



# LATROBE CITY COUNCIL

**AGENDA FOR THE  
COUNCIL MEETING**

**TO BE HELD VIA AUDIO-VISUAL LINK  
AT 6:00PM ON  
07 AUGUST 2023  
CM594**

***Please note:***

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

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

## TABLE OF CONTENTS

<b>1.</b>	<b>ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND .....</b>	<b>4</b>
<b>2.</b>	<b>APOLOGIES AND LEAVE OF ABSENCE.....</b>	<b>4</b>
<b>3.</b>	<b>ADOPTION OF MINUTES .....</b>	<b>4</b>
<b>4.</b>	<b>DECLARATION OF INTERESTS .....</b>	<b>4</b>
<b>5.</b>	<b>PUBLIC PARTICIPATION TIME .....</b>	<b>4</b>
<b>6.</b>	<b>STRATEGIC ITEMS FOR DECISION.....</b>	<b>6</b>
6.1	Draft Sustainability Action Plan for Public Consultation .....	6
6.2	Request to Name the Park at The Rise, Traralgon Maffra Road, Traralgon - Waite Park.....	25
6.3	Strzelecki Koala and Wildlife Rehabilitation Centre .....	30
6.4	Black Spot 21/22 Speed Reduction Consultation - Airfield Road, Vary Street and Monash Road.....	37
6.5	Growing Regions Program Round 1 - Funding Application .....	44
<b>7.</b>	<b>STATUTORY PLANNING.....</b>	<b>51</b>
7.1	Application 2022/233 - Development of 52 dwellings, 52 Lot Subdivision, Reduction of 3 Visitor Car Parking Spaces and Creation and Removal of an Easement at 23 Dunbar Road, Traralgon .....	51
7.2	Application to Amend Planning 2018/128 for the use and Development of Land for an Emergency Services Facility (Fire Station), alteration of access and removal and creation of an easement at 167 - 171 and 173 - 177 Princes Drive, Morwell .....	155
<b>8.</b>	<b>CORPORATE ITEMS FOR DECISION .....</b>	<b>194</b>
8.1	Review of Plaques and Memorials Policies .....	194
8.2	Revocation of Outdated Policies.....	212
<b>9.</b>	<b>URGENT BUSINESS.....</b>	<b>226</b>
<b>10.</b>	<b>REPORTS FOR NOTING .....</b>	<b>228</b>
10.1	Consideration of on-going Lake Narracan Foreshore Security Patrols ...	228
10.2	Tabling of Audit and Risk Committee Bi-Annual Report .....	233



10.3 Update on Proposed Sale of Land - 23 Bunyip Court, Morwell.....	246
10.4 Petition for the Reopening of Chestnut Avenue, Morwell.....	254
<b>11. QUESTIONS ON NOTICE .....</b>	<b>257</b>
<b>12. NOTICES OF MOTION .....</b>	<b>259</b>
<b>13. ITEMS FOR TABLING .....</b>	<b>261</b>
<b>14. ACKNOWLEDGEMENTS.....</b>	<b>262</b>
<b>15. MEETING CLOSED TO THE PUBLIC TO CONSIDER CONFIDENTIAL INFORMATION.....</b>	<b>264</b>
15.1 44 Albert Street, Moe - Expression of Interest .....	264
15.2 LCC-788 Provision of Plumbing and Gas Fitting Services & LCC-789 Provision of Electrical Services - Contract Award .....	264

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

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

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

**2. APOLOGIES AND LEAVE OF ABSENCE**

**3. ADOPTION OF MINUTES**

**Proposed Resolution:**

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

**4. DECLARATION OF INTERESTS**

**5. PUBLIC PARTICIPATION TIME**

**Public Questions on Notice**

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

**Public Speakers**

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

# **STRATEGIC ITEMS FOR DECISION**

## 6. STRATEGIC ITEMS FOR DECISION

Item Number 6.1 07 August 2023

Regional City Planning and Assets

# DRAFT SUSTAINABILITY ACTION PLAN FOR PUBLIC CONSULTATION

## PURPOSE

To seek Council endorsement for the public consultation of the Draft Sustainability Action Plan 2023-2033.

## EXECUTIVE SUMMARY

- The new Sustainability Action Plan (the Plan) seeks to replace the 2015-2019 Natural Environment Sustainability Strategy.
- The themes were developed in response to community sentiment and direction from the Community Vision, the Council Plan and the Municipal Health and Wellbeing Plan.
- Additional community engagement material has been analysed for environmental and sustainability themes by Federation University to supplement previous Council engagement.
- As a result of this direction, the new Plan sets out actions in five key areas:
  - Towards Net Zero
  - Adapting to a changing climate
  - Cleaner, greener Latrobe City
  - Connecting community with nature
  - Creating a circular economy
- The Plan specifically addresses actions the Latrobe City Council can take in areas of Council assets and operations.
- This Plan supersedes the Natural Environment Sustainability Strategy 2015-2019.
- Once endorsed by Council, the draft plan will go on public consultation as detailed in the Communication and Engagement Plan, community feedback will be taken on board and a Final Plan will be brought before Council for consideration.

## OFFICER'S RECOMMENDATION

### That Council:

- 1. Release the Draft Sustainability Action Plan for public consultation; and**
- 2. Receive a future report detailing submissions regarding the Draft Sustainability Action Plan received following the public consultation phase.**

## BACKGROUND

The previous Natural Environment Sustainability Strategy 2015-2019 and the Waste Management Strategy 2010-2017 are both due for renewal. Significant legislative changes have occurred in recent years effecting local government responsibilities across the waste and sustainability service areas.

This Action Plan has been developed to satisfy the need for an updated plan of action for Council in the areas of waste, sustainability and environment. The Plan will demonstrate Latrobe City Council's continued commitment to environmental sustainability, planning, health and wellbeing and reflect community desire for action, as demonstrated by the Latrobe City Community Vision 2030.

## ANALYSIS

The Plan builds upon the strategic direction that the Community Vision, Council Plan and Municipal Public Health and Wellbeing Plan provide, along with the community engagement outcomes that informed these works.

Previous community consultation outcomes have been relied upon to inform the preparation of the draft plan prior to it being endorsed for public exhibition and further community engagement.

This methodology has provided significant time and cost savings whilst demonstrating how Council is taking proactive action in response to issues and priorities previously identified by the community.

The Plan outlines the priority actions Council will deliver in response to its legislative responsibilities and the directions established by the Council Plan and Municipal Public Health and Wellbeing Plan (MPHWP), whilst also providing direction to longer term goals and priorities.

The Environment Team reviewed the Council Plan and MPHWP and grouped key directions from each into the following five themes:

- Towards Net Zero Emissions – detailing how Council will work towards reducing Council emissions and support the community to reduce emissions;
- Adapting to a Changing Climate – building community adaptability and resilience in the face of a changing world;
- Cleaner, Greener Latrobe City – preserving, enhancing and promoting Latrobe City's biodiversity values;
- Connecting Community with Nature – ensuring that our environment is accessible for all and encouraging connection with the environment for better physical and mental health outcomes for all; and
- Creating a Circular Economy - actions towards a zero waste economy

A number of workshops were held with key teams within Council to identify gaps and opportunities which, in turn, was used to develop actions for the Plan, and additional feedback has been sought from relevant teams to ensure that the actions are ambitious but achievable and realistic and align with the Council Plan.

This approach will allow the work to focus on the priority actions required to achieve the goals and commitments previously identified by the community and Council.

The Plan specifically addresses actions the Latrobe City Council can take in areas of Council assets and operations and does not seek to control the actions of the broader community.

**RISK ASSESSMENT**

RISK	RISK RATING	TREATMENT
<p><b>COMPLIANCE</b> Local government has legislative obligations as well as a duty of care to the community now and into the future</p>	<p><b>Medium</b> <i>Possible x Moderate</i></p>	<p>Implement the Sustainability Action Plan</p>
<p><b>FINANCIAL</b> Remaining reliant of fossil fuels means that Council is increasing its financial risk of exposure to the fossil fuel market</p>	<p><b>Medium</b> <i>Possible x Moderate</i></p>	<p>By moving to range of energy sources, including geothermal and solar and batteries, and reducing its reliance on natural gas, Council will gain a higher level on energy independence and reduce its exposure to price rises in the fossil fuel market</p>

**CONSULTATION**

Extensive community consultation was conducted during the process of developing the Council Plan and Municipal Health and Wellbeing Plan.

In addition, Federation University was engaged to analyse a large number of reports containing community engagement from within the region that have been conducted over the past five years for reference of community sentiment in the areas of sustainability and environment.

Consultation within Council was conducted through a series of workshops with a number of teams with relevant actions in the Plan.

The results of this prior consultation have a been incorporated into the actions. Further to this, it is proposed that the draft Sustainability Action Plan is circulated within the community for additional feedback, which will inform the final draft.

## COMMUNICATION

The Sustainability Action Plan will be made available to the community for feedback via a wide range of methods including drop-in sessions, the 'Have Your Say' platform, media release, and a number of other methods as outlined in the Communication and Engagement Plan.

## DECLARATIONS OF INTEREST

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

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

There have been many studies showing the benefits to mental and physical wellbeing of a close connection with nature. Many of the actions in this plan prioritise greater access to nature and open public spaces to encourage engagement with and participation in nature. A healthy and accessible outdoor environment is good for public pride in place and encourages people to further care for their environment.

### **Cultural**

As above

### **Health**

As above

### **Environmental**

The Sustainability Action Plan will have positive impacts on the environment in both the short and long term over a range of areas. The Plan provide direction for improving sustainability in the waste, recycling, greenhouse gas emissions and other areas of Council operations, as well as better managing our natural spaces for better long-term biodiversity, environmental health and amenity outcomes.

### **Economic**

Some of the actions in the Plan are supported by economic opportunities for the region, such as creating a circular economy and supporting renewable energy. Creating a thriving environment will enhance the regions liveability and attract people to the region, both for tourism and to live.

### **Financial**

While there will be costs associated with implementing the action plan, many of the actions are an improvement on existing service areas. Some of the actions will save money in the long term, due to efficiencies. Additionally, there will be grant funding and joint partnership opportunities available for some of the actions. There are also cost associated with not adopting the actions. For example, actions to reduce waste, while they might cost in the short term, will have a beneficial outcome in the long run and reduce the costs of reactive cleaning of litter. The same is true for climate mitigation and adaptation actions.

### **Attachments**

1. Draft Sustainability Action Plan

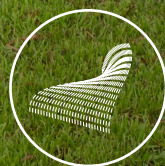
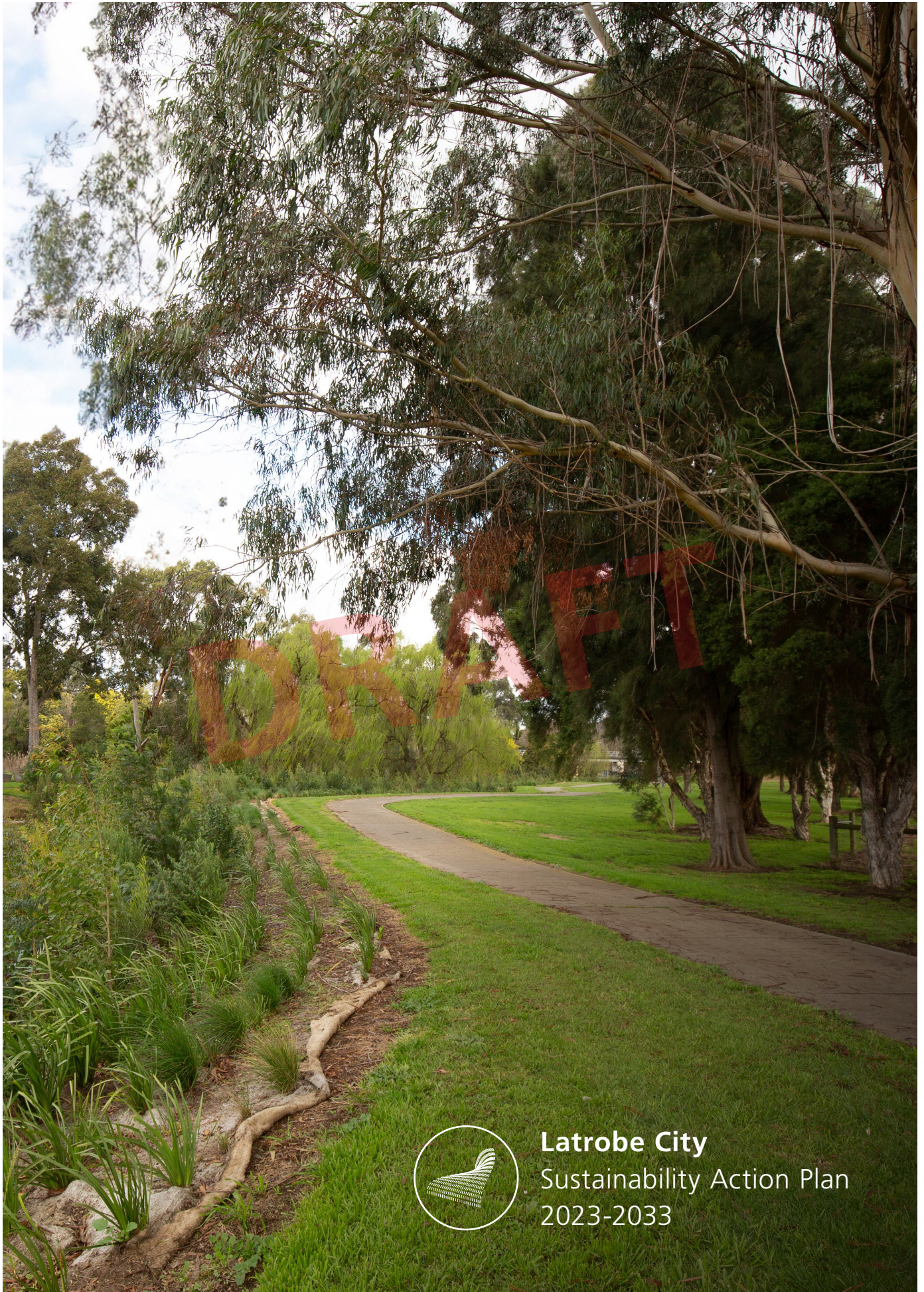


# 6.1

## Draft Sustainability Action Plan for Public Consultation

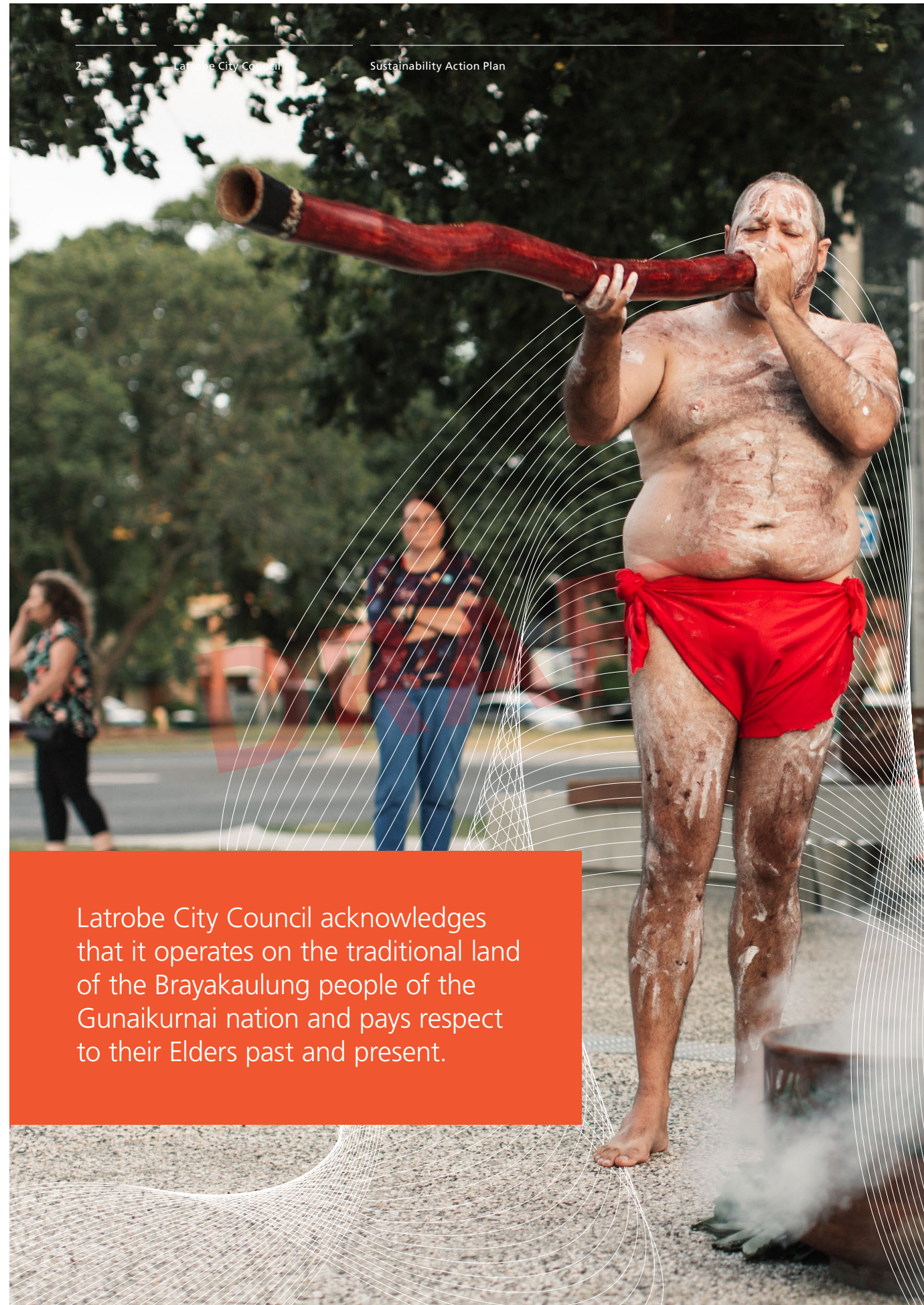
1	Draft Sustainability Action Plan .....	12
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**Latrobe City**  
Sustainability Action Plan  
2023-2033





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

## Message from the Mayor

**Local governments have a close connection to their community and environment. Working towards environmental sustainability - through policy, direct action and working in collaboration with the local community and other stakeholders - is essential.**

As the local planning authority, manager of reserves, parks and open space, and operator of community infrastructure, Council is responsible for many activities which have an influence on the impact upon the environment. Local government can be leaders by setting an example for the community, building community awareness through education, creating pathways to participation and promoting change in the way we utilise and conserve our environment.

This Plan represents a collaborative effort, bringing together the perspectives of community leaders, organisations and individuals who are passionate about shaping a sustainable future. The Plan responds to the priorities set out by the Community Vision, Council Plan and Municipal Health and Wellbeing Plan and our legislative responsibilities to preserve our natural environment and respond to the challenges of a changing climate. It is a testament to our shared commitment and determination to make Latrobe City a leading example of sustainable development in our region.

The community have implemented a range of actions to reduce their impact on the environment and we know that residents view the environment and Council leadership in this area as a high priority.

This Plan details practical, achievable and measurable priority actions that Council will undertake over the next ten years. It will support community awareness, and foster partnerships within the community to support essential sustainable environmental activities.

The actions will outline how we will work to improve sustainability within Council's operations, and how we will support and advocate in partnership with the community on key matters.

We are committed to reducing greenhouse gas emissions, increasing energy efficiency, promoting renewable energy adoption, and preserving our natural heritage as evidenced by a range of environment and sustainability projects undertaken in recent years including - Biogas generator, Solar projects, Public Lighting upgrade and Geothermal heating at the Gippsland Regional Aquatic Centre.

Latrobe City Council recognises the importance of providing leadership, advocating on behalf of the community. We remain committed to ensuring the health of our natural environment now and into the future. Working together, Latrobe City will be recognised as a leader in green technologies, clean energy, recycling and resource management. A region where people are healthy, safe and live as a connected, sustainable and well resourced community.

By working hand in hand, we can ensure that our region remains a proud example of sustainability and progress. It is through our collective efforts that we can truly create lasting change and build a sustainable legacy for future generations.

**Cr Kellie O'Callaghan**

Mayor  
Latrobe City Council







**Strategic directions**

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.

DRAFT

**Table of Contents**

Why do we need a Sustainability Action Plan?	06
Your voice	07
Our direction	08
Our priorities to 2033	09
<i>Towards Net Zero emissions</i>	10
<i>Adapting to a changing climate</i>	13
<i>Greening Latrobe City</i>	15
<i>Connecting community with nature</i>	18
<i>Creating a circular economy</i>	20
Definition of terms	22



## Why do we need a Sustainability Action Plan?

Latrobe City Council stretches from the Alpine Ranges in the north and to the Strzelecki Ranges in the south. It is home to many beautiful parks and reserves and a wide range of native flora and fauna.

Amongst the native fauna are a number of threatened species, such as Greater Gliders, Strzelecki Gum and a critically important population of Koalas with a unique genetic diversity.

Latrobe City Council values our natural environment and biodiversity and recognises the critical part that a healthy environment plays in maintaining a healthy and thriving community.

Sustainability means ensuring that we fulfil the needs of the current generation without impacting future generations. In the context of this plan, it means continuing to deliver our processes and operations in such a way we achieve a balance between economic growth, environmental conservation and the social wellbeing of our community.

A range of legislative changes in recent years also require local government to plan for and respond to climate change. This means a shift towards working to embed climate adaptation and mitigation actions into business processes across the board.

Latrobe City Council delivers on these responsibilities across a range of services. It is noted that the Sustainability Action Plan does not detail statutory service responsibilities, rather it focusses on priority actions and projects necessary to deliver upon the directions identified by the Community Vision, Council Plan and the Municipal Public Health and Wellbeing Plan.



## Your voice

The Sustainability Action Plan 2023-2033 draws upon the cumulative results of community engagement conducted by multiple agencies from 2018-2022.

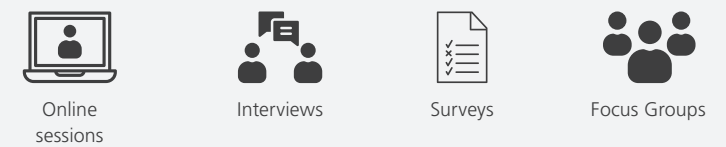
In 2021, over 1500 people across all ages put forward their ideas for Latrobe City's future. The Community Vision was informed by a community survey, targeted conversations, listening posts and input from a community panel.

This extensive community engagement activity conducted by Council has been reinforced by additional research analysis and prior engagement. Throughout all of the community engagement conducted, similar themes emerged.

### Community engagement results



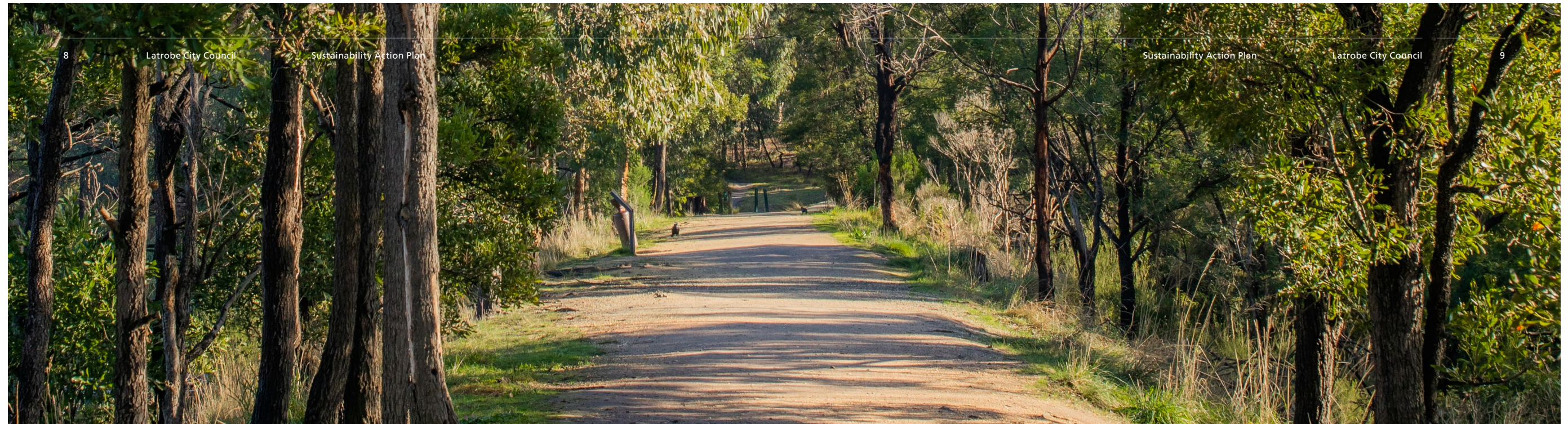
#### ENGAGEMENT METHOD



#### KEY DIRECTIONS







### Our community vision

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

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

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

### Our direction

The Community Vision emphasises how important a connected, healthy, safer and sustainable environment is to our community.

The Community Vision sets out the objectives to be achieved by the Council Plan and the Municipal Public Health and Wellbeing Plan.

Together these plans establish the strategic direction and priorities of Council and provide the basis of the themes set out by the Sustainability Action Plan.

### Our priorities to 2033

This Sustainability Action Plan is centred on five themes, to be achieved by a range of actions over the coming ten years.

Actions listed by this Plan may be delivered with existing available resources, be subject to future budget allocations or grant funding.

The actions describe how we will continue to improve sustainability within Council's operations and how we will support and advocate on behalf of the community on key matters.

While Council has significant ability to influence sustainable outcomes, it cannot do this alone. Every individual, business, community and level of government has a key part to play in our collective journey to reduce our impact on the environment and ensure adaptation and resilience in the face of climate change. Under current warming scenarios we are already seeing escalating and accelerating changes in our climate.

Council and community have already demonstrated a range of actions to reduce their impact on the environment and we know that residents view the environment and Council leadership in this area as a high priority issue.

#### Five themes

 **TOWARDS NET ZERO ENERGY EMISSIONS**

 **ADAPTING TO A CHANGING CLIMATE**

 **GREENING LATROBE CITY**

 **CONNECTING COMMUNITY WITH NATURE**

 **CREATING A CIRCULAR ECONOMY**





## Towards Net Zero energy emissions

### Council and Community

Electricity use represents 62 per cent of Latrobe City Council's total greenhouse gas emissions. Council will continue to embrace new investment in renewable energy and efficiencies to achieve net zero Council emissions.

Key initiatives include upgrading public street lighting to LED, solar panel installations across Council buildings and increasing the capacity of Council's biogas generator by harnessing additional landfill gas.

Latrobe City Council will work towards achieving **Net Zero greenhouse gas emissions by 2035**, setting progressive targets as follows:

- 2025 energy efficient lighting installed across all Council facilities
- 2028 generating 100 per cent of our day time electricity needs from renewable sources
- 2030 electrification of all Latrobe City facilities to remove reliance on natural gas (excluding aquatic centres)
- 2035 transition Council fleet to electric vehicles
- 2040 electrified Latrobe City Council aquatic centres

Council's commitment to achieving the above targets is highlighted by a commitment to invest \$3.95 million to allow the delivery of energy efficient public lighting upgrades and solar panel installations across Latrobe City facilities from 2023. The result of this investment serves to reduce Council's carbon footprint by up to 30 per cent (or an estimated 2500 tonnes of greenhouse gas emissions).

Council will also work in partnership with community and industry to deliver programs to reduce community emissions and lower business and household energy costs.

