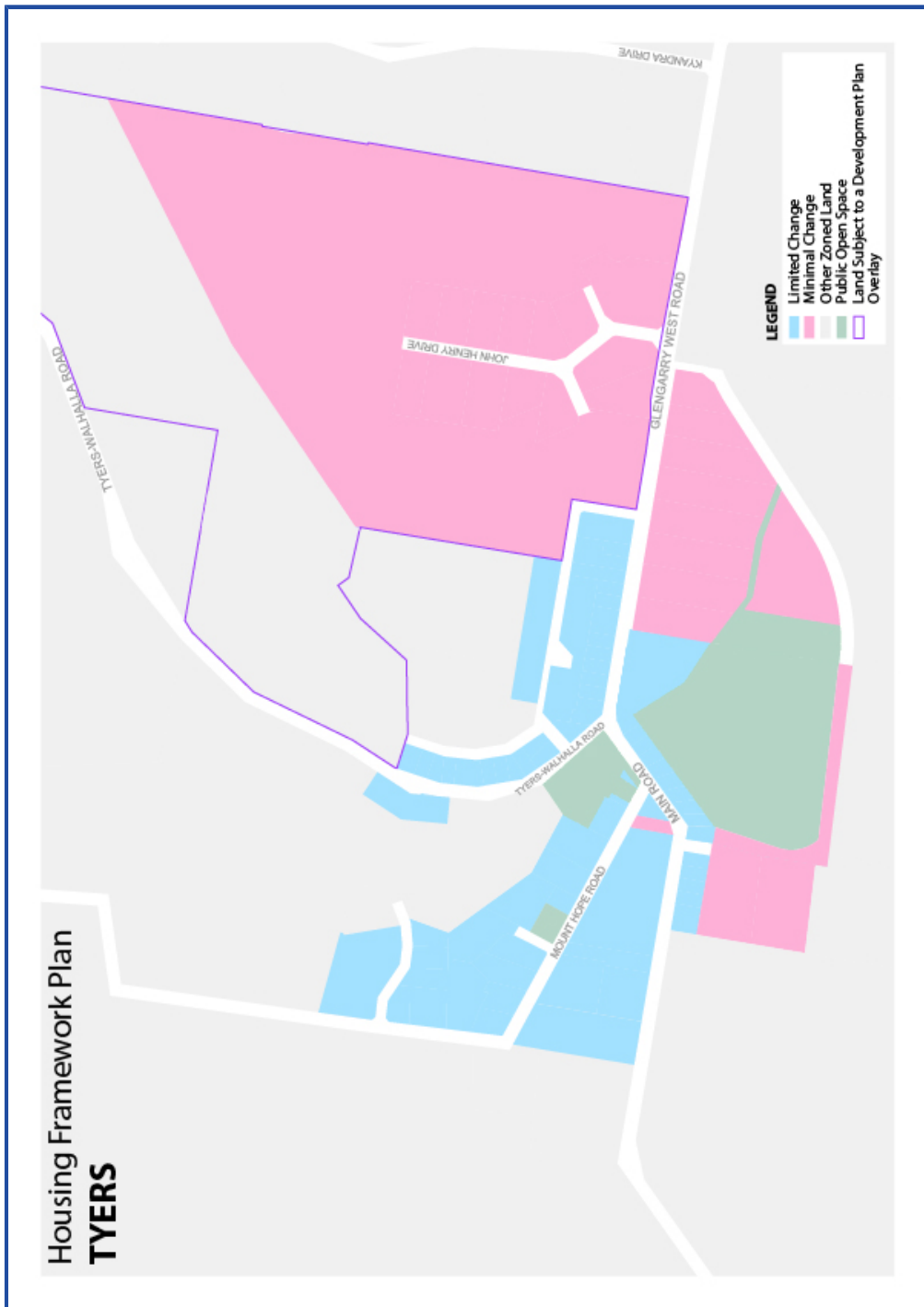
LATROBE PLANNING SCHEME

Traralgon South Housing Framework Plan



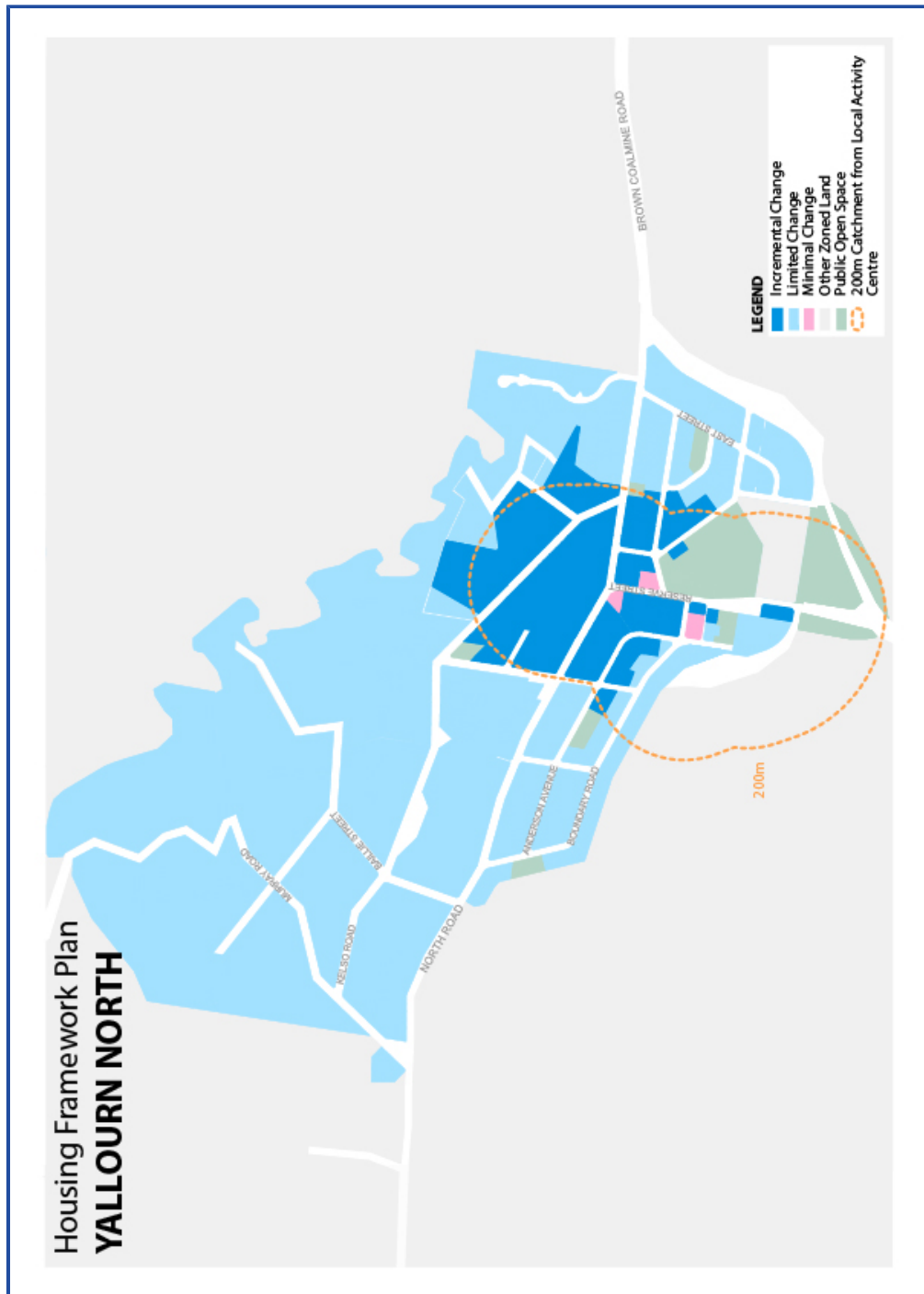
LATROBE PLANNING SCHEME

Tyers Housing Framework Plan



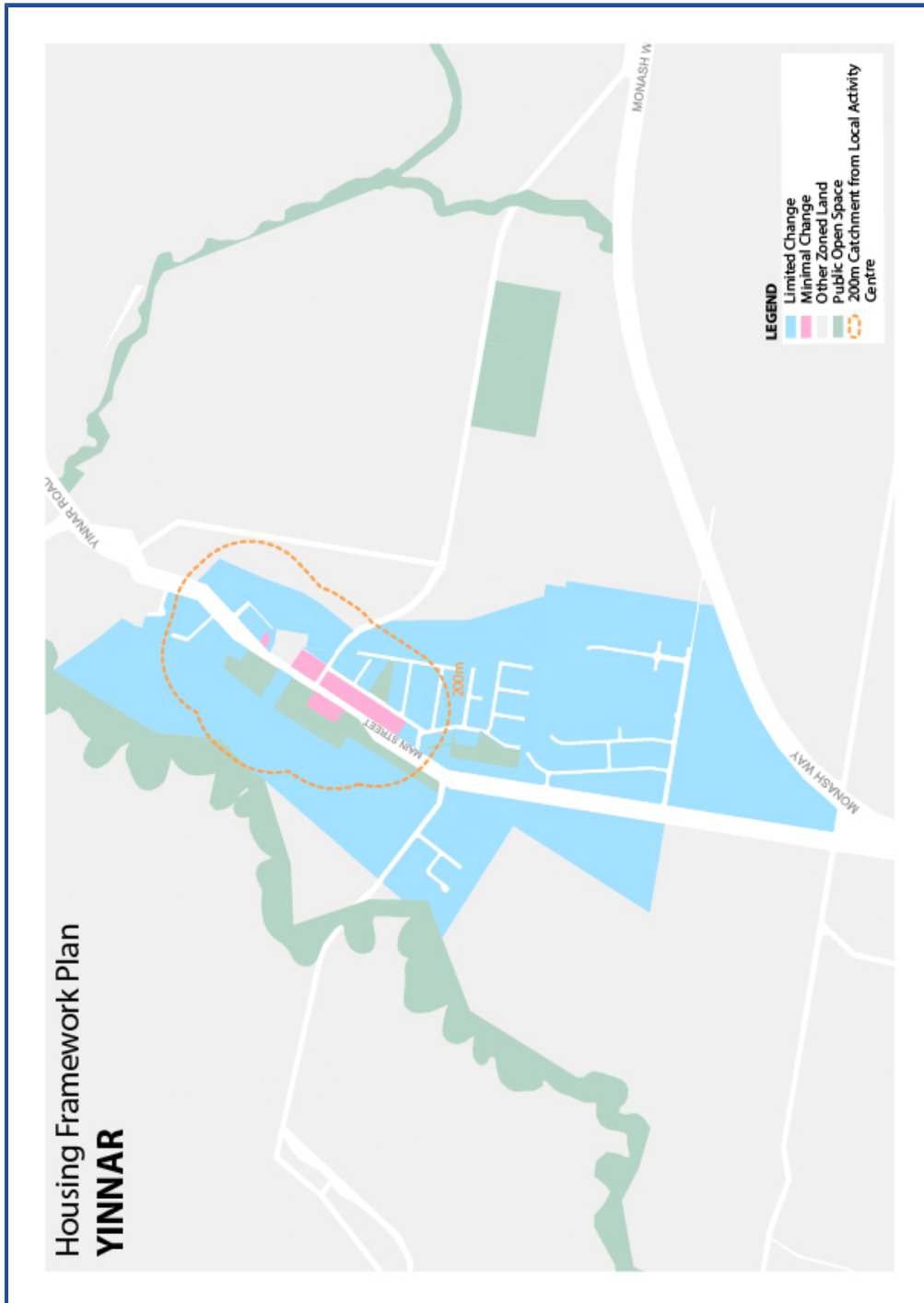
LATROBE PLANNING SCHEME

Yallourn North Housing Framework Plan



LATROBE PLANNING SCHEME

Yinnar Housing Framework Plan



LATROBE PLANNING SCHEME**16.01-2S**09/10/2020
VC169**Housing affordability****Objective**

To deliver more affordable housing closer to jobs, transport and services.

Strategies

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.
- Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.

Increase the supply of well-located affordable housing by:

- Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.
- Ensuring the redevelopment and renewal of public housing stock better meets community needs.

Facilitate the delivery of social housing by identifying surplus government land suitable for housing.

Policy documents

Consider as relevant:

- *Homes for Victorians - Affordability, Access and Choice* (Victorian Government, 2017)

LATROBE PLANNING SCHEME**16.01-3S**09/10/2020
VC169**Rural residential development****Objective**

To identify land suitable for rural residential development.

Strategies

Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.

Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.

Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:

- Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.
- Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.
- Minimising or avoiding property servicing costs carried by local and state governments.
- Maintaining an adequate buffer distance between rural residential development and animal production.

Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.

Discourage development of small lots in rural zones for residential use or other incompatible uses.

Encourage consolidation of existing isolated small lots in rural zones.

Ensure land is only zoned for rural residential development where it:

- Is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.
- Can be supplied with electricity, water and good quality road access.

LATROBE PLANNING SCHEME**16.01-3L Rural residential development**

28/05/2021
C122latr

Strategies

Encourage rural living where there will be minimal negative environmental impact or conflict with commercial agriculture.

Support rural living where it will result in improved land management outcomes.

Encourage facilities and services required by rural residents to locate in existing townships.

Discourage rural living or low density residential use and development on the fringes of major towns where land is designated as a long-term urban growth corridor.

Discourage domestic animal husbandry and racing dog husbandry in rural living areas.

Discourage rural living on existing timber haulage routes to avoid road safety and amenity issues.

Support rural living in low bushfire risk locations or where bushfire risk can be reduced to an acceptable level.

LATROBE PLANNING SCHEME**16.01-4S Community care accommodation**09/10/2020
VC169**Objective**

To facilitate the establishment of community care accommodation and support their location being kept confidential.

Strategies

Planning schemes should not require a planning permit for or prohibit the use of land in a residential area for community care accommodation that accommodates no more than 20 clients and that is funded by, or conducted by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.

Facilitate the confidential establishment of community care accommodation through appropriate permit, notice and review exemptions.

LATROBE PLANNING SCHEME**16.01-5S**09/10/2020
VC169**Residential aged care facilities****Objective**

To facilitate the development of well-designed and appropriately located residential aged care facilities.

Strategies

Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area.

Recognise that residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass).

Ensure local housing strategies, precinct structure plans and activity centre structure plans provide for residential aged care facilities.

Ensure that residential aged care facilities are located in residential areas, activity centres and urban renewal precincts, close to services and public transport.

Encourage planning for housing that:

- Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.
- Enables older people to live in appropriate housing in their local community.

Provide for a mix of housing for older people with appropriate access to care and support services.

Ensure that proposals to establish residential aged care facilities early in the life of a growth area are in locations that will have early access to services and public transport.

Ensure that residential aged care facilities are designed to respond to the site and its context.

Promote a high standard of urban design and architecture in residential aged care facilities.

Policy guidelines

Consider as relevant:

- The Commonwealth Government's Responsible ratios for the provision of aged care places under the *Aged Care Act 1997*.

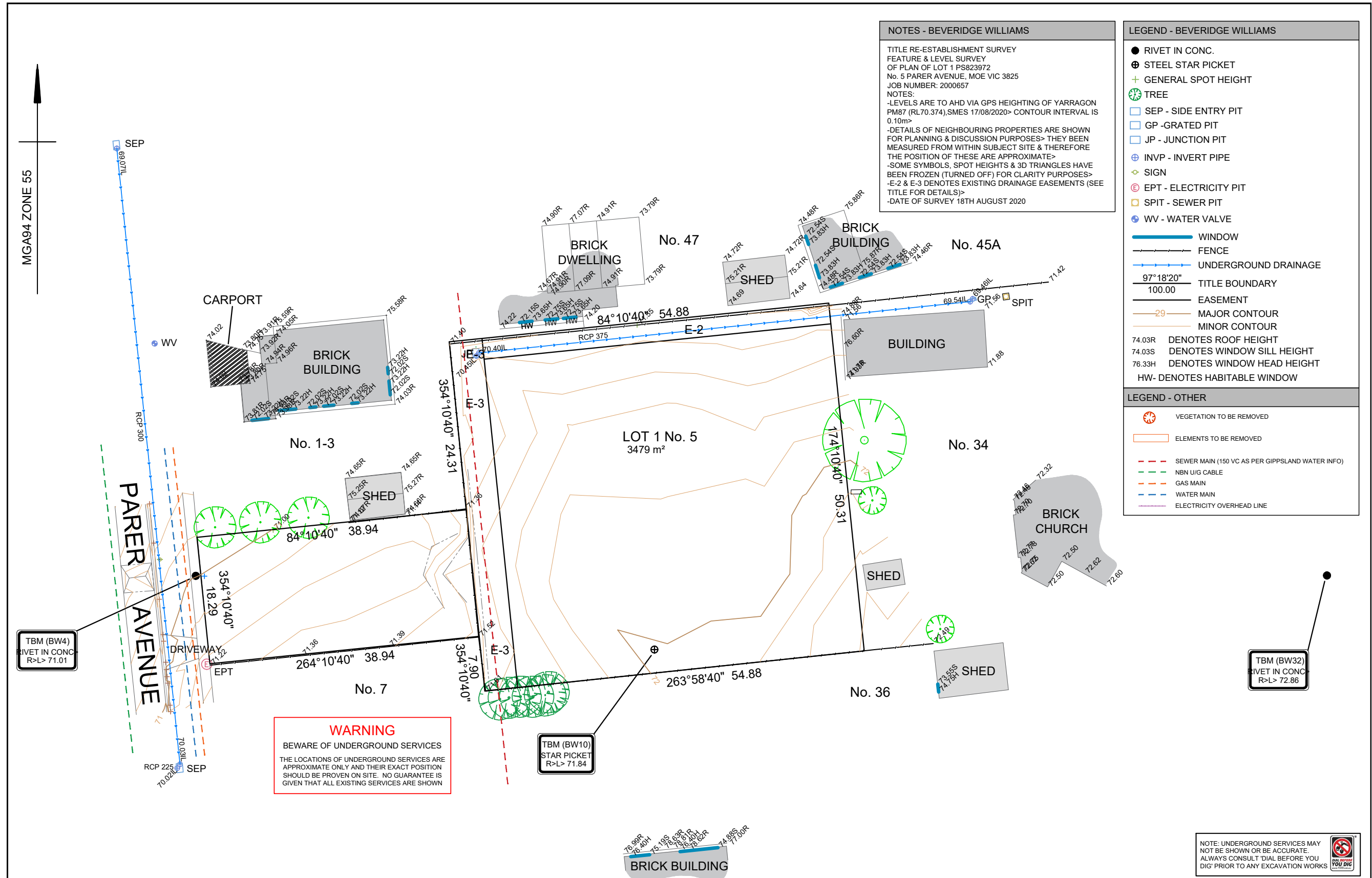
LATROBE PLANNING SCHEME**16.01-5L Residential aged care facilities**

28/05/2021
C122latr

Strategy

Locate specialised aged care facilities in sites that are:

- Close to retail, community and recreational facilities.
- Serviced by public or community transport.
- Generally flat without significant obstacles to accessing facilities, services and transport (e.g. main roads without safe pedestrian crossing points).
- Not prone to natural hazards such as bushfire and flooding.



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FOR PLANNING

DRAWN: E.K
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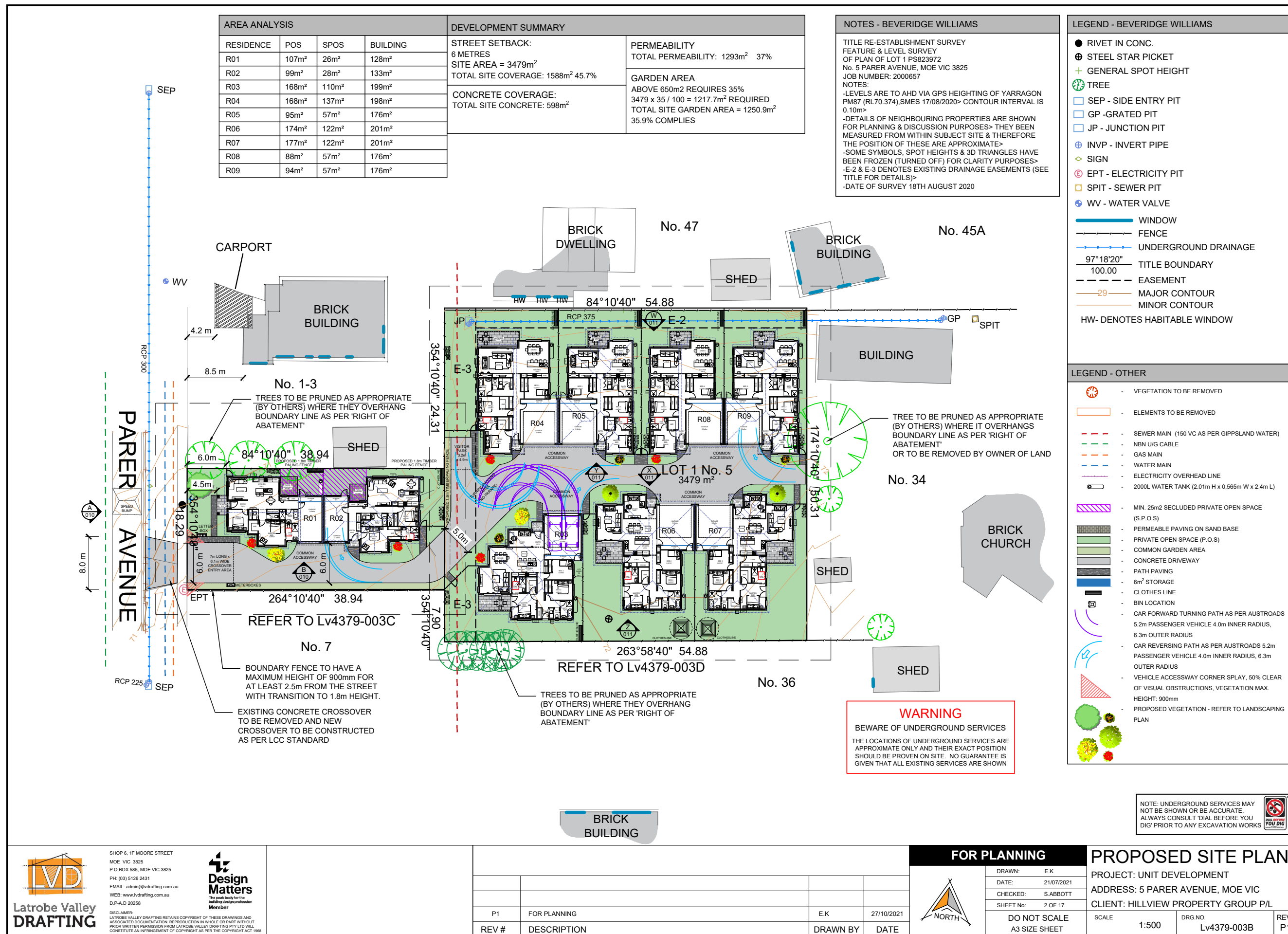
NORTH

EXISTING SITE PLAN

PROJECT: UNIT DEVELOPMENT
 ADDRESS: 5 PARER AVENUE, MOE VIC
 CLIENT: HILLVIEW PROPERTY GROUP P/L

SCALE: 1:500
 DRG.NO: Lv4379-003A
 REV: P1

NOTE: UNDERGROUND SERVICES MAY NOT BE SHOWN OR BE ACCURATE. ALWAYS CONSULT 'DIAL BEFORE YOU DIG' PRIOR TO ANY EXCAVATION WORKS