#### COUNCIL PLAN AND MHWP DIRECTIONS

- Work towards net zero energy emission across Latrobe City Council operations through the delivery of new energy initiatives, efficiencies and offsets.
- Offset Council fleet emissions.
- Deliver actions to improve the sustainability and efficiency of Latrobe City Council buildings and infrastructure

#### Towards Net Zero Council Emissions

Actions	Timeframe	Outcomes	Resourcing
Develop a Net Zero strategy, setting out targets and steps to achieve Net Zero Council emissions by 2035	2024-2025	Net Zero Strategy including 50 percent reduction in scope one and two emissions by 2028, 100 percent renewable energy by 2028	Within existing resources
Introduce renewable energy and environmental sustainable design requirements for all Council owned and operated buildings	2024-2025	Adoption of Council policy. Lower greenhouse gas emissions, reduction in operating costs	Within existing resources
Installation of 1.7 Megawatts of solar generation over the next five years on existing Council assets	2023-2024	Energy savings, reduced greenhouse gas emissions	Budget approved
Undertake energy efficiency audits to identify opportunities to reduce energy use across Council facilities	2023-2025	Energy savings actions identified for implementation	Within existing resources
Prioritise the installation of all public lighting to LED technology	2023-2024	LED public lighting installation completed. Energy savings, reduced greenhouse gas emissions	Budget approved
Install energy efficient lighting across all Council facilities and assets	2026	Energy savings, reduced greenhouse gas emissions	Future budget allocation / grant funding
Increase generation output from the biogas generator by harnessing additional landfill gas	2023-2024	Increased energy generation and revenue	Budget approved
Complete a business case to investigate the feasibility of transition of Council fleet to electric vehicles	2024-2025	Business case completed, Council adopt recommendations	Within existing resources
Develop an Environmental Management System to inform Council's environmental sustainability across all areas of operation Explore options to adjust procurement policy to include whole of life cycle costs including transport costs, in cost analysis and prioritise sustainable materials such as local timber	2024-2026	Environmental Management System complete	Within existing resources
Pursue the utilisation of battery technologies across Council facilities	2024-2026	External funding opportunities identified and sought	Budget allocation / grant funding
Complete business case for selected facilities to support the electrification of Council assets and equipment, remove reliance on gas and achieve energy independence	2024-2026	Greater understanding of cost benefit equation of electricity instead of gas reliance and recommendations	Within existing resources
Complete annual revegetation programs to contribute to the offsetting of Council emissions	Ongoing	No less than 10,000 trees and shrubs planted annually	Within existing resources
Continue to participate in multi-Council alliances and groups for regional projects	Ongoing	Joint Council resources for increased output and efficiencies	Within existing resources

**Towards Net Zero Community Emissions**

Actions	Timeframe	Outcomes	Resourcing
Explore the option to support local business by introducing the Environmental Upgrade Finance program, providing access to low cost financing and repayment arrangements via Council's rates system	2024-2025	Local business have access to finance to undertake environmental upgrades to lower their operating costs. See <a href="http://www.sustainability.vic.gov.au/energy-efficiency-and-reducing-emissions/in-a-business/finance-energy-upgrades-in-you-business/environmental-upgrade-finance-for-business">www.sustainability.vic.gov.au/energy-efficiency-and-reducing-emissions/in-a-business/finance-energy-upgrades-in-you-business/environmental-upgrade-finance-for-business</a>	Budget allocation / grant funding
Develop a policy for the installation of EV charging station which aligns with state and federal policy	Ongoing	Reduced vehicle emissions and operating costs	Within existing resources
Introduce grant program to support community actions which adapt or reduce the impacts of climate change	2024	Improve community access to financial assistance to support climate adaption	Utilise revenue for biogas generation certificates
Work with partners to explore expanded utilisation of geothermal technology including at the Gippsland Industry Park – Morwell	2023-2025	Greater understanding of cost benefit equation of geothermal and potential future application.	Grant funding
Advocate for a just transition and support the establishment of renewable energy generation within Latrobe City region, leveraging the skills and experience on the local workforce	Next 10 years	Fair and reasonable transition from traditional energy sources for the benefit of the whole community	Within existing resources



## Adapting to a changing climate

Observed and anticipated changes to climate within the our region include changes in rainfall patterns, challenges for water supply and agriculture, higher temperatures, increased likelihood of bushfire impacting communities, increased storm activity and loss of biodiversity.

Community resilience will come from recognising and addressing challenges that our unique communities will face as a result of changing climatic conditions. Latrobe City Council recognises the important role that we have in supporting the community to develop skills and knowledge needed to respond to these challenges.

Local government navigates the expectations of community, business and other levels of governments and the needs of the environment.

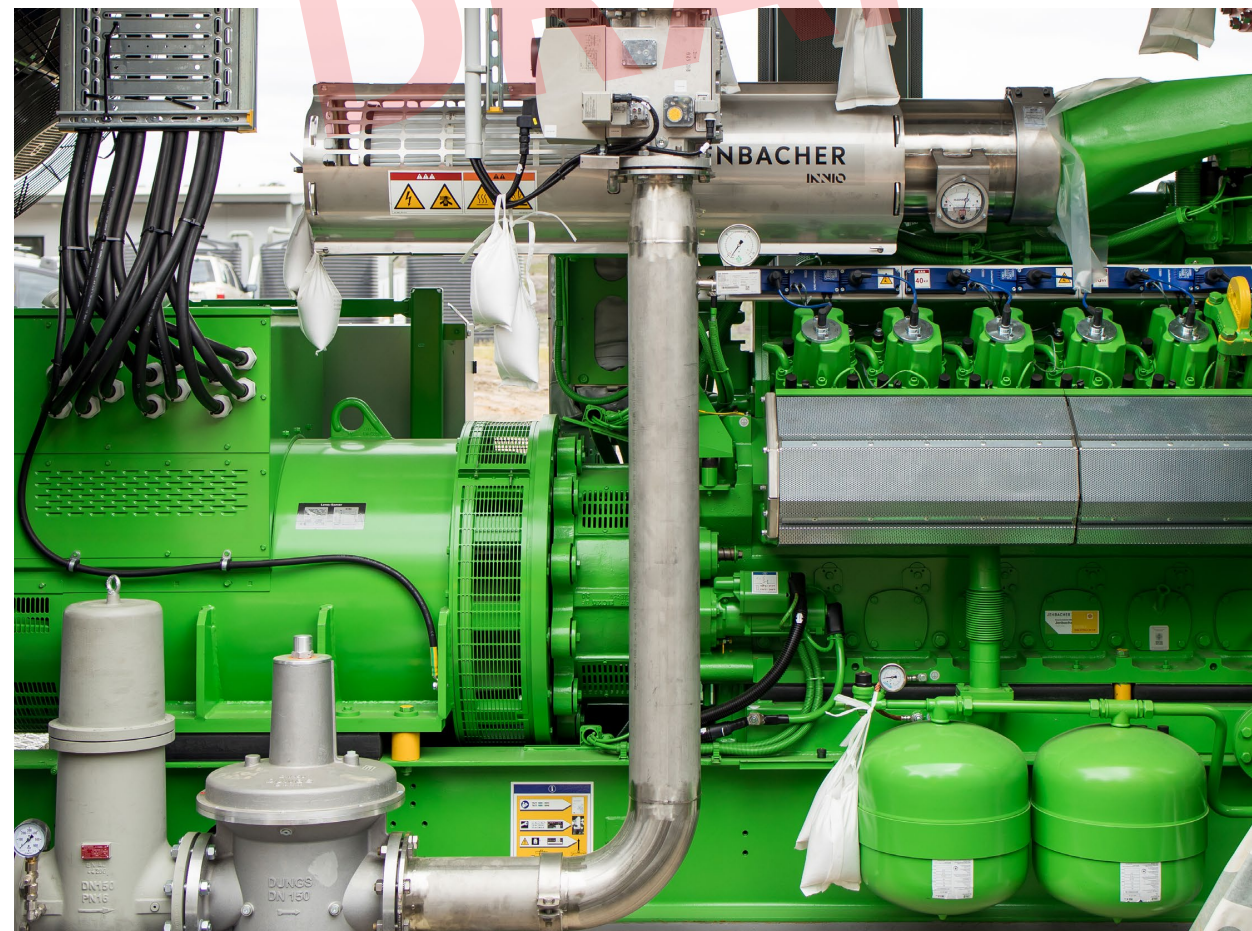
The Victorian Government has introduced a range of legislative and regulatory responsibilities for local government to both mitigate and adapt to climate change. Latrobe City Council recognises our role in assisting communities to plan and respond to the challenges of a changing climate, as well as opportunities to lead local action.

Latrobe City Council will continue to deliver actions to support environmental sustainability, emergency management preparation and response and aid in community health-related activities. It is also understood that Council services, infrastructure and other critical functions are not presently adaptive or resilient to anticipated impacts of climate change and that further planning and investment will be necessary.

Our response to climate change will require collaboration with community representing multiple perspectives, acting in good will and in the interests of the whole of the community and the environment.

**DIRECTIONS FROM COUNCIL PLAN AND MHWP**

- Ensure health and wellbeing planning is central to Council promoting safe communities, positive mental and physical health programs, resilience and connection to built and natural environments
- In partnership with community and business, deliver sustainability initiatives and take actions to adapt to a changing climate
- Work with government to address the importance of water security
- Engage with and support our communities to prepare and be resilient to the challenges of emergencies and disasters
- Progress actions to ensure environmentally sustainable subdivision principles are applied
- Increase urban greening across new and existing neighbourhoods to reduce the impacts of urban heat, improve amenity and biodiversity
- Support the Latrobe community to mitigate and adapt to the impacts of climate change





Actions	Timeframe	Outcomes	Resourcing
Introduce stronger/clearer Environmentally Sustainable Design requirements to the Latrobe Planning Scheme and support industry to deliver best practice sustainable subdivision design outcomes	2024-2025	ESD design principles are imbed into the Latrobe City Council Planning Scheme and applied to all new developments Participation in the Victorian Government Sustainable Design Assessment in the Planning Process (SDAPP)	Within existing resources
Encourage the use of permeable surfaces wherever possible in new Council works	Ongoing	Reduced run off in urban environments	Within existing resources
Develop an Emergency Management Strategy to imbed risk assessment, mitigation and response into policies and processes across all areas of Council	2024-2025	Emergency management risk and response to extreme weather in place to support community adaptation and response	Within existing resources
Promote and facilitate the use of Council libraries and leisure centres as refuges on extreme heat days	Ongoing	Reduced risk of heat impacts to vulnerable members of the community	Within existing resources
Install battery storage and generator at Latrobe City Council Morwell works depot to safeguard emergency response capabilities	2024-2025	Secure energy supply at Council depot to support emergency response	Budget allocation
Assist with the establishment of local community energy generation to improve resilience of communities vulnerable to power outages	2025-2026	Communities at higher risk of disruption to electricity supply have access to distributed and localised energy	Within existing resources
Establish emergency community hubs in higher risk communities to ensure access to electricity, secure water supply in preparation for emergencies such as power outages, storms, floods and fire	2024-2025	Community hubs established with energy and water security in our most vulnerable communities	Grant funding
Deliver Water Sensitive Urban Design and other water saving initiatives across urban and rural communities, including the use of reclaimed water for irrigation at recreation reserves, sports grounds and bush reserves and actions identified by the Integrated Water Management Plan	Ongoing	Reduced water demand and associated costs savings	Budget allocation / grant funding
Maintain community bushfire fuel management plans to reduce the risk and impact of bushfire on communities	Ongoing	Reduce exposure of communities to bushfire	Within existing resources
Develop an Urban Forest Strategy focusing on increasing canopy cover in urban environments throughout the municipality, tying in with habitat corridor wherever possible	2023-2026	Increase canopy cover in urban areas, habitat connectivity and biodiversity outcomes	Budget allocation
Deliver community education programs and support to households and local businesses to reduce energy demand and improve reliability through utilisation of battery and solar energy	Ongoing	Increase resilience of community from secure energy supply	Within existing resources
Complete assessment of vulnerability to climate change impacts across Council infrastructure, land use planning, development, corporate and community services	2025-2026	Risk assessments determine priority actions and resources to reduce impact of more frequent extreme weather events	Budget allocation / grant funding



## Greening Latrobe City

Latrobe City includes a number of important areas of biodiversity which are home to flora and fauna of national and state significance, including Central Gippsland Plains Grassland, Cool Temperate Rainforest and Gippsland Red Gum Grassy Woodland and Associated Native Grassland.

Location of native habitat, waterways, lakes, forests, and rural views and vistas to natural landscapes greatly add to the liveability, identity and health of Latrobe City. The municipality also contains areas of productive agricultural land.

The southern portion of the municipality incorporates the Strzelecki Ranges which contains large patches of remnant vegetation including significant stands of cool temperate rainforest and a number of rare and threatened species of state and national significance, including the Strzelecki Koala, Slender Tree-fern, Powerful Owl and Greater Glider.

Latrobe City Council is committed to the protection and enhancement of the natural environment recognising the interdependency with the health and wellbeing of our community.

Key opportunities include strengthening biodiversity corridors to support the movement of wildlife, ensuring the rehabilitation of mine areas provide beneficial outcomes for our community and environment and supporting efforts to preserve rare and endangered flora and fauna.

Urban greening is also a priority ensuring that future growth is commensurate with access to services and the protection of natural resources and environment.

### DIRECTIONS FROM COUNCIL PLAN AND MHWP

- Work in partnership with indigenous custodians in sustainable land management and preservation and regeneration of our natural environment
- Restore waterways and bushland areas to improve health and wellbeing of community and presentation of Latrobe City as well as our important biodiversity values
- Invest in increased urban greening initiatives and increasing the City's tree canopy in appropriate sites using suitable species in built up areas for improved amenity and reduced heat stress
- Advocate for improved maintenance, planting and regeneration of the City's waterways and state roads
- Continue to work with partners to create linking vegetation corridors
- Advocate with State and Federal Government to ensure the rehabilitation and repurposing of mine areas to support a sustainable and prosperous Latrobe City
- Improve the amenity and presentation of Latrobe City's town entrances, activity centres and public spaces through signage, art and plantings and greening of the City



Actions	Timeframe	Outcomes	Resourcing
Work in partnership with Gunaikurnai Land & Waters Aboriginal Corporation (GLaWAC) in the planning and delivery of programs to benefit the natural environment, community health and wellbeing and creation of ongoing employment opportunities Investigate opportunities to use cultural burning practices to reduce bushfire risk	Ongoing	Shared knowledge and skills development Establishment of nursery for the propagation of plants for revegetation. Improve and increase habitat for rare and threatened flora and fauna Pride, health and wellbeing in community	Budget allocation/ grant funding
Partner with the Latrobe Catchment Landcare Network (LCLN) to deliver programs to improve the natural environment, preserve biodiversity and support sustainable agriculture and land management across the landscape	Ongoing	Delivery of joint projects and associated efficiencies Improved biodiversity outcomes and sustainable land management practices	Within existing resources
Develop and implement a Biodiversity Management Strategy to enhance biodiversity values across Latrobe City Council's bushland reserves, waterways, tracks and trails, and roadsides	2023-2024	Established priorities and goals for the management of bushland reserves and waterways under Council responsibility Reserve Management Plans and Annual Works programs for priority sites	Within existing resources
Support and grow Committees of Management capability and volunteering for the maintenance of bushland reserves	2023-2026	Increase volunteering and community participation	Within existing resources
Review the Annual Biodiversity Grants program to refine its focus and align priorities to Council adopted directions and priorities	2023 - 2024	Establishment of sub-categories for weed control grants, revegetation grants, and prioritisation of wildlife habitat and corridors	Within existing resources
Support and invest in the creation of regional scale biodiversity corridors, including within the Strzelecki-Alpine Biolink, to facilitate wildlife movement and greater genetic diversity of threatened species	Ongoing	Creation of habitat corridors between core habitat areas. Improved regional amenity and carbon offsets. Improved waterway health Increased landowner and volunteer participation Greater resilience and genetic diversity of local flora and fauna	Budget allocation / grant funding
Review Council's policies with regards to tree retention in public and private development, encouraging retention where possible and a monetary value applied to removals on public land	2023-2024	Overall greater urban tree cover	Within existing resources
Review operational horticultural practices to incorporate sustainable principles	2023-2025	More sustainable horticultural practices	Within existing resources

Actions	Timeframe	Outcomes	Resourcing
Work in partnership with Keeping Victoria Beautiful, National Tree Day and other stakeholders to deliver education, events, enforcement and collection programs to improve biodiversity, plant trees, reduce litter and illegal rubbish dumping across public places, roadsides, camp grounds, waterways and open spaces	2023-2026	Improved presentation of Latrobe City Increase in community participation in planned tree planting and litter collection events - including Clean up Australia Day and national Tree Day Increase in litter and illegal dumping collection programs, infrastructure and resourcing	Within existing resources
Continue to deliver and improve roadside weed management programs	Ongoing	Identify and reduce outbreaks of new and emerging high threat weeds, reduce overall cover of priority weeds	Within existing resources
Amend Latrobe City Council Local Law Number 2 to require all providers of supermarket trolleys to include a coin / token return or similar system Amend local law number 2 to support the enforcement of noxious weed control beyond blackberries	2024-2025	Reduction in dumped trolleys across Latrobe City, improved ability to enforce noxious weed control on private property	Within existing resources
Investigate the potential for further Gross Pollutant Traps or equivalent systems to prevent litter entering waterways from urban stormwater systems	2023-2026	Gross Pollutant Trap(s) installed annually Reduced litter entering waterways	Budget allocation
Review and improve wetland design, construction and maintenance guidelines to improve their health, improve local biodiversity and water quality	2024-2025	Improved water quality Reduced maintenance costs overtime	Within existing resources
Review the landscape design standards and plant species guidelines utilised by Council and local developers to support improved biodiversity, drought resilience, reduction in urban heat and reduce on-going maintenance	2024-2026	Increased habitat connections and biodiversity Improve survival rate of plantings Reduced water use and impacts of urban heat	Within existing resources
Trial options for litter collection infrastructure and services at Latrobe City parks, open space / bushland reserves and informal camping areas	2023-2025	Reduced litter across open space, bushland reserves and informal camp grounds	Budget allocation
Increase public awareness on the benefits of street trees and urban greening	2024-2025	Greater awareness and appreciation of the benefits of street trees and green spaces in urban areas, greater tree retention	Within existing resources







## Connecting community with nature

A strong connection with the environment is known to result in a range of mental and physical health benefits, as well as create a sense of pride and ownership in the environment and place we live.

Latrobe City Council is committed to providing safe and accessible spaces for the whole community to enjoy nature-based activities, from walking and cycling paths to our natural bushland reserves, waterways and community spaces.

Providing healthy spaces and facilitating programs in partnership with community groups, schools and health service providers that support community to connect with nature is a key priority.

### DIRECTIONS FROM COUNCIL PLAN AND MHWP

- Prioritise a range of public space improvements across the municipality
- Increase accessibility to utilise our green spaces and facilities to connect community and achieve positive health and wellbeing outcomes
- Develop new audiences seeking local arts, cultural and nature-based experiences and entertainment
- Increase community and visitor satisfaction with waterways and bushland reserves
- Increase community participation in environmental education and events
- Council programs and events value and promote engagement with walking, cycling, nature and open spaces
- Develop campaigns to improve community pride in our built and natural assets
- Encourage individuals and communities to plan for, create and maintain a healthy environment that fosters community connectedness
- Ensure that health and wellbeing outcomes for the community are considered, where appropriate, in land use planning

Actions	Timeframe	Outcomes	Resourcing
Deliver more nature based programs for community groups, primary and secondary schools to experience and learn about local bushland reserves and the biodiversity they support	Ongoing	Establishment of 'junior rangers' program and activities	Within existing resources
Explore the establishment of a community Environmental Reference Group to provide advice and oversee the progression of Council action and community change	2024	Community platform to participate and monitor in changes outlined by the Sustainability Action Plan	Within existing resources
Continue to improve track and trail conditions and connections between townships to encourage walking and biking, prioritising waterways, bushland reserves and open space corridors	2023-2026	Improved connectivity of walking and cycling tracks and trails (Connecting Latrobe) Increase in community physical activity and associated health improvements Increased habitat connections and biodiversity	Budget allocation / grant funding
Utilise signage, media and other online applications to improve wayfinding to bushland reserves, parklands and nature based tourism opportunities	2024	Greater utilisation and appreciation of green spaces	Budget allocation
Celebrate natural environment cultural values through delivery of arts, events and festivals	Ongoing	Community participation in events and volunteering Awareness and appreciation of local biodiversity Increase in community taking action to enhance local biodiversity	Budget allocation / grant funding
Deliver library and kindergarten programs to promote sustainability with children and their families to increase connection and awareness of the natural environment and local values	Ongoing	Awareness and appreciation of local biodiversity of younger people	Within existing resources
Promote opportunities for community to participate and learn about sustainability programs and projects including citizen science programs, fauna surveys, bug blitz events and water quality monitoring of local waterways	Ongoing	Community participation in events and volunteering Awareness and appreciation of local biodiversity Increase in community taking action to enhance local biodiversity	Budget allocation/ grant funding
Prepare guidelines to support urban greening in private backyards by providing guidelines and advice regarding amenity, recommended species, drought resilience and species selection to support local biodiversity	2024-2025	Increased habitat connections and biodiversity Reduction in urban heat Reduce urban stormwater runoff	Within existing resources
Increase public education on the benefits of street trees	2025-2026	Greater understanding and appreciation of the value of trees, leading to greater retention and planting of trees	Within existing resources
Support the establishment of Community Gardens where the opportunities exist Participate in food security education programs	2023-2025	Community participation in events and volunteering Increase in community knowledge and taking action to enhance local food security	Within existing resources
Prepare guidelines to support interested community members in the 'planting out' of naturestrips on suitable streetscapes across Latrobe City's urban areas	2024-2025	Increased habitat connections and biodiversity Reduction in urban heat Reduce urban stormwater runoff	Within existing resources

## Creating a circular economy

The continuation of access to landfill services and the provision of reliable kerbside waste collection, recycling, garden organics and hard waste services remains a key priority as we respond to changing requirements introduced by the State Government's Recycling Victoria Policy.

Government and industry partnerships will however be critical to bringing about changes necessary to reform the way in which we provide waste and recycling services. Gippsland councils are working together to create a circular economy and achieve greater recovery and re-use of waste products. Procuring regional scale services to attract greater investment in new infrastructure will support a circular economy in our region.

Latrobe City is well placed to support this initiative with skilled workforce and current expertise in reprocessing of green waste, plastics, cardboard and paper. Recognised by Infrastructure Victoria and State-wide studies, Latrobe City is well placed, with its proximity to Melbourne, access to transport infrastructure and large industrial precincts to grasp opportunities in environmentally responsible resource recovery industries.

Over recent years there has been an increase in litter and illegal dumping behaviour. This remains of high importance to Council and our community, to which additional resources will be required to respond.

### DIRECTIONS FROM COUNCIL PLAN AND MHWP

- Promote and attract investment in recycling and re-manufacturing industries to enhance Gippsland's role in the economy
- Work with the Victorian Government to support opportunities in geothermal, hydrogen and Latrobe City's role in the material recovery and reuse industry

Actions	Timeframe	Outcomes	Resourcing
Participate in the Gippswide Kerbside collaborative procurement to support regional waste and resource recovery services to benefit our community and economy	2023-2024	New waste service contracts in place Continuity of waste and recycling services Increase opportunity for local reuse of recycled material	Within existing resources
Finalise the draft Transition Plan and service modelling to guide the provision of future waste management, recycling services and education programs in accordance with Recycling Victoria Policy and Victorian regulations	2023-2024	Compliance with State Government directions	Budget allocation
Promote and support the establishment of Regional Material Recovery Facility in Latrobe City and associated remanufacturing / repurposing of recovered products	2023-2025	Increase opportunity for local reuse and remanufacturing of recycled material Increase local employment opportunities Reduced waste to landfill	Within existing resources
Explore and support new manufacturing businesses to support new and emerging industries	2024-2026	Increase opportunity for local reuse and remanufacturing of recycled material Increase local employment opportunities	Within existing resources
Support the roll out of Victoria's Container Deposit Scheme and ban on single use plastics across Council facilities, community and local business	2023-2024	Compliance with State Government directions. Community and business assisted to make changes	Within existing resources
Deliver waste management education and events to promote positive waste disposal behaviour, support waste reduction, increase re-use and recycling and reduce litter across Latrobe City	Ongoing	Reduction of contamination in all methods for collection of recycling and green waste; Complete community based programs to increase reuse and recycling Increase opportunity reuse and remanufacturing of material Reduced contamination of waste streams and littering	Within existing resources/ Grant funding approved
Develop waste management plans for, and provide public place recycling infrastructure at, Council recreation, leisure facilities and events to reduce waste and increase recycling	2023-2025	Increase opportunity recycling of waste material Reduced contamination of waste streams Reduced waste to landfill	Budget allocation
Explore utilisation of green cells or alternative for long term biogas energy generation	2026	Understanding of future renewable energy opportunities and associated revenue opportunities	Within existing resources
Support community based re-use / repurposing opportunities including exploring establishment of re-use thrift shops at additional waste transfer stations and textiles recycling bins	2023-2024	Increased items sold at Council's transfer station 'thrift shops' Waste services contract awarded with extension of services	Within existing resources/ Budget allocation
Increase access to hard waste collection services and operating hours of transfer stations provided by Latrobe City Council	2023-2024	Reduction in littering and illegal dumping behaviour across the municipality Increased recycling and reduced waste to landfill	Budget allocation
Undertake targeted media campaign on illegal rubbish dumping and littering—including promotion and enforcement of penalties for offences	Ongoing	Reduction in littering and illegal dumping behaviour across the municipality	Within existing resources
Introduce roadside litter collection services and the establishment of dedicated Council resource to investigate, rectify and reduce instances of illegal dumping across Latrobe City	2024	Reduction in littering and illegal dumping behaviour across the municipality	Budget allocation
Investigate the feasibility of new recycling schemes such as textiles, plant pots, etc	Ongoing	Greater resource recovery	Within existing resources
Continue to explore and trial the use of recycled/recovered products in infrastructure projects	Ongoing	Increase opportunity for local reuse and re-manufacturing of recycled material, reduced resource use in new projects	Within allocated resources/ grant funding/ budget allocation



## Definition of terms

### NET ZERO

Refers to the balance between the amount of greenhouse gas produced and the amount that is removed from the atmosphere. Achieving a Net Zero target for emissions is important to limiting the impacts of climate change and can be achieved through a combination of reducing emissions and increasing carbon capture and storage.

### ECOSYSTEM SERVICES

Refers to the broader benefits that a healthy ecosystem provide to the region, such as clean air and water, food production, climate regulation, and impacts to mental and physical wellbeing.

### INTERGRATED WATER MANAGEMENT

Involves a whole of system view to managing water resources, including ecosystem requirements, drinking water, stormwater water management and water treatment and aims to achieve a balance between all water uses.







The Latrobe City Sustainability Action Plan 2023-2033 was developed by Latrobe City Council. For more information contact Latrobe City Council's Sustainability and Environment Unit.

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## Latrobe City Council

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## Service Centres & Libraries

### Morwell

Corporate Headquarters  
141 Commercial Road, Morwell

Morwell Library  
63-65 Elgin Street, Morwell

### Moe

Moe Service Centre and Library  
1-29 George Street, Moe

### Traralgon

Traralgon Service Centre and Library  
34-38 Kay Street, Traralgon

### Churchill

Churchill Community Hub  
9-11 Philip Parade, Churchill

*To obtain this information in languages other than English, or in other formats, please contact Latrobe City Council on 1300 367 700.*



# REQUEST TO NAME THE PARK AT THE RISE, TRARALGON MAFFRA ROAD, TRARALGON - WAITE PARK

## PURPOSE

To seek Council's endorsement to name the park at The Rise Estate on Traralgon-Maffra Road, Traralgon, "Waite Park".

## EXECUTIVE SUMMARY

- The land situated at 145 Traralgon-Maffra Road, Traralgon was subdivided during the development of The Rise Estate. It was previously the farm and homestead for the Waite family from 1932 to 2012.
- A request was made to Council to name public open space to be created as part of the development of the land, after the Waite family as early farmers of that land who also have a long history in the locality.
- Council's Road and Place Name Advisory Committee has indicated it supports the proposal in principle and that the matter should be presented to Council for consideration.
- Council, as a naming authority, can seek to have the naming of the reserve formally registered as a feature on VicNames or can alternatively, choose to informally name the reserve with a view to having it formally registered in the future.
- It is the opinion of officers that the request satisfies the current Naming Rules for Places in Victoria.
- Preliminary advice has been obtained from Geographic Names Victoria stating that, if Council deems the proposal to have merit and there are no other features with the same name, there is no issue with the naming process proceeding.

## OFFICER'S RECOMMENDATION

### That Council:

- 1. Endorse the reserve located at The Rise Estate, Traralgon-Maffra Road, Traralgon, being named Waite Park;**
- 2. Authorise signage to be installed at the reserve reflecting its naming as Waite Park;**
- 3. Note that officers will return the matter to a future Council Meeting for a decision in relation to commencing a formal naming process.**



## BACKGROUND

In 2012 Council was approached by Mr Neville Horton to name a public open space created through the subdivision of the land situated at 145 Traralgon Maffra Road, Traralgon, after the Waite family in memory of his late wife Jennifer Lee Horton (nee Waite).

The reserve is located on land that was part of the original Waite family farm and home following that was purchased in 1932. The land remained owned by the Waite family until the sale in 2012 related to the development of The Rise Estate.

Maintenance of the reserve was not able to be taken over by Council from the developer until 2022. With that now in place, the naming proposal is able to be considered.

Based upon an initial officer review of the proposed name “Waite Park”, it is considered to be suitable based on the Naming Principles contained in the Naming Rules for places in Victoria 2022 (the Naming Rules). The request to name the reserve has also been considered by Council’s Road and Place Name Advisory Committee, which supports the naming in principle and confirmed the matter should be referred to Council for consideration and decision.

Site map of the reserve on Traralgon Maffra Road, Traralgon





**ANALYSIS**

Geographic Names Victoria (GNV) oversees the naming and registration of roads, features and localities in Victoria they do this by complying with the *Geographic Place Names Act 1998*. GNV maintains the official Victorian Register of Geographic Names called VICNAMES.

Council, as a naming authority, can elect to undertake the process to have this reserve named “Waite Park” and have it formally registered as a feature on VICNAMES. Alternatively, Council can choose to informally name the reserve with a view to having it formally registered in the future along with other parks and reserves within Latrobe City. It should be noted that the majority of parks and reserves within Latrobe City are not formally named at present.

GNV encourages councils to name parks and reserves in the municipality, as this can assist with correctly identifying locations in the event of an emergency.

A search of VICNAMES has shown that there is no other similar feature with this name in Victoria though there is a Waites Road, Glengarry West, as a registered road name. Preliminary advice has been obtained from GNV stating that, if Council deems the proposal to have merit and there are no other features with the same name, there is no issue with the naming process proceeding.

The Naming Rules request that when considering a name for a location, the relevant history and association of the person or family to the land and area more generally should be considered. The request to use the name Waite complies with these requirements; the Waite family were early farmers of the relevant land and have been in the area for over 90 years, with descendants still living locally.

Acknowledgement of the Traditional Owners the Brayakaulung people of the Gunaikurnai nation could also be included on the related naming signage of the reserve.

**RISK ASSESSMENT**

RISK	RISK RATING	TREATMENT
<p>COMPLIANCE (LEGAL, CONTRACTUAL, OHS AND SAFETY)</p> <p>Non-compliance with the requirements of the Naming Rules for Places in Victoria 2022.</p>	<p><b>Low</b></p> <p><i>Minor x Likely</i></p>	<p>Ensure that the name Waite Park is consistent with the Naming Rules and if the naming is to be formally registered, that adequate community consultation is undertaken.</p>

## CONSULTATION

Should Council resolve to informally name this reserve Waite Park, no consultation is required. In the event that the name is to be formalised by registration in VICNAMES, it will be necessary for Council to undertake suitable consultation prior to it being submitted to GNV.

## COMMUNICATION

Communication has been undertaken with the Waite Family descendants and the Road and Place Naming Advisory Committee.

## DECLARATIONS OF INTEREST

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

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

Not Applicable

### **Cultural**

Consideration of including the acknowledgement of the traditional landowners on the park signage.

### **Health**

Not Applicable

### **Environmental**

Not Applicable

### **Economic**

Not Applicable

### **Financial**

Not Applicable

### **Attachments**

Nil

# STRZELECKI KOALA AND WILDLIFE REHABILITATION CENTRE

## PURPOSE

To consider the feasibility of establishing a koala, wildlife, botany and entomology centre in the South Ward of Latrobe City in response to a resolution adopted at the Council Meeting held on Monday, 6 February 2023.

## EXECUTIVE SUMMARY

Investigations in relation to the feasibility of establishing a koala, wildlife, botany and entomology centre have identified that:

- Planning is underway for a koala rehabilitation centre near Yarram which includes an extensive fenced outdoor area for long term rehabilitation of sick and injured wildlife, in particular, koalas.
- There are currently a number of wildlife carers and vets working in the Latrobe City region who deal with injured wildlife.
- Education and engagement within the community is critical for preventing the current high number of injured wildlife.
- Development and operation of a full-scale rehabilitation and education centre is cost prohibitive and estimated to cost several million dollars plus operational costs.
- This is cost prohibitive at a local government level and would be more appropriately led by a state government department such as the Department of Energy, Environment and Climate Action.
- Supporting/advocating for a wildlife conservation research education and training centre based in or near Churchill may be feasible however such a facility would require a thorough investigation.
- To achieve the outcome of improving koala (and other wildlife) conservation outcomes, the following are considered more cost-effective options:
  - On-going support and funding for the Strzelecki Alpine Biolink
  - On-going support for community education and engagement programs
  - Support for scientific research into the Strzelecki koala
  - Increased efforts into climate change mitigation
  - Increased efforts on climate change education and engagement within the community

## OFFICER'S RECOMMENDATION

**That Council receives and notes this report in relation to the investigation of the feasibility of Council establishing a Strzelecki koala, wildlife, botany and entomology centre in the South Ward of Latrobe City.**

## BACKGROUND

The “South Gippsland” or “Strzelecki” koala is a term used to describe a unique population of koalas centred in the Strzelecki ranges and extending into the Gippsland Plains. This population is considered to be a remnant population, and are known to be genetically distinct from, and more diverse than, other Victorian koala populations. They are therefore likely to be more resilient and have a greater ability to adapt to future environmental pressures. The Victorian Koala Management Strategy released in 2023 acknowledges that conservation of this population and its genetic diversity is of high importance.

Further research into the range of the Strzelecki koalas is needed, as well as greater efforts to preserve habitat and ensure the ongoing health of this unique population.

Current threats to the South Gippsland/Strzelecki koala population include loss of habitat, particularly loss of habitat connectivity, preventing koala dispersal and movement throughout the landscape, predation by dogs and foxes, injury and death from road accidents, disease, and climate change. Koalas have dense fur and cannot regulate body heat very effectively and are especially vulnerable to even small increases in temperature.

Young male koalas leave their home range and travel to find a new home range where they can breed. Lack of habitat connectivity means they are forced to crossroads, paddocks and urban areas and this is where many injuries occur. Creating and connecting habitat is critical to the on-going survival of the Strzelecki Koala, allowing the genetics to spread, and not becoming isolated through habitat constraints. Small, isolated populations are susceptible to inbreeding, which makes them more susceptible to disease and environmental changes.

## ANALYSIS

The following proposed features were investigated:

- An education centre and learning auditorium
- A dedicated centre for sick and injured koalas and other native animals for treatment and rehabilitation
- A particular focus on the habitat of Morwell National Park and its surrounds
- Access to research teams for the study of koalas and other native species in the region and
- Other appropriate support including Commonwealth and State Government funding programs, for ongoing conservation efforts focussed on the Strzelecki koala

A long-term rehabilitation centre or better funding/resourcing for existing carers would help with the rehabilitation and release of rehabilitated wildlife back into the wild, however plans are already underway for a rehabilitation centre near Yarram. A rehabilitation centre would require an extensive fenced outdoor area for long term rehabilitation of sick and injured wildlife, in particular koalas. It would need to be fenced to exclude predators and include adequate, established native vegetation to provide habitat for rehabilitating animals. Additional food sources may need to be brought in. An emergency/triage centre for assessing and treating critically ill or injured wildlife could be a part of the centre, or separate.

A full-scale rehabilitation centre is estimated to cost upwards of \$10 million dollars. A basic urban veterinary clinic costs over \$1 million to set up due to equipment expenses. A large-scale koala rehabilitation facility in Gunnedah NSW has accrued over \$12 million in construction costs to date.

An education, training and research centre would appear to be the more feasible option as it meets the most pressing requirements and could enhance eco-tourism and education in the region. It would help to raise the profile of our wildlife and help in future funding endeavours for research and conservation. It could also raise the profile of the Latrobe City Council led Strzelecki Alpine Biolink, which aims to connect habitat from the Strzelecki ranges to the Tyers National Park in the north, allowing for better movement and dispersal of koalas and other wildlife. Such a centre could potentially be located in Churchill and partner with Federation University, building on the facilities and expertise that the Uni provides, and capitalising on proximity to Morwell National Park. It is understood that there is potential land in the area, although no direct enquiries have been made.

The costs of constructing such a centre would still be prohibitive at a local government scale and arguable beyond the remit of a local government service delivery. Research conducted for this study revealed that conservation centres at this scale often don't recover operating costs, and therefore there is the potential that it would become a drain on Council finances. Advocating for regional funding and supporting other agencies may be the appropriate role for local government. Potential funding might be available to the region through various state and federal government transition programs.

One of the biggest issues facing wildlife in our region, including koalas, is injury by vehicles and predators. There are currently a number of wildlife carers in the area, as well as several vet clinics which will treat animals. Discussions with people working in the industry have revealed a number of issues. Wildlife carers are passionate and often work as volunteers under very strained resources, but don't always have formal qualifications in animal husbandry or vet studies, so while they are often the first point of call for the community upon finding a sick or injured animal, they don't have the expertise, equipment or resources to accurately diagnose and treat all issues presenting.

Vet clinics, on the other hand, tend to err on the side of the pragmatic. They have the expertise to diagnose, but not always the resources to treat and rehabilitate animals, especially given there is no funding for this. The result is that animals that end up in vet clinics are often euthanised. Consultation with a number of stakeholders in the region working in this field all yielded similar conclusions – that the limiting factor for managing sick and injured wildlife is adequately trained personnel and funding for the work, rather than actual facilities. The biggest need with respect to the adequate care of sick and injured wildlife is therefore not additional centres for treatment, but training and equipment for carers and additional resources, in particular staff/vet nurses for existing vet clinics.

The same consultation also revealed that education and engagement within in the community is critical for preventing the current high number of injured wildlife, and for the on-going protection and conservation of our wildlife.

Additionally, habitat and research into wildlife, such as the critical research being conducted on the genetic range of the Strzelecki koala population, is key to understanding and protecting wildlife. This type of research is currently limited by the availability of funding.

Other actions to aid the conservation of koalas and other wildlife in the region include improving habitat connectivity through support and funding of revegetation projects such as the Strzelecki Alpine Biolink.

The Strzelecki Alpine Biolink already has considerable support from a wide range of stakeholders, including Landcare, Federation University, the West Gippsland Catchment Management Authority, DEECA, Parks Victoria, HVP, Energy Australia and Engie. It provides a forum to both actively educate, inform and involve the community in local wildlife conservation, and to provide real, on-going environmental improvements to aid in the conservation and protection of the Strzelecki koala. A feasibility study was conducted in 2019, and the Biolink is acknowledged as a priority in the Latrobe Planning Scheme.

Koalas are especially susceptible to the impacts of increasing global temperatures. Koalas have dense fur and cannot regulate body heat very effectively and are especially vulnerable to even small increases in temperature. Therefore, limiting the global temperature rise to under 2 degrees is essential to their on-going survival. Increased efforts in climate change mitigation, education and awareness are also key actions that can be done to help the Strzelecki koalas.

Concurrently, wildlife signage is being rolled out at key locations across the municipality to increase driver awareness of wildlife on the road in an attempt to reduce wildlife injuries.

In conclusion, a full-scale wildlife rehabilitation and education centre is unlikely to be feasible due to a number of factors. To achieve the outcome of improving koala (and other wildlife) conservation outcomes, the following are considered far more cost-effective options:

- Ongoing support and funding for the Strzelecki Alpine Biolink
- Ongoing support for community education and engagement programs
- Support for scientific research into the Strzelecki koala
- Increased efforts into climate change mitigation

Increased efforts on climate change education and engagement within the community

**RISK ASSESSMENT**

RISK	RISK RATING	TREATMENT
<p><b>SERVICE DELIVERY</b> If a centre was constructed, Council would become responsible for the on-going operation of the centre</p>	<p><b>Medium</b> <i>Possible x Moderate</i></p>	<p>Do not proceed with the construction of an education or rehabilitation centre without a detailed business case and funding secured.</p>
<p><b>FINANCIAL</b> The construction and operation of a wildlife and education centre would costs upwards of \$10.0 million, depending on the size and scope. Large scale wildlife education centres such as the Phillip Island Nature Park and Healesville Sanctuary typically rely of government funding to remain viable. It is possible that it would become a long term financial drain on Council resources</p>	<p><b>High</b> <i>Likely x Moderate</i></p>	<p>Carefully consider the implications and cost: benefit of a centre prior to making a decision and whether it is an appropriate project for local government to undertake.</p>



RISK	RISK RATING	TREATMENT
<b>STRATEGIC</b> An education centre could become an attraction for the region, however if not designed, managed and resources well on a long term basis, would reflect badly on Council	<b>Medium</b> <i>Unlikely x Moderate</i>	Ensure there is adequate budget and expertise available before making a decision

#### CONSULTATION

A number of experts and stakeholders in the Gippsland region were consulted for expert knowledge. This includes wildlife carers, vets and vet nurses, University professors, researchers, koala activists, Landcare and people working in the field of conservation.

#### COMMUNICATION

Not applicable

#### DECLARATIONS OF INTEREST

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

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

An education centre could have social benefits to the local and broader community.

### **Cultural**

Collaboration with GLaWAC and other local First Nations people could bring an aspect of cultural education to the centre as well.

### **Health**

Not applicable

### **Environmental**

Educating the community on wildlife conservation is likely to have positive benefits to the environment.

### **Economic**

A wildlife conservation centre could become a tourist attraction, especially if located close to the Morwell National Park, therefore having positive benefits to the local economy.

### **Financial**

Currently there is no available budget to fund the construction and operation of an education centre. Operating costs may outweigh funds earned by the centre, thereby becoming a financial drain on the Council.

### **Attachments**

Nil

## BLACK SPOT 21/22 SPEED REDUCTION CONSULTATION - AIRFIELD ROAD, VARY STREET AND MONASH ROAD

### PURPOSE

To report to Council on completed consultation as part of proposed speed changes included in the 2021/2022 Black Spot Program.

### EXECUTIVE SUMMARY

- At the Council Meeting held on Monday, 8 February 2021, Council resolved to undertake consultation on speed reductions at the three sites included in the 2021/2022 Black Spot Program:
  1. Airfield Road, Traralgon - 80 km/h to 60 km/h
  2. Vary Street, Morwell - 60 km/h to 50 km/h
  3. Monash Road, Newborough - 60 km/h to 50 km/h
- Consultation for Vary Street and Monash Road were completed with 80% and 69% of responses received being supportive of the speed reduction in these areas.
- Following the installation of audio tactile line marking, safety barriers and upgrades at the intersection of Airfield and Old Melbourne Roads.
- A speed reduction on Airfield Road was not considered warranted at this time. It has therefore not progressed to formal consultation. A reduced 60 km/h speed limit on Airfield Road could encourage traffic to use other local roads. A speed reduction can be implemented in the future should the need arise.
- Officers are now working with the Department of Transport and Planning (DTP) to implement the speed reductions at Vary Street and Monash Road as soon as practicable.

### OFFICER'S RECOMMENDATION

**That Council notes the report and that no further action be undertaken in relation to the speed limit on Airfield Road, Traralgon.**

**BACKGROUND**

At the Council Meeting held on Monday, 8 February 2021, Council resolved to endorse applications to the Black Spot Program 2021/22 subject to a further report detailing the consultation for the proposed speed reduction treatments on the following roads:

- 80 km/h to 60 km/h on Airfield Road, Traralgon, from Princes Highway north to 60 Airfield Road;
- 60 km/h to 50 km/h on Vary Street, Morwell, from Churchill Road to Junier Street; and
- 60 km/h to 50 km/h on Monash Road, Newborough, from Shanahan Parade to Ellinbank Street.

The proposed speed limit changes were part of a suite of treatments developed for these areas. Across the program, the physical treatments have been completed. The speed reductions are implemented on a longer timeline given their small capital cost, the community engagement process and the protracted ministerial approval process that are required.

**ANALYSIS**

Following preliminary consultation on Airfield Road, Council officers have implemented the other traffic treatment measures, without reducing the speed limit, to both improve safety for road users and ensure that the road remains a preferred route over adjacent local roads. Traffic patterns for Airfield Road will be monitored and a speed reduction will be pursued in the future, if deemed necessary at that time.

Residents abutting the other proposed speed changes on Vary Street and Monash Road were surveyed with detailed responses provided in Attachment 1 and 2.

In summary:

- 80% of responses support the speed reduction on Vary Street, Morwell.
- 69% of responses support the speed reduction on Monash Road, Newborough

Accordingly, the speed reduction applications have been submitted to the Department of Transport and Planning and are anticipated to proceed to implementation when approved.

**RISK ASSESSMENT**

RISK	RISK RATING	TREATMENT
<b>STRATEGIC</b> Speed reduction displaces traffic surrounding local streets with higher speed limits	<b>Medium</b> <i>Unlikely x Moderate</i>	Maintain and monitor existing 80km/h speed limit

RISK	RISK RATING	TREATMENT
<b>COMPLIANCE</b> Increased crash energy due to 80 km/h regulatory speed limit	<b>Medium</b> <i>Rare x Major</i>	Monitor efficacy of implemented physical treatments and continued monitoring of traffic incidents and resident reports.

#### CONSULTATION

Surveys of residents within speed reduction areas have been completed.

#### COMMUNICATION

Future communications will be provided during the implementation.

#### DECLARATIONS OF INTEREST

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

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

Increased community awareness of crash risk and road safety in Black Spot locations.

### **Cultural**

No risk of significant cultural impacts has been identified that warranted further investigation and consultation at this time. There may be unidentified tangible or intangible impacts.

### **Health**

The speed reductions will reduce the likelihood of injury arising from road accidents.

### **Environmental**

Not Applicable

### **Economic**

Not Applicable

### **Financial**

Signage costs can be accommodated within existing budgets

### **Attachments**

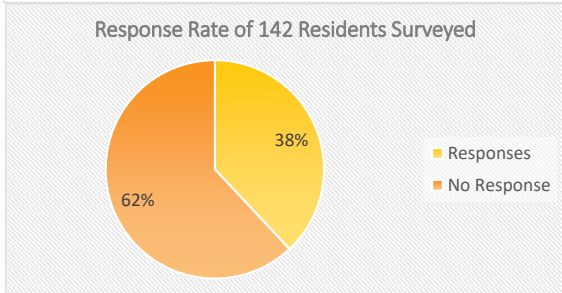
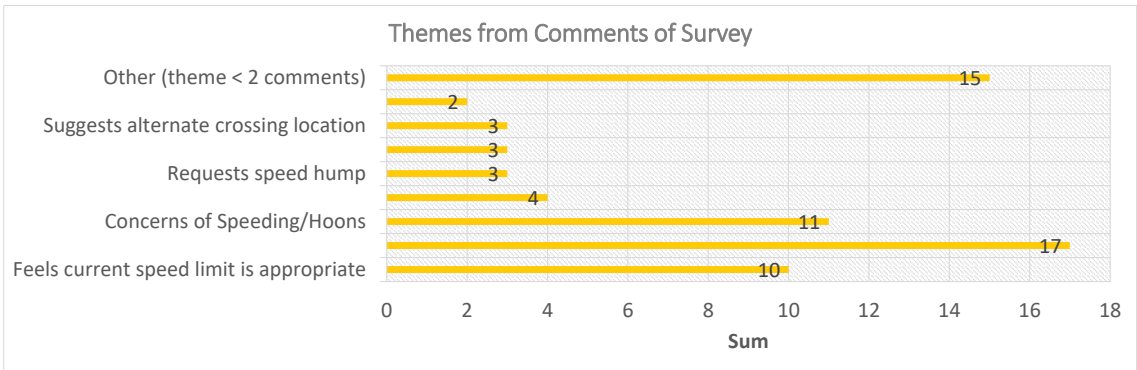
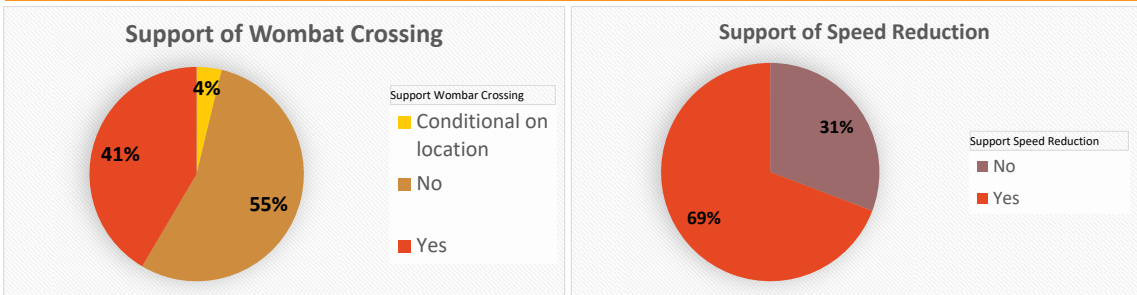
1. Attachment 1 - Monash Road Newborough - Collated Feedback
2. Attachment 2 - Vary Street Morwell - Collated Feedback

# 6.4

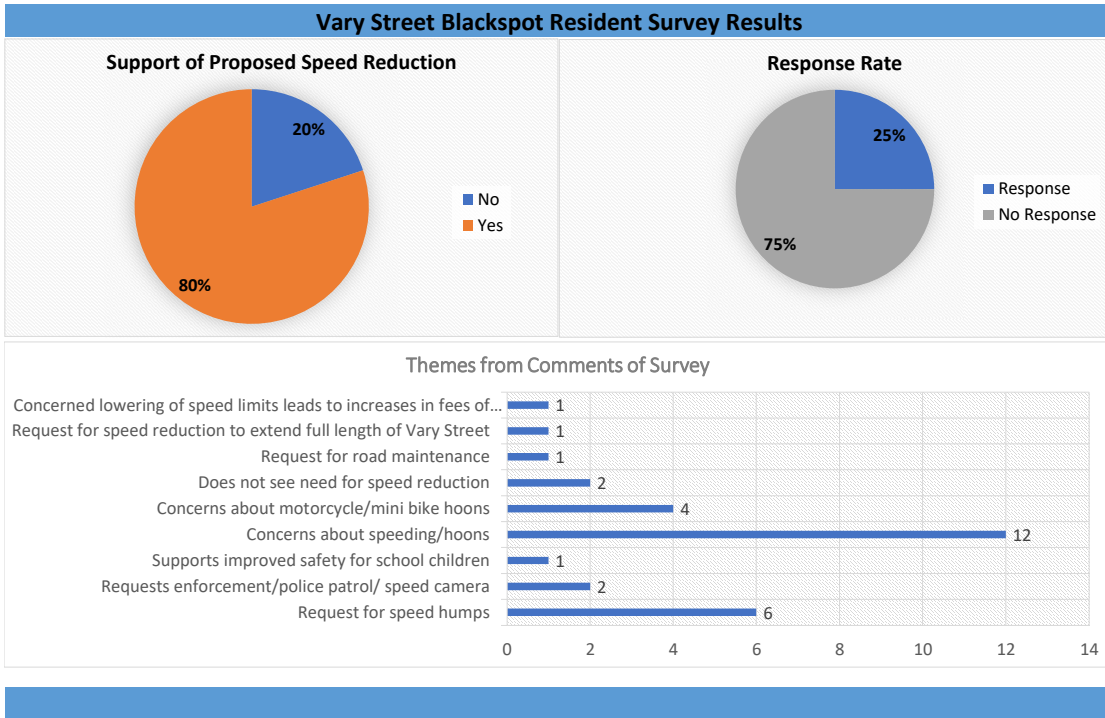
## **Black Spot 21/22 Speed Reduction Consultation - Airfield Road, Vary Street and Monash Road**

- 1 **Attachment 1 - Monash Road Newborough - Collated  
Feedback..... 42**
- 2 **Attachment 2 - Vary Street Morwell - Collated Feedback..... 43**

**Monash Road Blackspot Resident Survey Results**







# GROWING REGIONS PROGRAM ROUND 1 - FUNDING APPLICATION

## PURPOSE

To seek the endorsement of Council of retrospective Expressions of Interest submitted to the Federal Government's Growing Regions Program – Round 1; and to lodge any subsequent applications resulting from any successful Expressions of Interest.

## EXECUTIVE SUMMARY

- The Growing Regions Program (GRP) is a new Australian Government funding stream that replaces the previously cancelled Building Better Regions Fund (BBRF).
- There is a two-stage application process requiring applicants to submit an Expression of Interest (EoI) which will be assessed to ensure projects meet eligibility requirements, project readiness and program suitability, and are aligned with regional priorities for the area. Successful EoI's will be invited to submit a full application.
- The EoI's lodged with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) by Council officers are as follows:
  - Marshalls Road Signalised Intersection Project
    - Nominated due to the amount of Council funds required to complete this project and aligns with the guidelines of this specific program.
  - Moe Revitalisation Project Stage 3 (MRP3)
    - Nominated as a follow on from the current delivery of Stage 2, a previous application was made to the now obsolete BBRF for this project after a previous resolution of Council.
- If Council were to be successful for either project, a funding contribution of at least 50% would be required for each.
- Council has already allocated funding to the Marshalls Road project as part of the 2023/24 budget, which can be utilised as matching funds should an EoI and subsequent application be successful.
- There is no current allocation in the 2023/24 budget to match the co-funding requirement for MRP3, which would be in the order of \$3.75 million, however lodging an Expression of Interest for this project is recommended.

- If the Eol were to be successful a future Council decision would be required to consider progressing with a formal application which would consider budget implications.
- Due to the funding application timelines and the requirement to lodge the Eol's to the Department prior to successful applications progressing, officers were required to lodge the Eol's prior to receiving Council endorsement.
- Although the Eol's have been submitted to meet the deadline, should Council consider that these are inappropriate they can be withdrawn.

#### OFFICER'S RECOMMENDATION

##### **That Council:**

- 1. Endorse the lodgement of Expressions of Interest to the Growing Regions Program – Round 1 for the following projects:**
  - a. Marshalls Road Signalised Intersection**
  - b. Moe Revitalisation Project – Stage 3**
- 2. Endorse lodgement of an application for the Marshalls Road Signalised Intersection project, subject to the Expression of Interest being successful; and**
- 3. Receive a further report at the November 2023 Council Meeting regarding the Moe Revitalisation Stage 3 project and the financial implications prior to proceeding with an application, subject to the Expression of Interest being successful.**

## BACKGROUND

The Growing Regions Program (GRP) replaces the previously cancelled Building Better Regions Fund (BBRF) and will run over 3 years from 2023-24 to 2025-26. The program provides grants of between \$500,000 and \$15.0 million to local government entities and not-for-profit organisations for capital works projects that deliver community and economic infrastructure projects across regional and rural Australia.

The program is open and competitive with grants awarded on a merit basis.

There will be a two-stage application process. Under Stage One, applicants will be required to submit an EoI which will be assessed to ensure projects meet eligibility requirements, project readiness and program suitability, and are aligned with regional priorities for the area.

Expressions of Interest that are assessed as meeting requirements and approved to proceed will be invited to submit a full application (Stage Two).