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FOR PLANNING

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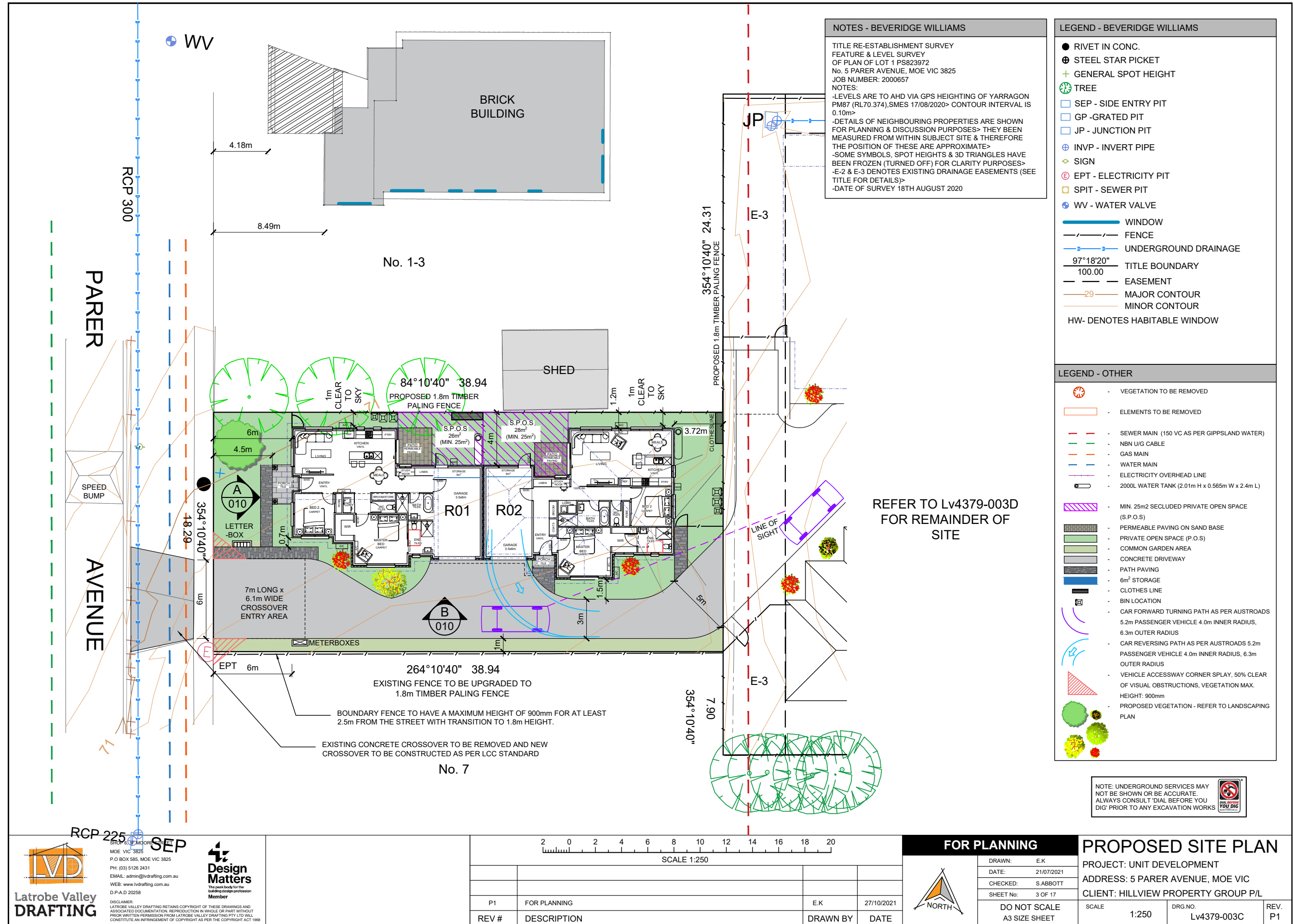
DO NOT SCALE
A3 SIZE SHEET

NORTH

PROPOSED SITE PLAN

PROJECT: UNIT DEVELOPMENT
ADDRESS: 5 PARER AVENUE, MOE VIC
CLIENT: HILLVIEW PROPERTY GROUP P/L

SCALE: 1:500
DRG.NO: Lv4379-003B
REV: P1



NOTES - BEVERIDGE WILLIAMS

TITLE RE-ESTABLISHMENT SURVEY
 FEATURE & LEVEL SURVEY
 OF PLAN OF LOT 1 PS823972
 No. 5 PARER AVENUE, MOE VIC 3825
 JOB NUMBER: 2000657

NOTES:
 -LEVELS ARE TO AHD VIA GPS HEIGHTING OF YARRAGON PM87 (RL70.374), SMES 17/08/2020> CONTOUR INTERVAL IS 0.10m>
 -DETAILS OF NEIGHBOURING PROPERTIES ARE SHOWN FOR PLANNING & DISCUSSION PURPOSES> THEY BEEN MEASURED FROM WITHIN SUBJECT SITE & THEREFORE THE POSITION OF THESE ARE APPROXIMATE>
 -SOME SYMBOLS, SPOT HEIGHTS & 3D TRIANGLES HAVE BEEN FROZEN (TURNED OFF) FOR CLARITY PURPOSES>
 -E-2 & E-3 DENOTES EXISTING DRAINAGE EASEMENTS (SEE TITLE FOR DETAILS)>
 -DATE OF SURVEY 18TH AUGUST 2020

- LEGEND - BEVERIDGE WILLIAMS**
- RIVET IN CONC.
 - ⊕ STEEL STAR PICKET
 - + GENERAL SPOT HEIGHT
 - 🌳 TREE
 - SEP - SIDE ENTRY PIT
 - GP - GRATED PIT
 - JP - JUNCTION PIT
 - ⊕ INVP - INVERT PIPE
 - ⊕ SIGN
 - ⊕ EPT - ELECTRICITY PIT
 - ⊕ SPIT - SEWER PIT
 - ⊕ WV - WATER VALVE
 - WINDOW
 - FENCE
 - UNDERGROUND DRAINAGE
 - 97°18'20" TITLE BOUNDARY
 - 100.00 EASEMENT
 - 29 MAJOR CONTOUR
 - MINOR CONTOUR
 - HW- DENOTES HABITABLE WINDOW

- LEGEND - OTHER**
- 🌳 - VEGETATION TO BE REMOVED
 - - ELEMENTS TO BE REMOVED
 - SEWER MAIN (150 VC AS PER GIPPSLAND WATER)
 - NBN U/G CABLE
 - GAS MAIN
 - WATER MAIN
 - ELECTRICITY OVERHEAD LINE
 - 2000L WATER TANK (2.01m H x 0.565m W x 2.4m L)
 - ▨ - MIN. 25m2 SECLUDED PRIVATE OPEN SPACE (S.P.O.S)
 - ▨ - PERMEABLE PAVING ON SAND BASE
 - ▨ - PRIVATE OPEN SPACE (P.O.S)
 - ▨ - COMMON GARDEN AREA
 - ▨ - CONCRETE DRIVEWAY
 - ▨ - PATH PAVING
 - ▨ - 6m² STORAGE
 - ▨ - CLOTHES LINE
 - ▨ - BIN LOCATION
 - ▨ - CAR FORWARD TURNING PATH AS PER AUSTRROADS 5.2m PASSENGER VEHICLE 4.0m INNER RADIUS, 6.3m OUTER RADIUS
 - ▨ - CAR REVERSING PATH AS PER AUSTRROADS 5.2m PASSENGER VEHICLE 4.0m INNER RADIUS, 6.3m OUTER RADIUS
 - ▨ - VEHICLE ACCESSWAY CORNER SPLAY, 50% CLEAR OF VISUAL OBSTRUCTIONS, VEGETATION MAX. HEIGHT: 900mm
 - 🌳 - PROPOSED VEGETATION - REFER TO LANDSCAPING PLAN

REFER TO Lv4379-003D FOR REMAINDER OF SITE

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FOR PLANNING

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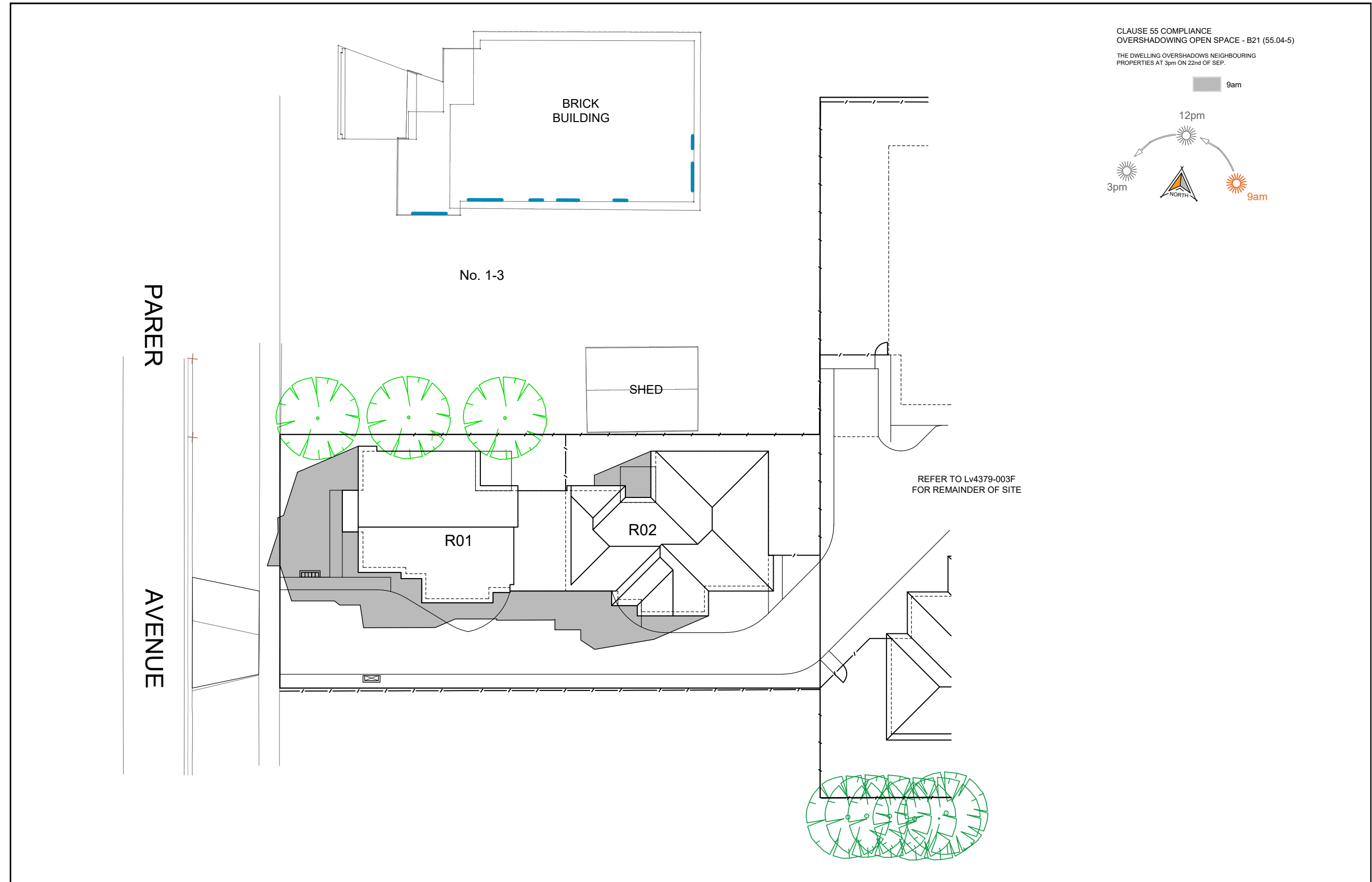
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NORTH

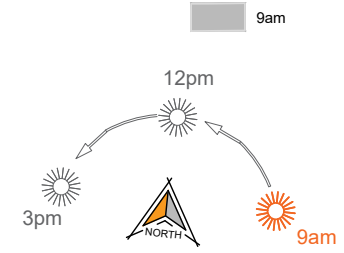
PROPOSED SITE PLAN

PROJECT: UNIT DEVELOPMENT
 ADDRESS: 5 PARER AVENUE, MOE VIC
 CLIENT: HILLVIEW PROPERTY GROUP P/L

SCALE	1:250	DRG.NO.	Lv4379-003C	REV.	P1
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CLAUSE 55 COMPLIANCE
OVERSHADOWING OPEN SPACE - B21 (55.04-5)
THE DWELLING OVERSHADOWS NEIGHBOURING
PROPERTIES AT 9pm ON 22nd OF SEP.



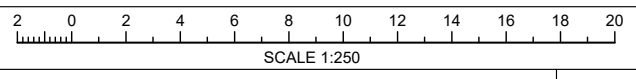
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FOR PLANNING

NORTH

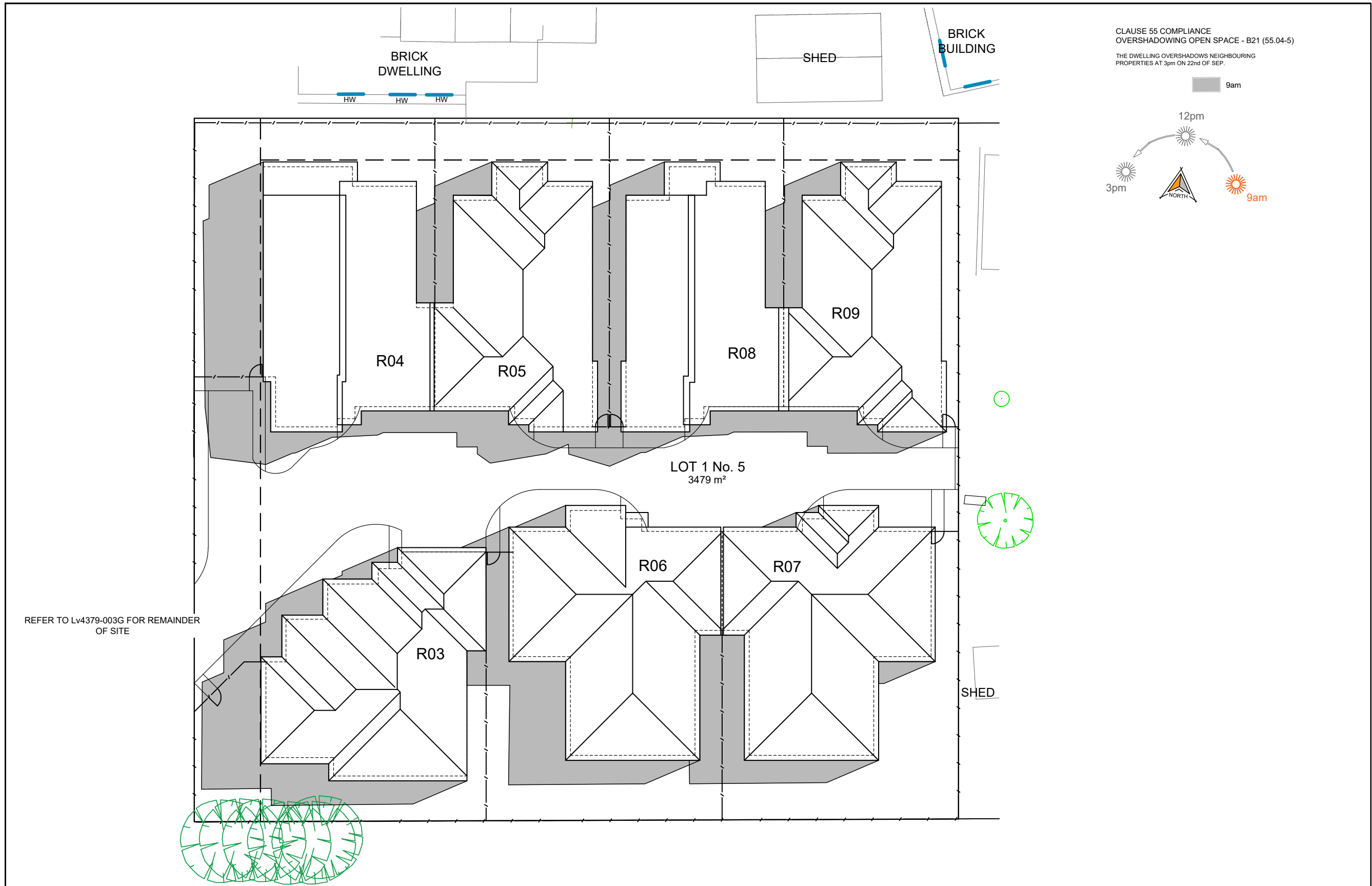
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SHEET No: 5 OF 17

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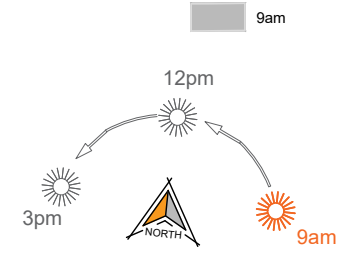
SHADOW PLAN 9am (1)

PROJECT: UNIT DEVELOPMENT
ADDRESS: 5 PARER AVENUE, MOE VIC
CLIENT: HILLVIEW PROPERTY GROUP P/L

SCALE 1:250
DRG. NO. Lv4379-003E
REV. P1



CLAUSE 55 COMPLIANCE
OVERSHADOWING OPEN SPACE - B21 (55.04-5)
THE DWELLING OVERSHADOWS NEIGHBOURING
PROPERTIES AT 9am ON 22nd OF SEP.



REFER TO Lv4379-003G FOR REMAINDER
OF SITE

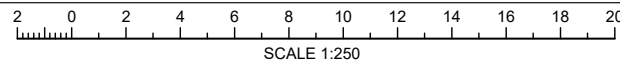
LOT 1 No. 5
3479 m²



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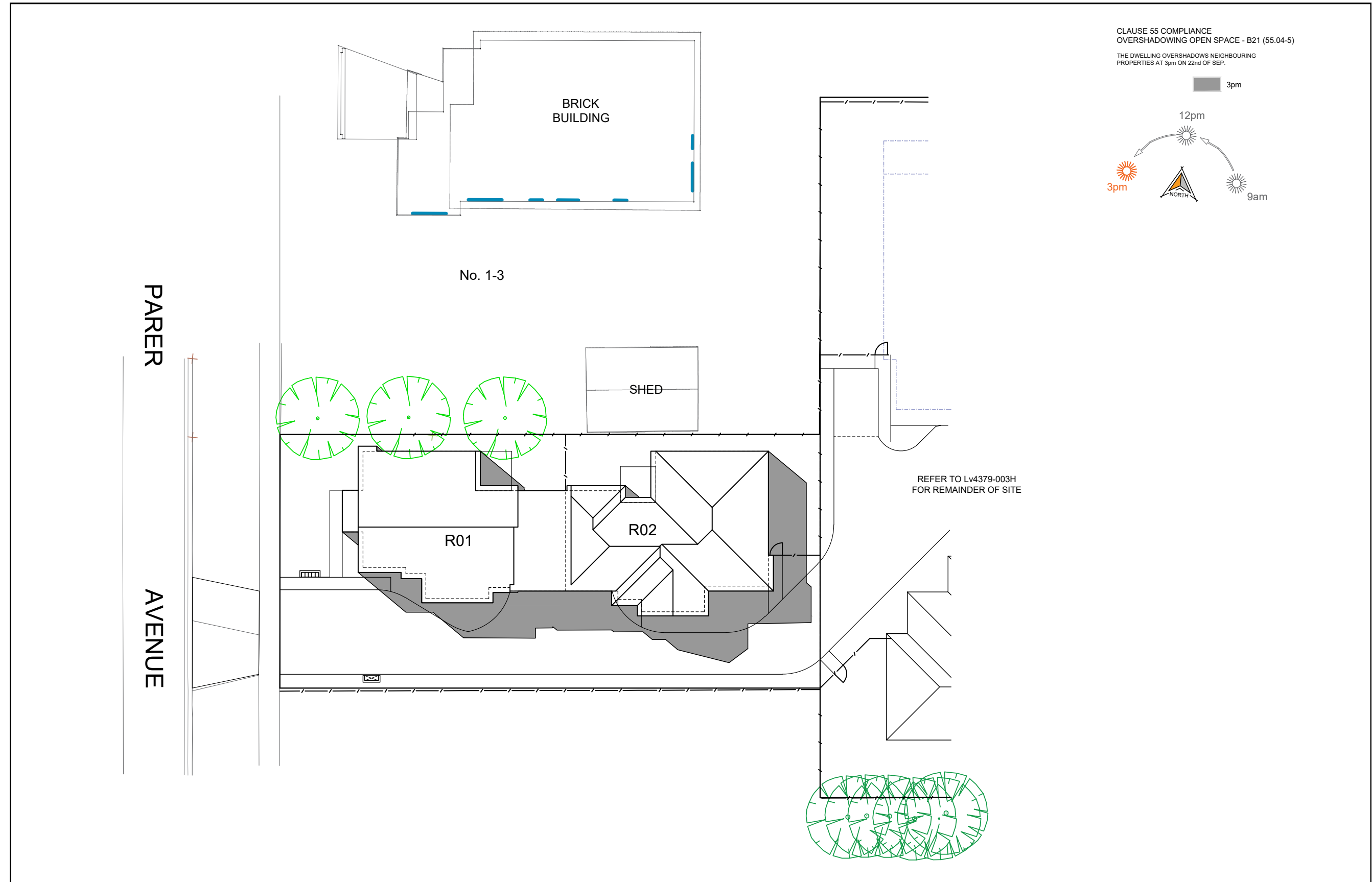
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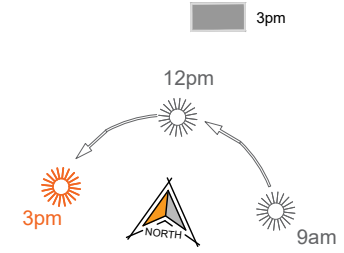
DRAWN: E.K
DATE: 21/07/2021
CHECKED: S.ABBOTT
SHEET No: 6 OF 17
DO NOT SCALE
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SHADOW PLAN 9am (2)

PROJECT: UNIT DEVELOPMENT
ADDRESS: 5 PARER AVENUE, MOE VIC
CLIENT: HILLVIEW PROPERTY GROUP P/L
SCALE 1:250
DRG. NO. Lv4379-003F
REV. P1



CLAUSE 55 COMPLIANCE
OVERSHADOWING OPEN SPACE - B21 (55.04-5)
THE DWELLING OVERSHADOWS NEIGHBOURING
PROPERTIES AT 3pm ON 22nd OF SEP.