Round 1 of the GRP opened for EoI's on 5 July 2023, with \$300 million available to support capital works projects for community and economic infrastructure across regional and rural areas. EoI's are required to be submitted by 1 August 2023, hence the need to seek retrospective endorsement from Council at the August Council Meeting.

The objectives of the program are:

- Constructing or upgrading community infrastructure that fills an identified need
- Contributing to achieving a wide range of community socio-economic outcomes
- Strategically aligned with regional priorities.

Round 2 of the GRP is anticipated to open later in 2023.

## ANALYSIS

The expressions of interest proposed to be lodged with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA) by Council officers are as follows:

- Marshalls Road Signalised Intersection Project
  - Proposed to be nominated due to the amount of Council funds required to complete this project and aligns with the guidelines of this specific program.
- Moe Revitalisation Project Stage 3 (MRP3)
  - Proposed to be nominated as a follow on from the current delivery of Stage 2, a previous application was made to the now obsolete BBRF for this project after a previous resolution of Council.

The GRP Round 1 has three Co-Funding categories which are separated into the following (the detailed table is provided within the guidelines which are available [here](#)):

**Group 1** – Up to 90 per cent of eligible project costs funded by the Federal Government

**Group 2** – Up to 70 per cent of eligible project costs funded by the Federal Government

**Group 3** – Up to 50 per cent of eligible project costs funded by the Federal Government

Officers are of the opinion that Council currently qualifies for Group 3 co-funding. If Council were to be successful for either project, a funding contribution of at least 50% would be required for each.

Council has already allocated funding to the Marshalls Road project as part of the 2023/24 budget, which can be utilised as matching funds should an EoI and subsequent application be successful.

There is no current allocation in the 2023/24 budget to match the co-funding requirement for MRP3, which would be in the order of \$3.75 million. If the EoI were to be successful a future Council decision would be required to consider progressing with a formal application which would consider budget implications.

Consideration should be given to Council’s resourcing capacity to undertake the MRP3 project given the intensive capital works program already scheduled for 2023-24, as well as ongoing major projects such as the Regional Car Parks Fund, Gippsland Logistics Precinct, and the Traralgon Flood Recovery Project.

The Marshalls Road project is already intended to be delivered once service authority and planning approvals are in place, and appropriate resourcing is in place for this project.

The guidelines for the program indicate that successful EOI’s would be progressed to the full application stage by November 2023, with a further six weeks allocated for the application to be completed and submitted. It is likely the outcome of the applications would be known by the end of the 2023 calendar year.

Successful applicants are required to commence the project(s) by no later than 15 May 2024 and be completed by 31 December 2025.

**RISK ASSESSMENT**

RISK	RISK RATING	TREATMENT
SERVICE DELIVERY Impacts to Council’s ability to deliver future capital works programs due to resourcing impacts	<b>Medium</b> <i>Moderate x Possible</i>	Seek appropriate funding to provide dedicated Project Manager resource for the MRP3 project were it to be successful.

RISK	RISK RATING	TREATMENT
<b>FINANCIAL</b> Contributing funds not available	<b>Medium</b> <i>Moderate x Possible</i>	If the co-contribution funds are not available Council could withdraw the Expression of Interest(s)/application(s).
<b>FINANCIAL</b> Risk of the funding application not being successful	<b>Medium</b> <i>Minor x Possible</i>	Council officers will continue to seek additional funding to support the identified projects from other sources as funding programs become available
<b>REPUTATIONAL</b> Council receives negative publicity for not making applications to the Growing Regions Program.	<b>Medium</b> <i>Minor x Possible</i>	Council provides feedback on the proposed Expressions of Interest applications.

## CONSULTATION

There has been no consultation undertaken in relation to either of these applications.

Whilst the MRP3 project forms part of the previously adopted Moe Activity Centre Plan and the Moe Rail Precinct Revitalisation Project Masterplan, should Council receive funding via the GRP, a future consultation piece should be undertaken to determine the impacts to businesses along George and Moore Streets, particularly in relation to the car parking within the area.

## COMMUNICATION

Communication has been limited to discussions between Council departments on the proposals.

## DECLARATIONS OF INTEREST

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

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

Whilst no direct social impacts are associated with this report, if any of the applications are successful it is anticipated that the outcomes would produce a positive social impact with regards to either MRP3 or the Marshalls Road Signalised Intersection.

### **Cultural**

Not applicable

### **Health**

Not applicable

### **Environmental**

Not applicable

### **Economic**

There are no economic impacts associated with this report, however if either of the applications were successful there would be both direct and indirect benefits of delivering both projects for the Latrobe community.

### **Financial**

Whilst no direct impact exists in relation to this report, as discussed in the analysis section there is a required 50% contribution for each successful application.

### **Attachments**

Nil

# **STATUTORY PLANNING**



## 7. STATUTORY PLANNING

Item Number 7.1

07 August 2023

Regional City Planning and Assets

# APPLICATION 2022/233 - DEVELOPMENT OF 52 DWELLINGS, 52 LOT SUBDIVISION, REDUCTION OF 3 VISITOR CAR PARKING SPACES AND CREATION AND REMOVAL OF AN EASEMENT AT 23 DUNBAR ROAD, TRARALGON

## PURPOSE

To provide Council with an assessment of planning application 2022/233 for the development of land with 52 dwellings on a lot, 52 lot subdivision of land, reduction of 3 visitor car parking spaces and the creation and removal of an easement at 23 Dunbar Road, Traralgon, against the provisions of the Latrobe Planning Scheme.

## EXECUTIVE SUMMARY

The application proposes to develop the subject land at 23 Dunbar Road, Traralgon, with 52 dwellings on the site, associated subdivision of land into 52 lots, reduction of 3 visitor car parking spaces and the creation and removal of an easement. The site is approximately 1.82 hectares in area, with dual frontages to Dunbar Road and Hickox Street, and is currently vacant land.

The proposal provides for the development of 41 single and 11 double storey dwellings across the site. Seven dwellings are proposed to interface with Dunbar Road and seven with Hickox Street. The remaining 38 dwellings are either configured in a 'battle-axe' form, or accessed via internal common property with interface to that accessway. The 11 double storey dwellings are located on the Hickox Street interface of the site, with all dwellings accessed from Dunbar Road being single storey.

The subject land is within a Mixed Use Zone (MUZ) and is wholly covered by the Environmental Audit Overlay (EAO). It is identified as being within a 'Future Substantial Change Area' in the Traralgon Housing Framework Plan of Clause 16.01-1L of the Latrobe Planning Scheme (the Scheme), which implements Council's Housing Strategy through Amendment C105 – Live Work Latrobe.

Following advertising, 138 submissions were received to the application, 134 of which were objections. The issues of concern are as follows:

- Extent/timeframe of public notification
- Accessibility of planning documents
- Traffic generation from site and intersection with Shakespeare Street and other local streets
- Fire management risk and safety due to the density of the proposal
- Ability for residents to safely evacuate the development
- Lack of car parking

- Intensity of density
- Crime and social unrest due to the potential concentration of social and affordable housing.
- Past contamination of site from use as a Works Depot
- Encroachment into buffer area of Graymont plant and other industrial activities and land use conflicts
- Impacts from construction of the development
- Stormwater management
- Lack of maintenance of block/removal of vegetation
- Impact on property values

The applicant submitted amended plans (the full set received on 7 June 2023) to address concerns raised by Council and objectors. These plans were readvertised and at the completion of advertising, 134 submissions objecting to the proposal and four submissions supporting the proposal remained in place.

This application requires an appropriate and careful balancing of policy considerations. On the one hand, the site is zoned Mixed Use (being a residential zone), with a legitimate expectation to be developed for residential purposes. Mixed Use Zoning is flexible in the land uses and developments permitted, and, in particular, allows for higher density residential development than a General Residential Zone or Neighbourhood Residential Zone would allow.

The subject site is a large infill holding, well located to the Traralgon Activity Centre, that would be expected to undergo significant changes to accommodate future population growth. However, Council's Housing Strategy and Industrial Land Use Strategy highlight the importance of the Graymont (formerly Sibelco) Lime Batching Facility located to the east of the site (and Janette Street Industrial area more generally). The Traralgon Housing Framework Plan specifically nominates this area (including this site) as being 'future substantial change', with discouragement until such time as existing industrial development transitions to light industrial or other non-sensitive uses.

The Scheme seeks to avoid creating land use conflicts that in this case, could constrain existing industrial activities and also create amenity impacts on future residents.

Having considered the application against the relevant provisions of the Scheme, the subject land is not considered suitable for development of the scale proposed in this application, and that the application is currently premature.

It is therefore recommended that a Notice of Decision to Refuse to Grant a Permit be issued.

## OFFICER'S RECOMMENDATION

**That Council issues a Notice of Refusal to Grant a Permit for the development of land with 52 dwellings on a lot, 52 lot subdivision of land, reduction of 3 visitor car parking spaces and the creation and removal of an easement at 23 Dunbar Road, Traralgon (Crown Allotment 79L Parish of Traralgon), on the following grounds:**

- a) The proposal is inconsistent with the Municipal Planning Strategy and the Planning Policy Framework, specifically Clauses 02.03-7 (Industry) 11.01-1L (Traralgon), 13.07-1S (Land use compatibility), 16.01-1S (Housing supply) and 16.01-1L (Housing supply), which seek to ensure that residential intensification does not prejudice the operation of the Graymont Lime Batching Plant and Janette Street Industrial Precinct.**
- b) The proposal is inconsistent with the purpose and decision guidelines of the Mixed Use Zone, in that the proposal represents an unreasonable intensification of development that creates unacceptable risk of land use conflict to existing industry.**
- c) The application is considered to be premature in the absence of strategic work that provides support to intensification of residential development adjacent to the Janette Street Industrial Precinct and Graymont Lime Batching Plant.**
- d) The proposal fails to meet the following objectives of Clause 55 and 56 (ResCode):**
  - i. Clause 55.02-2 – Residential policy**
  - ii. Clause 55.03-9 – Access**
  - iii. Clause 55.04-8 – Noise impacts**
  - iv. Clause 56.03-4 – Built environment**

## BACKGROUND

### *Summary*

Land: 23 Dunbar Road, Traralgon, known as Crown Allotment 79L Parish of Traralgon

Proponent: Millar Merrigan on behalf of Gaylann Fourteen Pty Ltd

Zoning: Mixed Use Zone (MUZ)

Overlay: Environmental Audit Overlay (EAO)

A Planning Permit is required:

- Pursuant to Clause 32.04-4, a permit is required to subdivide land.
- Pursuant to Clause 32.04-6, a permit is required to construct two or more dwellings on a lot.
- Pursuant to Clause 52.02, a permit is required to create or remove an easement.
- Pursuant to Clause 52.06-3, a permit is required to reduce car parking requirements.

### *Proposal*

The application is for the development of 52 dwellings on the site, associated subdivision of land into 52 lots, reduction of three visitor car parking spaces and the creation and removal of an easement. A copy of the final proposed plans can be viewed at Attachment 1 of this report.

The development of 52 dwellings comprises 41 single storey and 11 double storey dwellings in the following forms:

- Nine single storey, one bedroom dwellings
- Twelve single storey, two bedroom dwellings
- Sixteen single storey, three bedroom dwellings
- Four single storey, four bedroom dwellings
- Six double storey, three bedroom dwellings
- Five double storey, four bedroom dwellings

All single storey dwellings are designed with pitched Colorbond roofs, face brickwork and weatherboard cladding and porch structures around the entranceways. The double storey dwellings are designed with skillion roofing, weatherboard and Colorbond/axon style cladding as illustrated on the site elevations.

All accessways, except for dwellings with immediate frontage to Dunbar Road are serviced by common property, however each dwelling has its own secluded private open space. The site coverage is 41% of the site with a site permeability of 39% of the site.

The majority of dwellings are oriented to make appropriate use of solar energy where practicable and ensure that no existing rooftop solar energy systems on adjacent land are impacted, noting the irregular lot form of the site poses site constraints for solar access and energy efficiency.

Crossovers to Council roads are shared where practicable and the common property width allows for two way traffic movements. Dwelling setbacks to Dunbar Road vary between 4.9m – 5.03m (excluding porch encroachments). Dwelling setbacks to Hickox Street are proposed at 5.5m – 5.51m (excluding porch encroachments). All dwelling entrances are visible from the street or internal access way providing safety and security for residents, along with capacity for adequate lighting and appropriate landscaping to permit surveillance and visual amenity. A landscape design has been provided with the application.

#### Subject Land:

The subject land is located on the site of a former works depot, straddling the area between Dunbar Road and Hickox Street to the south of Allard Street. The site is irregular in shape and has historically been used and developed in common with abutting land to the south-east of the site. The south boundary of the site has an abuttal to State Government owned land that is managed by Council (Hickox Street Reserve).

The subject land has a frontage of approximately 111.42 metres to Hickox Street and frontage of 130.27 metres to Dunbar Road. The land has a total site area of approximately 1.82 hectares.

Topographically, the subject land has gentle undulation, with fall from the south-western corner to the north-east of approximately 3 metres.

The subject land does not contain any significant vegetation, as all vegetation has been cleared from the land prior to the making of this application. Scattered trees are found on abutting land and the Dunbar Road road reserve adjacent to the site.

Access to the land is currently provided from Dunbar Road.

Aerial image of the subject land and its immediate surrounds:



The surrounding area comprises an eclectic array of land uses and developments.

#### Surrounding Land Use:

Immediately north of the subject site is 1-23 Allard Street; comprising eight dwellings on single allotments of varying size and coverage. This land is in the Residential Growth Zone, Schedule 1 (RGZ1).

To the west is 19-37 Hickox Street (separated from the site by Hickox Street). With the exception of 25 and 27 Hickox Street, each lot comprises a single dwelling on lots of approximately 650-700m<sup>2</sup>. The properties at 25 and 27 Hickox Street comprise two units on each, in a 'battle-axe' configuration. These lots are in the General Residential Zone, Schedule 2 (GRZ2).

To the east of the site is 14-28 Dunbar Road (separated from the site by Dunbar Road), comprising an industrial property of approximately 3ha in area, currently occupied by Traralgon Concrete Products. This is a long standing land use at this site which is zoned Mixed Use Zone. Land to its immediate south is zoned Industrial 1 Zone (IN1Z) and used and developed for industrial purposes.

To the south of the site is the Hickox Street Reserve, which is public land in the Public Park and Recreation Zone (PPRZ).

It is noted that the Graymont Lime Facility is located approximately 280m to the south-east of the subject site.



### *History of Application*

The current application was received on 16 August 2022. A request for further information was made, with Council officers raising concerns as to land use compatibility, neighbourhood character and energy efficiency. Information was also requested to address potential land contamination, bushfire risk, traffic impacts, vegetation impacts and accessibility. This request resulted in the lodging of amended plans, a Traffic Impact Assessment Report, Acoustic Report, Vegetation Assessment, Environmental Audit and Waste Management Plan.

Following advertising of the application and the receipt of objections, further minor amendments were made to the plans with the final of the amended plans received on 7 June 2023. Note, the changes to the plans do not alter the number of dwellings or lots proposed. These plans were readvertised to the community and all people who had made a submission to the application at that point.

### CONSULTATION

The application was advertised pursuant to Sections 52(1)(a) and (d) of the *Planning & Environment Act 1987* (the Act). Notices were sent to all adjoining and adjacent landowners and occupiers, nearby owners and occupiers of the site, and site notices were displayed on the site frontages for 14 days.

Following advertising of the plans, 138 submissions to the permit application have been received by Council, of those 138 submissions, 134 were in the form of objections to the application.

A copy of the submissions objecting to the proposal can be viewed at Attachment 2 of this report.

The following issues were raised in the objections:

- Extent/timeframe of public notification
- Accessibility of planning documents
- Traffic generation from site and intersection with Shakespeare Street and other local streets
- Fire management risk and safety due to the density of the proposal
- Lack of car parking
- Intensity of density
- Lack of open space/space around dwellings
- Inconsistency with character of the area
- Crime and social unrest due to the potential concentration of social and affordable housing.
- Past contamination of site from use as a Works Depot
- Encroachment into buffer area of Graymont plant and other industrial activities

- Impacts from construction of the development
- Stormwater management
- Lack of maintenance of block/removal of vegetation
- Impact on property values.

In addition to these 134 submissions objecting to the application, four submissions in support of the application were received. These submissions provided commentary regarding their support for social and affordable housing in the area, especially given the location and accessibility of the site to Traralgon and services. A copy of the submissions supporting the proposal can be viewed at Attachment 3 of this report.

The application was readvertised following the submission of amended plans by the applicant. At the conclusion of this readvertising, 138 submissions remained in place, 134 of which are objections to the proposal.

*Details of Community Consultation following Notification:*

As noted above, the application attracted a significant number of objections. The applicant was provided the opportunity to respond to these objections and/or make changes to the proposal to address the concerns raised.

The applicant amended the application with the final amended plans received on 7 June 2023. The changes to the plans do not alter the number of dwellings or lots proposed. The changes include minor alterations as follows:

- Visitor car spaces to be 6.7m long.
- 1 Dwelling 6
    - Open space setback was 4m now 5m;
    - Floor area was 130sqm now 122sqm;
    - Open space was 69 sqm now 78 sqm.
  - 2 Dwelling 15
    - Open space setback was 4m now 5m;
    - Floor area was 130 sqm now 122 sqm;
    - Open space was 69 sqm now 77 sqm.
- Dwelling 16
- Open space setback was 4m now 5m;
  - Floor area was 130 sqm now 122 sqm;
  - Open space was 69 sqm now 78 sqm.

### Dwelling 33

- Open space setback was 3.5m now 4.5m;
- Floor area was 130 sqm now 112 sqm;
- Open space was 59 sqm now 69 sqm.

As a result of the scale of development and significant community interest in the application, on 4 May 2023, Councillors and Council Officers facilitated a 'Community Listening Post' to further understand community concerns.

Following this Listening Post, a FAQ sheet was developed that was circulated and published on Council's website to answer questions raised. A copy of the FAQ sheet can be viewed at Attachment 4.

Given the significant community interest in this application, Cr. Clancey formally called the application in for a decision at a future Council Meeting on 2 March 2023. The application would also require Council determination based on there being more than 5 objections to the application in place.

A total of 134 objections have been maintained, therefore requiring a decision by Council.

#### External:

The application was referred to the following external authorities:

<i>Referral Agency</i>	<i>Referral Trigger</i>	<i>Response</i>
<b>APA</b>	Section 55 – Clause 66.01	Consent, no conditions.
<b>AUSNET SERVICES</b>	Section 55 – Clause 66.01	Consent, no conditions.
<b>DECCA</b>	Section 52 notice	Consent, no conditions.
<b>DJPR</b>	Section 52 – Clause 66.03	No response received, consent therefore assumed.
<b>ENVIRONMENT PROTECTION AUTHORITY</b>	Section 52 notice	Consent, no conditions.
<b>GIPPSLAND WATER</b>	Section 55 – Clause 66.01	Conditional consent.
<b>HEAD, TRANSPORT FOR VICTORIA</b>	Section 52 notice	Consent, no conditions.

## Internal:

The application was referred internally to Council's:

- Engineering Development team: Notes that applicant has not satisfactorily addressed concerns raised in regards to construction in road reserves and waste vehicle movements through the site. Advice notes that these matters could likely be addressed by conditions if a permit was granted.
- Strategic Planning team: Objects to the grant of a permit on the basis of non-compliance with relevant planning policy and potential land use conflict.
- Environment team: Requested further information for original application and provided conditional consent to the final version of the application submitted.

## ANALYSIS

### Latrobe Planning Scheme

#### **Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF)**

The relevant direction and policy contained in the MPS and PPF of the Latrobe Planning Scheme have been considered as part of the assessment of this application.

#### Relevant Planning Policies

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Gippsland
- Clause 11.01-1L Traralgon
- Clause 11.02-1S Supply of urban land
- Clause 13.02-1S Bushfire planning
- Clause 13.07-1S Land use compatibility
- Clause 13.07-1L Land use compatibility
- Clause 15.01-1S Urban Design
- Clause 15.01-1L Urban Design
- Clause 15.01-2S Building Design
- Clause 15.01-3S Subdivision Design
- Clause 15.01-3L Subdivision Design
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L Neighbourhood Character
- Clause 15.02-1S Energy and resource efficiency
- Clause 15.02-1L Energy and resource efficiency
- Clause 16.01-1S Housing supply

- Clause 16.01-1L Housing supply
- Clause 18.02-1S Walking
- Clause 18.02-4S Roads

The relevant direction and policy contained in the MPS and PPF of the Latrobe Planning Scheme have been considered as part of the assessment of this application and the proposal has been found to be inconsistent with policy. A response to relevant policy can be viewed at Attachment 5 to this report.

## **Zoning**

### Mixed Use Zone – Clause 32.04

The purpose of the MUZ is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

Pursuant to Clause 32.04-4 of the Scheme, a permit is required to subdivide land.

Pursuant to Clause 32.04-6 of the Scheme, a permit is required to construct two (2) or more dwellings on a lot. An application must meet the requirements of Clause 55 of the Scheme. An assessment against Clause 55 is provided at Attachment 6 to this report.

The decision guidelines of the Mixed Use Zone require consideration of the following matters:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.*
- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*
- *For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.*

The proposal is inconsistent with the decision guidelines at Clause 32.07-5 of the Scheme for the following reasons:

- The proposed development is inconsistent with planning policy in relation to housing growth within Traralgon, which specifically discourages intensification of housing in the Sibelco/Graymont Lime Batching Plant buffer area and while Industry is dominant in the Janette Street Industrial Precinct.
- The development of housing options of such density is considered premature having regard to the policy framework applying, and if approved would have the potential to undermine the long term viability of existing industry in proximity to the site.
- The proposal is inconsistent with the objective of Clause 55.02-2 (residential policy objectives), as the proposal is a medium-high density development in a location that planning policy specifically designates as currently inappropriate for such development.
- The proposal does not satisfactorily demonstrate how crossovers and footpaths to and adjacent to the site will be able to be constructed in accordance with Council Standards. This would suggest that the development is trying to get 'too much' out of the site at the expense of roadside vegetation or variations to Council standards. It is noted that were this is the only area of concern, the applicant would be provided further opportunity to demonstrate how Council Standards could be met.
- Council's Engineering Department raised concerns as to the compliance of the application with Clause 55.03-9 in relation to waste collection (being a service vehicle). In particular, the common property from Dunbar Road will require a number of unsafe reversing manoeuvres within the site for private waste collection, where such movements should be eliminated or minimised for safety purposes.

## **Overlay**

### Environmental Audit Overlay – Clause 45.03

The purpose of the EAO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

The EAO does not trigger a permit but requires that prior to any sensitive use commencing or works for a sensitive use starting, that contamination risk is assessed.

The application has been supported by an Environmental Site Audit, which finds that the proposal can proceed having regard to contamination risk on the site.



The application was referred to the Environment Protection Authority, who did not object to the application on contamination grounds.

### **Particular Provisions**

#### Clause 52.02 Easements, Restrictions and Reserves:

Clause 52.02 provides that a permit is required to create or remove an easement. The proposal seeks to relocate a drainage easement to accommodate stormwater from the site and allow connection to Council infrastructure. There are no concerns raised with this aspect of the application.

#### Clause 52.06 Car Parking:

Clause 52.06-1 requires that prior to a new use commencing, the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the authority.

The standard carparking requirements are:

- To each one or two-bedroom dwelling - one car space.
- To each three-bedroom dwelling - two car spaces with one of these spaces to be undercover.
- One car space for visitors for every 5 dwellings for development of 5 or more dwellings.
- Each dwelling is provided with car parking that meets the Scheme requirements, including dimensions at Clause 52.06-9 of the Scheme. The proposal requires a reduction of 3 visitor car parking spaces.
- The application is supported by a Traffic Impact Assessment, which states:
  - *Of the 52 lots, 8 lots will directly be accessible from Dunbar Road and 16 lots from Hickox Street. Visitor parking for these 24 lots will be accommodated between the proposed crossovers along the site's frontage to Dunbar Road and Hickox Street, which is very common for residential subdivisions.*
  - *The remaining 28 internal lots are accessible from Dunbar Road via the common property road network. The provision of 7 visitor car spaces will exceed the visitor parking requirement for these 28 lots (i.e. there is a requirement for 1 visitor space for each 5 lots).*
- It is noted that the exiting carriageway width of Hickox Street is approximately 8.2m, and 9.5m for Dunbar Road. The road reserves provide ample space for visitors to park on the street network, with space available between the carriageway and site to create indented car parking for visitors if required. The reduction of 3 visitors spaces is considered acceptable as a result and the proposal is not recommended for refusal on this basis.

#### Clause 53.01 Public Open Space Contribution and Subdivision:

- Clause 53.01 provides that a person who proposes to subdivide land must make a contribution to the council for public open space. The land has not previously been required to make a POS contribution and as such a payment is required.
- The site is an infill residential subdivision within Traralgon. The Schedule to Clause 53.01 provides that a 5% contribution is required, with cash being preferred. This would be reflected in conditions of any approval should a permit be granted.

#### Clause 53.18 Stormwater Management in Urban Development:

The purpose of the clause is:

- *To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

This clause applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works, other than the specified exemptions included under the clause. The clause applies to the application and the exemptions do not apply to the application.

Stormwater management objectives for buildings and works under the clause are as follows:

- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*
- *To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.*

A drainage design has been undertaken for the site, demonstrating that surface drainage and stormwater discharge can be suitably managed within this development. The detailed design would require approval by Council's Engineering Team and can be addressed as a condition of approval if a permit were to be granted.

#### Clause 55 Two or More Dwellings on a Lot:

Clause 55 applies to an application to construct two or more dwellings on a lot in the Mixed Use Zone. All of Clause 55 except Clause 55.07-1 to 55.07-19 (inclusive) apply to this application. An application must meet all the objectives of this clause that apply and should meet all the standards of this clause.

A detailed assessment of the development has been undertaken with the Clause and can be viewed at Attachment 6 of this Report.

#### Clause 56 Residential Subdivision:

Clause 56 applies to an application to subdivide land. An application must meet all the objectives of this clause that apply and should meet all the standards of this clause. Clause 32.04-4 specifies the relevant Clause 56 matters to be assessed.

A detailed assessment of the subdivision has been undertaken with the Clause and can be viewed at Attachment 7 of this Report.

#### **Decision Guidelines (Clause 65)**

Clause 65.01 sets out the decision guidelines to be considered before deciding on an application or approve a plan.

Clause 65.02 sets out the decision guidelines to be considered before deciding on an application to subdivide land.

The Permit Application does not meet the relevant objectives and strategies stipulated in the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) relating to the development of more than two dwellings on a lot in the MUZ.

While the proposal would contribute to the diversity of dwellings in a well-serviced location, the site and immediate area is specifically discouraged for medium and higher density housing given the long history of conflicting land uses in this area. Planning Policy is explicit in seeking for such developments to be prevented until such time as the abutting industrial area transitions to light industrial or other non-sensitive uses (Clause 16.01-1L).

Based on the above assessment, the proposal will not constitute good and orderly planning of the area and is premature.