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REV #	DESCRIPTION	DRAWN BY	DATE

FOR PLANNING

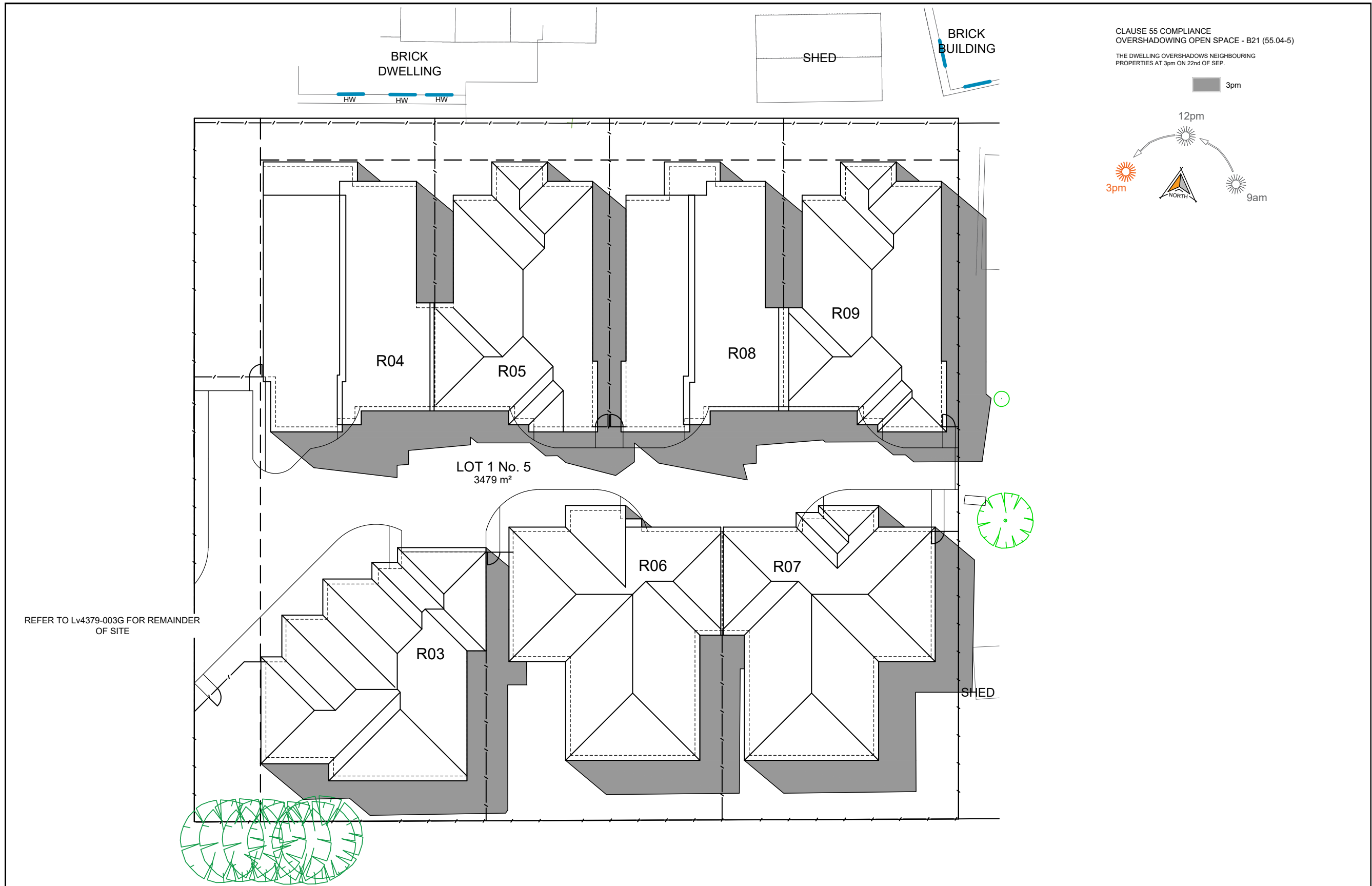
DRAWN:	E.K
DATE:	21/07/2021
CHECKED:	S.ABBOTT
SHEET No:	7 OF 17

DO NOT SCALE
A3 SIZE SHEET

SHADOW PLAN 3pm (1)

PROJECT: UNIT DEVELOPMENT
ADDRESS: 5 PARER AVENUE, MOE VIC
CLIENT: HILLVIEW PROPERTY GROUP P/L

SCALE	1:250	DRG.NO.	Lv4379-003G	REV.	P1
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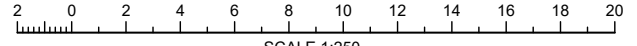


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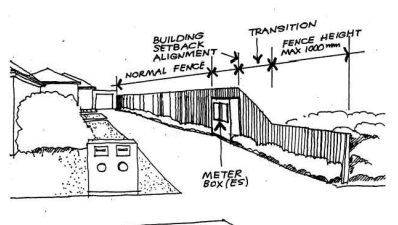
SHADOW PLAN 3pm (2)

PROJECT: UNIT DEVELOPMENT
 ADDRESS: 5 PARER AVENUE, MOE VIC
 CLIENT: HILLVIEW PROPERTY GROUP P/L
 SCALE 1:250
 DRG. NO. Lv4379-003H
 REV. P1

PLANT SCHEDULE PART 1					
BOTANICAL NAME	COMMON NAME	INSTALLATION SIZE	MATURE SIZE	QUANTITY	
INDIGENOUS CANOPY TREE <i>Acacia implexa</i> *	Lightwood	33cm	5m(H) x 7m(W)	1	
INDIGENOUS TALL SHRUB <i>Acacia genistifolia</i> *	Spreading Wattle	30cm	1-3m(H) x 1-3m(W)	1	
INDIGENOUS SHRUB <i>Callistemon Viminalis</i> *	Callistemon Macarthur	7" pot	1.8m(H) x 1.5m(W)	2	
INDIGENOUS SHRUB <i>Grevillea Superb</i> *	Grevillea Superb	50mm	1-1.5m(H) x 1-1.5m(W)	2	
INDIGENOUS GRASS <i>Lomandra longifolia</i> *	Spiny-leaf Mat-rush	50mm pot	1.2m(W) x 0.8m(H)	9	
INDIGENOUS GRASS <i>Lomandra filiformis</i> *	Wattle Mat Rush	6" pot	0.4m(H) x 0.4m(W)	23	
INDIGENOUS SHRUB <i>'Alynn Magic' Acmena smithii</i> *	'Alynn Magic' Lilly Pilly	140mm OR 200mm	0.5m-1m(H) x 0.5m-1m(H)	37	
INDIGENOUS SHRUB <i>Anigozanthos</i> *	Kangaroo Paw	6" pot	0.6m(H) x 0.5m(W)	10	
INDIGENOUS SHRUB <i>Banksia Spinulosa</i> *	Birthday Candles Banksia	7" pot	0.5m(H)	5	
INDIGENOUS GROUNDCOVER <i>Grevillea Bronze Rambler</i> *	Bronze Rambler	42mm pot	0.3m-0.5(H) x 3-5m(W)	6	

LETTERBOX & METERBOX UNITS

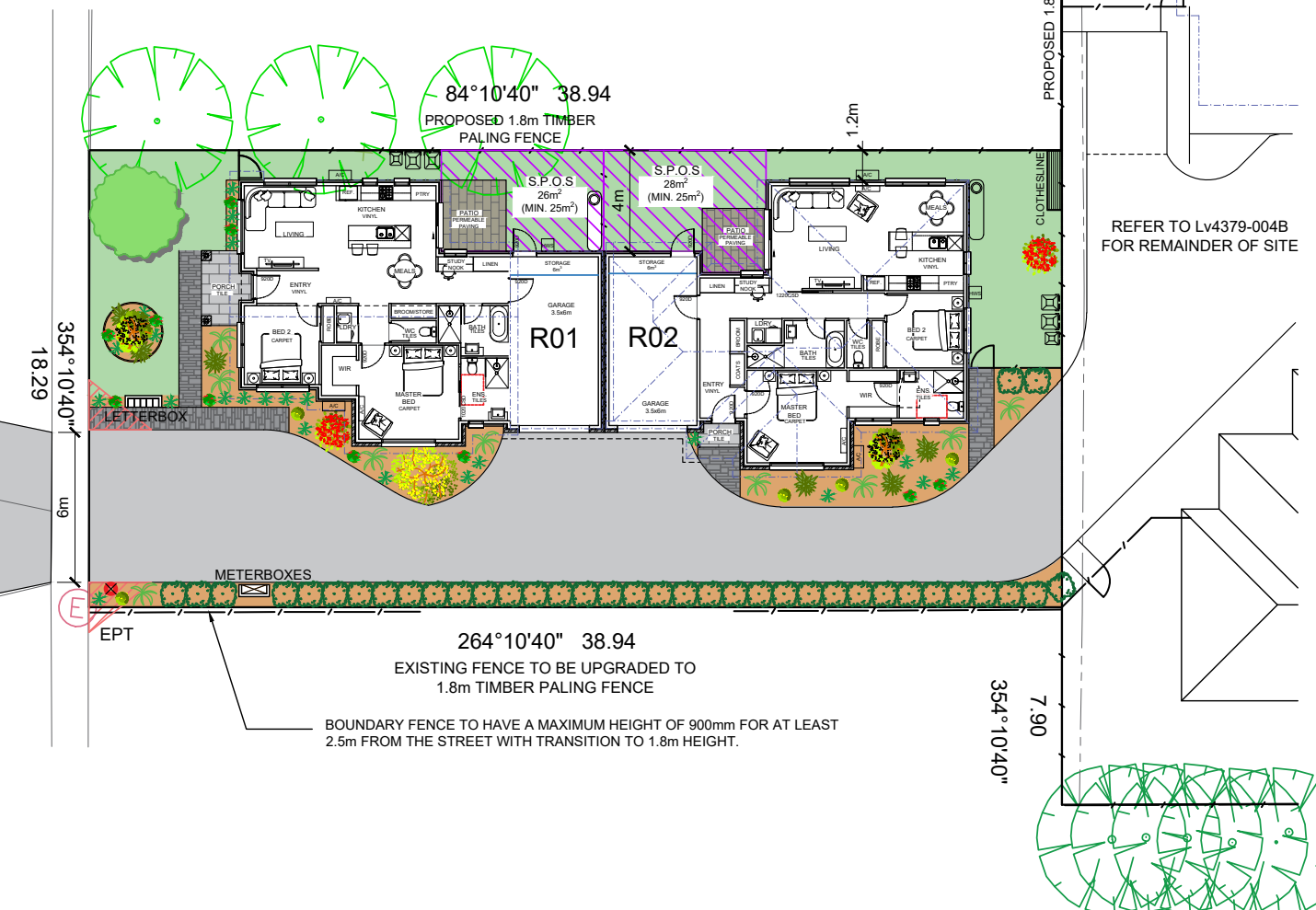
MAX. 900mm HIGH MULTIBANK RENDERED BRICK LETTERBOX UNIT AT FRONT OF PROPERTY
EXAMPLE:


Annotations: BUILDING SETBACK ALIGNMENT, NORMAL FENCE, TRANSITION FENCE HEIGHT MAX 900mm, METER BOX (E), EPT

PARER AVENUE

SPEED BUMP



NOTE: UNDERGROUND SERVICES MAY NOT BE SHOWN OR BE ACCURATE. ALWAYS CONSULT 'DIAL BEFORE YOU DIG' PRIOR TO ANY EXCAVATION WORKS



LEGEND

- VEGETATION TO BE RETAINED
- 2000L WATER TANK (2.01m H x 0.565m W x 2.4m L)
- PERMEABLE PAVING ON SAND BASE
- GRASSED PRIVATE OPEN SPACE (P.O.S)
- GRASSED COMMON GARDEN AREA
- MULCHED GARDEN BED
- CONCRETE DRIVEWAY
- PATH PAVING
- 6m² STORAGE
- CLOTHES LINE
- BIN LOCATION
- VEHICLE ACCESSWAY CORNER SPLAY, 50% CLEAR OF VISUAL OBSTRUCTIONS, VEGETATION MAX. HEIGHT: 900mm

WATER TANKS

SOLAR HOT WATER SYSTEM TO BE INSTALLED, OR A MIN. 2000LT RAINWATER TANK TO BE INSTALLED IN SUCH A WAY TO RECEIVE A MIN. 50m² OF ROOF AREA. TANKS TO BE PROVIDED WITH AN AUTOMATIC OR MANUAL INTERCHANGE DEVICE TO PROVIDE A CONTINUAL SUPPLY OF WATER FOR SANITARY FLUSHING OR UPGRADED AS PER ENGINEER'S DRAINAGE DESIGN.

EXAMPLE TANK: OZ TANKS 2000L SUPER SLIM
LENGTH: 2400mm
WIDTH: 565mm
HEIGHT: 2010mm




LIGHTING

OUTDOOR BOLLARD STYLE LIGHTING & FLOODLIGHT
STYLE LIGHTING TO COMMON AREAS




FENCING

ALL PROPOSED FENCES ARE TO BE 1800mm HIGH TIMBER PALING FENCING - SIMILAR TO SHOWN



FENCE EXTENSIONS WHERE REQUIRED OR INDICATED - SIMILAR TO SHOWN



PERMEABLE PATHS & PATIOS

PERMEABLE PAVERS TO PATIOS ON SAND BASE AS PER MANUFACTURER'S SPECIFICATIONS, SIMILAR TO SHOWN



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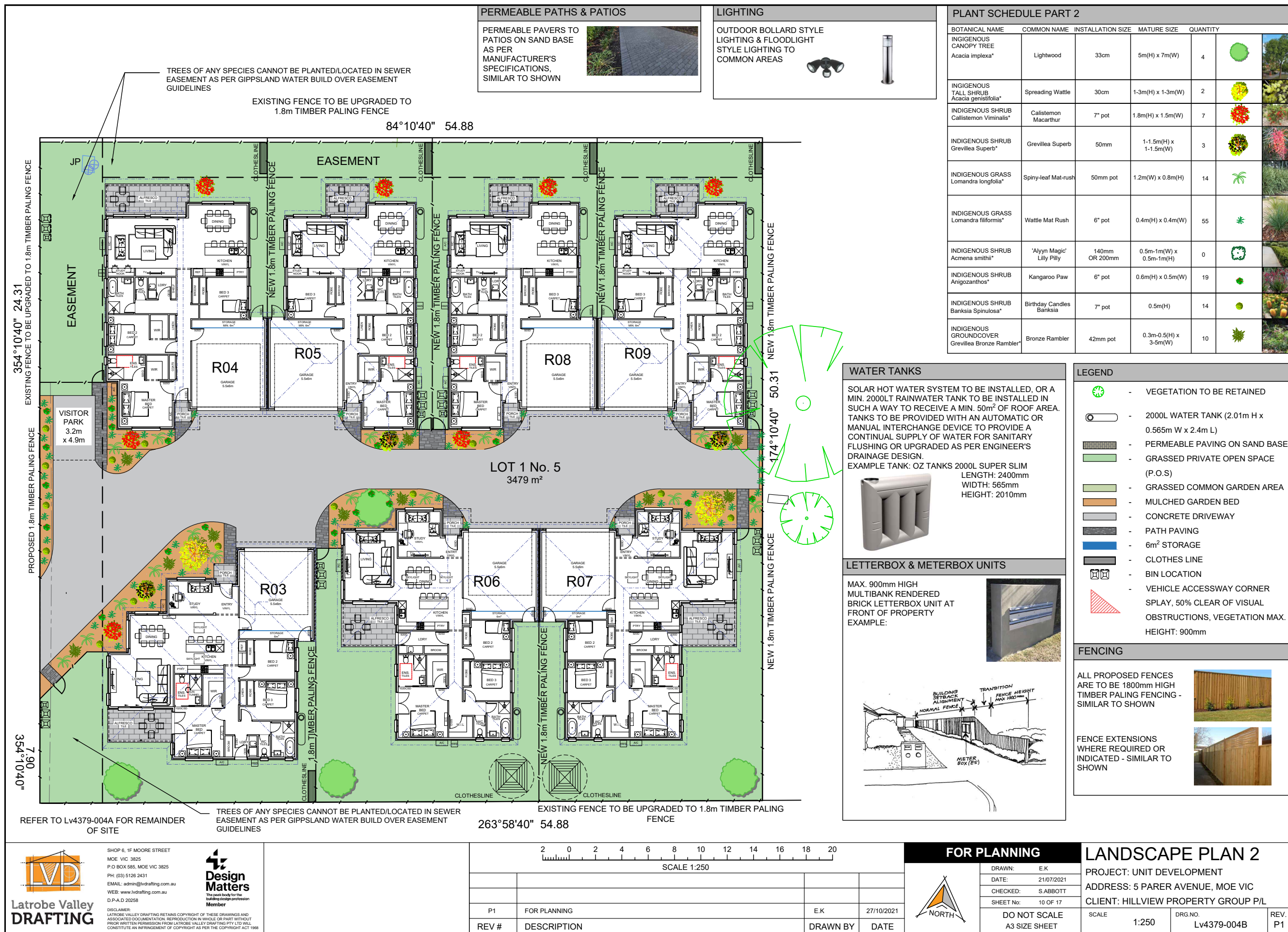
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LANDSCAPE PLAN 1

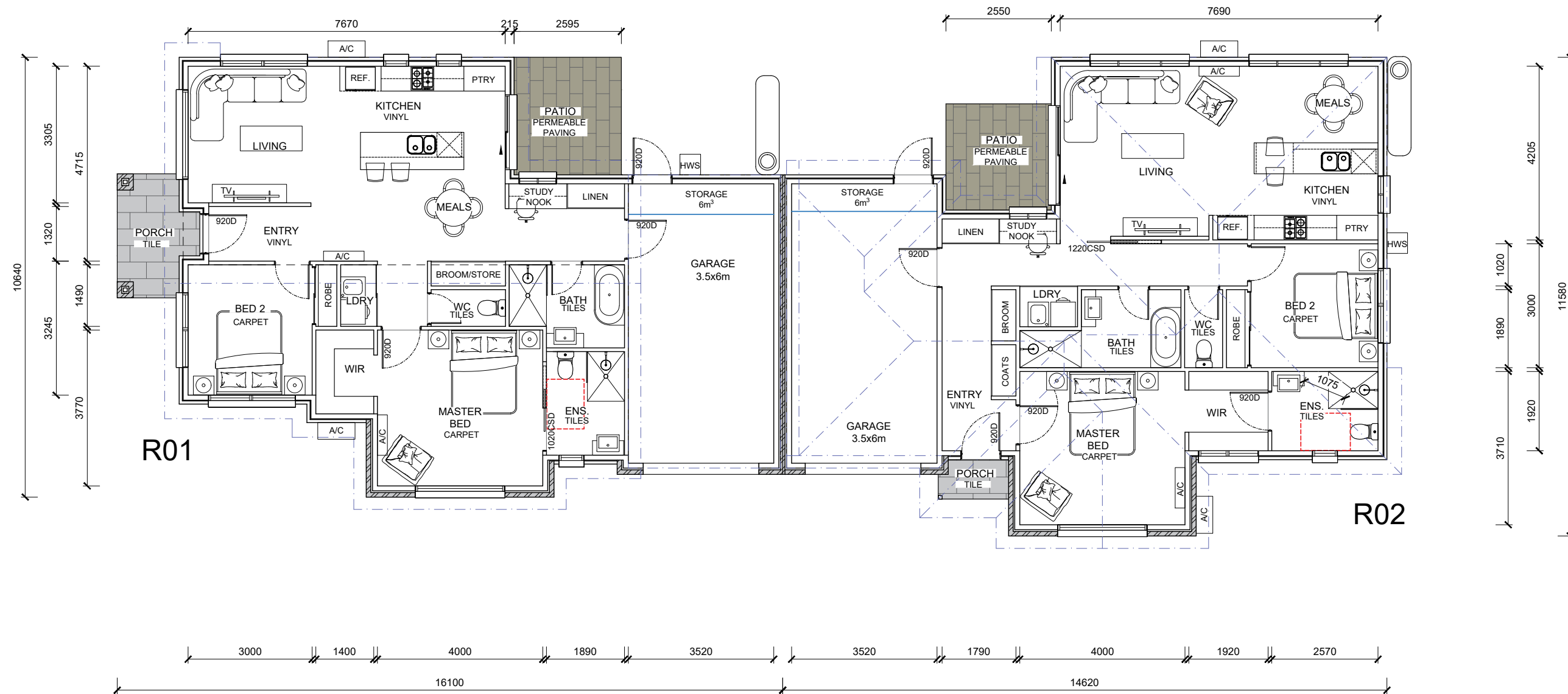
PROJECT: UNIT DEVELOPMENT
ADDRESS: 5 PARER AVENUE, MOE VIC
CLIENT: HILLVIEW PROPERTY GROUP P/L

SCALE 1:250
DRG.NO. Lv4379-004A
REV. P1



R01 AREA ANALYSIS	
TOTAL LIVING AREA	96.2m ²
TOTAL AREA	128m ²
TOTAL SQ	13.7sq
TYPICAL CONSTRUCTION	
FRAME:	EXTERNAL WALLS: 120mm THICKNESS INTERNAL WALLS: 90mm THICKNESS
CLADDING:	HEBEL POWER PANEL 75mm, SELECT BRICK VENEER WHERE INDICATED
EAVES:	450mm U.N.O FROM FRAME
DOORS:	2040x920 WHERE INDICATED, 2040x820 OTHER BEDROOMS, 2040x720 BATHROOMS/WCS, U.N.O

R02 AREA ANALYSIS	
TOTAL LIVING AREA	104.1m ²
TOTAL AREA	133m ²
TOTAL SQ	14.3sq
TYPICAL CONSTRUCTION	
FRAME:	EXTERNAL WALLS: 120mm THICKNESS INTERNAL WALLS: 90mm THICKNESS
CLADDING:	HEBEL POWER PANEL 75mm, SELECT BRICK VENEER WHERE INDICATED
EAVES:	450mm U.N.O FROM FRAME
DOORS:	2040x920 WHERE INDICATED, 2040x820 OTHER BEDROOMS, 2040x720 BATHROOMS/WCS, U.N.O



R01 & R02

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 P.O BOX 585, MOE VIC 3825
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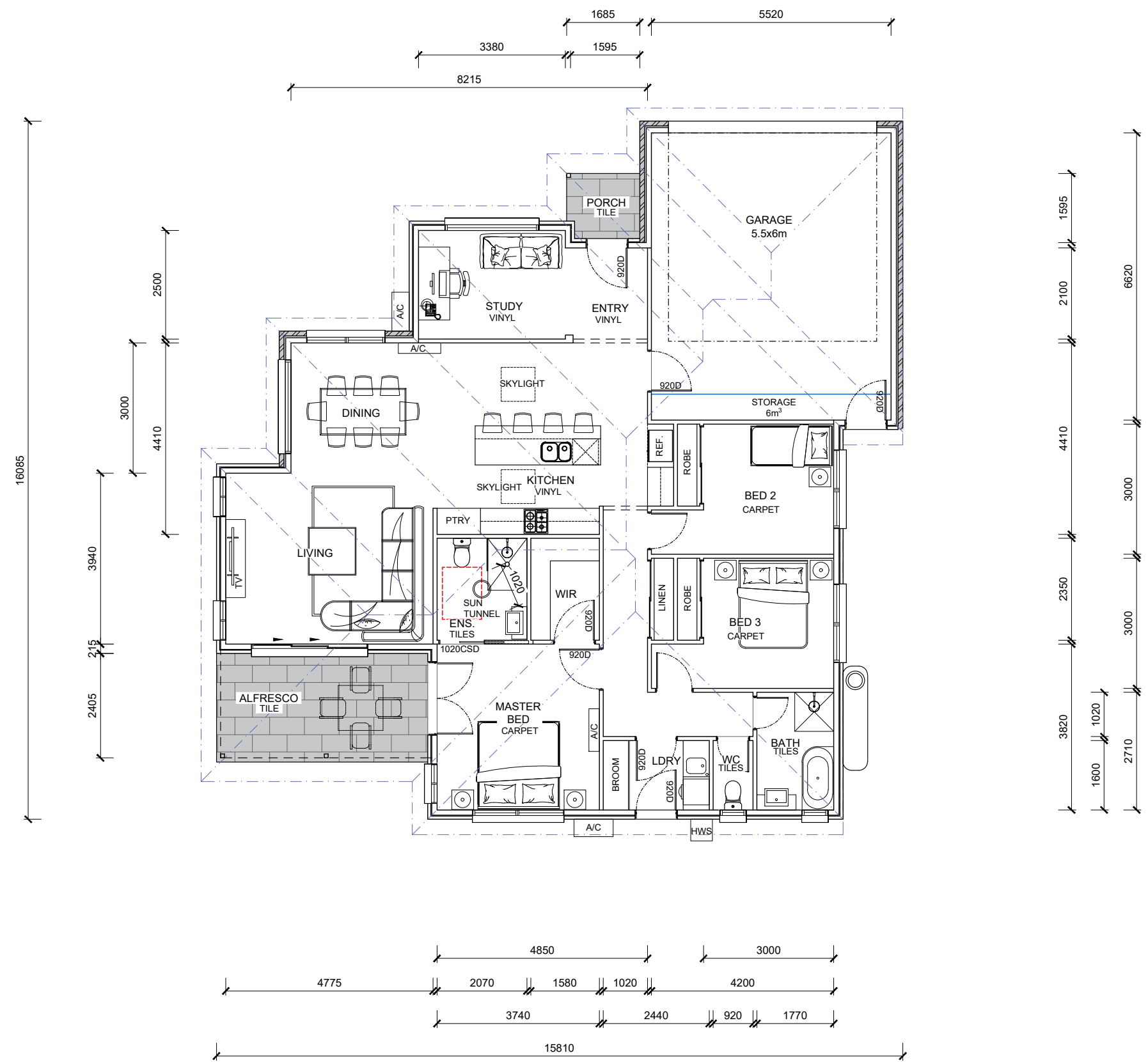
NORTH

FLOOR PLAN R01 & R02

PROJECT: UNIT DEVELOPMENT
 ADDRESS: 5 PARER AVENUE, MOE VIC
 CLIENT: HILLVIEW PROPERTY GROUP P/L

SCALE 1:100
 DRG.NO. Lv4379-005
 REV. P1

R03 AREA ANALYSIS	
TOTAL LIVING AREA	143.7m ²
TOTAL AREA	199m ²
TOTAL SQ	21.4sq
TYPICAL CONSTRUCTION	
FRAME:	EXTERNAL WALLS: 120mm THICKNESS INTERNAL WALLS: 90mm THICKNESS
CLADDING:	HEBEL POWER PANEL 75mm, SELECT BRICK VENEER WHERE INDICATED
EAVES:	450mm U.N.O FROM FRAME
DOORS:	2040x920 WHERE INDICATED, 2040x820 OTHER BEDROOMS, 2040x720 BATHROOMS/WCS, U.N.O



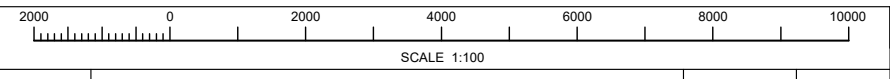
R03



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FOR PLANNING

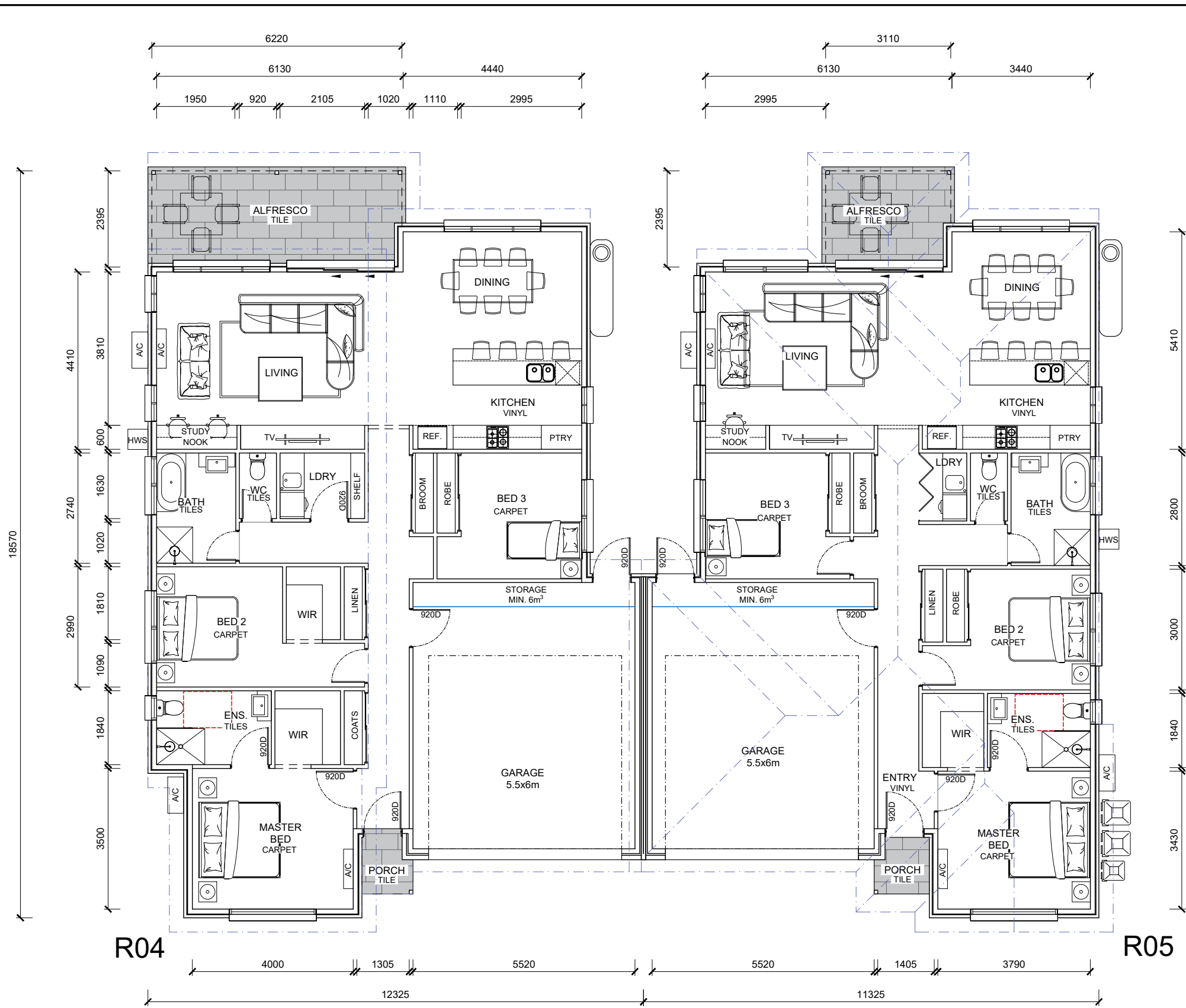
DRAWN: E.K
DATE: 21/07/2021
CHECKED: S.ABBOTT
SHEET No: 12 OF 17

DO NOT SCALE
A3 SIZE SHEET

FLOOR PLAN R03			
PROJECT: UNIT DEVELOPMENT			
ADDRESS: 5 PARER AVENUE, MOE VIC			
CLIENT: HILLVIEW PROPERTY GROUP P/L			
SCALE	1:100	DRG.NO.	Lv4379-006
REV.	P1		

R04 AREA ANALYSIS	
TOTAL LIVING AREA	141.4m ²
TOTAL AREA	198m ²
TOTAL SQ	21.3sq
TYPICAL CONSTRUCTION	
FRAME:	EXTERNAL WALLS: 120mm THICKNESS INTERNAL WALLS: 90mm THICKNESS
CLADDING:	HEBEL POWER PANEL 75mm, SELECT BRICK VENEER WHERE INDICATED, SELECT WEATHERBOARD CLADDING WHERE INDICATED ON ELEVATION
EAVES:	450mm U.N.O FROM FRAME
DOORS:	2040x920 WHERE INDICATED, 2040x820 OTHER BEDROOMS, 2040x720 BATHROOMS/WCS, U.N.O

R05 AREA ANALYSIS	
TOTAL LIVING AREA	127.1m ²
TOTAL AREA	176m ²
TOTAL SQ	18.9sq
TYPICAL CONSTRUCTION	
FRAME:	EXTERNAL WALLS: 120mm THICKNESS INTERNAL WALLS: 90mm THICKNESS
CLADDING:	HEBEL POWER PANEL 75mm, SELECT BRICK VENEER WHERE INDICATED, SELECT WEATHERBOARD CLADDING WHERE INDICATED ON ELEVATION
EAVES:	450mm U.N.O FROM FRAME
DOORS:	2040x920 WHERE INDICATED, 2040x820 OTHER BEDROOMS, 2040x720 BATHROOMS/WCS, U.N.O



R04 & R05



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2000 0 2000 4000 6000 8000 10000			
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REV #	DESCRIPTION	DRAWN BY	DATE

FOR PLANNING

DRAWN: E.K
DATE: 21/07/2021
CHECKED: S.ABBOTT
SHEET No: 13 OF 17

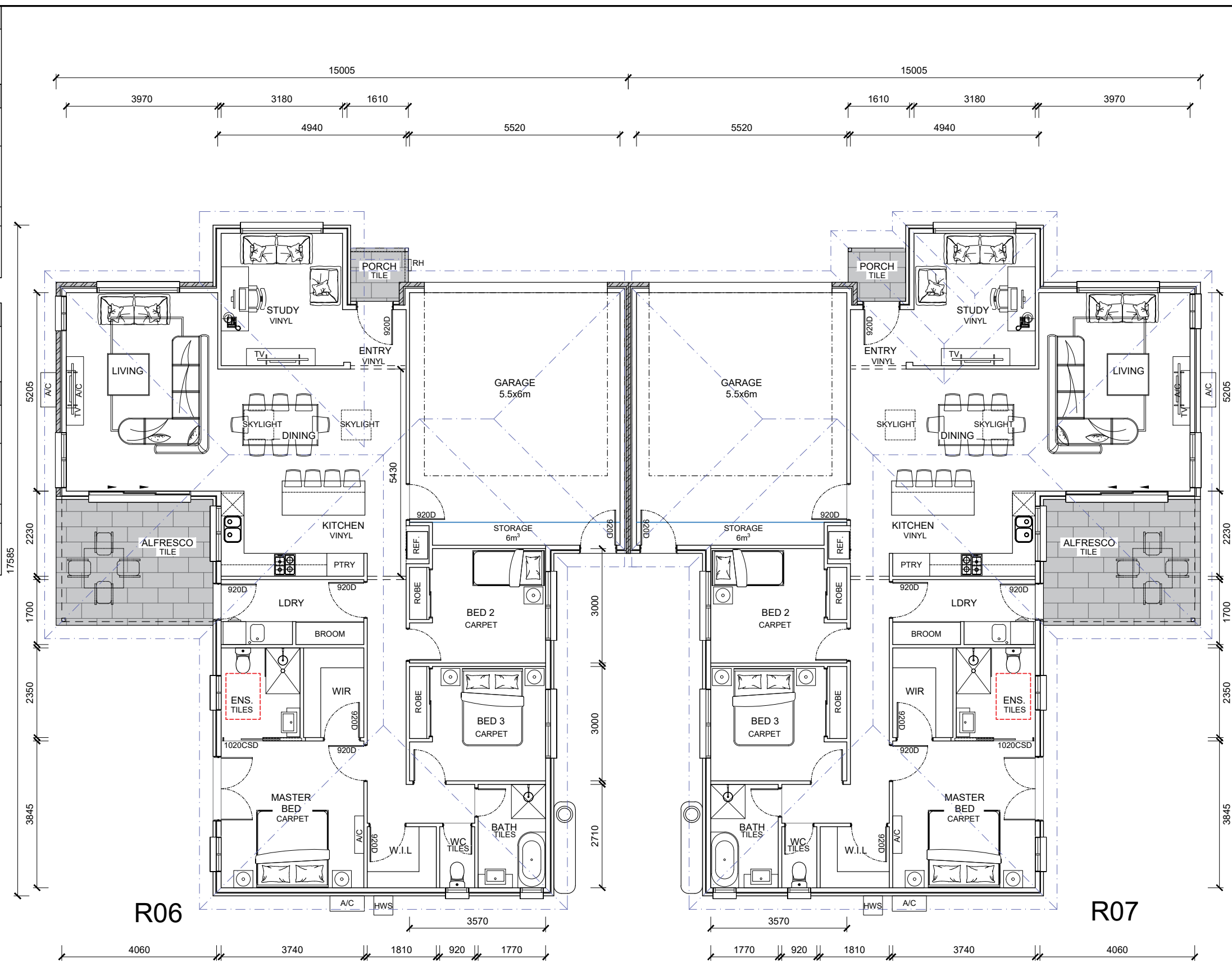
FLOOR PLAN R04 & R05

PROJECT: UNIT DEVELOPMENT
ADDRESS: 5 PARER AVENUE, MOE VIC
CLIENT: HILLVIEW PROPERTY GROUP P/L

DO NOT SCALE A3 SIZE SHEET	SCALE 1:100	DRG.NO. Lv4379-007	REV. P1
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R06 AREA ANALYSIS	
TOTAL LIVING AREA	146.1m ²
TOTAL AREA	201m ²
TOTAL SQ	21.6sq
TYPICAL CONSTRUCTION	
FRAME:	EXTERNAL WALLS: 120mm THICKNESS INTERNAL WALLS: 90mm THICKNESS
CLADDING:	HEBEL POWER PANEL 75mm, SELECT BRICK VENEER WHERE INDICATED, SELECT WEATHERBOARD CLADDING WHERE INDICATED ON ELEVATION
EAVES:	450mm U.N.O FROM FRAME
DOORS:	2040x920 WHERE INDICATED, 2040x820 OTHER BEDROOMS, 2040x720 BATHROOMS/WCS, U.N.O

R07 AREA ANALYSIS	
TOTAL LIVING AREA	146.1m ²
TOTAL AREA	201m ²
TOTAL SQ	21.6sq
TYPICAL CONSTRUCTION	
FRAME:	EXTERNAL WALLS: 120mm THICKNESS INTERNAL WALLS: 90mm THICKNESS
CLADDING:	HEBEL POWER PANEL 75mm, SELECT BRICK VENEER WHERE INDICATED, SELECT WEATHERBOARD CLADDING WHERE INDICATED ON ELEVATION
EAVES:	450mm U.N.O FROM FRAME
DOORS:	2040x920 WHERE INDICATED, 2040x820 OTHER BEDROOMS, 2040x720 BATHROOMS/WCS, U.N.O



R06 & R07



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
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REV #	DESCRIPTION	DRAWN BY	DATE


FOR PLANNING

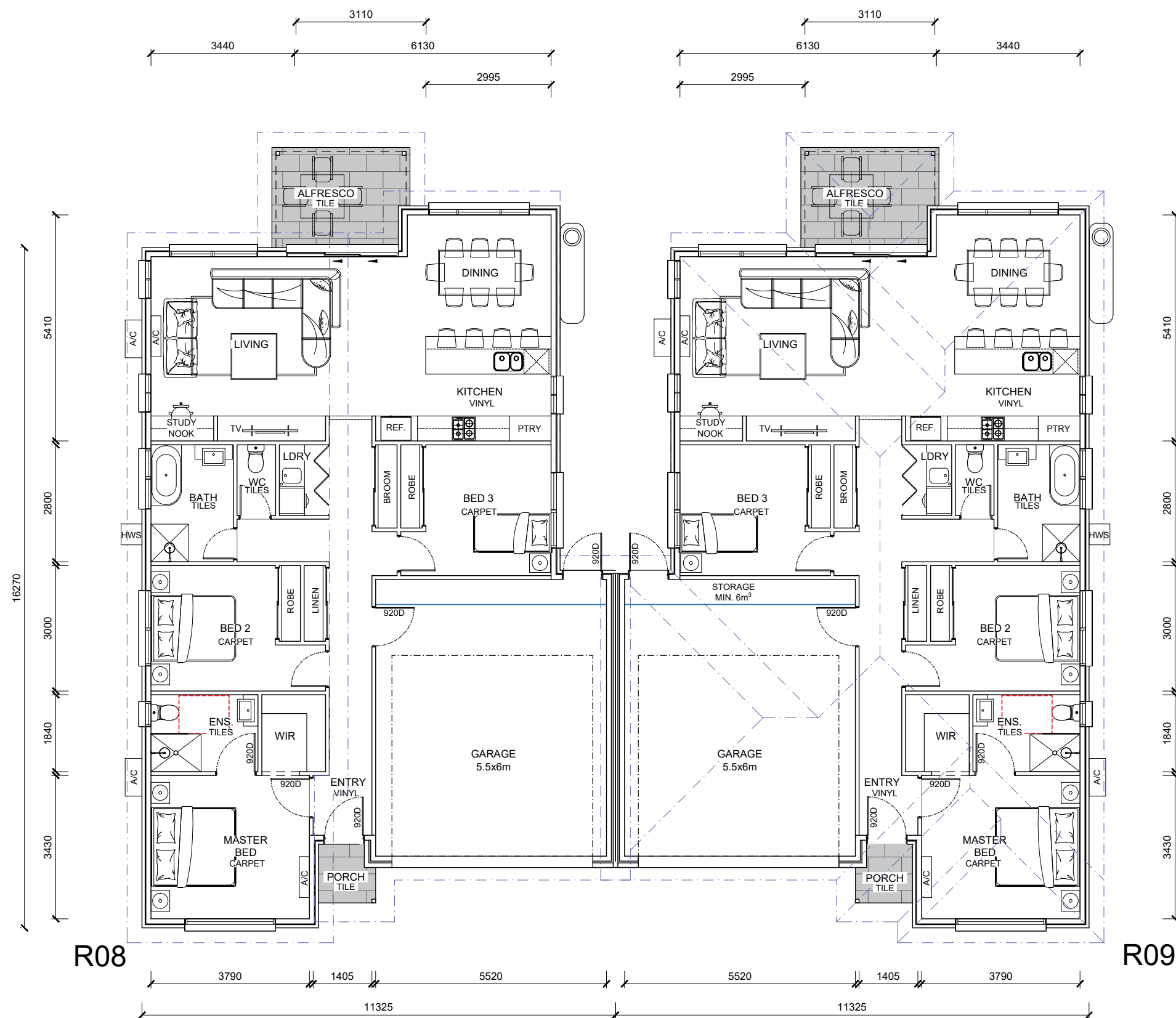
DRAWN:	E.K
DATE:	21/07/2021
CHECKED:	S.ABBOTT
SHEET No:	14 OF 17
DO NOT SCALE A3 SIZE SHEET	

FLOOR PLAN R06 & R07

PROJECT: UNIT DEVELOPMENT			
ADDRESS: 5 PARER AVENUE, MOE VIC			
CLIENT: HILLVIEW PROPERTY GROUP P/L			
SCALE	1:100	DRG.NO.	Lv4379-008
REV.	P1		

R08 AREA ANALYSIS	
TOTAL LIVING AREA	127.1m ²
TOTAL AREA	176m ²
TOTAL SQ	18.9sq
TYPICAL CONSTRUCTION	
FRAME:	EXTERNAL WALLS: 120mm THICKNESS INTERNAL WALLS: 90mm THICKNESS
CLADDING:	HEBEL POWER PANEL 75mm, SELECT BRICK VENEER WHERE INDICATED,  SELECT WEATHERBOARD CLADDING WHERE INDICATED ON ELEVATION
EAVES:	450mm U.N.O FROM FRAME
DOORS:	2040x920 WHERE INDICATED, 2040x820 OTHER BEDROOMS, 2040x720 BATHROOMS/WCS, U.N.O

R09 AREA ANALYSIS	
TOTAL LIVING AREA	127.1m ²
TOTAL AREA	176m ²
TOTAL SQ	18.9sq
TYPICAL CONSTRUCTION	
FRAME:	EXTERNAL WALLS: 120mm THICKNESS INTERNAL WALLS: 90mm THICKNESS
CLADDING:	HEBEL POWER PANEL 75mm, SELECT BRICK VENEER WHERE INDICATED,  SELECT WEATHERBOARD CLADDING WHERE INDICATED ON ELEVATION
EAVES:	450mm U.N.O FROM FRAME
DOORS:	2040x920 WHERE INDICATED, 2040x820 OTHER BEDROOMS, 2040x720 BATHROOMS/WCS, U.N.O



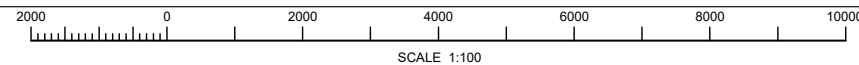
R08 & R09



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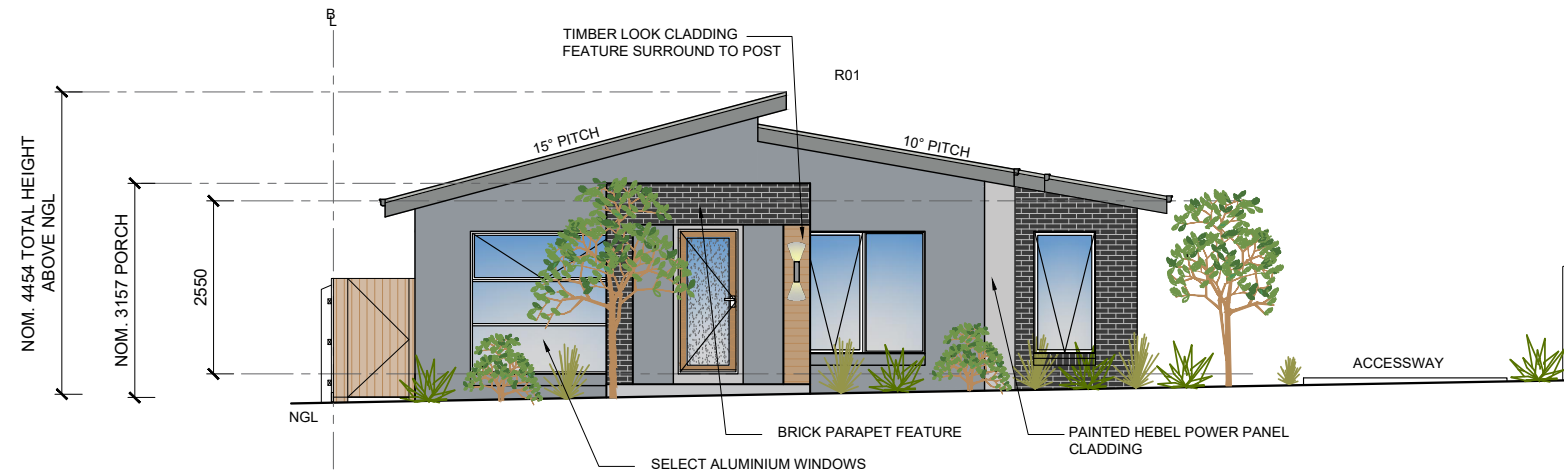
DRAWN: E.K
DATE: 21/07/2021
CHECKED: S.ABBOTT
SHEET No: 15 OF 17

DO NOT SCALE
A3 SIZE SHEET

FLOOR PLAN R08 & R09

PROJECT: UNIT DEVELOPMENT
ADDRESS: 5 PARER AVENUE, MOE VIC
CLIENT: HILLVIEW PROPERTY GROUP P/L

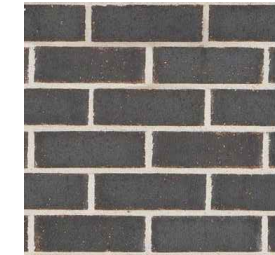
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DRG.NO. Lv4379-009
REV. P1