#### **Incorporated Documents (Clause 81)**

- *Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Off-street car parking (Standards Australia, 2004)*
- *Design Vehicles and Turning Path Templates (Publication AP – 34/95, Austroads, 1995)*

#### **Background Documents (Clause 72.08)**

- *Infrastructure Design Manual (Local Government Infrastructure Design Association, 2019).*
- *Latrobe City Council Urban Design Guidelines (Hansen Pty Ltd in association with Latrobe City Council, May 2020 and March 2021).*
- *Live Work Latrobe Housing Strategy (Latrobe City Council, MacroPlan Dimasi, RMCG and Planisphere, May 2019)*

## Community Submissions

The application received 134 submissions in the form of objections. The issues raised, and responses are detailed below:

Concern raised	Response
Extent/timeframe of public notification	Notification of an application is governed by Section 52 of the <i>Planning and Environment Act 1987</i> , which specifies a 14 day notice period. The application was notified to all adjoining, adjacent and nearby properties (owners and occupiers); with signs on site erected to ensure notice was provided to persons who did not receive direct mail notification. Council has received 134 objections, indicating that there is a good knowledge of the proposed development on the site.
Accessibility of planning documents	A copy of the proposed development plans was placed on Council's website for longer than the required notice period. Given the large documentation supporting the application (in excess of 2000 pages), hard copies were available (and can be viewed until a decision is made) at the Traralgon Service Centre. This meets the <i>Public Availability Requirements</i> set out in the <i>Planning and Environment Act 1987</i> .
Traffic generation from site and intersection with Shakespeare Street and other local streets	The application has been accompanied by a Traffic Impact Assessment Report, which finds that the existing road network can accommodate vehicle movements from the site. This is not disputed by Council's Engineers. The site is within walking distance of the Traralgon CBD which will also reduce car usage from the site.
Ability for residents to safely evacuate the development in the case of fire	There are adequate vehicle and pedestrian access and egress routes for the development. However, as this site is not within a Bushfire Management Overlay, bushfire safety measures are assessed and addressed at the building permit stage under the <i>Building Act 1993</i> .
Lack of car parking	The proposal provides the required car parking for each proposed dwelling. While a reduction of 3 visitor car parking spaces is proposed, this is not a significant number and one that can be accommodated in the existing street network.



Concern raised	Response
Proposed density is too high	This objection is supported. The proposal is contrary to policy in terms of density in proximity to the Sibelco/Graymont Plant and other existing industries.
Lack of open space/space around dwellings	The subject site has direct abuttal to a public reserve, which provides a basis for some dwellings to have smaller space than may be found elsewhere. Should a permit be granted, a public open space contribution would be required from the permit holder.
Proposal inconsistent with character of the area	The proposal is higher density than the existing character (which as noted above, is not supported in this case). However, it is fair to note that the Mixed Use Zone envisages higher densities, with a consequence that development would be more intense than the existing character of the area of single dwellings on 500-600m <sup>2</sup> lots.
Crime and social unrest due to the potential concentration of social and affordable housing.	The Planning Scheme and the <i>Planning and Environment Act 1987</i> do not allow for planning decisions to be made based on future tenure of dwellings. The development must be assessed on its merits as a 52 dwelling and 52 lot subdivision proposal, regardless of who future residents may or may not be.
Past contamination of site from use as a Works Depot	The application has been accompanied by an Environmental Audit Report, which finds that the site is not inhibited from development by the past use.
Encroachment into buffer area of Graymont plant and other industrial activities and land use conflicts	This objection is supported. The proposal represents a medium-high density intrusion into the buffer area of an existing industry that the Planning Scheme seeks to protect. The Scheme recognises both Graymont (formerly Sibelco) and the broader Industrial area and specifies that such density should not proceed unless and until the industrial area transitions from its current use/development pattern.
Impacts from construction of the development	Were a permit to be granted, conditions would be imposed requiring construction management plans to be prepared and adhered to, to manage amenity impacts during construction.

Concern raised	Response
Stormwater management	The application is accompanied by a concept drainage design, which demonstrates that stormwater can be treated and managed appropriately.
Lack of maintenance of block/removal of vegetation	The actions of the current owners in maintaining the land does not affect the merits of this proposed development. These are matters that can be addressed under Council's local laws. In relation to new landscaping, a landscaping concept plan has been submitted to show new plantings
Impact on property values	The Victorian Civil and Administrative Tribunal has regularly held that property values are not a relevant planning consideration, except where specifically set out in legislation (such as covenants). This is not a relevant consideration in this case.

#### RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<b>REPUTATIONAL RISK</b> Supporting an application which is inconsistent with the Latrobe Planning Scheme and Council's Housing Strategy and Housing Framework Plans	<p style="text-align: center;"><b>Medium</b> <i>Possible x Minor</i></p>	The proposal has been considered against the Latrobe Planning Scheme and it is considered to be inconsistent with the relevant provisions and should therefore be refused.
<b>FINANCIAL RISK</b> Not supporting the application and the applicant seeking review of the decision at VCAT.	<p style="text-align: center;"><b>High</b> <i>Likely x Moderate</i></p>	To manage and limit the potential risk, the recommendation has been considered against the requirements of the Mixed Use Zone, Planning Policy Framework and Municipal Planning Strategy. The recommendation to refuse is considered to be consistent with the Latrobe Planning Scheme and VCAT precedent.

## DECLARATIONS OF INTEREST

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

### **Attachments**

1. Attachment 1 - Proposed Plans
2. Attachment 2 - Objections (Published Separately)

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

3. Attachment 3 - Submissions in Support (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. Act: s3(1)*

*Code: f*

*Reason: Personal identifying information contained within submissions.*

4. Attachment 4 - Dunbar Road Listening Post FAQ Sheet
5. Attachment 5 - Assessment against the Municipal Planning Strategy and Planning Policy Framework
6. Attachment 6 - Clause 55 Assessment
7. Attachment 7 - Clause 56 Assessment

# 7.1

## **Application 2022/233 - Development of 52 dwellings, 52 Lot Subdivision, Reduction of 3 Visitor Car Parking Spaces and Creation and Removal of an Easement at 23 Dunbar Road, Traralgon**

<b>1</b>	<b>Attachment 1 - Proposed Plans.....</b>	<b>71</b>
<b>4</b>	<b>Attachment 4 - Dunbar Road Listening Post FAQ Sheet .....</b>	<b>107</b>
<b>5</b>	<b>Attachment 5 - Assessment against the Municipal Planning Strategy and Planning Policy Framework .....</b>	<b>112</b>
<b>6</b>	<b>Attachment 6 - Clause 55 Assessment.....</b>	<b>117</b>
<b>7</b>	<b>Attachment 7 - Clause 56 Assessment.....</b>	<b>143</b>



### NEIGHBOURHOOD CHARACTER

The subject site is a large, irregular shaped, undeveloped parcel of land, situated close to the Traralgon Activity Centre. It is surrounded by a variety of uses including standard residential, public reserves, industrial and commercial areas. There is some evidence of two-lot and multi-lot subdivisions emerging in the surrounding residential area. The proposal has been designed to respond to the existing neighbourhood conditions and future expected growth as follows:



Corner of Allard St & Hickox St



Proposed 23 DUNBAR ROAD TRARALGON, 3844



Corner of Allard St & Dunbar Rd

### PLANNING SCHEME REQUIREMENTS

The subject site is situated within the *Mixed-Use Zone - Schedule 1 (MUZ1)* and is covered by *Environmental Audit Overlay (EAO)*. A planning submission has been prepared to demonstrate how the proposal is consistent with the relevant State and Local Planning Policies, including the objectives of ResCode. The following key ResCode considerations are detailed within the planning report:

- The site is situated within an area that is near the Traralgon Activity Centre making it highly suitable for medium density residential development. The site comprises an area of 18,270sqm, therefore the proposed 52 units results in an overall housing density of 1:351sqm, which is consistent with the average density of two-lot subdivisions emerging in the surrounding area.
- The proposal includes a diversity of units to meet the growing and diverse needs of the community as follows:
  - 9 x single storey, 1-bedroom dwelling
  - 12 x single storey, 2-bedroom dwelling
  - 16 x single storey, 3-bedroom dwelling
  - 4 x single storey, 4-bedroom dwelling
  - 6 x double storey, 3-bedroom dwelling
  - 5 x double storey, 4-bedroom dwelling
- The overall built form of the development is consistent with the relatively low scale nature of the surrounding neighborhood with the majority of the proposed dwellings being single storey. The double storey designs have been located along the western strip of land where most of these sit behind the proposed single storey dwellings so they are not highly visible. Only two double storey dwellings have direct frontage to Hickox Street.
- The development includes appropriate dwelling spacing, to reflect the character of the neighborhood and provide ample space for the provision of landscaping. While most of the dwellings are detached in nature, some dwellings have attached garage wall along one side boundary.
- The architectural style offers a modern development that will contribute positively to the neighbourhood. The materials and colours chosen are complementary to the landscape character of the area and reflect those present in other developments within the neighbourhood. All upper levels of double storey developments are recessed from the lower level, to reduce visual bulk and add articulation.
- The proposed development provides access either directly from Dunbar Road, Hickox Street (either privately or via a shared driveway) or a lengthy common property driveway from Dunbar Road. All driveways are designed to meet design standard for safe and efficient movement of vehicles throughout the development. The common property and private driveways are also designed so that space is available on either side for landscaping to take place.
- All dwellings have been designed to overlook its internal space, however appropriate fencing and screening vegetation has been provided where necessary to reduce the potential of overlooking between dwellings.
- There are a few trees that overhang the boundaries of the site and have been considered in the design of the development. Tree protection zones have been applied to all retained trees and appropriate setbacks have been maintained by the proposed development to ensure the trees remain viable.
- The extensive landscape design proposed for the site and will introduce a variety of native and exotic canopy trees (being 5m or taller) to the gardens of the dwellings and common areas, which will enhance the overall amenity and quality of the development. The new landscaping will soften the built form and ensure that it blends with the surrounding landscape character



- Clause 55.02-5 - Integration with the street**  
The proposed development has been designed to integrate with the existing streetscape. Seven dwellings have been designed to front Dunbar Road and another seven to front Hickox Street. Ample space is provided within the front setbacks to provide space for landscaping, including the planting of tall canopy trees. Given the unusual shape of the allotment, all remaining dwellings are located to front the internal common property driveways, where they are not highly visible to the streets.
- Clause 55.03-3 - Site coverage**  
Site coverage for the development totals 41%, which is significantly less than the maximum allowed of 60%. It maintains sufficient space for new landscaping and is not contrary to any elements of the neighbourhood character policy. The visual bulk of the dwellings is reduced with use of mixed materials and recessed upper levels that offer substantially smaller building footprints than ground floors. The resulting visual bulk when considered together with the landscape treatment will be acceptable in respect to the neighbourhood.
- Clause 55.03-9 - Access**  
The proposed development will provide access to the dwellings either directly from Dunbar Road, via shared or private driveways from Hickox Street or a lengthy common property driveway from Dunbar Road. The frontage of the site to both streets are wide, and can easily accommodate the crossovers without causing detrimental impact to the streetscape character. No street trees will be detrimentally impacted by access locations. Access to the site is sufficient for service, emergency and delivery vehicles.
- Clause 55.04-1 - Side and Rear Setbacks**  
The development achieves a minimum 1m - 1.2m side setbacks and minimum 3m - 4m rear setback allows for dwelling spacing and usable private open space. All upper levels are substantially setback from the external boundaries and also meet minimum requirements.
- Clause 55.05-4 - Private open space**  
All dwellings meet the open space requirements and are adequate to service the needs of residents. Access to rear yards are provided from main living areas and an outdoor terrace is included to ensure convenient transition between indoor and outdoor spaces.
- Clause 55.05-5 - Solar Access to open space**  
Given the irregular shape of the site, private open space is provided in all directions. Appropriate setbacks have been achieved between dwellings and from rear boundaries to ensure private open spaces achieved appropriate solar access.
- Clause 52.06 - Car parking**  
Each dwelling contains 1-4 bedrooms and are provided with a double garage incorporated into the roofline, or a single garage and tandem carspace, to meet parking requirements. Seven visitor parking spaces are available within the common property areas.

THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH CLAUSE 55.01-2 DESIGN RESPONSE OF THE PLANNING SCHEME.

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Version	Description	Drafted	Checked	Issue Date
01	Prepared for planning purposes	TF	MB	04/08/2022

**SUBJECT TO APPROVAL**

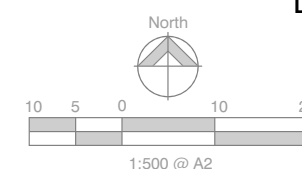
**Millar | Merrigan**

Land Development Consultants

Civil Engineering  
Land Surveying  
Landscape Architecture  
Project Management  
Town Planning  
Urban Design

SAI GLOBAL Quality ISO 9001

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**DESIGN RESPONSE PLAN**

PROPOSED DEVELOPMENT

23 DUNBAR ROAD TRARALGON,  
LATROBE CITY COUNCIL

27567 P23  
Version 01





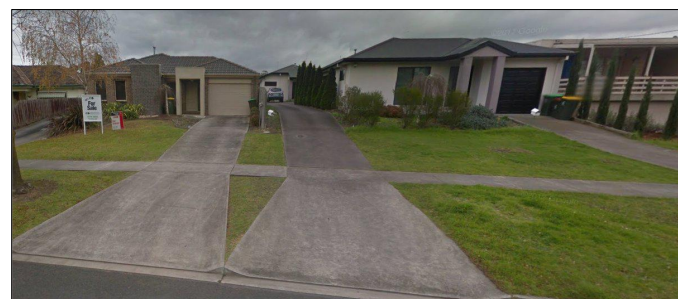




1 Multiple large recreation reserves located in close proximity to the site featuring playgrounds and multi use areas.



3 The overall site is generous in size and is generally unconstrained, making it well suited to residential development.



4 An opportunity to reflect the subdivision/development pattern occurring throughout the area in a residentially zoned, established urban area, as well as taking advantage of existing infrastructure in a fully serviced area.



5 The existing vehicle crossing is conveniently located and is suitable for retention or to be upgraded as part of any development application.



2 Overlooking constraint to neighbouring properties secluded private open spaces.

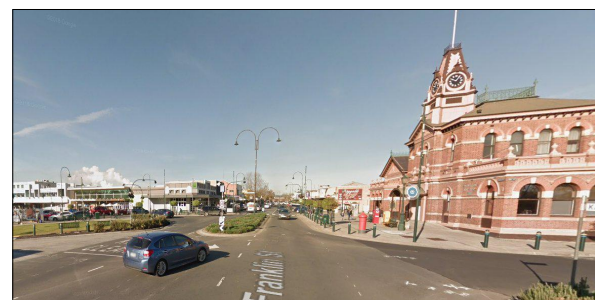
7 Location and width of drainage easement and services pose a design constraint to future development.

**NEIGHBOURHOOD CHARACTER:**  
Residential neighbourhood with a mix of original lot sizes and an increasing amount of subdivided lots. Lot sizes vary with no particular pattern that warrants preservation.

**BUILT FORM & SCALE:**  
-A mix of single storey and double storey and split level designs dating from 1940's to current day  
-Dwellings are detached or semi-detached.  
-Front setbacks generally range from 3.2m to 11.3m.  
-Walls on one side boundary or both side boundaries, particularly in newer developments.  
-Roofs are pitched in tiles or Colorbond.  
-Car parking structures are generally located within rear yards or are attached to the sides of dwellings, some are located within front setbacks.  
-Architecture is generally simplistic and large windows dominate frontages.

**SLOPE, VIEWS & NOISE:**  
-Topography across the neighbourhood is gently sloping  
-The site falls approximately 5m from the south-west to the north-east.  
-No known cut or fill.  
-There are views to the site from Hickox Street, Derby Street and Hickox Street Reserve.  
-No significant views from site.  
-There are no significant noise sources present.

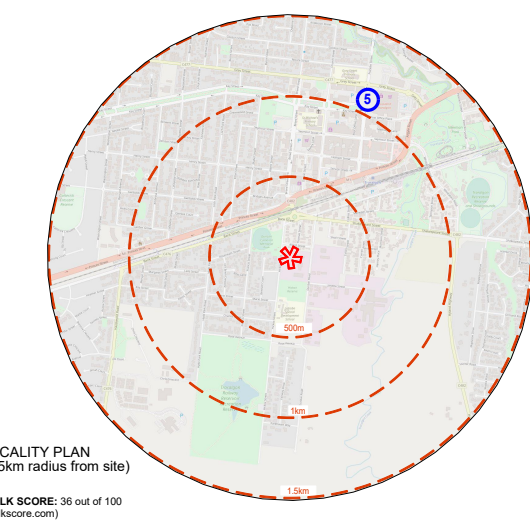
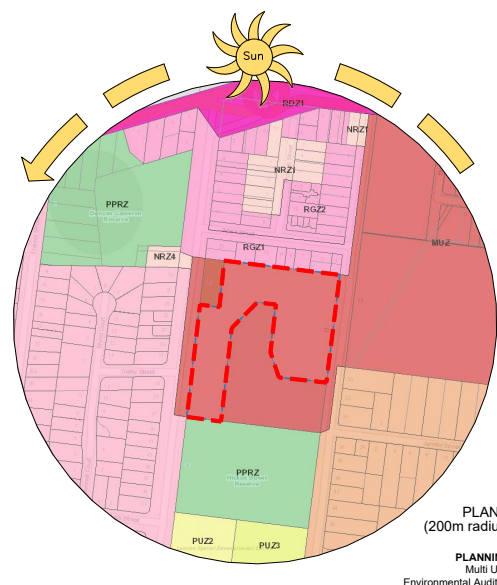
**VEGETATION:**  
-Vegetation within the site has been removed within the last 12 months to make way for the proposed development their approximate location have been shown denoted by a red cross.  
-No neighbouring vegetation will be impacted by the proposed development.



6 The site is very well located and in close proximity to local shops, schools and parks.

**LEGEND**

- 1 Opportunity
- 2 Constraint
- Star Secluded private open space
- Wavy line Potential for overlooking neighbouring private open space/habitable windows
- Red dashed line EPWL Overhead electricity line, electricity pole, electricity pole with light
- Green circle Tree, dead tree
- Red cross Tree removed within last 12 months
- Orange arrow Views to site
- Dashed red line Easement, sewer line
- SS DS SL BV WB REN FP SB 5m Single/double storey, split level, brick veneer, weatherboard, render, fibro panel, approximate front setback.
- Non-habitable window (NH), habitable window, door (D), obscured window (OBS), Garage, carport, garage door, roller door
- Corner levels & contours to AHID, 0.2m intervals on site, 1m intervals in surrounding area
- Service: telstra pit, side entry pit, stop valve, fire plug, sewer inspection shaft, sewer access chamber, sewer pit, grated pit, junction pit



FOR APPROVAL

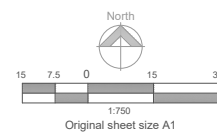
No.	Revision Description	Drawn	Checked	Date
1	Submitted to council as part of planning application & drawings.	JILY	DG	November 2021

**Millar | Merrigan**

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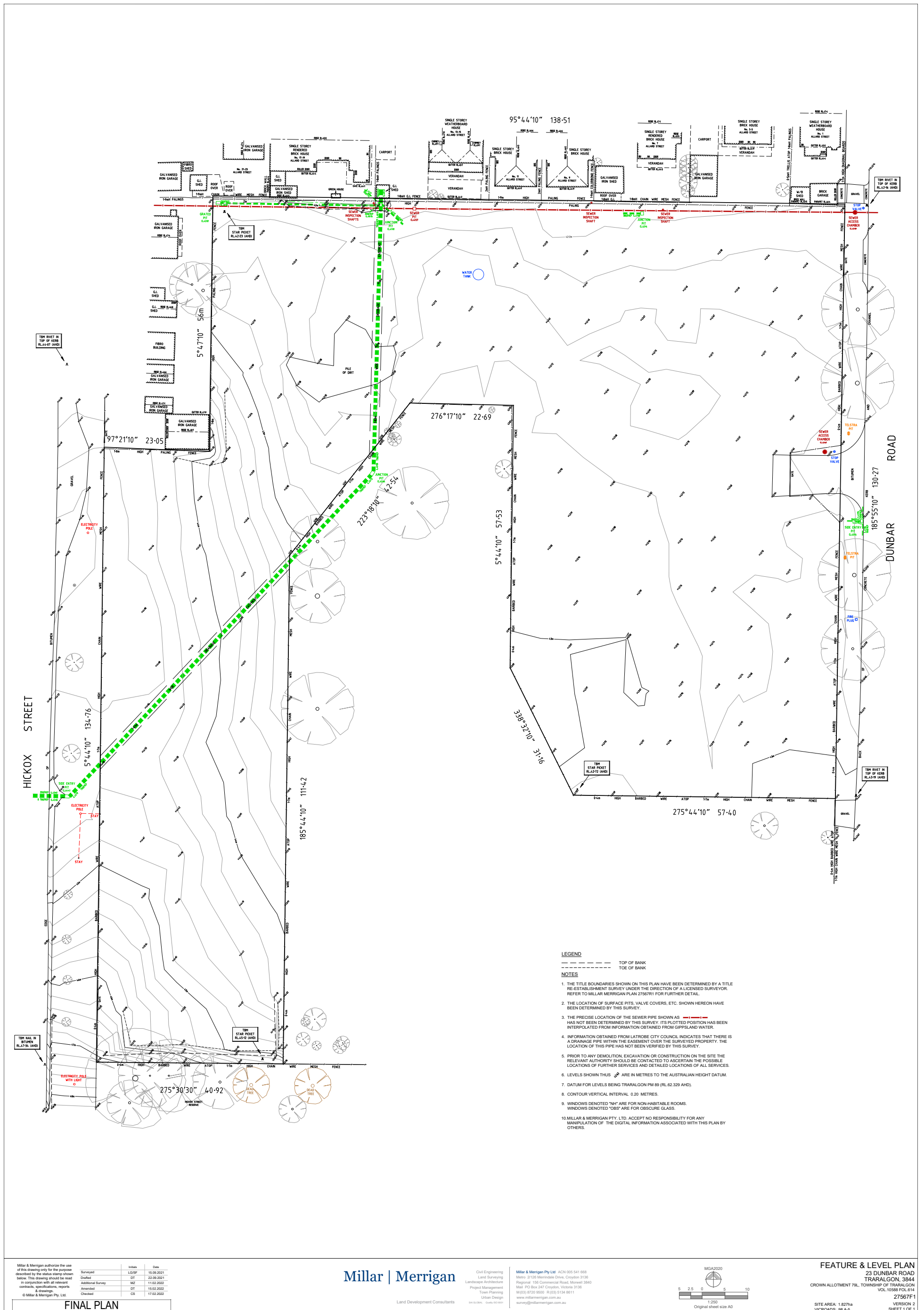
NEIGHBOURHOOD & SITE DESCRIPTION

PROPOSED DEVELOPMENT

23 Dunbar Road, Traralgon  
Latrobe City Council

27567P1  
VERSION 1  
SHEET 1 OF 1





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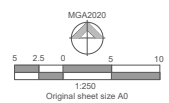
Activity	Initials	Date
Surveyed	LG/SF	16.09.2021
Checked	DT	22.09.2021
Additional Survey	MS	11.02.2022
Amended	DT	16.02.2022
Checked	CS	17.02.2022

**FINAL PLAN**

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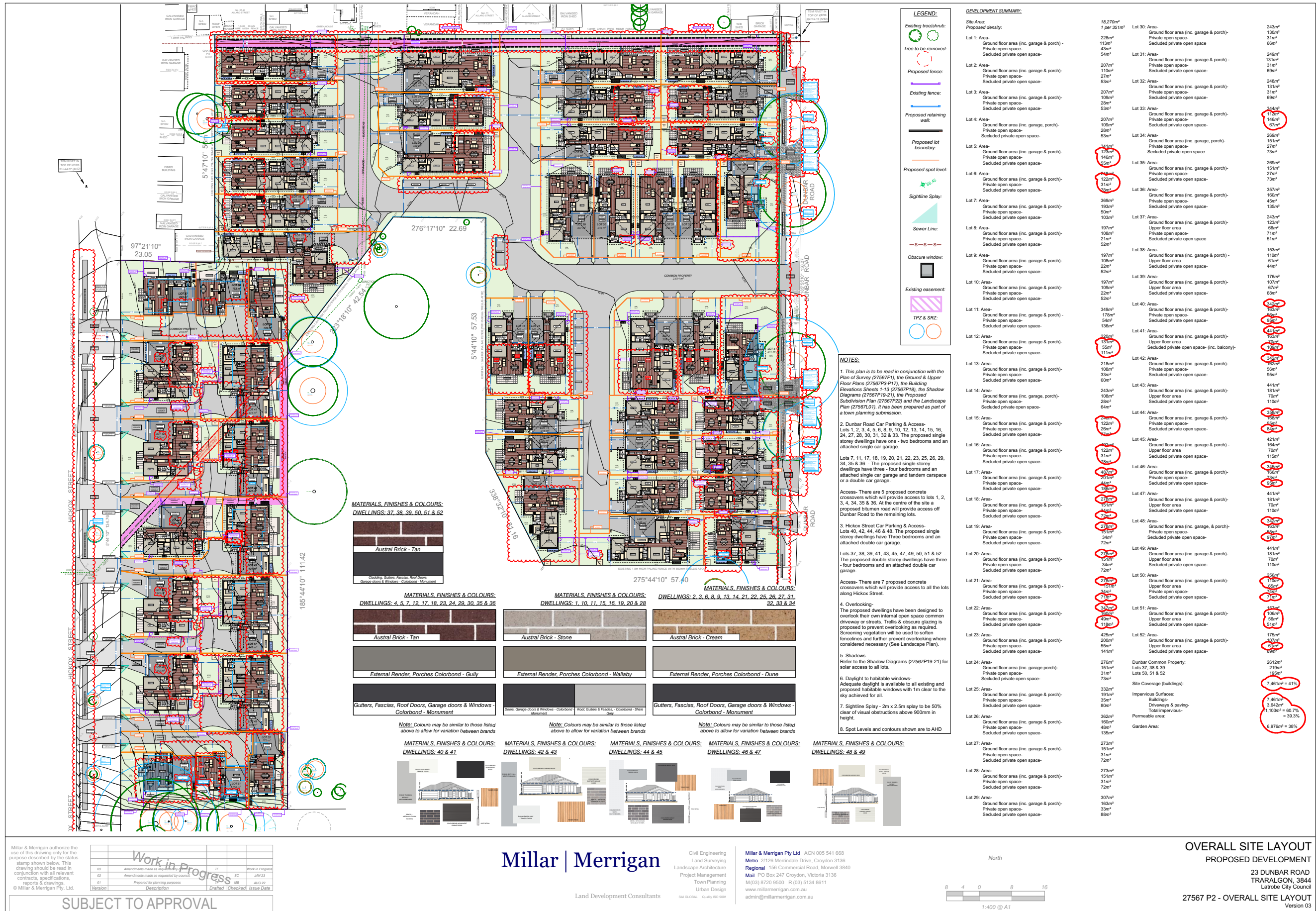
**Millar & Merrigan Pty Ltd** ACN 005 541 688  
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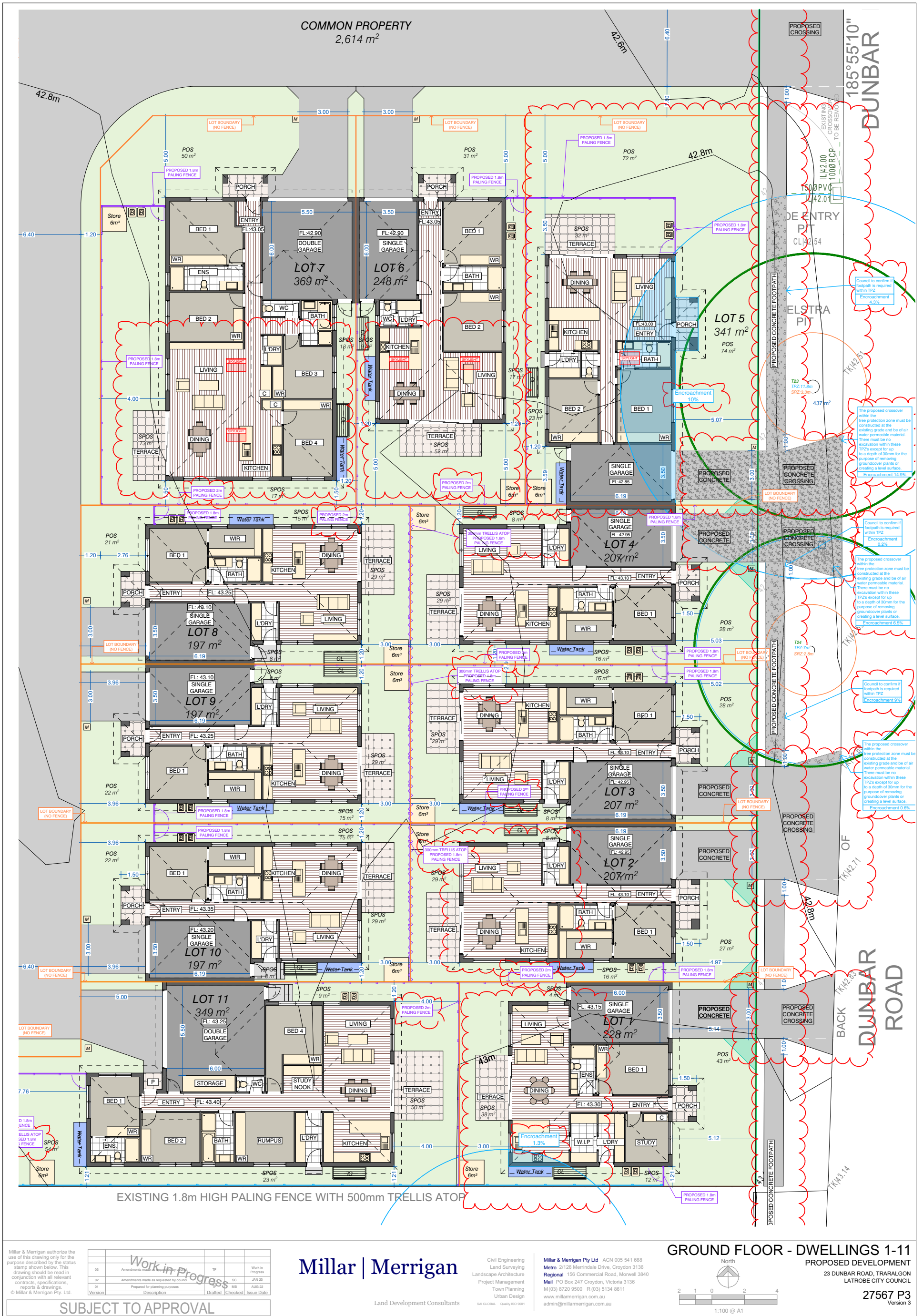
**FEATURE & LEVEL PLAN**  
 23 DUNBAR ROAD  
 TRARALGON, 3844  
 CROWN ALLOTMENT 76L, TOWNSHIP OF TRARALGON  
 VOL. 10588 FOL. 114  
 27567/1  
 VERSION 2  
 SHEET 1 OF 1

SITE AREA: 1.827ha  
 VICROADS: 98 A-5









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Version	Description	Drafted	Checked	Issue Date
01	Prepared for planning purposes			
02	Amendments made as requested by council			
03	Final design			

**Work in Progress**

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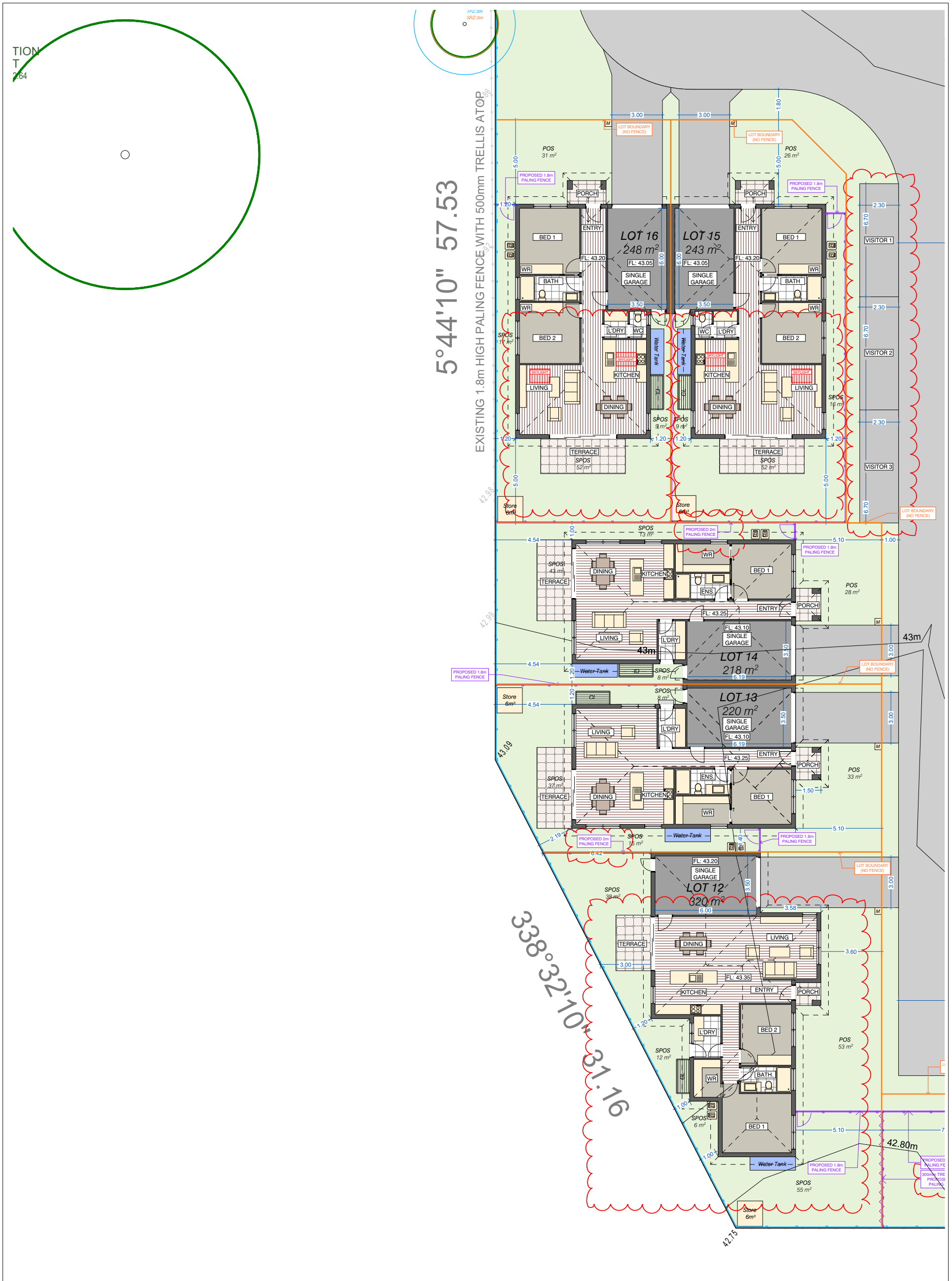
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**GROUND FLOOR - DWELLINGS 1-11**  
PROPOSED DEVELOPMENT  
23 DUNBAR ROAD, TRARALGON  
LATROBE CITY COUNCIL  
27567 P3  
Version 3

Scale: 1:100 @ A1



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Version	Description	Drafted	Checked	Issue Date
01	Prepared for planning purposes	TP	MB	AUG 22
02	Amendments made as requested by council	SC	JAN 23	
03	Amendments made as requested by council	SC	JAN 23	

**Work in Progress**

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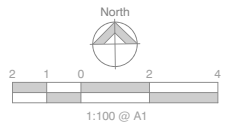
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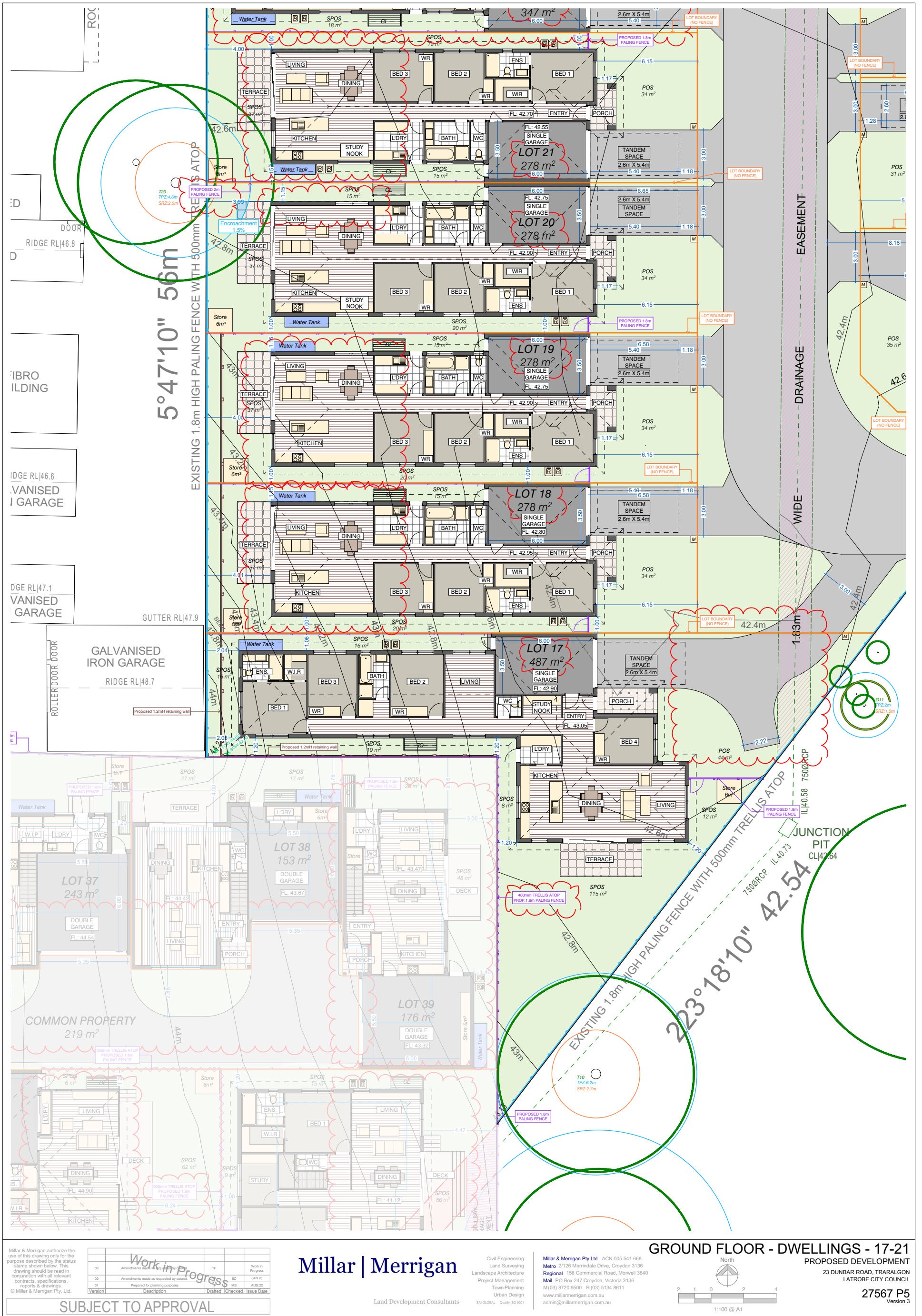
**GROUND FLOOR - DWELLINGS 12-16**

PROPOSED DEVELOPMENT  
23 DUNBAR ROAD, TRARALGON  
LATROBE CITY COUNCIL

**27567 P4**  
Version 3







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01	Prepared for planning purposes			
02	Amendments made as requested by council			
03	Amendments made as requested by council			
04	Amendments made as requested by council			
05	Amendments made as requested by council			
06	Amendments made as requested by council			
07	Amendments made as requested by council			

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GROUND FLOOR - DWELLINGS - 17-21

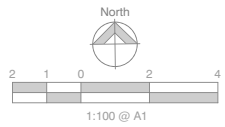
PROPOSED DEVELOPMENT

23 DUNBAR ROAD, TRARALGON

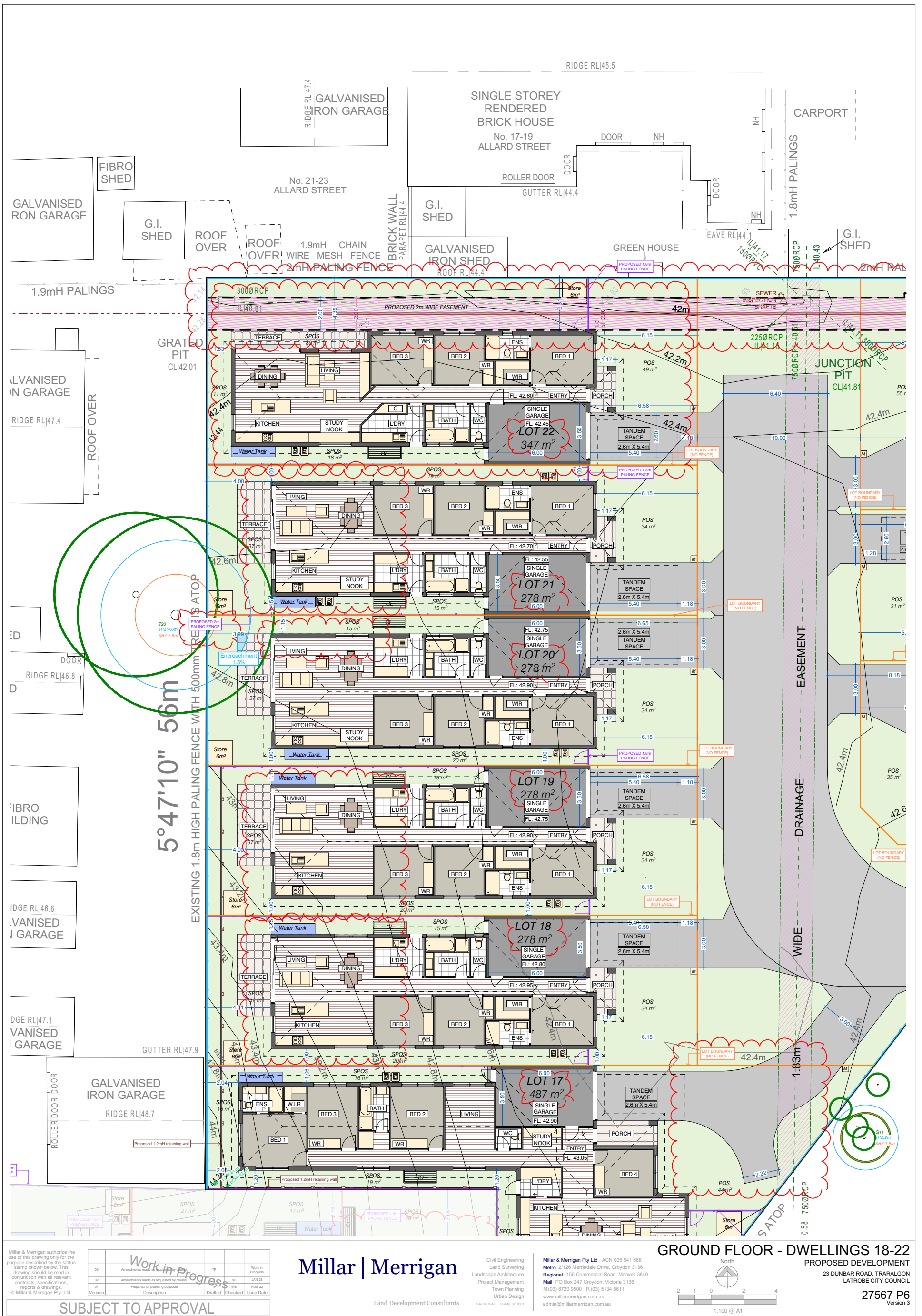
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27567 P5

Version 3







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01	Prepared for planning purposes			
02	Amendments made as requested by council			
03	Amendments made as requested by council			
04	Amendments made as requested by council			
05	Amendments made as requested by council			

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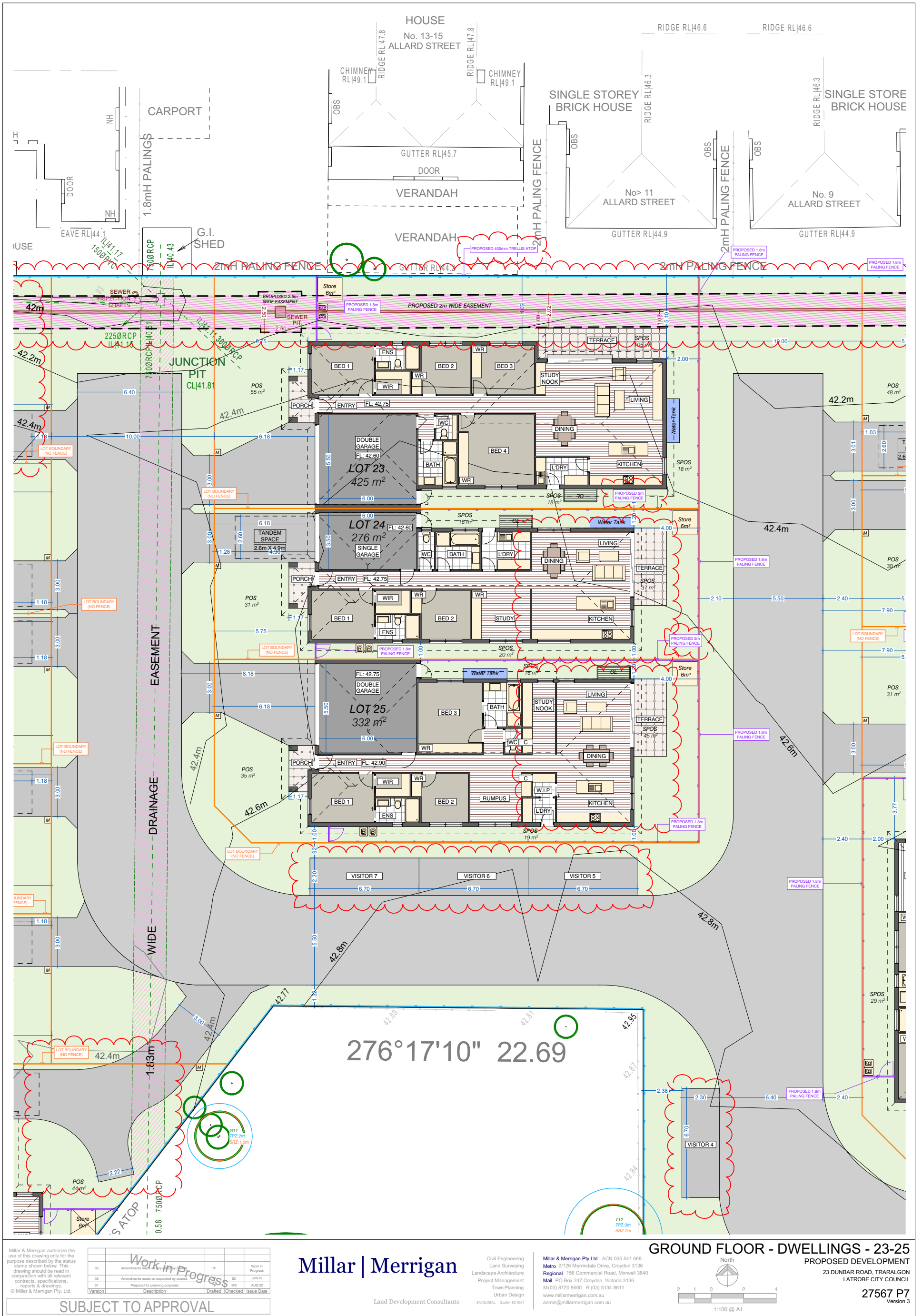
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**GROUND FLOOR - DWELLINGS 18-22**  
PROPOSED DEVELOPMENT  
23 DUNBAR ROAD, TRARALGON  
LATROBE CITY COUNCIL

27567 P6  
Version 3

1:100 @ A1



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02	Prepared for planning purposes			AUG 22

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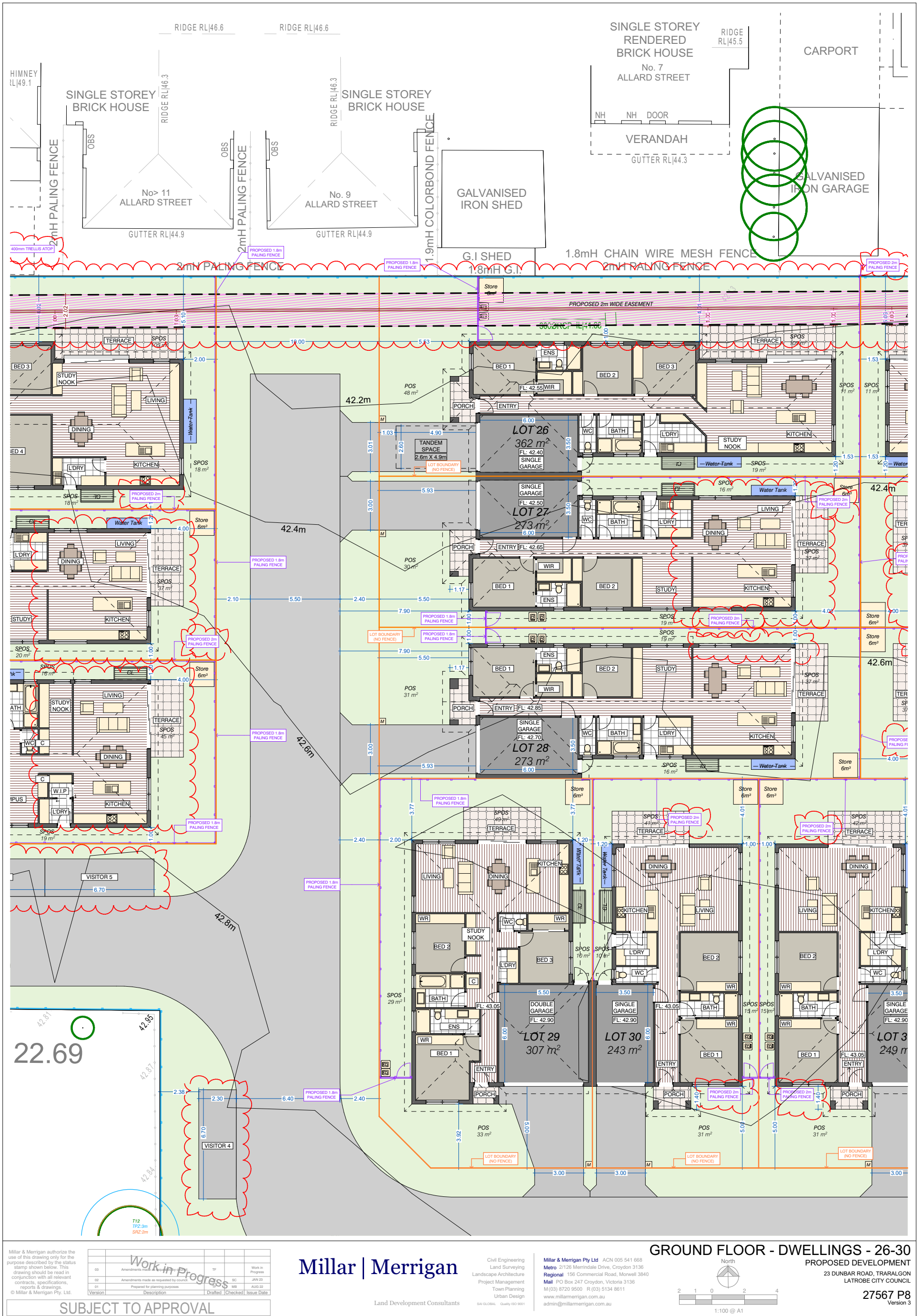
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**GROUND FLOOR - DWELLINGS - 23-25**  
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23 DUNBAR ROAD, TRARALGON  
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01	Prepared for planning purposes			
02	Amendments made as requested by council			
03	Amendments made as requested by council			
04	Prepared for planning purposes			

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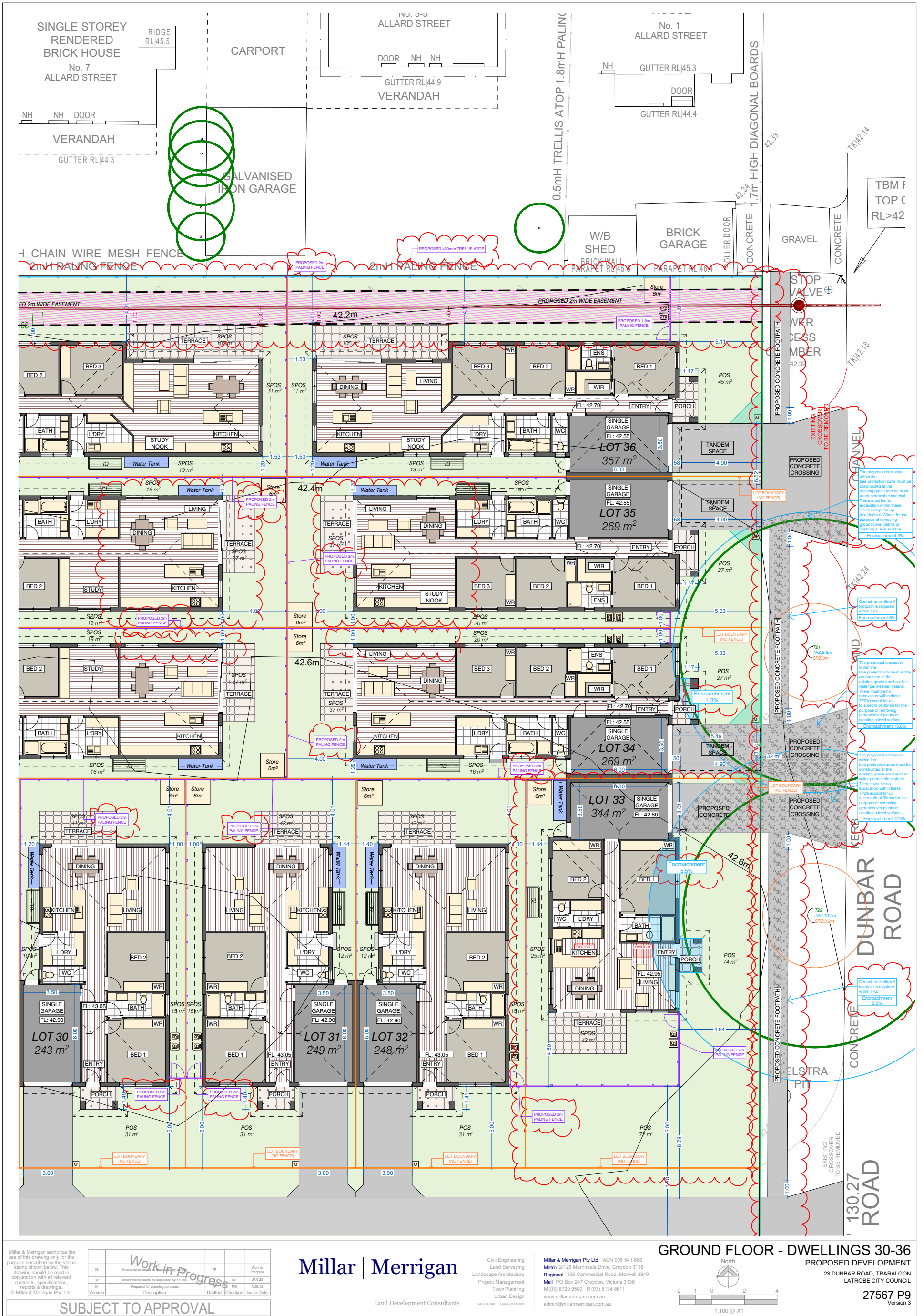
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**GROUND FLOOR - DWELLINGS - 26-30**  
PROPOSED DEVELOPMENT  
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**27567 P8**  
Version 3