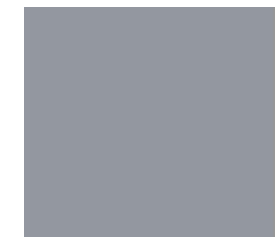
R01 FRONT ELEVATION



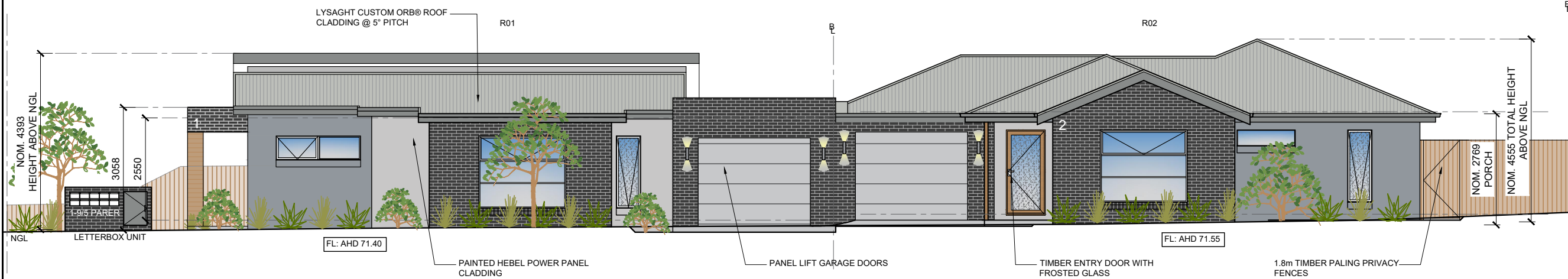
DULUX ASHVILLE
HEBEL COLOUR EXAMPLE



BORAL NUVO ASPIRE STORM
BRICK COLOUR EXAMPLE



DULUX WATER WORN
HEBEL COLOUR EXAMPLE



R01 & R02 SIDE ELEVATION



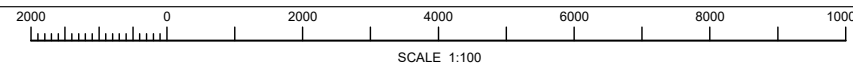
SITE OPTION 2



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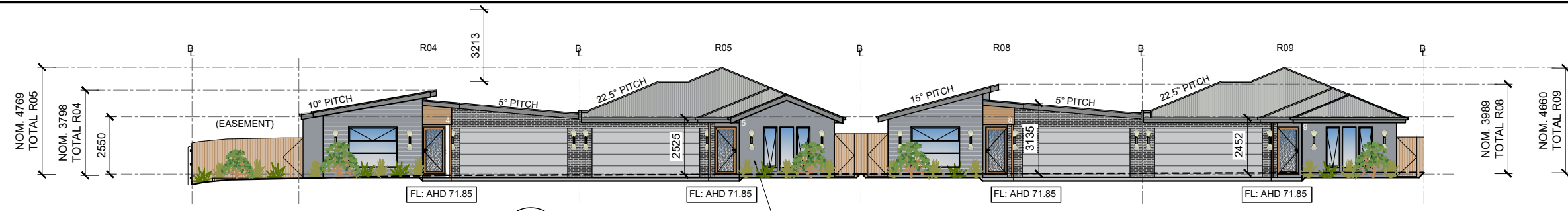
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DATE: 21/07/2021
CHECKED: S.ABBOTT
SHEET No: 16 OF 17

DO NOT SCALE
A3 SIZE SHEET

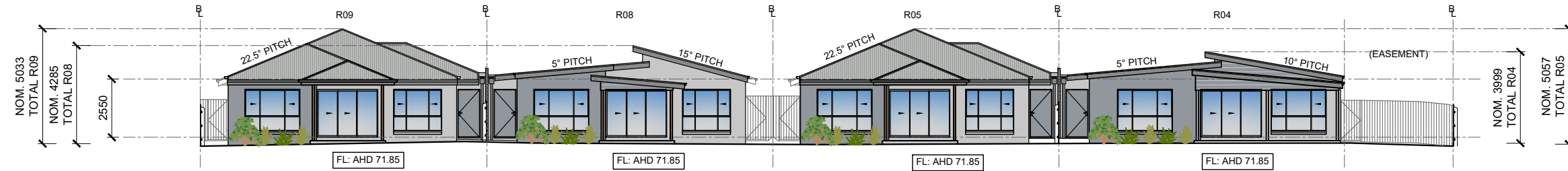
R01 & R02 ELEVATIONS

PROJECT: UNIT DEVELOPMENT
ADDRESS: 5 PARER AVENUE, MOE VIC
CLIENT: HILLVIEW PROPERTY GROUP P/L

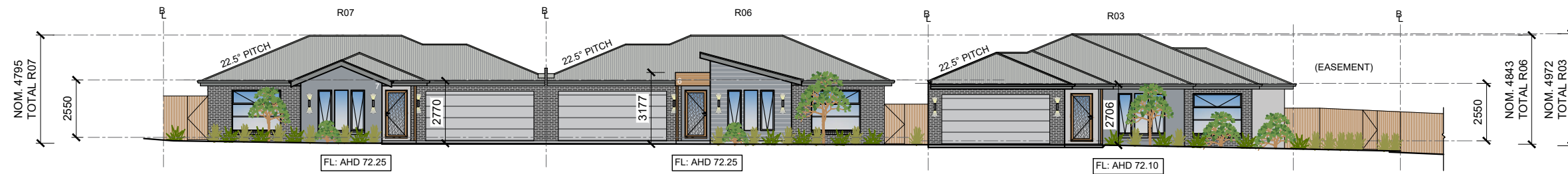
SCALE 1:100
DRG.NO. Lv4379-010
REV. P1



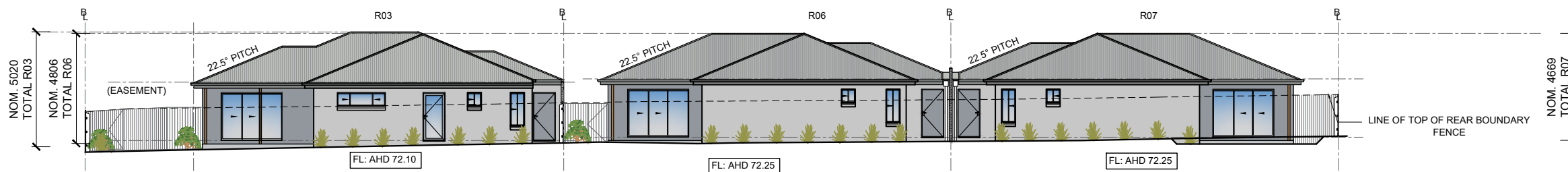
SOUTH FACADE SITE ELEVATION Y
003B



NORTH (REAR) SITE ELEVATION W
003B



NORTH FACADE SITE ELEVATION X
003B



SOUTH (REAR) SITE ELEVATION Z
003B

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P.O BOX 585, MOE VIC 3825
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SCALE 1:200			
P1	FOR PLANNING	E.K	27/10/2021
REV #	DESCRIPTION	DRAWN BY	DATE

FOR PLANNING

DRAWN: E.K
DATE: 21/07/2021
CHECKED: S.ABBOTT
SHEET No: 17 OF 17

DO NOT SCALE
A3 SIZE SHEET

NORTH

SITE ELEVATIONS R03-R09

PROJECT: UNIT DEVELOPMENT
ADDRESS: 5 PARER AVENUE, MOE VIC
CLIENT: HILLVIEW PROPERTY GROUP P/L

SCALE	1:200	DRG.NO.	Lv4379-011	REV.	P1
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Planning and Environment Regulations 2015 No. 33

FORM 9

Section 96C

DRAFT PLANNING PERMIT

Permit No.: 2022/17

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

ADDRESS OF THE LAND: 5 Parer Avenue, Moe

DESCRIPTION: Lot 1 PS 823972V

THE PERMIT ALLOWS: Development of 9 (nine) dwellings on a lot

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans Required

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit.

The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) The existing stormwater drain located within easement E-3 shall be added to the plans

Endorsed Plans Not Altered

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Works Conditions

3. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
4. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority

Construction Management Plan condition

Date Issued:

Date permit comes into operation:

 Signature for the Responsible Authority

Page 1 of 7

Planning and Environment Regulations 2015 No. 33

FORM 9

Section 96C

DRAFT PLANNING PERMIT

Permit No.: 2022/17
Planning Scheme: Latrobe Planning Scheme
Responsible Authority: Latrobe City Council

5. Before the development starts, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All construction activities must comply with the construction management plan to the satisfaction of the Responsible Authority. The plan must include:
- a) The location and procedure for the storage of materials;
 - b) hours of construction including the number of workers expected on the land at any one time;
 - c) dust and litter management;
 - d) car parking, access and traffic management for staff and working vehicles;
 - e) measures to ensure the safe movement of vehicles and pedestrians on adjacent roads and pedestrian walkways during construction; and
 - f) provision for temporary fencing.

Landscaping Conditions

6. Before the use starts or the occupancy of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Fencing condition

8. Before any dwelling is occupied new fencing must be erected along the side and rear boundaries as shown on the endorsed plans must be erected at the full cost of the operator of this permit and maintained to the satisfaction of the Responsible Authority.

Date Issued:
Date permit comes into operation:

Signature for the Responsible Authority

Page 2 of 7

Planning and Environment Regulations 2015 No. 33

FORM 9

Section 96C

DRAFT PLANNING PERMIT

Permit No.: 2022/17
Planning Scheme: Latrobe Planning Scheme
Responsible Authority: Latrobe City Council

9. All fencing (other than the front boundary fence) must be constructed in treated pine exposed post and capping box paling fence.

Engineering conditions

10. Before the commencement of any works hereby permitted, a site drainage plan, including levels or contours of the land and all hydraulic computations, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy in PDF format must be provided. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's design guidelines and must provide for the following:
- a. How the land including all buildings, open space and paved areas will be drained for a 20% AEP storm event.
 - b. An underground pipe drainage system conveying stormwater discharge from the legal point of discharge and connecting into Latrobe City Council's stormwater drainage system.
 - c. The provision of stormwater detention within the site and prior to the point of discharge into Latrobe City Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using a coefficient of run-off of 0.4.
 - d. No part of any above ground stormwater detention system is to be located within a stormwater drainage easement or a sewerage easement unless with the Responsible Authority's written approval.
11. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

Date Issued:

Date permit comes into operation:

Signature for the Responsible Authority

Page 3 of 7

Planning and Environment Regulations 2015 No. 33

FORM 9

Section 96C

DRAFT PLANNING PERMIT

Permit No.: 2022/17
Planning Scheme: Latrobe Planning Scheme
Responsible Authority: Latrobe City Council

12. Before an Occupancy Permit is issued for the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:
- a. All drainage works and on-site stormwater detention works must be completed to the satisfaction of the Responsible Authority, in accordance with the site drainage plan approved by Latrobe City Council.
 - b. The extension of vehicle crossing must be constructed in accordance with the endorsed plans and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307.
 - c. Areas for vehicle access within the land must be constructed in accordance with plans endorsed by the Responsible Authority and be surfaced in accordance with the endorsed plans and drained in accordance with the approved site drainage plan.

Gippsland Water Conditions

13. Install water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
14. Install sewer services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
15. A Property Services quote request form must be completed and forwarded to our Property Connections Team to arrange a quote for the provision of water and/or sewer services to the development. Endorsed plans together with the issued planning permit must be supplied with this application. Please refer to our website: <https://www.gippswater.com.au/developers/property-connections/connections>

Date Issued:
Date permit comes into operation:

Signature for the Responsible Authority

Page 4 of 7

Planning and Environment Regulations 2015 No. 33

FORM 9

Section 96C

DRAFT PLANNING PERMIT

Permit No.: 2022/17

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

16. An As Laid sanitary drainage plan showing the location of the sanitary drain(s) is required to be submitted by the plumber to CIS Services either by email to: plans@cis1.com.au or by fax (03) 9835 5515 and a copy to Gippsland Water by email to: statplanning@gippswater.com.au.

17. Prior to the commencement of any building works associated with the development, the owner/applicant must lodge an Application to Build Over Gippsland Water's Assets and/or Easements and have written approval by Gippsland Water. Please refer to our Website: <https://www.gippswater.com.au/developers/property-connections/build-over-easements>

Expiry of Permit

18. This permit will expire if one of the following circumstances applies:

- a) the development is not started within two (2) years of the date of this permit
- b) the development is not completed within four (4) years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Note 1. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Note 2. Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

Date Issued:
Date permit comes into operation:

Signature for the Responsible Authority

Page 5 of 7

Planning and Environment Regulations 2015 No. 33

FORM 9

Section 96C

DRAFT PLANNING PERMIT

Permit No.: 2022/17
Planning Scheme: Latrobe Planning Scheme
Responsible Authority: Latrobe City Council

- Note 3.** The location of the Legal Point of Discharge for any property and the connection point into Latrobe City Council's stormwater drainage system can be obtained by completing a Legal Point of Discharge form, found at http://www.latrobe.vic.gov.au/Building_and_Planning/Building/Work_Permits_and_Property_Information
- Note 4.** A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of all new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Latrobe City Council's Asset Protection Officer before any backfilling of the connection is undertaken.
- Note 5.** A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.

END CONDITION

Date Issued:
Date permit comes into operation:

Signature for the Responsible Authority

Page 6 of 7

Agenda Item: 14.4

Agenda Item: Draft Submission - Inquiry into the Protections within the Victorian Planning Framework

Sponsor: General Manager, Regional City Planning and Assets

Council Plan Objective: CONNECTED

Status: For Decision

Proposed Resolution:

That Council:

- 1. Endorse Latrobe City Council's submission to the Inquiry into the Protections within the Victorian Planning Framework (Attachment 1); and**
- 2. Submit the submission to the Legislative Council Environment and Planning Committee for their consideration.**

Executive Summary:

- The Victorian Legislative Council has released terms of reference and inviting submissions to the Inquiry into the Protections within the Victorian Planning Framework and require submissions be made by the 31 January 2022.
- Officers have prepared a draft submission which focuses on the six key points in the Terms of Reference being:
 1. The high cost of Housing;
 2. Environmental Sustainability and Vegetation Protection;
 3. Delivering Certainty and Fairness in planning decisions for communities;
 4. Protecting Heritage in Victoria;
 5. Adequacy of the Residential Zones; and
 6. Any other matter the Committee considers relevant.
- The submission includes a discussion on the terms of reference, our experience in relation to them and recommendations on changes that could be made to the Act, Planning Scheme, Guidelines, Practice Notes or other government intervention that could be undertaken to improve the Victorian Planning System.

Background:

On 28 October 2020 the legislative Council agreed to the following motion:

That this House requires the Environment and Planning Committee to inquire into, consider and report, by June 2022, on the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework in relation to planning and heritage protection.

Attachment 1 provides the terms of reference in which the committee is to examine.

The committee is calling for submissions into this enquiry and submissions are due by 31 January 2021. An extension to this deadline was received and Council's submission can be made on 8 February 2022.

Submission

Officers have prepared a draft submission (see Attachment 2). The submission focuses on the terms of reference, in particular:

1. The high cost of Housing;
2. Environmental Sustainability and Vegetation Protection;
3. Delivering Certainty and Fairness in planning decisions for communities;
4. Protecting Heritage in Victoria;
5. Adequacy of the Residential Zones; and
6. Any other matter the Committee considers relevant.

Officers have provided a summary of our experience in relation to these issues and opportunities for changes to the committee, that we could see improve and provide better guidance under both the *Planning and Environment Act 1987* (Act) and the Latrobe Planning Scheme (the Scheme). There are also other government initiatives officers have highlighted to the committee that the government might undertake, that do not specifically relate to the Scheme or Act.

Below is a summary of the recommendations suggested in the submission:

- Update standards or requirements in the Planning Scheme, including:
 - Rooming House (increasing standard living, room size requirements);
 - Environmentally sustainable design requirements;
 - Street tree planting requirements (including, size, how many, etc.);

- Minimum size requirements for developments listed at Clause 54 and 55 and rooming houses; and
- Review car parking provisions for unit, townhouse, apartments, etc. for a regional context.
- Retention of consideration of local planning policy requirements to ensure that strategic work undertaken, community views and expectations are included in all developments (including social and affordable housing).
- Review of the Victoria Planning Provisions for:
 - An inclusionary zoning mechanism for the provision of social and affordable housing; and
 - Amending residential zones to ensure flexibility and local standard inclusions.
- Creation and update to guidance documents, planning practice notes, etc. for:
 - Native vegetation (avoid, minimise and offset);
 - Revegetation and bushfire response;
 - Low Density Residential Zone and Rural Living Zone;
 - VCAT Processes and Ministerial “call ins”;
 - Engagement requirements for planning permit applications;
 - Heritage Overlay; and
 - Residential Zone Practice Notes.
- Possible changes to the Planning and Environment Act, including:
 - Identify timeframes for VCAT (appeals to be heard and decisions to be made.);
 - Post approval process and timeframes (including condition 1 plans, secondary consents, referral authority responses.); and
 - Timeframes for responses under VicSmart applications for referral authorities.
- Options for other government support, including:
 - Unlocking infrastructure barriers to support population policies;
 - Commitment around delivery of social housing in new estates;
 - Community program around benefits for social and affordable housing;

- Heritage gap study funding.

Issues:

Strategy Implications

Council Plan 2021:

Sustainable

Our city has natural features and liveable areas that are easy to access and the beautiful environment is our heart and pride. We have provided a healthy environment for our community and for future generations while supporting meaningful employment and lifelong opportunity.

Connected

A regional City which recognises the connectedness between our goals and towns and efficiently utilises the assets that we have for the benefit of our whole community while protecting the environment.

The submission to the Inquiry into the Protections within the Victorian Planning Framework looks at ways in which the Act and Planning Scheme can improve environmental, sustainability and amenity outcomes for the community.

Communication

The submission has been prepared in consultation with internal departments.

Financial Implications

The submission has been prepared by utilising resources which currently exist in the Strategic Planning BAU budget. There are no significant financial implications in making the submission.

Risk Analysis

Identified risk	Risk likelihood*	Controls to manage risk
Reputational Risk Not advocating for the community on the issue.	2 (Unlikely)	Endorse the submission to the Inquiry into the Protections within the Victorian Planning Framework

* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

Legal and Compliance

There are no legal and compliance issues associated with this report.

Community Implications

The submission advocates for the community in relation to social and affordable housing standards, residential zone changes, Ministerial intervention processes, environmental and heritage matters for changes to the Act and the Planning system.

Environmental Implications

There is no environmental implication associated for this report. However, the submission does advocate for increased environmental and sustainable outcomes in the Act and planning system.

Consultation

No external consultation has been undertaken when preparing this submission.

Community Implications

The Committee is required to present its findings by June 2022. The Government will then consider the findings of the inquiry. It is important for Latrobe City Council to express changes required to the Victorian Planning Framework to ensure that the system works for all members of the community.

Other

There are no other implications in this report.





Declaration of Interests:

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

Supporting Documents:

Nil

Attachments

- 1   Terms of Reference
- 2   Submission

14.4

Draft Submission - Inquiry into the Protections within the Victorian Planning Framework

1	Terms of Reference	295
2	Submission	297



PARLIAMENT OF VICTORIA – COMMITTEES

LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

Terms of Reference

59th Parliament

Inquiry into Protections within the Victorian Planning Framework

On 28 October 2020 the Legislative Council agreed to the following motion:

That this House requires the Environment and Planning

Committee to inquire into, consider and report, by June 2022, on the adequacy of the Planning

and Environment Act 1987 and the Victorian planning framework in relation to planning and

heritage protection, and in particular the Committee is to examine —

(1) the high cost of housing, including but not limited to —

- (a) provision of social housing;
- (b) access for first home buyers;
- (c) the cost of rental accommodation;
- (d) population policy, state and local;
- (e) factors encouraging housing as an investment vehicle;
- (f) mandatory affordable housing in new housing developments;

(2) environmental sustainability and vegetation protection;

(3) delivering certainty and fairness in planning decisions for communities, including but not limited to —

- (a) mandatory height limits and minimum apartment sizes;
- (b) protecting Green Wedges and the urban growth boundary;
- (c) community concerns about VCAT appeal processes;
- (d) protecting third party appeal rights;

- (e) the role of Ministerial call-ins;
- (4) protecting heritage in Victoria, including but not limited to —
- (a) the adequacy of current criteria and processes for heritage protection;
 - (b) possible federal involvement in heritage protection;
 - (c) separating heritage protection from the planning administration;
 - (d) establishing a heritage tribunal to hear heritage appeals;
 - (e) the appointment of independent local and state heritage advisers;
 - (f) the role of Councils in heritage protection;
 - (g) penalties for illegal demolitions and tree removals;
- (5) ensuring residential zones are delivering the type of housing that communities want; and
- (6) any other matter the Committee considers relevant.



Latrobe City Council Submission to the Inquiry into Protections within the Victorian Planning Framework

January 2022



1. Introduction

The Legislative Council Environment and Planning Committee is seeking feedback on the terms of reference proposed for the Inquiry into Protections within the Victorian Planning Framework.

Submissions on the terms of reference are required by 31 January 2022.

Latrobe City Council provides an overview of the terms of reference, our experience in relation to some of these issues and our recommendations to the committee on changes that could be made.

Specifically, the submission focuses on (as outlined in the terms of reference):

1. The high cost of Housing;
2. Environmental Sustainability and Vegetation Protection;
3. Delivering Certainty and Fairness in planning decisions for communities;
4. Protecting Heritage in Victoria;
5. Adequacy of the Residential Zones; and
6. Any other matter the Committee considers relevant.

2. Submission

The Committee has been asked to inquire, consider and prepare a report on the adequacy of the *Planning and Environment Act 1987* (the Act) and the Victorian Planning Framework. Terms of reference have been set and focuses on:

1. The high cost of Housing;
2. Environmental Sustainability and Vegetation Protection;
3. Delivering Certainty and Fairness in planning decisions for communities;
4. Protecting Heritage in Victoria;
5. Adequacy of the Residential Zones; and
6. Any other matter the Committee considers relevant.

Latrobe City Council's submission focuses on the terms of reference, our experience, and our recommendations to the inquiry.

2.1 The high cost of Housing

2.1.1 Terms of Reference

Point 1 of the terms of references asks the committee to examine:

the high cost of housing, including but not limited to –

- (a) *provision of social housing;*
- (b) *access for first home buyers;*
- (c) *the cost of rental accommodation;*

Latrobe City Council Submission to the Inquiry into Protections within the Victorian Planning Framework | Page 3

(d) population policy, state and local;

(e) factors encouraging housing as an investment vehicle;

(f) mandatory affordable housing in new housing developments;

2.1.2 Our Experience

1 (a) – the Provision of Social Housing

The Planning Scheme has provisions in relation to various types of social and affordable housing. In particular:

- Clause 52.20 – Victoria’s Big Housing Build;
- Clause 52.22 – Community Care Accommodation; and
- Clause 52.23 – Rooming House and
- Clause 53.20 – Housing by or on behalf of the director of Housing;

In most instances there are either permit exemptions for certain types of developments or reduced requirements having to be met for these types of developments.

In relation to rooming houses, we have seen applicants do whatever they can to meet the exemptions in the Scheme, in most instances this is resulting in very poor outcomes for the community members who need these housing types. While Clause 52.23 dictates the maximum number of rooms allowed in a rooming house to avail of an exemption and requires the provision of shared entry facilities and common areas it does not prescribe minimum standards that need to be met. For example, we have seen developments which have small bedrooms which would barely fit a bed within them, lounge / dining areas with not enough space to put the appropriate amenities (dining tables, chairs etc.) and allow for sufficient space for a person with disabilities to move within the space.

The introduction of Clause 52.20 and 53.20 as part of the Big Housing Build resulted in reduced standards and the requirement to consider local planning policy in the assessment of social and affordable housing proposal leading to poorer outcomes in the development for members of the community who truly need it.

The removal of the consideration of local housing policy in social and affordable housing developments means that local Housing Policy cannot be considered, including the consideration of appropriate location for these types of development. Latrobe City Council Housing Strategy 2019, provides clear guidance about what types of developments would be supported and where. As a Regional City this was important to the community to ensure appropriate development was happening in the region. It is important in a regional area that apartments, units, townhouses and social and affordable housing have access to shops, public transport and are within walking distance of key services and/or adequate public transport that will deliver them to these services.

1 (b), (c) and (e) - access for first home buyers, the cost of rental accommodation and factors encouraging housing as an investment vehicle

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In relation to points 1 (b), (c), and (e) these elements are not controlled by the Act, these are functions of the State and Federal Governments and they should not be matters that are considered as part of the planning Scheme.

1 (d) – Population Policy, state and local

The Latrobe Planning Scheme (the Scheme) has strong population policy in both the State and Local sections of the Scheme. Population policy needs to be supported by economic growth, education and investment infrastructure (both critical and supportive infrastructure).

Latrobe is unique in its population structure having the four main towns of Churchill, Moe/Newborough, Morwell and Traralgon forming 1 urban centre of Latrobe and being the Regional City.

As part of Latrobe City Council's State Government Budget Submission 22/23 it has been identified '*within Latrobe City and many other regional areas there are a number of instances where the cost and benefit of infrastructure extend well beyond any reasonable nexus with an individual development*'. This can be a barrier to population policy.

1 (f) - Mandatory affordable housing in new housing developments

As part of Latrobe City Council's submissions to the discussion paper for the 10-year Social and Affordable Housing Strategy for Victoria and the future of social and affordable housing in Victoria, we provided the following:

Serious consideration needs to be given to the implementation of planning reforms such as inclusionary zoning or a particular provision that requires a percentage of land either rezoned for residential purposes or developed with larger-scale subdivisions, or a certain number of dwellings/apartments to be set aside for social and affordable housing.

In our experience, local developers are reluctant to provide social and affordable housing within their development. This could be due to a number of reasons such as not being in the developer's financial interest to provide social and affordable housing and the perception which surrounds social and affordable housing.

Latrobe City Council has recently endorsed a draft Social and Affordable Housing Strategy, there are several actions in this strategy which discuss the need for the State and Federal Government to continue to address the need for social and affordable housing across the state and provide information to the community in relation to the needs and benefits of social and affordable housing etc. This is an important advocacy item identified for Latrobe City Council.

2.1.3 Our Recommendation

Latrobe City Council have the following recommendations for consideration as part of terms of reference point 1, these are:

1(a) – the Provision of Social Housing

- Clear standards be included on minimum room sizes, standards for living for rooming housing developments where a permit exemption is provided;

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- Rooming Housing exemptions under Clause 52.23 only applicable in certain zones, for Latrobe this would be in only Substantial and Incremental Change areas (Residential Growth Zone and General Residential Zone Schedule 1 and 2);
- Consideration should be given to local policy in relation to social and affordable housing developments. This would help ensure that developments are located appropriately, developed in accordance with local housing strategies and in line with the expectations of the community who have actively contributed to the development of these local strategies.

1(b), (c) and (e) *access for first home buyers, the cost of rental accommodation and factors encouraging housing as an investment vehicle*

- It is recommended that this remains outside the realm of the Act and the Victorian Planning Framework.

1(d) – *Population Policy, state and local*

- Ensure that population is supported by other initiatives such as infrastructure support, economic development, growth and investment in education etc. to make regions attractive for investment.

1(f) - *mandatory affordable housing in new housing developments*

- That appropriate mechanisms and Victoria Planning Provisions (VPPs) are developed to support mandatory social and affordable housing in new developments;
- That requirements be developed about State Government and / or Federal Government committing to the development of social housing as part of new developments; and
- The State Government develop a program to inform the community of the need for and benefits of social and affordable housing.

2.2 Environmental Sustainability and Vegetation Protection

2.2.1 Terms of reference

Point 2 of the terms of references asks the committee to consider improvements to *environmental sustainability and vegetation protection*.

2.2.2 Our Experience

Latrobe City Council's adopted community vision is:

*In 2031 Latrobe City will be known for being **smart, creative, healthy, sustainable and connected**. It will be the **most liveable** regional city and at the forefront of **innovation**. Working together we are a **diverse, connected and resilient community**, supporting the **equitable diversification** of our economic base and transition towards a **low emissions** future. We are known as a community that is **equitable, liveable and sustainable**, with a continued focus on **healthy lifestyles** supported by high quality **recreational and cultural facilities** and a natural environment that is **nurtured and respected**.*

The environment and sustainability feature, as one of the directions of the Latrobe City Council Plan 2021-2025, is 'Sustainable'. In particular this strategic direction states:

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Our City has natural features and liveable areas that are easy to access and our beautiful environment is our heart and pride. We have provided a healthy environment for our community and for future generations while supporting meaningful employment and lifelong opportunities.

Environmental Sustainability

Latrobe City Council is working on ways to reduce energy emissions, build resilience capabilities within the community and utilise our natural assets to generate economic and employment opportunities.

It has been our experience, that the development of Latrobe City meets standards set out in the Scheme and in the Act. On a rare occasion development will strive for more economically sustainable development opportunities i.e. Environmentally Sustainable Design.

Latrobe is involved in a number of initiatives around re-vegetation, maintaining bushland reserves and corridors and street tree planting initiatives. Whilst these are all worthwhile initiatives, in some instances we have had issues with comments from the CFA concerning re-vegetation projects around bushfire risk we may be creating. There appears to be a balance that needs to be struck in these instances.

Vegetation Protection

This is an area that has had significant changes in the last 10 years, two reviews were conducted in 2013 and 2017. Both resulted in changes being made to the planning scheme.

Vegetation protection can be a complicated process and historically may not have been fully considered when land was being rezoned for residential purposes. There needs to be clearer guidance around avoid, minimise and offset, in particular, avoid during the Planning Scheme Amendment process.

Subdivision development in Latrobe City provides the minimum requirement for street tree planting (or bonding of these works) via way of a permit condition. Generally, these are less mature trees / landscaping requirements, meaning that tree coverage will take longer to develop as the trees grow.

There should be clear minimum requirements in the Act or the Scheme about what is required.

2.2.3 Our Recommendations

Latrobe City Council have the following recommendations for consideration as part of terms of reference point 2, these are:

- Provide clear expectations as to what Environmentally Sustainable Design provisions need to be included for all developments;
- Provide more guidance and direction around avoid, minimise and offset;
- Provide more guidance around re-vegetation and maintenance of these areas considering bushfire risk; and
- Provide minimum requirements for street tree plantings (including minimum size of trees etc).

2.3 Delivering certainty and fairness in planning decisions for communities

2.3.1 Terms of Reference

Point 3 of the terms of references asks the committee to examine:

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Delivering certainty and fairness in planning decisions for communities, including but not limited to –

- (a) mandatory height limits and minimum apartment sizes;*
- (b) protecting Green Wedges and the urban growth boundary;*
- (c) community concerns about VCAT appeal processes;*
- (d) protecting third party appeal rights;*
- (e) the role of Ministerial call-ins;*

2.3.2 Our Experience

(a) mandatory height limits and minimum apartment sizes

Latrobe City Council does not have a significant amount of experience with mandatory height limits and minimum apartment sizes. However, we would suggest that minimum standard sizes should apply for dwellings considered under Clause 54 and 55 rooming houses and not just apartments.

We would also suggest that car parking requirements for units, townhouses, rooming houses, etc don't necessarily meet or address expectations in a regional setting. In particular, when development is not located near activity centres and public transport is an issue that features regularly in objections when residential development is proposed.

(b) protecting Green Wedges and the urban growth boundary

Latrobe City Council does not have any Green Wedge areas. However, we do receive a number of enquiries for rezoning outside the urban growth boundary. In particular, Low Density Residential Zone (LDRZ) and Rural Living Zone requests are frequently received. There is conflicting advice around the Low Density Residential Zone, although a residential zone, it does not typically fall easily into 'residential land supply' statistics. LDRZ planning is also considered with the planning practice notes for Rural Living, which again, there is not much guidance around supply of this type of land.

(c), (d) and (e) community concerns about VCAT appeal processes, protecting third party appeal rights, the role of Ministerial call-ins

We have previously had concerns raised around the VCAT appeal process and that it doesn't allow for 'mum and dad' applicants to represent themselves and that it is too formal in its processes.

There are also concerns with the current VCAT timeframes for cases being heard, as well as decisions being made and provided to Council. There does not appear to be any specific timeframes around these processes; unlike planning panels through Ministerial Direction 15 where direction is given on timeframes for the panel report to be received depending on the size and scale of the planning panel. In recent times, we have been waiting for 3 months for a decision to be made.

At attachment 1 is a letter we have recently sent to the Minister for Planning outlining our concerns in third party appeal rights and the role of Ministerial call ins. It also outlines our concern with the amount of applications the Minister for Planning is becoming the Responsible Authority for. There should be further scrutiny around what the Minister for Planning can change in the Scheme without consultation with local government. There should be opportunity for this decision to be reviewed.

An example of this issue is the recent Delburn Wind Farm application in which the Minister for Planning is the Responsible Authority for. This project consists of 4 large planning permit applications over 3

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municipalities. Whilst the notification period was extended for these applications, there was no instructions on engagement that had to be undertaken by the applicant. The applicant did what was required, which was fairly standard. This placed pressure on Council's to hold engagement sessions with the community and become heavily involved in the process even though they had no decision-making abilities in regards to permit outcomes.

2.3.3 Our Recommendations

Latrobe City Council have the following recommendations for consideration as part of terms of reference point 3, these are:

(a) mandatory height limits and minimum apartment sizes

- An opportunity exists to look at minimum size requirements for dwellings considered under Clause 54 and 55, rooming houses and, not just apartments;
- Review of car parking provisions for unit, townhouse, apartment and rooming house developments for regional areas, noting that there is a significantly higher car usage in some regional areas.

(b) protecting Green Wedges and the urban growth boundary

- An opportunity exists to provide further guidance in the Planning Scheme regarding Rural Living and Low Density Residential Development and whether they are considered a separate land product offering to the residential zones, particularly in relation to the Low Density Residential Zone.

(c), (d) and (e) community concerns about VCAT appeal processes, protecting third party appeal rights and the role of Ministerial call-ins

- Provide further guidance or alternative appeal options for 'mum and dad' applicants to make the VCAT process more accessible;
- Detail specific timeframes in which cases are to be heard by the Tribunal and timeframes on when decisions will be handed down (varying for small, medium and large applications);
- Detail engagement requirements and appeal process for the Minister for Planning when changing the Planning Scheme which affects third party appeal rights, changing of responsible authority and call ins;
- Specify engagement requirements around different types of planning permit applications (small, medium, large) that should be required as part of the planning permit process to ensue consistency among Responsible Authorities.

2.4 Heritage Protection

2.4.1 Terms of Reference

Point 4 of the terms of references asks the committee to examine:

Protecting heritage in Victoria, including but not limited to –

- (a) the adequacy of current criteria and processes for heritage protection;*
- (b) possible federal involvement in heritage protection;*
- (c) separating heritage protection from the planning administration;*

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- (d) establishing a heritage tribunal to hear heritage appeals;*
- (e) the appointment of independent local and state heritage advisers;*
- (f) the role of Councils in heritage protection;*
- (g) penalties for illegal demolitions and tree removals;*

2.4.2 Our Experience

Latrobe City Council's submission will focus parts (a) (f) and (g) of the terms of reference, we have no specific comments in relation to the other points.

- (a) and (f) the adequacy of current criteria and processes for heritage protection and the role of Councils in heritage protection;*

In local listings under the heritage overlay, planners rely heavily on the citation. There should be some set criteria required when developing the location to make it clear where the overlay applies to, if tree controls apply, what trees and where they are located. This would make an application process easier for the applicant and planner assessing the application.

Incorporated documents with exemptions are an important part of the Heritage Overlay and need to be retained so individual Councils can modify what is and isn't triggered for a planning permit.

Latrobe City Council has the heritage overlay which applies to a number of properties in the municipality. However, as a Council undertaking heritage gap studies is a high cost project. Something like this should be supported through the State Government if they wish local government to continue with the protection of heritage places. This could be through funding and/or having local heritage advisors who can do they work.

- (g) penalties for illegal demolitions and tree removals;*

Latrobe City Council notes there has been recent changes around the legislation and penalties for illegal demolition and penalties.

One thing that requires further consideration is intentional damage to a building (such as arson, letting the building go into disrepair, etc).

2.4.3 Our Recommendation

Latrobe City Council have the following recommendations for consideration as part of terms of reference point 4, these are:

- (a) and (f) the adequacy of current criteria and processes for heritage protection and the role of Councils in heritage protection;*
 - Update Planning Practice Note 1 in relation to the preparation and application of heritage overlays to include specifics as to what is required in a citation;
 - Seek opportunities for the State Government to assist with funding on Heritage Gap studies for Council.

- (g) penalties for illegal demolitions and tree removals*

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- Review penalties and requirements around intentional damage to properties.

2.5 Adequacy of Residential Zones

2.5.1 Terms of Reference

Point 5 of the terms of references asks the committee whether *residential zones are delivering the type of housing that communities want*.

2.5.2 Our Experience

Latrobe City Council believes that the current residential zones can deliver the type of housing that the community wants. However, we would suggest that the changes being made by the Big Housing Build, proposed changes to ResCode as recently exhibited and other changes to the planning scheme, dilute the effect of work that has been undertaken by local government in respect to Housing.

The zones are still however, metropolitan focussed and what a Residential Growth Zone is for one region to another will differ. We think that the zones need the flexibility to allow local interpretations of these zones.

The zones should also be flexible enough to allow further differentiation to requirements for ResCode. For example, there should be flexibility to have different options for side boundaries, requirements for certain parts of the block, etc. We understand that the system is allowing for consistency between the Building Regulations and the Planning Scheme, but this is not allowing enough flexibility within the Scheme. As long as these can be articulated in a clear and concise manner, then changes to the residential zones and schedules should be allowed.

2.5.3 Our Recommendation

Latrobe City Council have the following recommendations for consideration as part of terms of reference point 5, these are:

- Review the residential zones, to ensure that:
 - There is enough flexibility in the zones to add local discretion to build housing that the community wants;
 - The zones are fit for purpose from a regional perspective, including height requirements, neighbourhood character, minimum lot size requirements;
- Review of the relevant Planning Practice Notes for Residential Zones to update the guidance to reflect changes made above.

2.6 Any other matters

2.6.1 Terms of Reference

Point 6 of the terms of references asks the committee to consider any other relevant matter.

2.6.2 Our Experience

The Act needs to be reviewed in relation to post approval timeframes and requirements. In particular, secondary consent, condition 1 plans, referral response timeframes, etc. should be put in place.

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As there are no specific timeframes on the post approval processes it is up to an individual Council or referral authority to set a timeframe. There is also no reporting on these requirements and they can take a considerable amount of time from planners.

The VicSmart process also needs to be reviewed, in particular adding timeframes in which a referral authority has to provide a response to an applicant who is seeking advice prior to lodging the application. We are finding from Latrobe City Council's perspective we can issue planning permits mostly within the 10-day timeframe required. However, we receive the most complaints from applicants prior to them lodging an application stating that it is taking them a considerable amount of time to get a response from some of the referral authorities. As there is no timeframe associated with this response, referral authorities are taking longer to provide responses. In some instances, we are finding that applicants prefer to go through the normal planning permit process as it will be quicker than trying to get a response from an authority for lodging a VicSmart application.

2.6.3 Our Recommendations

Latrobe City Council have the following recommendations for consideration as part of terms of reference point 6, these are:

- Post approval processes to have guidelines and timeframes specified;
- Timeframes on the VicSmart process for referral authorities to respond be placed in the Act.

3.0 Conclusion

Latrobe City Council believe there is opportunity to review and add benefit to the Planning and Environment Act 1987 and the Victorian Planning Framework.

We have made several recommendations in which we believe there is opportunity for improvement and more guidance could be provided.

In particular, we have made the following recommendations for consideration by the committee:

- Update standards or requirements in the Planning Scheme, including:
 - Rooming House (standard living, room size requirements);
 - Environmentally sustainable design requirements;
 - Street tree planting requirements (including, size, how many, etc.);
 - Minimum size requirements for developments in Clause 54 and 55 and rooming houses;
 - Review car parking provisions for unit, townhouse, apartments, etc. for a regional context.
- Retention of consideration of local planning policy requirements to ensure that strategic work undertaken, community views and expectations are included in all developments (including social and affordable housing).
- Review of the Victoria Planning Provisions for:
 - An inclusionary zoning mechanism;
 - Update to residential zones to ensure flexibility and local standard inclusions.
- Creation and update to guidance documents, planning practice notes, etc. for:
 - Native vegetation (avoid, minimise and offset);

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- Revegetation and bushfire response;
- Low Density Residential Zone and Rural Living Zone;
- VCAT Processes;
- Engagement requirements for planning permit applications;
- Heritage Overlay;
- Residential Zone Practice Notes.
- Possible changes to the Act, including:
 - Identify timeframes for VCAT (appeals to be heard, decisions to be made, etc.);
 - Post approval process and timeframes (condition 1 plans, secondary consents, referral authority responses, etc.); and
 - Timeframes for responses under VicSmart applications for referral authorities.
- Options for other government support, including:
 - Unlocking infrastructure barriers to support population policies;
 - Commitment around delivery of social housing in new estates;
 - Community program around benefits for social and affordable housing;
 - Heritage gap study funding.

Latrobe City Council are able to make themselves available if the committee wishes to discuss our submission further.

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Attachment 1



Latrobe City ABN 92 472 314 133
Phone 1300 367 700
TTY (NRS) 133 677

PO Box 264 Morwell 3840
Email latrobe@latrobe.vic.gov.au
www.latrobe.vic.gov.au
AUSDOC DX2 17733 Morwell

Our Ref:
SG: LD

12 November 2021

The Hon. Richard Wynne, MP
Minister for Planning
Level 16, 8 Nicholson Street
EAST MELBOURNE VIC 3002

Email: richard.wynne@parliament.vic.gov.au

Dear Minister Wynne

PROPOSED PLANNING REFORM

At the 4 October 2021 Council Meeting, Council resolved the following Notice of Motion:

That Council:

1. *Notes that the Victorian Government has made a number of changes to the planning system in the last number of years and is currently considering further significant planning reform.*
2. *Write to the Minister for Planning requesting that the State Government include full consultation with local governments and community before any planning reform decisions are made.*
3. *Strongly supports the community having an ongoing significant role in the planning system and continues to advocate that:*
 - a. *Consultation with community and with local government on any reform proposals must occur before any further reforms are considered or introduced.*
 - b. *The community's voice must remain central in planning decisions.*
 - c. *Strong community consultation must be a core part of major planning decisions.*
 - d. *Community voice is critical for ensuring a transparent planning system that strengthens local neighbourhoods and economies.*
4. *Requests the CEO or delegate to work with other local governments regarding any further advocacy on the issue.*

In recent times, there has been a considerable number of changes to the Planning Scheme through VC Amendments which have either:

- Changed who is the Responsible Authority (Energy Generation Facilities and Utility Installations, in particular Battery Energy Storage Facilities);

- Changed consideration of the local content of Planning Schemes (Big Housing Building, Planning Policy Framework);
- Provided new planning permit triggers (Wind Energy Facility);
- Reduced planning scheme requirements and notice of applications (Big Housing); and
- Intervened in matters that were being considered via a planning permit process (Use Lead Acid Battery Facility).

As we understand that the State Government are looking at further planning reform as provided in the email from Mr Phil Burns on 23 June 2021. Council is concerned that changes will be made to the Planning Scheme without formal consultation with Councils and the community.

As stated in Part 3 of the resolution, Latrobe City Council supports that community and Council have an ongoing role in any changes proposed to the planning scheme.

In particular that:

- Formal consultation with community and with local government on any reform proposals must occur before any further reforms are considered or introduced.
- The community's voice must remain central in planning decisions and a core part of major planning decisions.
- Community voice is critical for ensuring a transparent planning system that strengthens local neighbourhoods and economies.

We would be happy to have a meeting with your department to understand the current planning reform work program, provide input to any proposed changes and discuss any input Latrobe City Council and the community can have.

If you require any further information, please contact Lorrae Dukes, Acting Manager Regional City Planning (03) 5128 5462 or via email Lorrae.Dukes@latrobe.vic.gov.au.

Yours sincerely



CR SHARON GIBSON
MAYOR

COMMUNITY HEALTH AND WELLBEING

15. COMMUNITY HEALTH AND WELLBEING

Agenda Item: 15.1

Agenda Item: Consultants Quotation to Investigate a Monitoring System of Airborne and Soil Lead Levels

Sponsor: General Manager, Community Health and Wellbeing

Council Plan Objective: HEALTHY

Status: For Decision

Proposed Resolution:

That Council:

- 1. Delegate to the Chief Executive Officer to engage Monarc Environmental to undertake further work, funded from the adopted 2021-2022 budget and provide a report regarding options available to implement a system in Latrobe City to monitor airborne and soil lead levels; and**
- 2. Request a further report be presented to Council on the matter once the report has been received from Monarc Environmental.**

Executive Summary:

- At the 3 May 2021 Council meeting, a Notice of Motion (NOM) was endorsed requesting investigations into a monitoring system for airborne and soil lead levels following Councils decision to refuse a planning application for the development of a Used Lead and Acid Battery (ULAB) recycling facility at the 17 September 2020 Council Meeting and the subsequent approval of the application by the Minister for Planning.
- Due to the specific technical nature of the work and given Monarc Environmental's understanding of the project, Officers have requested a quotation from Monarc Environmental, which has been received totalling \$12,000, +GST. (*Attachment 1*).
- If the proposed resolution is adopted, Officers will work with Monarc Environmental and report their findings at a future Council Meeting.

Background:

At the Ordinary Council Meeting on 3 May 2021, Council endorsed the following resolution:

That Council:

1. *Requests a report exploring options and avenues available to implement, including through the Latrobe Valley Information Network (LVIN), a system in Latrobe City to monitor airborne and soil lead levels in order to provide Latrobe Valley residents with an Independent relevant, real-time, local environmental information to create community resilience and awareness of conditions that impact their daily lives;*
2. *Requests the report is to include consideration of the following:*
 - a) *financial implications and funding options for example, the Victorian Government;*
 - b) *options for interaction and information sharing between the chosen system operator, the Environment Protection Authority and both local and state government taking place in relation to monitoring results;*
 - c) *identification of the airborne and soil lead level standard that would be used in this circumstance and a comparison of national and international examples of airborne and soil lead level standards and sources;*
 - d) *a high-level review of breakthrough technology and best practice approaches in this field and whether this provides a platform to further advocate for funding; and*
 - e) *options to facilitate publicly available written reports (prepared by the chosen system operator) in relation to monitoring results.*

Further work was required to be undertaken so that an additional report could be presented to Council, that identified the types of equipment needed for effective lead monitoring and the costs of such a system, as well as providing recommendations that could be used to advocate to the state government.

The cost to undertake such work by an environmental consultant (Monarc Environmental) has been quoted at \$12,000, +GST.

Officers have prepared a report for Council consideration, if Council were to consider the work as necessary, but not significant expenditure, the work could then proceed following adoption of the proposed Council resolution.