North  
1:100 @ A1



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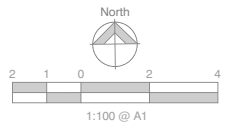
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01	Prepared for planning purposes			
02	Amendments made as requested by council			
03	Amendments made as requested by council			
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05	Amendments made as requested by council			
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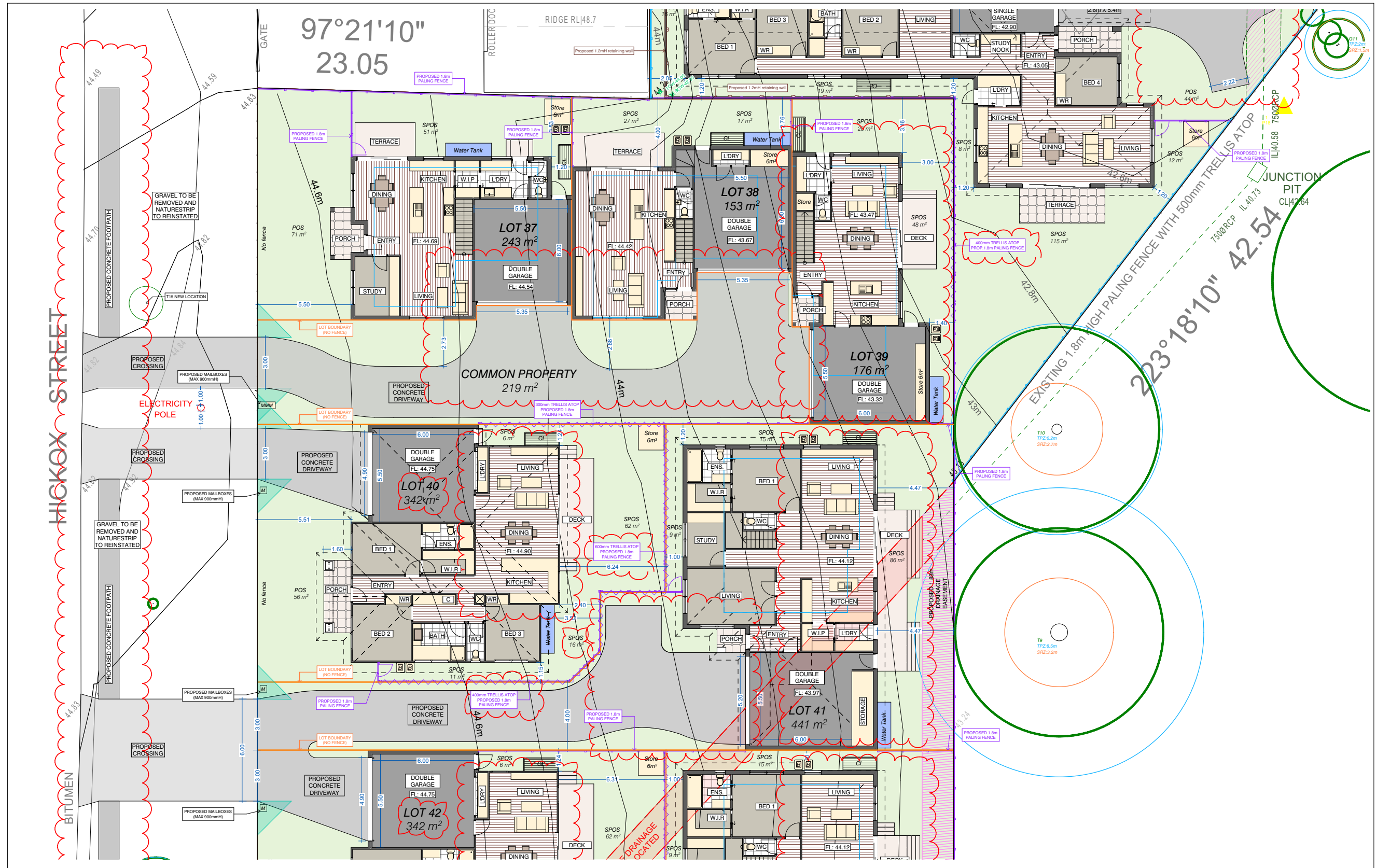
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**GROUND FLOOR - DWELLINGS 30-36**  
PROPOSED DEVELOPMENT  
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01	Amendments made as requested by client	TP	SC	JAN 23
02	Prepared for planning purposes	TP	MB	AUG 22
03				

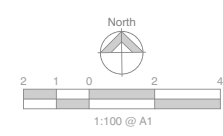
**Work in Progress**

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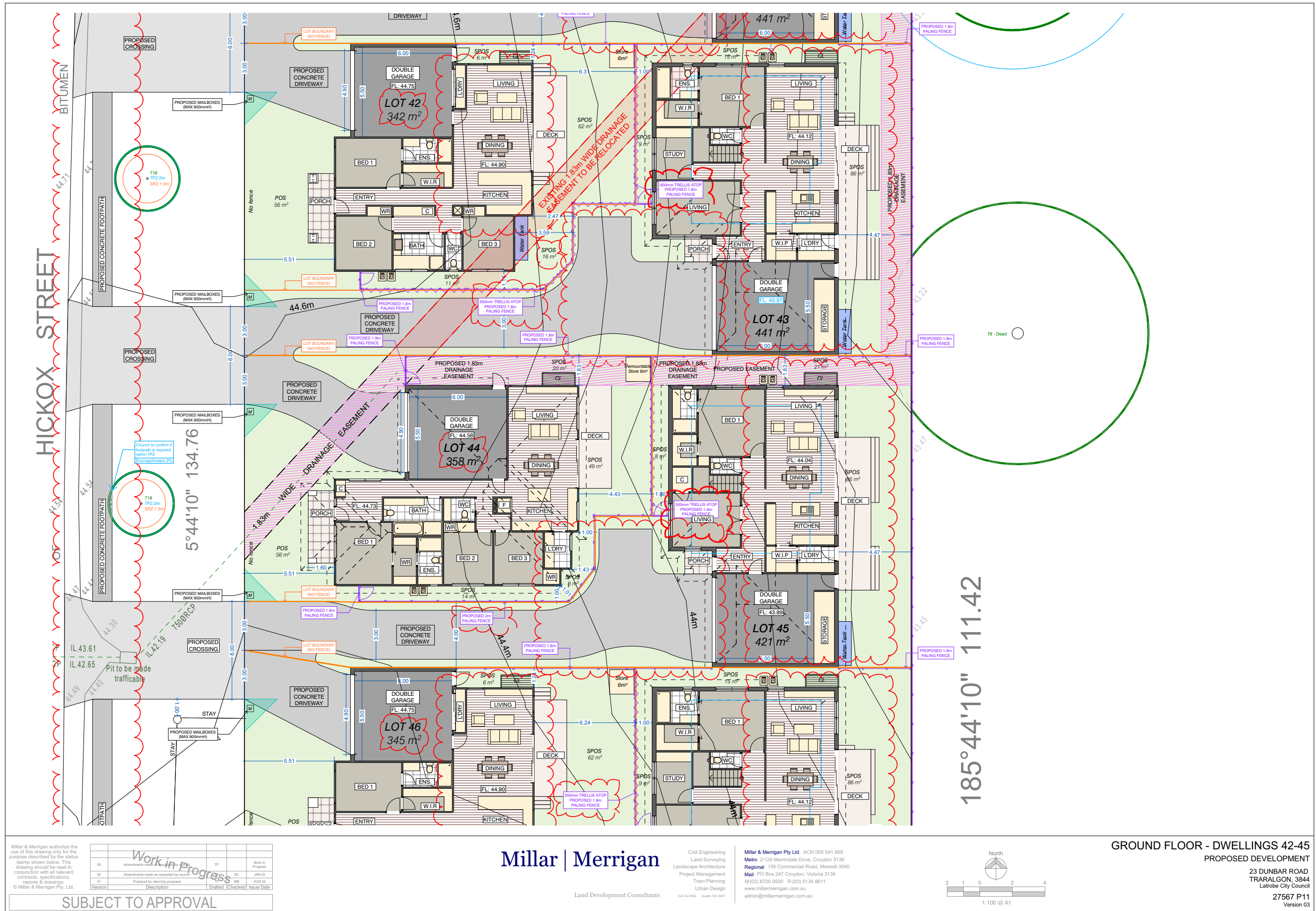
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**GROUND FLOOR - DWELLINGS 37-41**  
PROPOSED DEVELOPMENT

23 DUNBAR ROAD  
TRARALGON, 3844  
Latrobe City Council  
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Version 03



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Version	Description	Drafted	Checked	Issue Date
01	Prepared for planning purposes			AUG 22
02	Amendments made as requested by council			JAN 23
03	Amendments made as requested by council			JAN 23
04	Work in Progress			

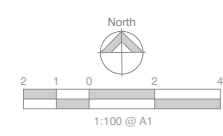
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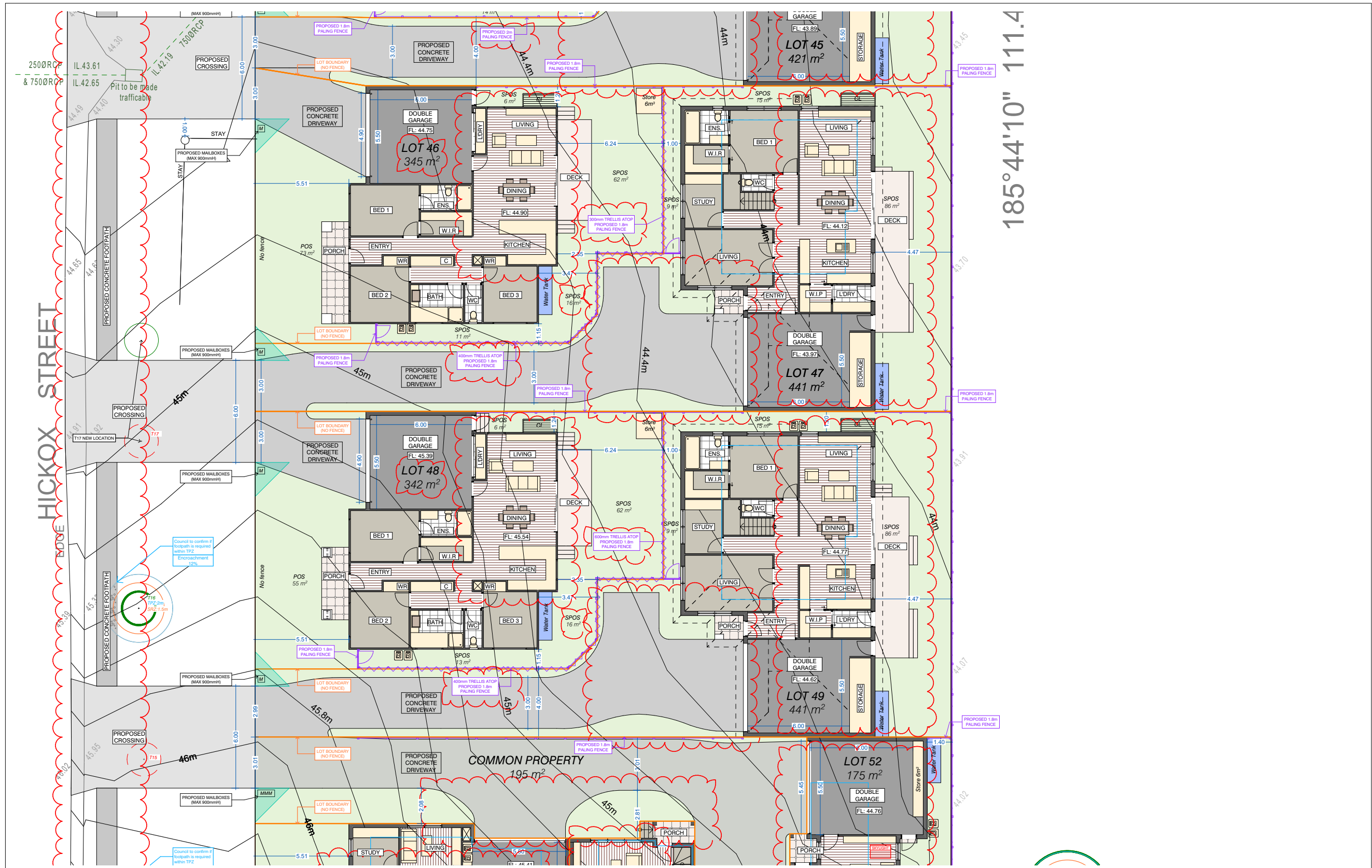
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**GROUND FLOOR - DWELLINGS 42-45**  
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Version 03



185°44'10" 111.4

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01	Amendments made as requested by council	SC		JAN 23
02	Amendments made as requested by council	SC		AUG 22
03	Prepared for planning purposes	MM		AUG 22

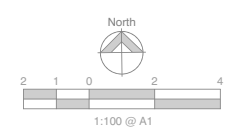
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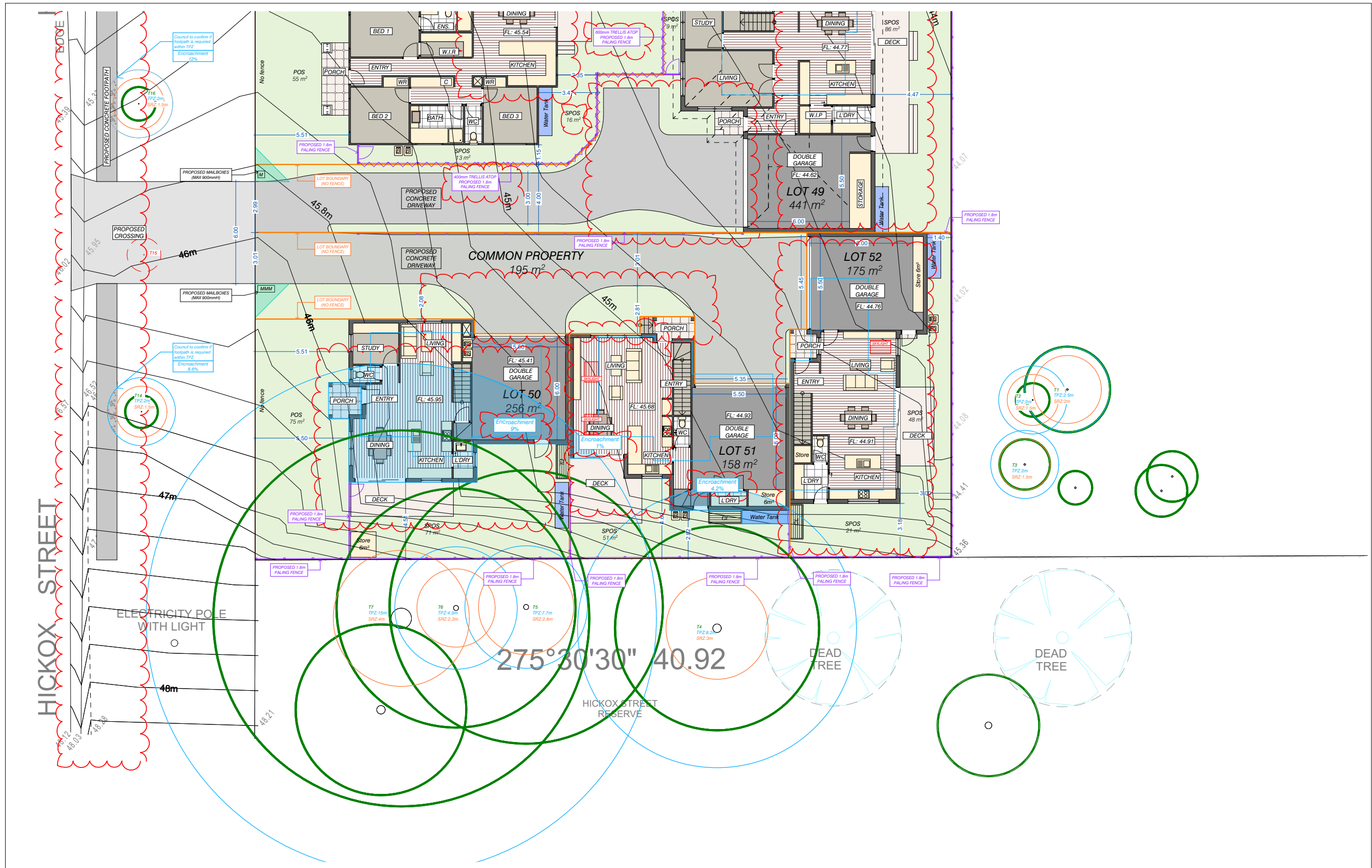
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**GROUND FLOOR - DWELLINGS 46-49**  
PROPOSED DEVELOPMENT

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01	Prepared for planning purposes			
02	Amendments made as requested by council			JAN 23
03	Amendments made as requested by council			AUG 22
04	Work in Progress			

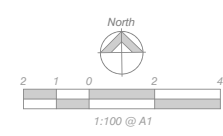
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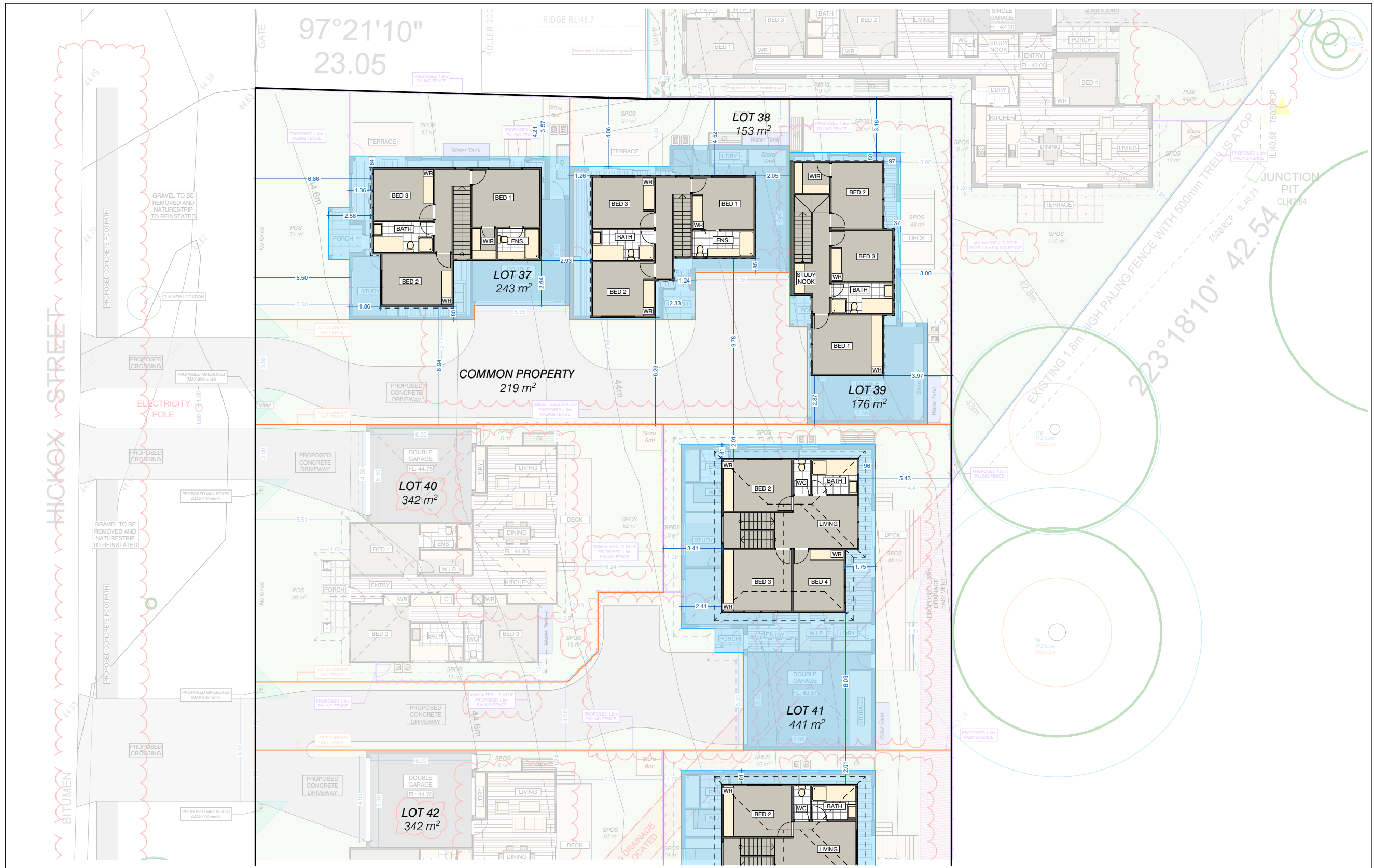
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**GROUND FLOOR - DWELLINGS 50-52**  
PROPOSED DEVELOPMENT

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TRARALGON, 3844  
Latrobe City Council  
27567 P13  
Version 03



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01	Prepared for planning purposes			AUG 22
02	Amendments made as requested by council			JAN 23
03	Amendments made as requested by council			JAN 23

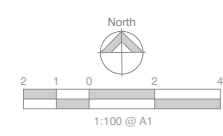
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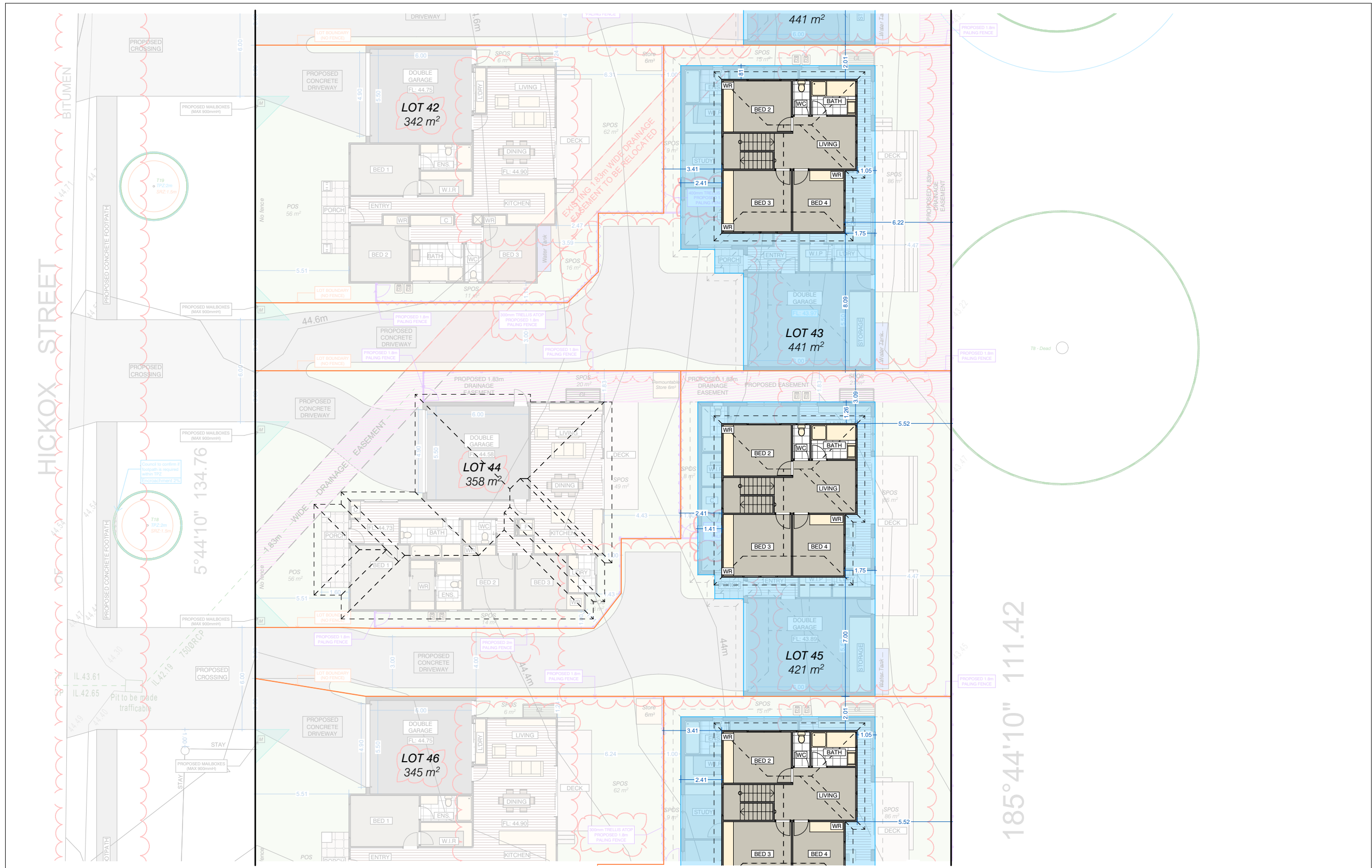
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**UPPER LEVEL LAYOUT - DWELLINGS 37-41**  
PROPOSED DEVELOPMENT

23 DUNBAR ROAD  
TRARALGON, 3844  
Latrobe City Council  
27567 P14  
Version 03



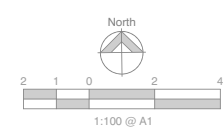
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00	Work in Progress			
01	Amendments made as requested by council			JAN 23
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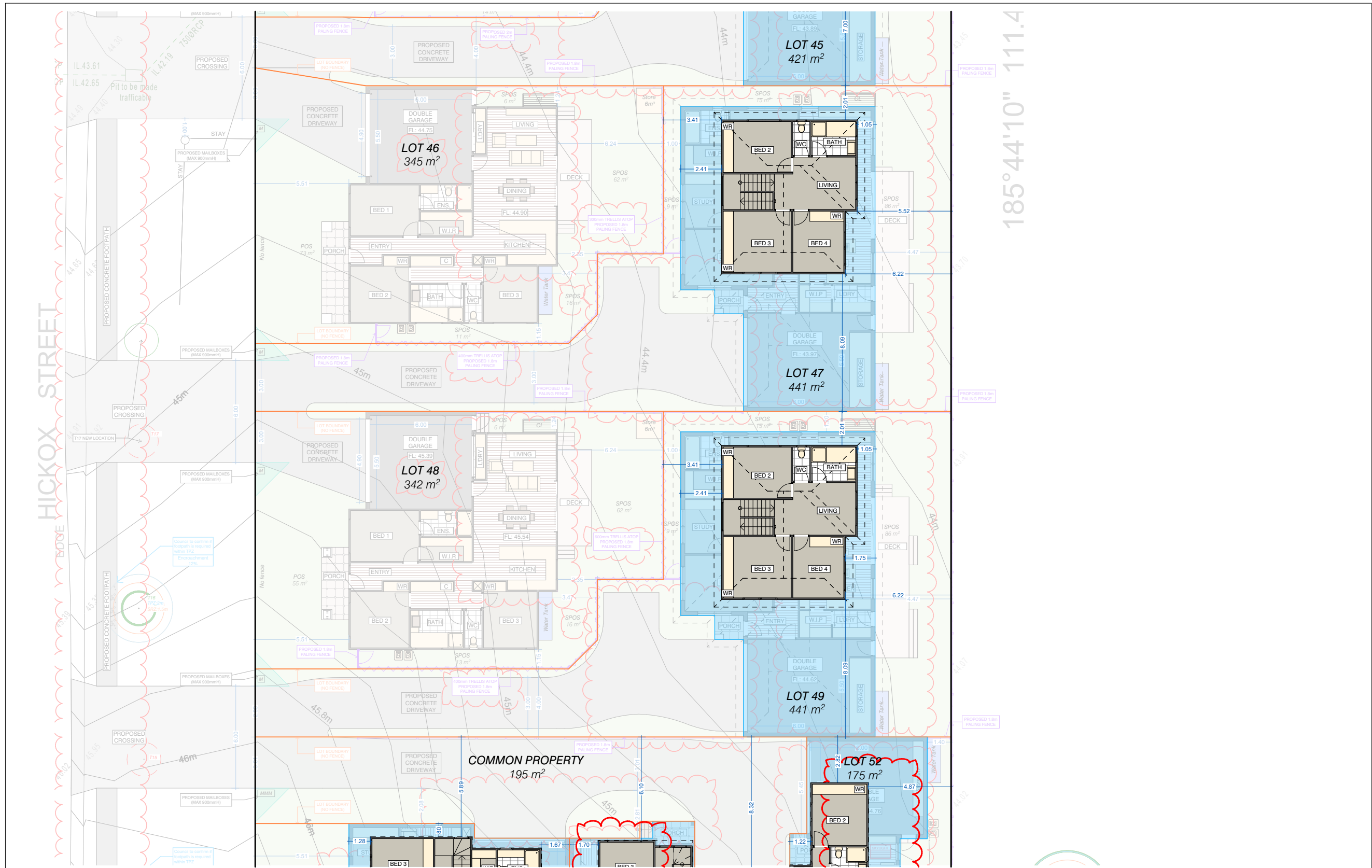
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**UPPER LEVEL LAYOUT - DWELLINGS 42-45**  
PROPOSED DEVELOPMENT  
23 DUNBAR ROAD  
TRARALGON, 3844  
Latrobe City Council  
27567 P15  
Version 03