Issues:

Strategy Implications

A sophisticated approach to monitoring and managing exposure to lead would address:

Healthy: *Our vision is that Latrobe has a culture and environment that promotes and supports health and wellbeing for all. We will work together to significantly improve health and wellbeing outcomes and reduce inequalities*

Communication

There is community concern about lead in relation to the current ULAB development, and communications about the capacity to monitor and manage lead exposure requires a clear communication plan that encompasses multiple issues including:

- The capacity to measure lead and actions required if it is detected
- Clarification about measuring lead levels as opposed to actual exposure to lead and the medical interventions that can be used
- Individual responsibility for minimising exposure
- A broader understanding of lead in the environment not related to ULAB.

Financial Implications

The cost of engaging the contractor to undertake this piece of work has been estimated at \$12,000. This could be sourced within current adopted budgets.

Risk Analysis

Identified risk	Risk likelihood*	Controls to manage risk
Financial Risk Cost of monitoring falls on Council	Possible	Leveraging off the EPA as the regulator authority

Identified risk	Risk likelihood*	Controls to manage risk
<p>Reputational Risk</p> <p>Community distress if monitoring is not well designed and communicated</p>	<p>Likely</p>	<p>Establishing a partnership of key agencies including industry to design a system of auditing and monitoring reports publicly available through EPA and seek funding for its implementation</p>
<p>Legal/Regulatory Risk</p> <p>That Council is not the authorising agency to call for action by the owners of the recycling plant should lead levels exceed safe emission levels</p> <p>EPA not discharging their authority to take action</p>	<p>Possible</p>	<p>Council have established an ongoing meeting framework with EPA to attempt to ensure that the proposal operates in accordance with the works approval or any operating licence issued by the EPA.</p>

Legal and Compliance

The EPA is the agency responsible for monitoring air emissions. Council's role is to ensure compliance to the conditions of the incorporated document. Council have established an ongoing meeting framework with EPA to attempt to ensure that the proposal operates in accordance with the works approval or any operating licence issued by the EPA.

Community Implications

Community is concerned about the company's ability to comply with the works approval and that the lead emissions allowed will have a negative impact on their health.

Environmental Implications

Understanding the impact of lead on the environment informs actions.

Consultation

This report has been prepared through internal consultations only and was discussed at a meeting between the community group "ALiVE" and Council Officers on Thursday 23 December 2021 when the group sought an update on the NOM.

Declaration of Interests:

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

Supporting Documents:

Nil

Attachments

1   Proposal - Option for Monitoring Background Lead

15.1

Consultants Quotation to Investigate a Monitoring System of Airborne and Soil Lead Levels

- 1 Proposal - Option for Monitoring Background Lead 319**

Ground Floor, Suite 4
668 Burwood Road
Hawthorn East VIC 3123

T 61 3 9249 5555
fyfe.com.au

Fyfe Pty Ltd
ABN 57 008 116 130



10 December 2021

Gail Gatt
General Manager Community Health & Wellbeing
Latrobe City Council
PO Box 264
Morwell VIC 3840

Dear Gail,

PROPOSAL TO IDENTIFY AND ADVISE ON OPTIONS TO MONITOR AIRBORNE LEAD LEVELS

1 Introduction

Latrobe City Council (LCC) has requested that Monarc Environmental (a division of Fyfe Pty. Ltd.) provide a proposal to undertake a desktop review and identification of options for monitoring airborne lead levels in the Latrobe Valley.

The request is in response to the following motion raised by a Councillor:

That Council:

- 1. Requests a report exploring options and avenues available to implement, including through the Latrobe Valley Information Network (LVIN), a system in Latrobe City to monitor airborne and soil lead levels in order to provide Latrobe Valley residents with an Independent relevant, real-time, local environmental information to create community resilience and awareness of conditions that impact their daily lives;*
- 2. Requests the report is to include consideration of the following:*
 - a) financial implications and funding options for example, the Victorian Government;*
 - b) options for interaction and information sharing between the chosen system operator, the Environment Protection Authority and both local and state government taking place in relation to monitoring results;*
 - c) identification of the airborne and soil lead level standard that would be used in this circumstance and a comparison of national and international examples of airborne and soil lead level standards and sources;*
 - d) a high-level review of breakthrough technology and best practice approaches in this field and whether this provides a platform to further advocate for funding; and*
 - e) options to facilitate publicly available written reports (prepared by the chosen system operator) in relation to monitoring results.*

This Notice of Motion followed the Planning Ministers announcement of the approval of the Chunxing Lead Battery Recycling Plant in Tramway Rd Morwell, Latrobe City.

2 Our proposal

Monarc has investigated a range of options in preparing this proposal, and subsequently proposes to prepare a document along the following lines:

- Airborne lead is significantly different to other contaminants such as particulates, visibility and carbon monoxide, in that continuous measurement offers no advantages over periodic sampling and analysis. The options to be offered will these be measurements made at discrete points in time.
- Lead in surface waters will not be considered, as it is not normally a medium of concern (unless a risk is identified).
- The Latrobe Valley Information Network (LVIN) is a world leading air monitoring network that is respected in the community and can be adapted/upgraded to incorporate lead monitoring data.
- The VegeSafe and DustSafe programs run by Macquarie University will be investigated – either for inclusion in the program, or for possible replication.
- The Victorian EPA operates a Citizen Science Program. This will be investigated – for possible inclusion in the program.
- The Victorian EPA operates an ambient air monitoring network in the Latrobe Valley. Whilst we are not optimistic about integrating with this system, we will discuss options with the EPA.
- Several Victorian universities have active environmental programs and are always receptive for community projects that they could involve their students with. Monarc will explore this prospect to the extent it may contribute to options worth considering for the program.

Based on our understanding of the objectives for the program, we propose an approach that focuses on community involvement and greater volume of data collection but of a quality that may not be fully compliant with published standards, rather than a more traditional but more limited monitoring program undertaken by qualified professionals. Important attributes of any dataset will be the diversity of locations able to be sampled and the length of time over which baseline data can be collected prior to the commencement of any potential new source of lead emissions. Limitations of data quality would be overcome by presenting a process of screening or further investigation of datapoints that may flag contaminant concentrations of concern.

The approach suggested above recognises that financial implications will also be a factor to be considered by LCC, and we will address likely order of magnitude costs and any funding sources identified.

At this time we envisage the information sharing to be achieved via the LVIN website, supplemented by periodic (i.e. annual) program reporting by a supervising consultant.

Local/Australian and key international airborne and soil lead level standards would be assembled and briefly presented.



At this time the technology of the LVIN appears to be world leading. We will seek to confirm this status. It is also our understanding that real-time monitoring of lead levels is not a commercially available technology. We will investigate if any such technologies are becoming available, or what opportunities might exist to seek funding for such advances.

In addition to the on-line provision of data via the LVIN we will also outline a concept of written annual reports.

We would also be happy to hold discussions with any applicable local community groups (schools, volunteer groups/Landcare or similar) that LCC may identify as being potentially applicable.

3 Resources

Mr Glenn Thiele of Monarc Environmental will undertake the works described above. Glenn has over 35 years of experience that has included working in zinc and lead smelters, air dispersion modelling, preparation of works approval applications and advise to proponents and responsible authorities on the use and applicability of buffer distances around proposed industrial and agricultural developments.

In addition, Monarc can call on its Principal Environmental Consultant, Dr Brent Davey, who has personal experience with airshed and other pollution dispersion pathways from major facilities in the Latrobe Valley, including APM Maryvale, the Hazelwood and Yallourn ABC power stations and various council landfills.

3 Timing

Monarc would work to a report submission deadline of mid-February, assuming an instruction to commence is received prior to 20 December 2021.

4 Our Price

Our fee to undertake the works detailed above is **\$12,000 (plus GST)**. This is based on the tasks an estimate of effort as listed in the table following. This assumes that all meetings are conducted remotely.

If any additional works or time is required, it would (on the approval of council) be charged at our standard consulting rate of \$250 per hour for Mr Thiele or Dr Davey.

4 Closing

Monarc appreciates the opportunity to be considered for this most interesting project. Do not hesitate to contact me on 0409 127 553 or glenn.thiele@fyfe.com.au should you have any questions or need further information.

Table 1: Fee Estimate

Item	Tasks	Hours	Cost
LVIN	Discussions with Attentis, development of options and co-operation. Development and presentation of findings.	6	\$1500
VegeSafe & DustSafe	Discussions with Mark Taylor, former Professor of Environmental Scientist at Macquarie University and former head of VegeSafe/DustSafe programs regarding opportunities for co-operation. Development and presentation of findings.	6	\$1500
Vic EPA	Discussions with Mark Taylor EPA Chief Environmental Scientist and/or Air Monitoring Branch regarding opportunities for support and integration with existing EPA monitoring programs. Development and presentation of findings.	4	\$1000
Vic EPA	Discussions with EPA Citizen Science Unit regarding opportunities for establishing an EPA monitoring program. Development and presentation of findings.	4	\$1000
Universities	Discussions with local universities regarding opportunities for collaboration. Development and presentation of findings.	4	\$1000
Standards	Identification and presentation of local, national, and international standards.	4	\$1000
Best Practice	Identification and presentation of best practice, emerging technologies, and opportunities to advocate for funding.	8	\$2000
Reporting and System Overview	Development and presentation of a recommended integrated system, including safeguards, check processes for outlier data and annual reporting	12	\$3000
Total (excluding GST)		48	\$12,000

Yours sincerely,


Glenn Thiele
Principal Environmental Consultant

ORGANISATIONAL PERFORMANCE

16. ORGANISATIONAL PERFORMANCE

Agenda Item: 16.1

Agenda Item: Quarterly Budget Report - December 2021

Sponsor: General Manager, Organisational Performance

Council Plan Objective: SUSTAINABLE

Status: For Information

Proposed Resolution:

That Council receives and notes the Quarterly Budget Report for the six months ended 31 December 2021, prepared in accordance with the requirements 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.
- The report forecasts a surplus result for the full financial year of \$3.7M which is a favourable variance of \$7.7M to the original budget. It is important to note that surplus amounts shown in the Income Statement are 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 2021/22 is largely generated by additional Government grants for capital works \$17.5M for which the associated expenditure is not included in the "Comprehensive Income Statement" but is reported directly to the balance sheet and is also reflected in the Statements of Cash Flow and Capital Works.
- Based on the results of the first six months of the financial year it is the Chief Executive Officer's recommendation that 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.

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.

The attached report as at 31 December 2021 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 second quarter 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 \$3.7M which is a favourable variance of \$7.7M to the original budget. The forecasted surplus result is largely generated by additional Government grants for capital works \$17.5M. In accordance with the requirements of the Australian Accounting Standards the expenditure associated with these grants (i.e. Capital expenditure) is not included in the "Comprehensive Income Statement" but is reported directly to the balance sheet under the "Property, Infrastructure, Plant and Equipment" assets classification and is also reflected in the Statements of Cash Flow and Capital Works. This has been largely offset by increased expenditure as a result of funds carried forward from previous financial years.
- The "Balance Sheet" shows that Council maintains a strong liquidity position with \$147.9M in current assets compared to \$25.4M current liabilities (a liquidity ratio of 5.8:1).
- The "Statement of Cash Flows" shows that Council has \$92.2M in Cash and Financial assets (i.e. investments). The level is higher than anticipated due to carry forward funds from previous financial years including capital works, reserves funds and government grants advanced earlier than expected.
- The "Capital Works Statement" shows a forecast expenditure of \$58.8M compared to the budget of \$31.3M. The variance is mainly due to funds carried forward from 2020/21 and additional government funding received for various programs e.g. Landslip remediation, Regional Car Parks Fund and Local Roads and Community Infrastructure program.
- The "Financial Performance Ratios" indicate that Council remains within the industry expected ranges.

Further details on these and other items are provided in the attached report including year to date and full year forecast income and expenditure variances and explanations, balance sheet and cash flow movements to date, capital works

expenditure to date and full year forecasts, together with the financial performance ratios as per the Local Government Performance Reporting Framework (LGPRF).

Based on the results of the first six months of the financial year, it is the Chief Executive Officer's recommendation that 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.

Issues:

Strategy Implications

Council has a legislative requirement to report quarterly to the community on the financial progression against budget to ensure that Council continues to act in a financially sustainable manner.

Communication

No consultation required.

Financial Implications

The attached report provides details of budget variances for the year to date and the forecasted full financial year. The result indicates that Council remains in a strong financial position and has sufficient funds to meet current and forecast financial commitments.

Risk Analysis

This report ensures legislative requirements are met and informs Council as to whether it is acting within the parameters of its Adopted Budget.

Legal and Compliance

This report meets the requirements of Section 97 of the Act.

Community Implications

Not applicable

Environmental Implications

Not applicable

Consultation

Not applicable

Other

Not applicable

Declaration of Interests:

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

Supporting Documents:

2021/22 Annual Budget

Attachments

1   Quarterly Budget Report - December 2021

16.1

Quarterly Budget Report - December 2021

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Quarterly Budget Report

December 2021



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

Quarterly Budget Report

December 2021



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December 2021 Quarterly Budget Report Summary

KEY ISSUES

The attached report provides the overall outcomes to the end of the first half of the 2021/22 financial year together with forecasted year end results compared to budget. The key issues of note are:

- The "Income Statement" report forecasts a surplus result for the full financial year of \$3.7M which is a favourable variance of \$7.7M to the original budget.
- The "Balance Sheet" shows that Council maintains a strong liquidity position with \$147.9M in current assets compared to \$25.4M current liabilities (a liquidity ratio of 5.8:1).
- The "Statement of Cash Flows" shows that Council has \$92.2M in Cash and Financial assets (i.e. investments). The level is higher than anticipated due to carry forward funds from previous financial years including capital works, reserves funds and government grants advanced earlier than expected.
- The "Capital Works Statement" shows a forecast expenditure of \$58.8M compared to the budget of \$31.3M. The increase is mainly due to funds carried forward from 2020/21 and additional government funding received for various programs e.g. Landslip remediation, Regional Car Parks Fund and Local Roads and Community Infrastructure program.
- The "Financial Performance Ratios" indicate that Council remains within the industry expected ranges.

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.

In addition Section 97(3) of *the Act* states that the second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.
Under section 95 (1) of *the Act*;

A Council must prepare and adopt a revised budget before the Council—

- (a) can make a variation to the declared rates or charges; or
- (b) can undertake any borrowings that have not been approved in the budget; or
- (c) can make a change to the budget that the Council considers should be the subject of community engagement.

INCOME STATEMENT ANALYSIS

Overview

The surplus and deficit amounts shown in the Income Statement are largely a result of non-cash items with depreciation expense increasing as a result of major new assets being commissioned and revaluation of existing assets. Ideally a surplus result would be generated to enable Council to invest in new assets and to upgrade and expand existing assets. They also enable Council to repay its 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 non-cash items (e.g. depreciation), variances in grants and monetary contributions for capital works and expenditure that is funded from revenue that has been received in a previous financial year. At the end of the 2020/21 financial year Council held \$110.7M in cash and other financial assets (i.e. cash based investments with a maturity term greater than 90 days) which was \$35.7M favourable to budget largely due to funds generated/received that had not yet been spent for ongoing projects and commitments.

The "Income Statement" report forecasts a surplus result for the full financial year of \$3.7M which is favourable variance of \$7.7M to the original budget. This result is due to a number of variances with a forecast increase in income of \$25.0M and additional expenditure of \$17.4M. The increased income is mainly a result of capital and operating 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 2020/21 financial year. The forecasted additional expenditure is primarily a result of funding carried forward relating to works funded but not completed in 2020/21 together with unbudgeted government grants to be received in 2021/22 including additional expenditure associated with Council's response to the June 2021 flood and storm event.

December 2021 Quarterly Budget Report Summary

Year to date

The year to date result shows an operating position of \$53.265M surplus which is \$10.946M favourable to budget. The key items that make up this variance are as follows;

- Grants - Capital - (\$8.107M favourable) mainly related 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. E.g. Regional Car Parks Fund \$2.179M, Local Roads and Community Infrastructure Program \$1.966M, Free Public Wifi Services program \$1.350M, Hazelwood South Reserve Change Pavillion \$0.974M and Gippsland Logistic Precinct and Intermodal Freight Terminal Project \$0.535M. This is partially offset by later than expected receipt of Roads to Recovery funding \$0.700M.
- Grants - Operating - (\$4.942M favourable) mainly due to later than expected recognition of grants income as a result of timing for projects carried over from prior years e.g. Drought Communities funding \$1.569M, sports lighting projects \$1.211M, Covid Safe Funding - Outdoor activation \$0.575M, Traralgon South tennis/netball courts \$0.341M, Working for Victoria \$0.289M, Moe CBD Safety improvements \$0.149M together with unbudgeted grants received for the June Storm/Flood event \$1.320M. These have been partially offset by unfavourable variances of \$1.783M as a result of the State Government advancing \$5.933M of the 2021/22 Grants Commission funding to Council in the 2020/21 financial year.
- Rates & Charges - (\$0.956M favourable) due to higher than expected rates raised from supplementary valuations to date.
- Materials and Services - (\$4.833M unfavourable) mainly due to unbudgeted expenditure incurred as a result of the June 2021 flood/storm event, which will largely be recouped through Natural Disaster and other State Government funding streams \$3.292M with the balance being mainly attributable to projects carried forward from previous financial years and unbudgeted government grant funding.
- Employee costs - (\$0.994M favourable) later than expected payment of December superannuation \$0.394M, lower than expected workcover premium \$0.275M and staff vacancies.

Full year forecast

The full year forecasted result shows an operating surplus of \$3.674M which is a \$7.654M favourable variance to the adopted budget. The key items that make up this variance are as follows;

- Grants – Capital (\$17.482M favourable) largely 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. E.g. Regional Car Parks Fund \$4.296M, Local Roads and Community Infrastructure Program \$3.696M, Gippsland Performing Arts Centre \$2.548M, Free Public Wifi Services program \$1.350M, Nation Building Blackspot Program \$1.112M, Hazelwood South Reserve Change Pavillion \$0.974M, Safe Traffic in Local Streets Program \$0.755M, Gippsland Logistic Precinct and Intermodal Freight Terminal Project \$0.535M and Multi purpose Facility Development Latrobe Leisure Moe \$0.525M.
- Other income (\$3.657M favourable) primarily due to unbudgeted reimbursements in relation to the June 2021 flood/storm event \$3.484M.
- Employee Costs (\$1.102M unfavourable) the additional expenditure is mainly as a result of the unbudgeted state government funded June Flood/Storm event response programs and funding carried over from previous years for family services programs.
- Materials and Services (\$15.841M unfavourable) mainly due to unbudgeted expenditure incurred as a result of the June 2021 flood/storm event, which will largely be recouped through Natural Disaster and other State Government funding streams \$3.486M with the balance being mainly attributable to projects carried forward from previous financial years and unbudgeted government grant funding.

December 2021 Quarterly Budget Report Summary

BALANCE SHEET

The significant movements in the balance sheet over the two quarters were as follows;

- Cash and Cash Equivalents together with Other Financial Assets (i.e. investments). The overall reduction of \$18.551M is mainly due to expenditure of funds carried over from prior financial years, together with the profile of receipt of rates income being less in the first half of the year.
- Trade and Other receivables (\$47.280M 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 quarterly instalment and full payment due dates.
- Other Assets (\$3.558M decrease) is primarily due to prepayments and accrued revenue as at 30 June 2021 having now been reversed/received in the current financial year.
- Property, Infrastructure, Plant and Equipment (\$5.120M increase) total capital expenditure has exceeded depreciation to date.
- Payables (\$22.420M decrease) is primarily due to amounts that were outstanding to suppliers and grants that were received in advance as at 30 June 2021. These amounts have now been paid/recognised in the current financial year.
- Trust funds and deposits (\$1.049M increase) relates to the collection of first two quarterly instalments of the Fire Services Property Levy.

STATEMENT OF CASH FLOWS

The budgeted cash & cash equivalent investments at the beginning of the year was \$75.0 million, the actual opening balance was \$110.7 million. The additional \$35.7 million was largely the result of higher than anticipated surplus funds and carry forward funding for capital and operational projects and programs. Total Cash and financial assets (investments) as at the end of December stand at \$92.2M which represents a net outflow cash movement of \$18.6M 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 2021 Council had spent \$19.9M on capital works mostly on Property (land & buildings) \$10.3M and Infrastructure projects \$8.4M (including Roads projects \$4.5M). Full year forecasted capital expenditure is \$58.8M compared to the budget of \$31.3M. This increase is mainly due to funds carried forward from 2020/21 and additional government funding received for various programs e.g. Landslip remediation, Regional Car Parks Fund and Local Roads and Community Infrastructure program.

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 2021

	NOTE	YTD Actual \$'000	YTD Budget \$'000	Variance YTD Act/Bud \$'000	Variance Type (P)ermanent/ (T)iming	Full Year Forecast \$'000	Annual Budget \$'000	Variance Annual Budget /Forecast \$'000
INCOME								
Rates and charges	1	84,669	83,713	956	P	84,470	83,713	757
Statutory fees and fines	2	1,347	1,209	137	P	2,752	2,545	207
User fees	3	5,139	5,701	(562)	P	10,824	11,666	(842)
Grants - operating	4	18,024	13,082	4,942	P	30,031	26,630	3,401
Grants - capital	5	8,807	700	8,107	P	19,182	1,700	17,482
Contributions - monetary	6	459	38	421	P	458	90	368
Contributions - non monetary	7	0	0	0	P	4,000	4,000	0
Net gain (loss) on disposal of property, infrastructure, plant and equipment	8	197	180	17	T	0	0	0
Other income	9	1,502	1,326	176	P	6,731	3,074	3,657
TOTAL INCOME		120,145	105,950	14,195		158,448	133,418	25,030
EXPENSES								
Employee costs	10	28,103	29,097	994	T	67,747	66,645	(1,102)
Materials and services	11	22,359	17,527	(4,833)	P	52,029	36,188	(15,841)
Bad and doubtful debts	12	1	3	3	T	12	11	(1)
Depreciation	13	14,712	15,113	401	T	30,226	30,226	0
Amortisation - intangible assets	14	93	91	(2)	T	93	93	(0)
Amortisation - right of use assets	15	20	19	(1)	T	38	38	0
Borrowing costs	16	157	289	132	P	306	562	256
Finance costs - leases	17	17	14	(3)	T	28	28	(0)
Other expenses	18	1,418	1,478	61	T	4,295	3,607	(688)
TOTAL EXPENSES		66,880	63,631	(3,249)		154,774	137,398	(17,376)
SURPLUS (DEFICIT) FOR THE YEAR		53,265	42,319	10,946		3,674	(3,980)	7,654

NOTES TO THE COMPREHENSIVE INCOME STATEMENT - Year to Date and Full Year Variances**1. Rates and charges****Year to Date - \$0.956M Favourable**

Higher than expected rates raised from supplementary valuations to date.

Full Year - \$0.757M Favourable

Higher than expected rates raised from supplementary valuations.

2. Statutory fees and fines**Year to Date - \$0.137M Favourable**

Favourable variances to date for planning permits \$0.144M, Council Election fines \$0.068M, building services \$0.068M. Works Permits \$0.064M and local laws animal registrations and fines \$0.044M partially offset by reduced parking fines income \$0.162M mainly due to the COVID-19 pandemic.

Full Year - \$0.207M Favourable

Favourable variances to date for planning permits \$0.140M, Council Election fines \$0.068M, building services \$0.044M. Works Permits \$0.084M and local laws animal registrations and fines \$0.035M partially offset by reduced parking fines income \$0.160M mainly due to the COVID-19 pandemic.

3. User fees**Year to Date - (\$0.562M) Unfavourable**

Lower than expected fees & charges mainly due to COVID shutdowns and restrictions on council services. Latrobe Leisure programs \$0.600M, pre-school & pre-kinder \$0.174M (funded by state government) and creative arts \$0.106M. This has been partially offset by favourable variances to date in subdivisions \$0.194M full cost aged Care services \$0.118M, childcare fees \$0.249M and landfill gate fees \$0.094M.

Full Year - (\$0.842M) Unfavourable

Lower than expected fees & charges mainly due to COVID shutdowns and restrictions on council services. Latrobe Leisure programs \$0.763M, pre-school & pre-kinder \$0.151M (funded by state government) and creative arts \$0.170M. This has been partially offset by favourable variances to date in subdivisions \$0.188M and childcare fees \$0.186M and landfill gate fees \$0.101M.

4. Grants - operating**Year to Date - \$4.942M Favourable**

The favourable variance is mainly due to later than expected recognition of grants income as a result of timing for projects carried over from prior years e.g. Drought Communities funding \$1.569M, sports lighting projects \$1.211M, Covid Safe Funding - Outdoor activation \$0.575M, Traralgon South tennis/netball courts \$0.341M, Working for Victoria \$0.289M, Moe CBD Safety improvements \$0.149M together with unbudgeted grants received for the June Storm/Flood event \$1.320M. These have been partially offset by unfavourable variances of \$1.783M as a result of the State Government advancing \$5.933M of the 2021/22 Grants Commission funding to Council in the 2020/21 financial year.

Full Year - \$3.401M Favourable

The favourable variance is mainly due to later than expected recognition of grants income as a result of timing for projects carried over from prior years e.g. Drought Communities funding \$1.769M, sports lighting projects \$1.151M, Covid Safe Funding - Outdoor activation \$0.575M, Traralgon South tennis/netball courts \$0.341M, Working for Victoria \$0.196M, Moe CBD Safety improvements \$0.149M together with unbudgeted grants received for the June Storm/Flood event \$2.507M. These have been partially offset by unfavourable variances of \$4.934M as a result of the State Government advancing \$5.933M of the 2021/22 Grants Commission funding to Council in the 2020/21 financial year.

NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances**5. Grants - capital**

Year to Date - \$8.107M 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. E.g. Regional Car Parks Fund \$2.179M, Local Roads and Community Infrastructure Program \$1.966M, Free Public Wifi Services program \$1.350M, Hazelwood South Reserve Change Pavillion \$0.974M and Gippsland Logistic Precinct and Intermodal Freight Terminal Project \$0.535M. This is partially offset by later than expected receipt of Roads to Recovery funding \$0.700M.

Full Year - \$17.482M 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. E.g. Regional Car Parks Fund \$4.296M, Local Roads and Community Infrastructure Program \$3.696M, Gippsland Performing Arts Centre \$2.548M, Free Public Wifi Services program \$1.350M, Nation Building Blackspot Program \$1.112M, Hazelwood South Reserve Change Pavillion \$0.974M, Safe Traffic in Local Streets Program \$0.755M, Gippsland Logistic Precinct and Intermodal Freight Terminal Project \$0.535M and Multi purpose Facility Development Latrobe Leisure Moe \$0.525M.

6. Contributions - monetary

Year to Date - \$0.421M Favourable

The favourable variance mainly due to the higher than expected receipt of contributions for open space, street trees and future infrastructure works from property developers.

Full Year - \$0.368M Favourable

The favourable variance mainly due to the higher than expected receipt of contributions for open space, street trees and future infrastructure works from property developers.

7. Contributions - non monetary

Year to Date - \$0.000M Nil Variance

No variance.

Full Year - \$0.000M Nil Variance

No variance identified to date.

8. Net gain (loss) on disposal of property, infrastructure, plant and equipment

Year to Date - \$0.017M Favourable

Minor gain to date on disposal of plant and vehicles.

Full Year - \$0.000M Nil Variance

No full year variance identified to date.

9. Other income

Year to Date - \$0.176M Favourable

The favourable variance is primarily due to unbudgeted contributions including the Glengarry Hall refurbishment \$0.161M. These are partially offset by reduced kiosk sales and other income in Latrobe Leisure and Creative Arts due to COVID closures \$0.177M.

Full Year - \$3.657M Favourable

The favourable variance is primarily due to unbudgeted reimbursements in relation to the June 2021 flood/storm event \$3.484M.

NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances**10. Employee costs**

Year to Date - \$0.994M Favourable

The variance to date mainly as a result of later than expected payment of December superannuation \$0.394M, lower than expected workcover premium \$0.275M and staff vacancies.

Full Year - (\$1.102M) Unfavourable

The additional expenditure is mainly as a result of the unbudgeted state government funded June Flood/Storm event response programs and funding carried over from previous years for family services programs.

11. Materials and services

Year to Date - (\$4.833M) Unfavourable

The unfavourable variance is mainly due to unbudgeted expenditure incurred as a result of the June 2021 flood/storm event, which will largely be recouped through Natural Disaster and other State Government funding streams \$3.292M with the balance being mainly attributable to projects carried forward from previous financial years and unbudgeted government grant funding.

Full Year - (\$15.841M) Unfavourable

The unfavourable variance is mainly due to unbudgeted expenditure incurred as a result of the June 2021 flood/storm event, which will largely be recouped through Natural Disaster and other State Government funding streams \$3.486M with the balance being mainly attributable to projects carried forward from previous financial years and unbudgeted government grant funding.

12. Bad and doubtful debts

Year to Date - \$0.003M Favourable

Minor variance.

Full Year - (\$0.001M) Unfavourable

Minor variance.

13. Depreciation

Year to Date - \$0.401M Favourable

Variance mainly due to later than expected capitalisation of some new facilities in Council's capital works program.

Full Year - \$0.000M Nil Variance

No variance identified to date, to be assessed in next quarter

14. Amortisation - intangible assets

Year to Date - (\$0.002M) Unfavourable

Minor variance.

Full Year - (\$0.000M) Unfavourable

No variance identified to date, to be assessed in next quarter

15. Amortisation - right of use assets

Year to Date - (\$0.001M) Unfavourable

Minor variance.

Full Year - \$0.000M Favourable

No variance.

NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances**16. Borrowing costs****Year to Date - \$0.132M Favourable**

Reduced loan repayments due to later than expected and reduced drawdown of loan funds for major projects.

Full Year - \$0.256M Favourable

Reduced loan repayments due to later than expected and reduced drawdown of loan funds for major projects.

17. Finance costs - leases**Year to Date - (\$0.003M) Unfavourable**

Minor variance.

Full Year - (\$0.000M) Unfavourable

No variance.

18. Other expenses**Year to Date - \$0.061M Favourable**

Minor variance mainly timing related.

Full Year - (\$0.688M) Unfavourable

The unfavourable variance is mainly due to unexpended community grants funds carried over from the 2020/21 financial year to be paid out in 2021/22.

COMPARISON TO PREVIOUS FINANCIAL YEAR
For the corresponding December quarter

	2021/22			2020/21		
	YTD Actuals	YTD Budgets	Variance YTD Act/Bud	YTD Actuals	YTD Budgets	Variance YTD Act/Bud
INCOME						
Rates and charges	84,669	83,713	956	84,470	81,359	3,111
Statutory fees and fines	1,347	849	498	1,325	848	478
User fees	5,139	5,701	(562)	5,163	5,959	(796)
Grants - operating	18,024	13,082	4,942	17,308	17,153	155
Grants - capital	8,807	700	8,107	8,629	7,752	877
Contributions - monetary	459	38	421	388	38	351
Contributions - non monetary	0	0	0	0	0	0
Net gain (loss) on disposal of property, infrastructure, plant and equipment	197	180	17	104	0	104
Other income	1,502	1,326	176	1,333	1,970	(637)
TOTAL INCOME	120,145	105,589	14,556	118,720	115,078	3,642
EXPENSES						
Employee costs	28,103	29,097	994	28,741	28,026	(715)
Materials and services	22,359	17,527	(4,833)	22,847	17,890	(4,958)
Bad and doubtful debts	1	3	3	2	0	(1)
Depreciation	14,712	15,113	401	14,712	14,912	199
Amortisation - intangible assets	93	91	(2)	93	306	213
Amortisation - right of use assets	20	19	(1)	20	0	(20)
Borrowing costs	157	289	132	157	332	175
Finance costs - leases	17	14	(3)	17	0	(17)
Other expenses	1,418	1,478	61	1,516	1,980	465
TOTAL EXPENSES	66,880	63,631	(3,249)	68,105	63,446	(4,659)
SURPLUS (DEFICIT) FOR THE YEAR	53,265	41,958	11,307	50,615	51,632	(1,017)

BALANCE SHEET

As at 31 December 2021

	Current Balance \$'000s	Opening Balance 01/07/21 \$'000s	Movement for Year to Date \$'000s	Balance as at 31/12/20 \$'000s
CURRENT ASSETS				
Cash and Cash Equivalents	17,155	39,905	(22,751)	18,814
Other Financial Assets	75,000	70,800	4,200	65,800
Other Assets	2,893	6,451	(3,558)	2,317
Trade and Other Receivables	52,816	5,536	47,280	59,646
Total Current Assets	147,864	122,692	25,172	146,577
NON CURRENT ASSETS				
Property, Infrastructure, Plant and Equipment	1,281,043	1,275,923	5,120	1,238,125
Intangible Assets	0	93	(93)	405
Right-of-use assets	665	684	(20)	704
Trade and Other Receivables	5	5	0	9
Financial Assets	2	2	0	2
Total Non-Current Assets	1,281,715	1,276,708	5,007	1,239,246
TOTAL ASSETS	1,429,580	1,399,401	30,179	1,385,822
CURRENT LIABILITIES				
Payables	5,170	27,590	(22,420)	2,123
Interest-bearing Liabilities	774	1,459	(686)	7,168
Provisions - Employee Benefits	12,625	13,206	(581)	13,690
Provisions - Landfill	2,004	2,432	(428)	1,046
Trust Funds and Deposits	4,828	3,779	1,049	3,560
Lease Liabilities	10	27	(18)	11
Total Current Liabilities	25,410	48,494	(23,084)	27,598
NON CURRENT LIABILITIES				
Interest-bearing Liabilities	15,215	15,215	0	7,749
Provisions - Employee Benefits	1,111	1,111	0	1,553
Provisions - Landfill	14,421	14,421	0	15,342
Lease Liabilities	677	677	0	706
Total Non-Current Liabilities	31,424	31,424	0	25,349
TOTAL LIABILITIES	56,834	79,918	(23,084)	52,947
NET ASSETS	1,372,745	1,319,483	53,262	1,332,875
EQUITY				
Current Year Surplus/(Deficit)	53,265	25,239	28,026	59,039
Accumulated Surplus	809,551	784,772	24,779	784,287
Reserves	509,929	509,471	458	489,549
TOTAL EQUITY	1,372,745	1,319,483	53,262	1,332,875

STATEMENT OF CASH FLOWS

For the Quarter ended 31 December 2021

NOTE	YTD Cash Flow \$'000s	Adopted Budget Annual Cashflow \$'000s	Cash Flow 2020/21 \$'000s
	Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES			
Rates and charges	38,701	83,707	83,753
Statutory fees & fines	1,363	2,800	2,427
User fees	5,185	12,832	9,518
Grants - operating	16,943	26,630	36,690
Grants - capital	2,699	1,700	27,980
Contributions - monetary	459	90	698
Interest received	402	250	1,467
Trust funds and deposits taken/(repaid)	1,049	50	532
Other receipts	(450)	3,105	2,186
Net GST refund/(payment)	398	4,581	3,137
Employee costs	(30,404)	(67,518)	(59,466)
Materials & services	(32,891)	(41,290)	(45,915)
Short-term, low value and variable lease payments	(41)	(60)	(159)
Other payments	(1,377)	(8,303)	(3,909)
Net cash from operating activities	2,036	18,574	58,939
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of property, plant & equipment	246	531	165
Proceeds from sale of investments	85,800	119,000	210,169
Payments for property, infrastructure, plant & equipment	(19,961)	(34,436)	(63,355)
Payments for investments	(90,000)	(100,000)	(210,800)
Loans and advances made	0	0	0
Payments of loans and advances	2	0	4
Net Cash Flows used in investing activities	(23,913)	(14,905)	(63,817)
CASH FLOWS FROM FINANCING ACTIVITIES			
Finance costs	(154)	(562)	(288)
Proceeds from borrowings	0	0	7,125
Repayment of borrowings	(686)	(2,466)	(727)
Interest paid - lease liability	(17)	(28)	(29)
Repayment of lease liabilities	(18)	(29)	(29)
Net Cash Flows from Financing Activities	(874)	(3,085)	6,052
Net Increase/(Decrease) in cash held	(22,750)	584	1,174
Cash & cash equivalents at beginning of year	39,905	14,861	38,731
Cash & cash equivalents at end of period	17,155	15,445	39,905
Summary of Cash & Investments			
	Current Balance	Current year Movement	Opening Balance
Cash & Cash Equivalents	17,155	(22,750)	39,905
Other Financial Assets (Investments)	75,000	4,200	70,800
Total Cash & Investments	92,155	(18,550)	110,705
	1		
Budgeted Opening Balance of Cash & Investments			75,030
Variance in Opening Balance			35,675

NOTES

1. The budgeted cash & investments at the beginning of the year was \$75.0 million, the actual opening balance was \$110.7 million. The additional \$35.7 million was largely the result of higher than anticipated surplus funds and carry forward funding for capital and operational projects and programs.

STATEMENT OF CAPITAL WORKS

For The Quarter Ended 31 December 2021

	NOTE	YTD Actuals \$'000	Full Year Forecast \$'000	Annual Budget \$'000	Variance Annual Budget /Forecast \$'000
Property					
Land	1	255	255	0	(255)
Buildings	2	10,073	20,705	4,771	(15,934)
Heritage buildings	3	15	379	0	(379)
Total Property		10,343	21,339	4,771	(16,568)
Plant and Equipment					
Plant, machinery & equipment	4	865	3,306	2,605	(701)
Fixtures, fittings & furniture	5	4	149	10	(139)
Computers & telecommunications	6	266	1,936	600	(1,336)
Artwork collection	7	11	28	15	(13)
Total Plant and Equipment		1,145	5,419	3,230	(2,189)
Infrastructure					
Roads	8	4,549	16,850	10,206	(6,644)
Bridges & culverts	9	65	855	445	(410)
Footpaths & cycleways	10	667	1,839	1,208	(631)
Drainage	11	361	1,322	503	(819)
Waste management	12	1,893	3,802	2,530	(1,272)
Parks, open space and streetscapes	13	342	1,337	8,170	6,833
Recreational, leisure & community facilities	14	364	762	0	(762)
Aerodromes	15	0	0	0	0
Offstreet carparks	16	37	4,601	243	(4,358)
Other infrastructure	17	114	656	0	(656)
Total Infrastructure		8,392	32,024	23,305	(8,719)
Total Capital Works expenditure		19,881	58,783	31,306	(27,477)
REPRESENTED BY;					
New asset expenditure	18	9,548	22,775	7,945	(14,830)
Asset renewal expenditure	19	8,653	30,717	20,801	(9,916)
Asset expansion expenditure	20	73	187	0	(187)
Asset upgrade expenditure	21	1,606	5,104	2,560	(2,544)
Total Capital Works expenditure		19,881	58,783	31,306	(27,477)

NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances

1. Land

(\$0.255M) Unfavourable

The unfavourable variance reflects the funds carried forward from 2020/21 associated with a land exchange in relation to the Churchill Central Activity Plan.

2. Buildings

(\$15.934M) Unfavourable

The forecast increased expenditure is due to expenditure that has carried over from budget allocations and grant funding received in previous financial years e.g. Gippsland Performing Arts Centre \$13.2M, together with unbudgeted projects as a result of government funding announcements not known when the budget was developed e.g. Hazelwood South Reserve Change Pavillion \$1.1M. Partially offsetting these variances is the Kernot Hall refurbishment project which is now expected to be mainly expended in 2022/23.

3. Heritage buildings

(\$0.379M) Unfavourable

The unfavourable variance reflects the funds carried forward from 2020/21 associated with the Traralgon Courthouse upgrades together with unbudgeted Local Roads & Community Infrastructure grants allocated to the Hare House stabilisation at Mathison Park project.

NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances

- 4. Plant, machinery & equipment** **(\$0.701M) Unfavourable**
The forecasted increase in expenditure is mainly due to an item of Landfill plant and some Fleet items that were ordered in the 2020/21 financial year but unable to be delivered by the supplier until the current year. The funds have been carried forward to pay for these items.
- 5. Fixtures, fittings & furniture** **(\$0.139M) Unfavourable**
The additional expenditure relates to funding carried forward from the previous financial year to replace office furniture.
- 6. Computers & telecommunications** **(\$1.336M) Unfavourable**
The forecasted additional expenditure is funded from an unbudgeted government grant to upgrade free public WiFi services in the Latrobe Valley.
- 7. Artwork Collection** **(\$0.013M) Unfavourable**
Minor unfavourable variance reflecting funding carried over from the 2020/21 financial year.
- 8. Roads** **(\$6.644M) Unfavourable**
The forecast additional expenditure mainly relates to funds carried forward from 2020/21 and unbudgeted government funding e.g. Landslip Natural Disaster funding \$2.7M, Safe Traffic in Local Streets program (\$0.8M), National Blackspot program (\$1.1M) and Local Road and Community Infrastructure Program (\$1.2M).
- 9. Bridges & culverts** **(\$0.410M) Unfavourable**
The forecast additional expenditure is mainly due to unbudgeted government grant funding for the Downies Lane bridge (\$0.4M) and funding carried forward from 2020/21 Bridge and Major Culvert Works.
- 10. Footpaths & cycleways** **(\$0.631M) Unfavourable**
The forecast additional expenditure is mainly due to unbudgeted government grant funding for new footpaths (\$0.5M) and funding carried forward from 2020/21 to complete the Morwell to Traralgon Shared Pathway.
- 11. Drainage** **(\$0.819M) Unfavourable**
The forecast additional expenditure is mainly due to unbudgeted government grant funding and funds carried forward for Gross Pollutant traps and rehabilitation of the Traralgon Railway Reserve dam.
- 12. Waste management** **(\$1.272M) Unfavourable**
The forecast additional expenditure is mainly due to funds carried forward to complete cell 6 at the Highland Highway landfill and the completion of the Biogas to energy project.
- 13 Parks, open space and streetscapes** **\$6.833M Favourable**
The forecast reduced expenditure mainly relates to the Moe Revitalisation Project Stage 2 \$7.3M which will span over multiple financial years, partially offset by expenditure on projects carried forward from 2020/21 and relating to unbudgeted government grants.
- 14. Recreational, leisure & community facilities** **(\$0.762M) Unfavourable**
The forecast additional expenditure is mainly due to funds carried forward to complete the pool deck renewal at Latrobe Leisure Morwell and works at Morwell Recreation Reserve and Monash Reserve Newborough.
- 15. Aerodromes** **\$0.000M Nil Variance**
No current year projects.
- 16. Offstreet carparks** **(\$4.358M) Unfavourable**
The additional expenditure is related to unbudgeted government grants for the Regional Car Parks fund \$4.3M.
- 17. Other infrastructure** **(\$0.656M) Unfavourable**
The forecast additional expenditure is mainly due to funds carried forward for the Gippsland Logistics Precinct and Intermodal Freight Terminal \$0.6M.

NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances**18. New asset expenditure (\$14.830M) Unfavourable**

The overall increase is due to the timing of project works spanning multiple financial years e.g. Gippsland Performing Arts Centre (\$13.2M) together with expenditure related to unbudgeted government grants approved e.g. Regional Car Parks Fund \$4.3M, Free Public WiFi Services \$1.35M and Hazelwood South Reserve Change Pavillion \$1.1M. This is partially offset by a reduction in the amount forecast to be spent in the current year on the Moe Revitalisation Project Stage 2 which will be delivered over multiple years \$7.3M.

19. Asset renewal expenditure (\$9.916M) Unfavourable

The forecast additional expenditure is mainly due to unexpended funds carried over from the 2020/21 financial year and unbudgeted additional government funding e.g. Local Roads and Community Infrastructure program projects \$1.6M.

20. Asset expansion expenditure (\$0.187M) Unfavourable

The forecast additional expenditure is mainly due to unexpended funds carried over from the 2020/21 financial year for the Traralgon Sports Stadium & Catterick Crescent Pavilion.

21. Asset upgrade expenditure (\$2.544M) Unfavourable

The forecast additional expenditure is mainly due to unexpended funds carried over from the 2020/21 financial year and unbudgeted government grants e.g. Safe Traffic in Local Streets program \$0.8M, Multi Purpose Facility Development Latrobe Leisure Moe Newborough \$0.6M, National Blackspot program \$1.1M and Local Roads and Community Infrastructure program \$0.5M.

LGPRF FINANCIAL PERFORMANCE RATIOS

As at 31 December 2021

	Year to Date Ratios				Expected Range	
	\$'000s	Ratio at 31/12/21	Ratio at 31/12/20	Forecast at 30/06/22		Budget at 30/06/22
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>	43,999	39.7%	43.9%	(13.4%)	(6.2%)	-20% - +20%
Adjusted underlying revenue	110,878					
The ratio takes out the effect of once off capital grants & developer contributions.						
Note: The forecasted lower ratio of (13.4%) is mainly due to additional expenditure as a result of unspent 2020/2021 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 2020/21 that was budgeted in 2021/22.						
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>	147,864	581.9%	648.6%	181.0%	181.0%	100% - 300%
Current Liabilities	25,410					
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>	12,327	48.5%	67.5%	32.1%	32.1%	0.0% - 200%
Current Liabilities	25,410					
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.						

	Year to Date Ratios			Forecast at 30/06/22	Budget at 30/06/22	Expected Range
	\$'000s	Ratio at 31/12/21	Ratio at 31/12/20			
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>	15,989	18.9%	18.3%	27.4%	28.0%	0% - 50%
Rate Revenue	84,669					
Loans and borrowings repayments compared to rates						
<u>Interest & principal repayments</u>	843	1.0%	0.6%	3.3%	3.6%	0% - 10%
Rate Revenue	84,669					
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>	31,424	33.9%	34.4%	29.1%	29.2%	0% - 50%
Own Source Revenue	92,657					
Own Source Revenue is adjusted underlying revenue excluding 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>	10,259	69.7%	72.4%	107.7%	77.3%	50%-100%
Depreciation	14,712					
Note: The forecasted increase in this ratio is a result of renewal works carried forward from the previous financial works and funded from unbudgeted government grants.						

	Year to Date Ratios			Forecast at 30/06/22	Budget at 30/06/22	Expected Range
	\$'000s	Ratio at 31/12/21	Ratio at 31/12/20			
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>	84,669					
Adjusted underlying revenue	110,878	76.4%	77.8%	61.9%	64.7%	40% - 80%
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>	84,669					
property values (CIV)	13,885,547	0.6%	0.7%	0.6%	0.6%	0.2% to 0.7%
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>	66,880	\$ 1,695	\$ 1,513	\$ 3,923	\$ 3,483	\$2000 - \$4000
Number of property assessments	39					
Note: The forecasted 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 residential rate per residential property assessment						
<u>Total General Rates and Municipal Charges</u>	61,699	\$ 1,564	\$ 1,556	\$ 1,564	\$ 1,564	\$800 - \$1,800
Number of property assessments	39					

URGENT BUSINESS

17. 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.

**MEETING CLOSED TO
THE PUBLIC TO
CONSIDER
CONFIDENTIAL
INFORMATION**

18. MEETING CLOSED TO THE PUBLIC TO CONSIDER CONFIDENTIAL INFORMATION

Nil reports