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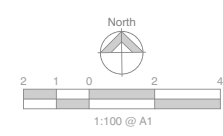
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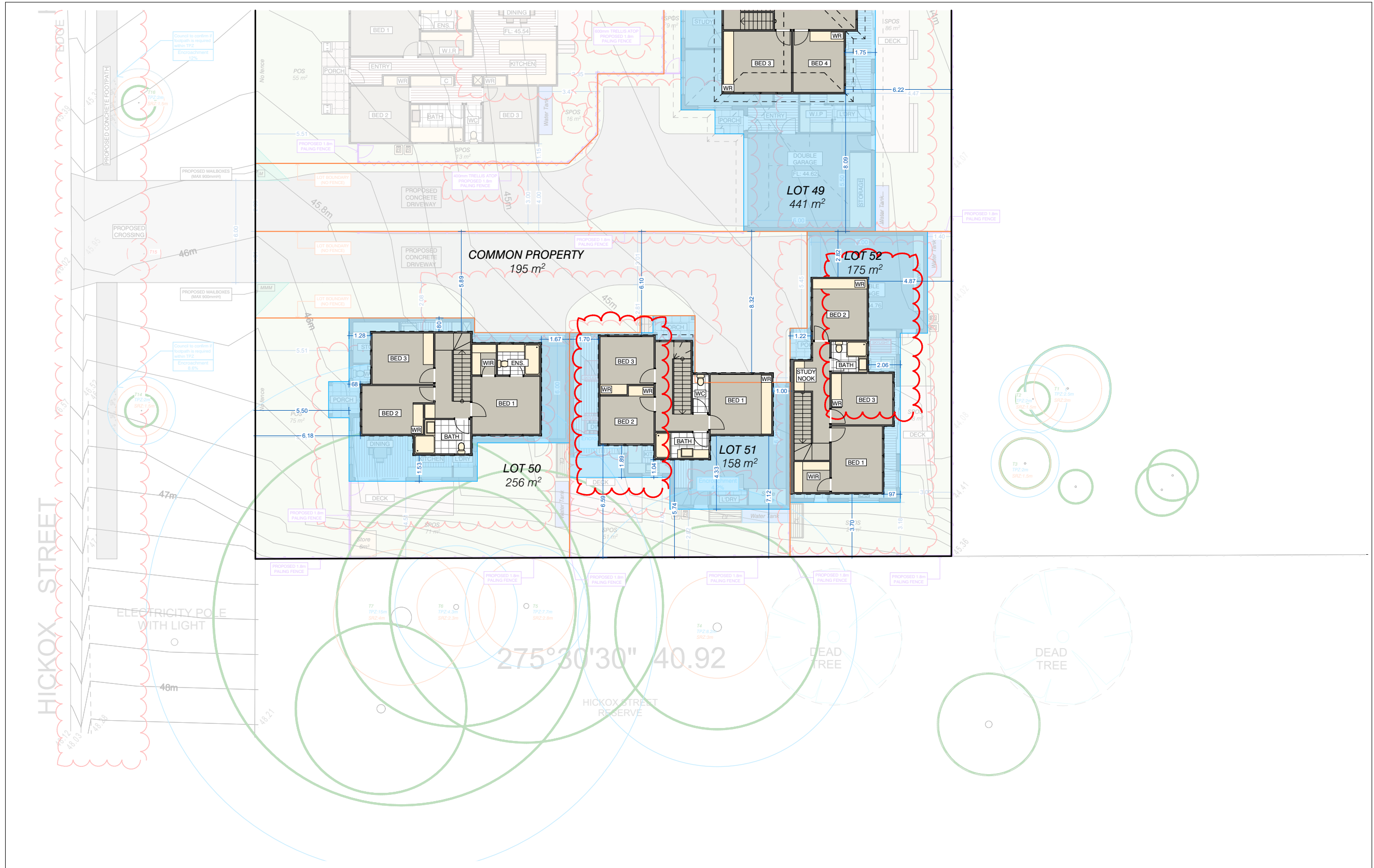
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**UPPER LEVEL LAYOUT - DWELLINGS 46-49**  
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01	Prepared for planning purposes			AUG 22
02	Amendments made as requested by council			JAN 23
03	Amendments made as requested by council			JAN 23

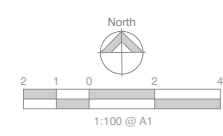
**Work in Progress**

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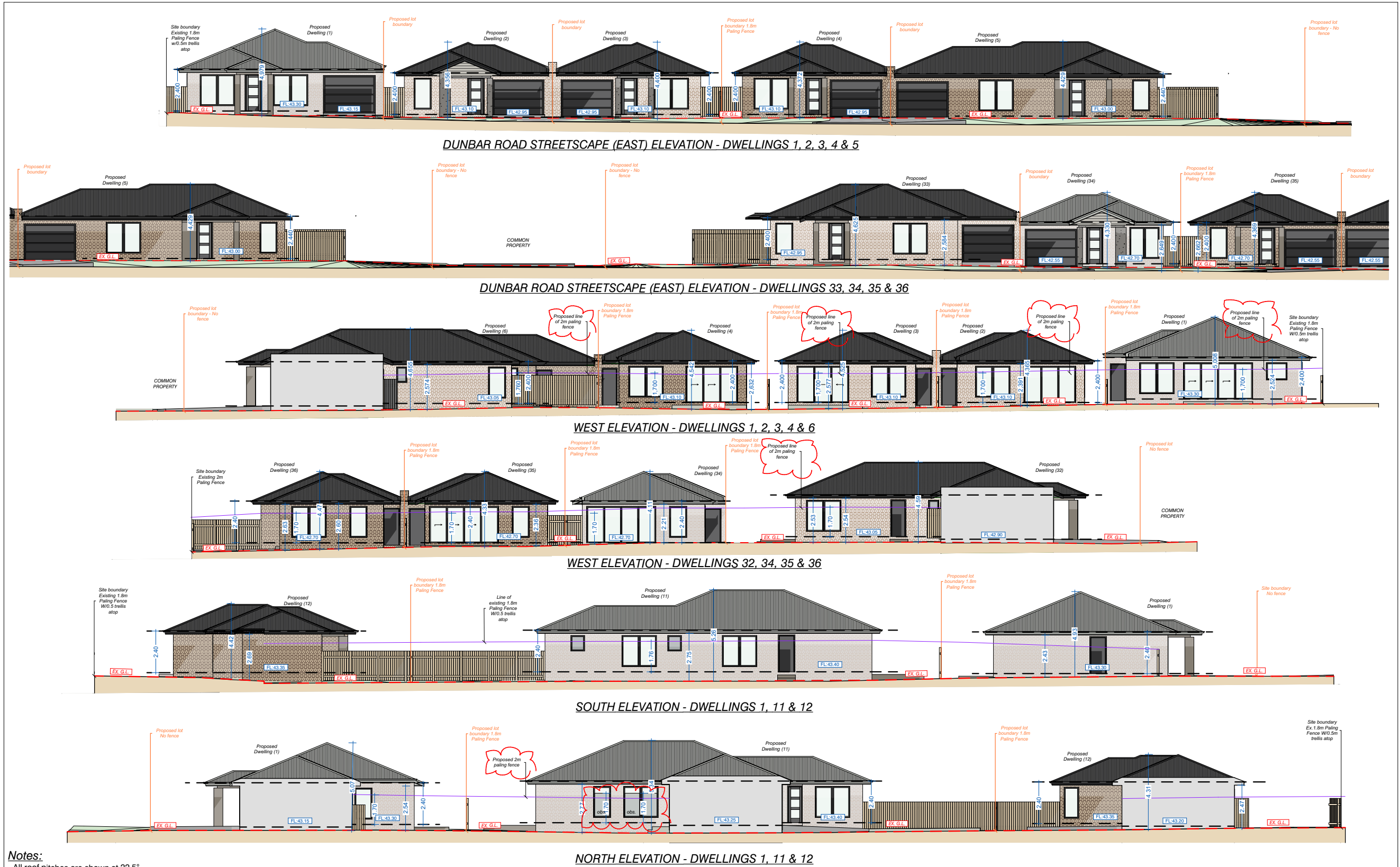
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**UPPER LEVEL LAYOUT - DWELLINGS 50-52**  
PROPOSED DEVELOPMENT

23 DUNBAR ROAD  
TRARALGON, 3844  
Latrobe City Council  
27567 P17  
Version 03



**Notes:**  
 - All roof pitches are shown at 22.5°  
 - All internal piling fences are 1.8mH

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02	Amendments made as requested by client	SC	JAN 23
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Version	Description	Drafted	Checked

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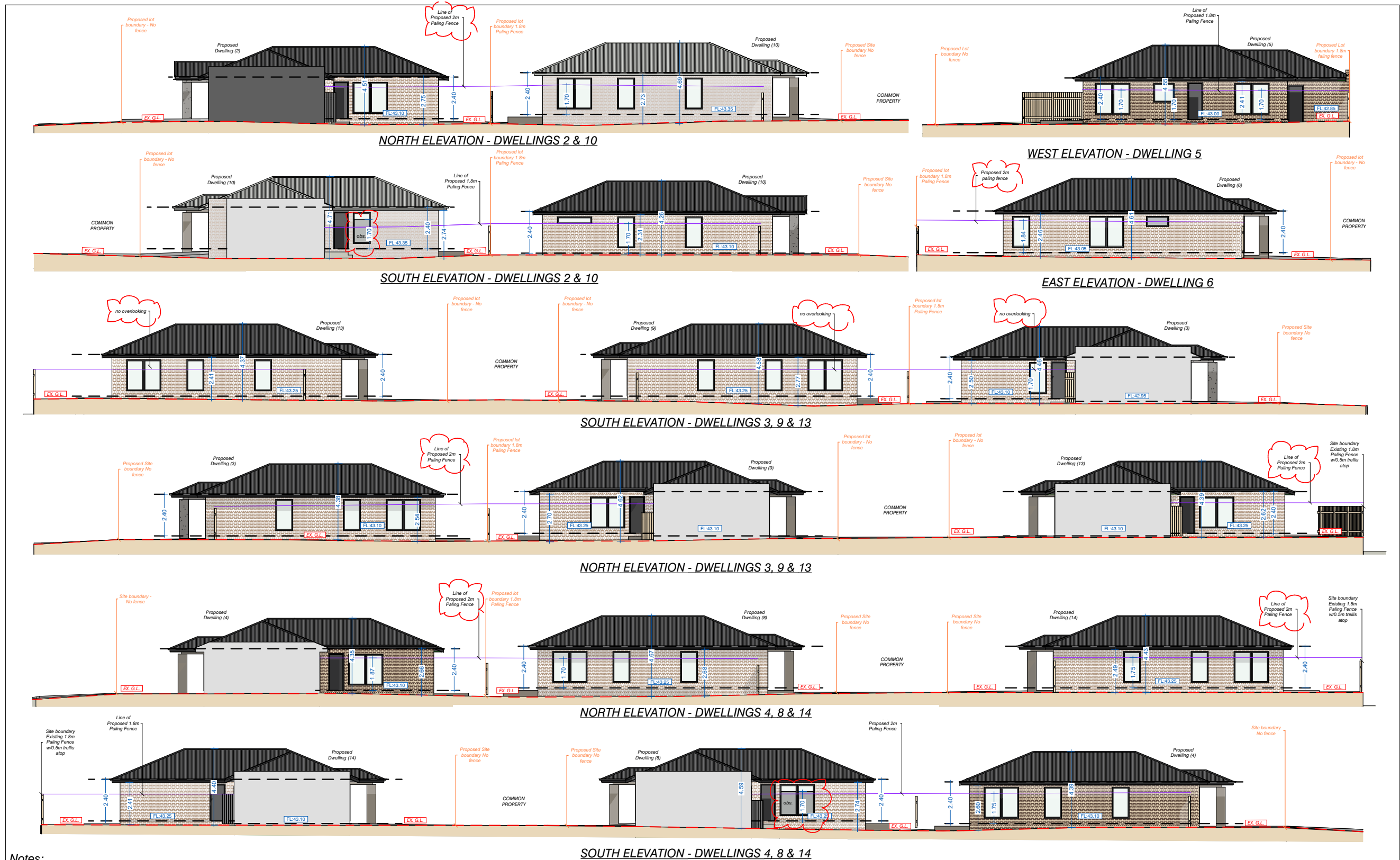
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**BUILDING ELEVATIONS - SHEET 1 OF 13**  
 PROPOSED DEVELOPMENT

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**Notes:**  
 - All roof pitches are shown at 22.5°  
 - All internal paling fences are 1.8mH

Version	Description	Drafted	Checked	Issue Date
01	Prepared for planning purposes			AUG 22
02	Amendments made as requested by council			JAN 23
03	Amendments made as requested by council			JAN 23

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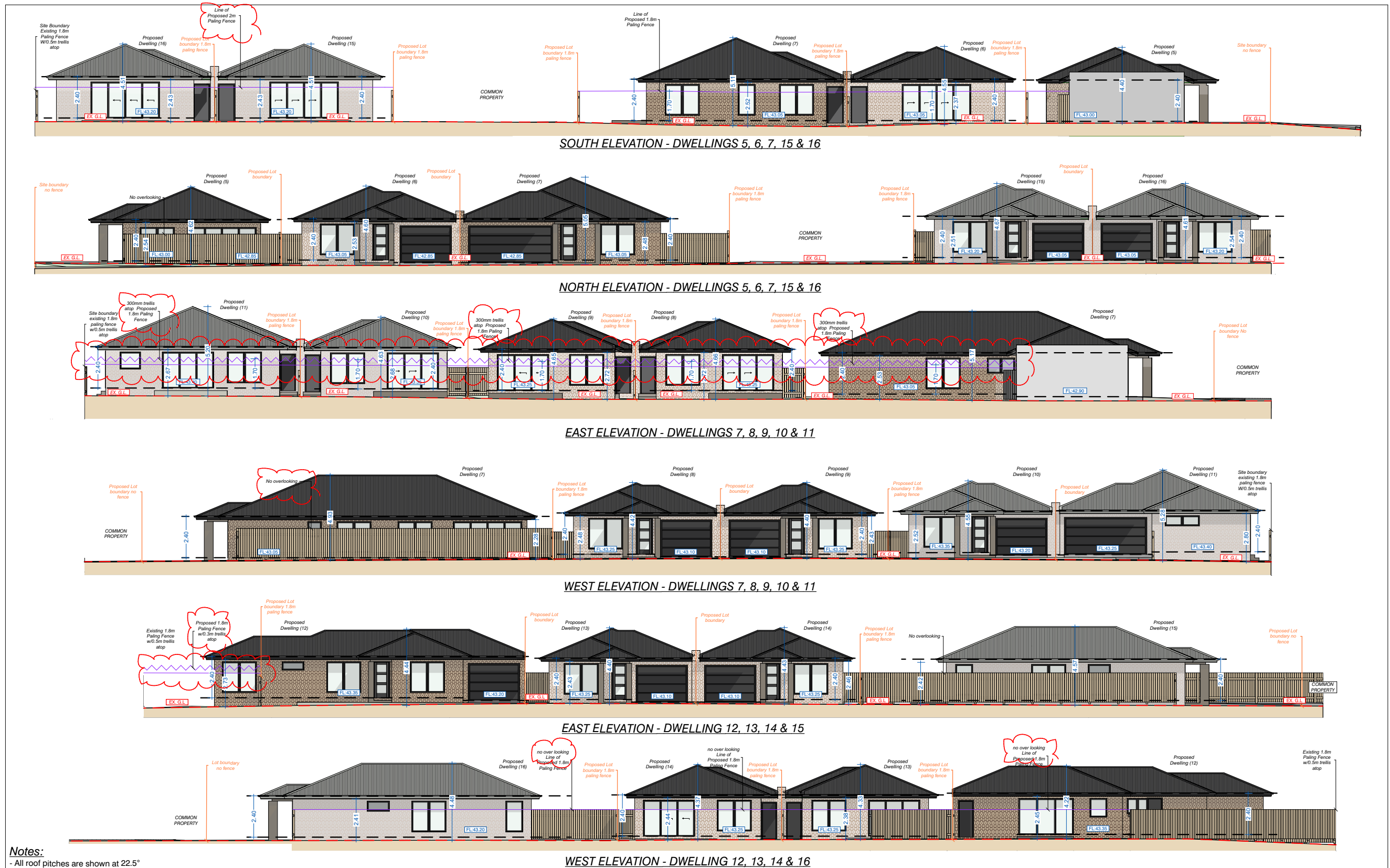
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**BUILDING ELEVATIONS - SHEET 2 OF 13**  
 PROPOSED DEVELOPMENT

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**Notes:**  
 - All roof pitches are shown at 22.5°  
 - All internal paling fences are 1.8mH

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03	Amendments made as requested by client	SC	Work in Progress
02	Amendments made as requested by client	SC	JAN 23
01	Prepared for planning purposes	MB	AUG 22
Version	Description	Drafted	Checked

**Work in Progress**

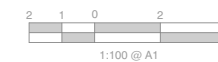
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**BUILDING ELEVATIONS - SHEET 3 OF 13**

PROPOSED DEVELOPMENT

23 DUNBAR ROAD  
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**Notes:**  
 - All roof pitches are shown at 22.5°  
 - All internal paling fences are 1.8mH

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02	Amendments made as requested by client	SC	JAN 23
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Version	Description	Drafted	(Checked) Issue Date

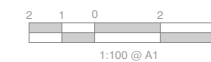
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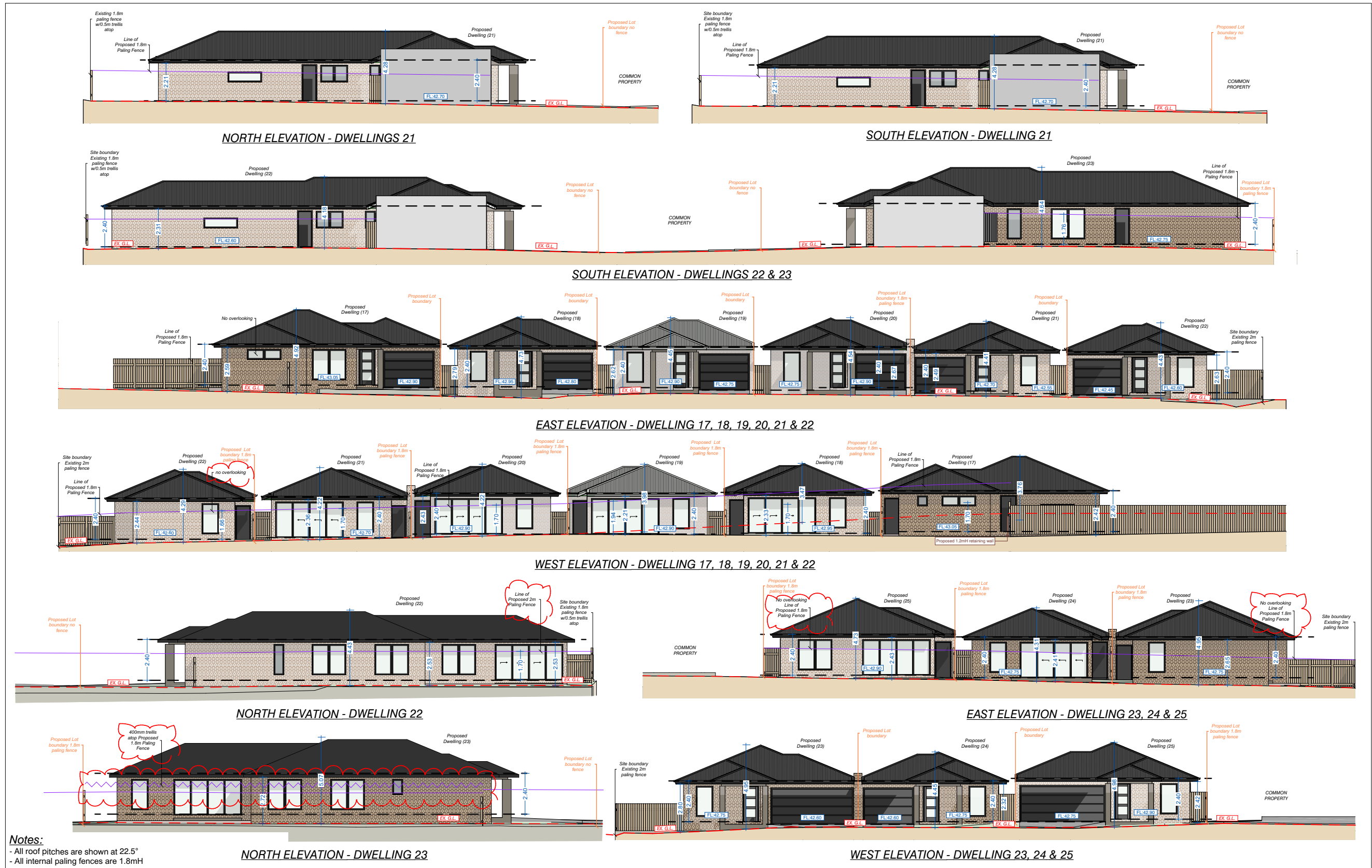
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**BUILDING ELEVATIONS - SHEET 4 OF 13**  
 PROPOSED DEVELOPMENT

23 DUNBAR ROAD  
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**Notes:**  
 - All roof pitches are shown at 22.5°  
 - All internal paling fences are 1.8mH

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02	Prepared for planning purposes	MB		AUG 22
03				

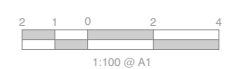
**Work in Progress**

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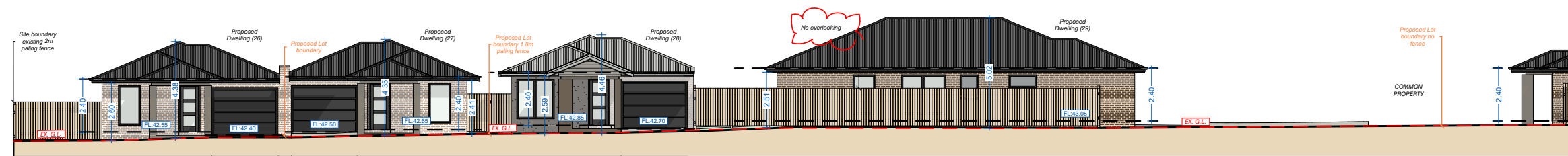
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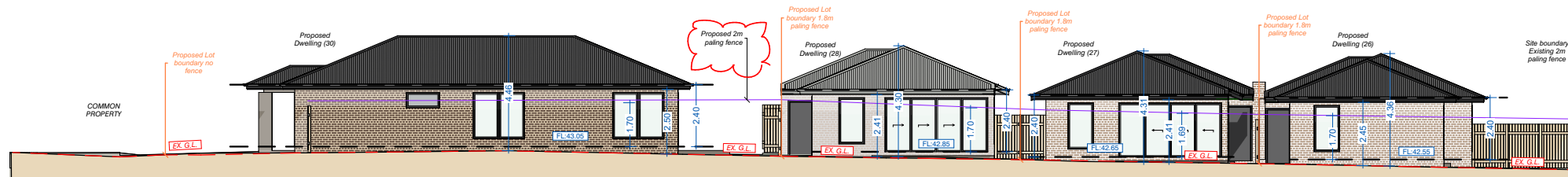
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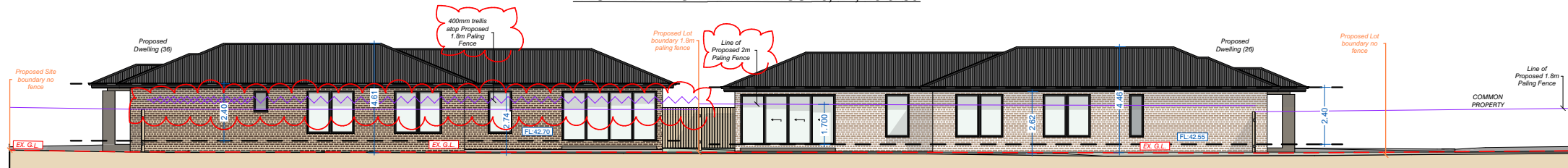
**BUILDING ELEVATIONS - SHEET 5 OF 13**  
 PROPOSED DEVELOPMENT  
 23 DUNBAR ROAD  
 TRARALGON, 3844  
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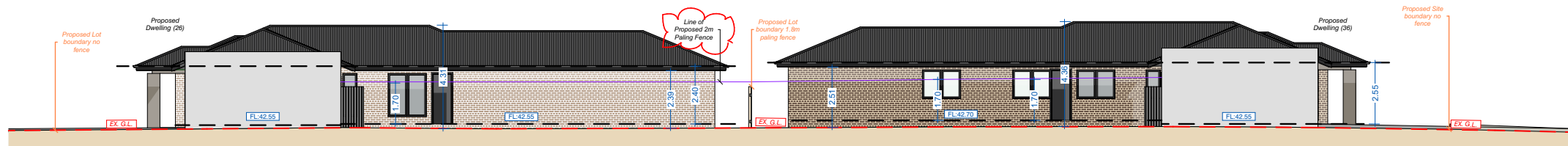
WEST ELEVATION - DWELLINGS 26, 27, 28 & 29



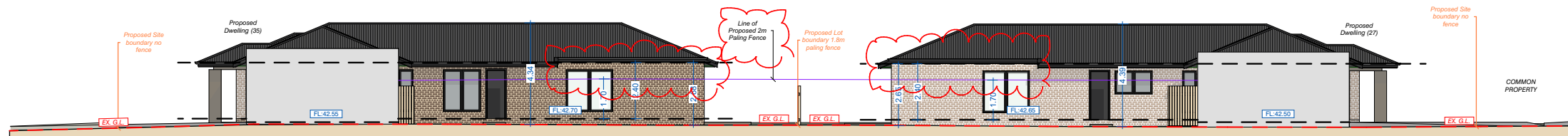
WEST ELEVATION - DWELLINGS 26, 27, 28 & 30



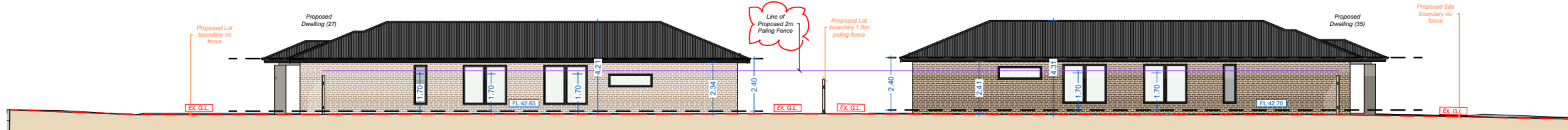
NORTH ELEVATION - DWELLINGS 26 & 36



SOUTH ELEVATION - DWELLINGS 26 & 36



NORTH ELEVATION - DWELLINGS 27 & 35



SOUTH ELEVATION - DWELLINGS 27 & 35

Notes:  
- All roof pitches are shown at 22.5°

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BUILDING ELEVATIONS - SHEET 6 OF 13

PROPOSED DEVELOPMENT

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Latrobe City Council  
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Version 03





**Notes:**  
- All roof pitches are shown at 22.5°

Version	Description	Drafted	Checked	Issue Date
01	Prepared for planning purposes			AUG 22
02	Amendments made as requested by council			JAN 23
03	Amendments made as requested by council			Work in Progress

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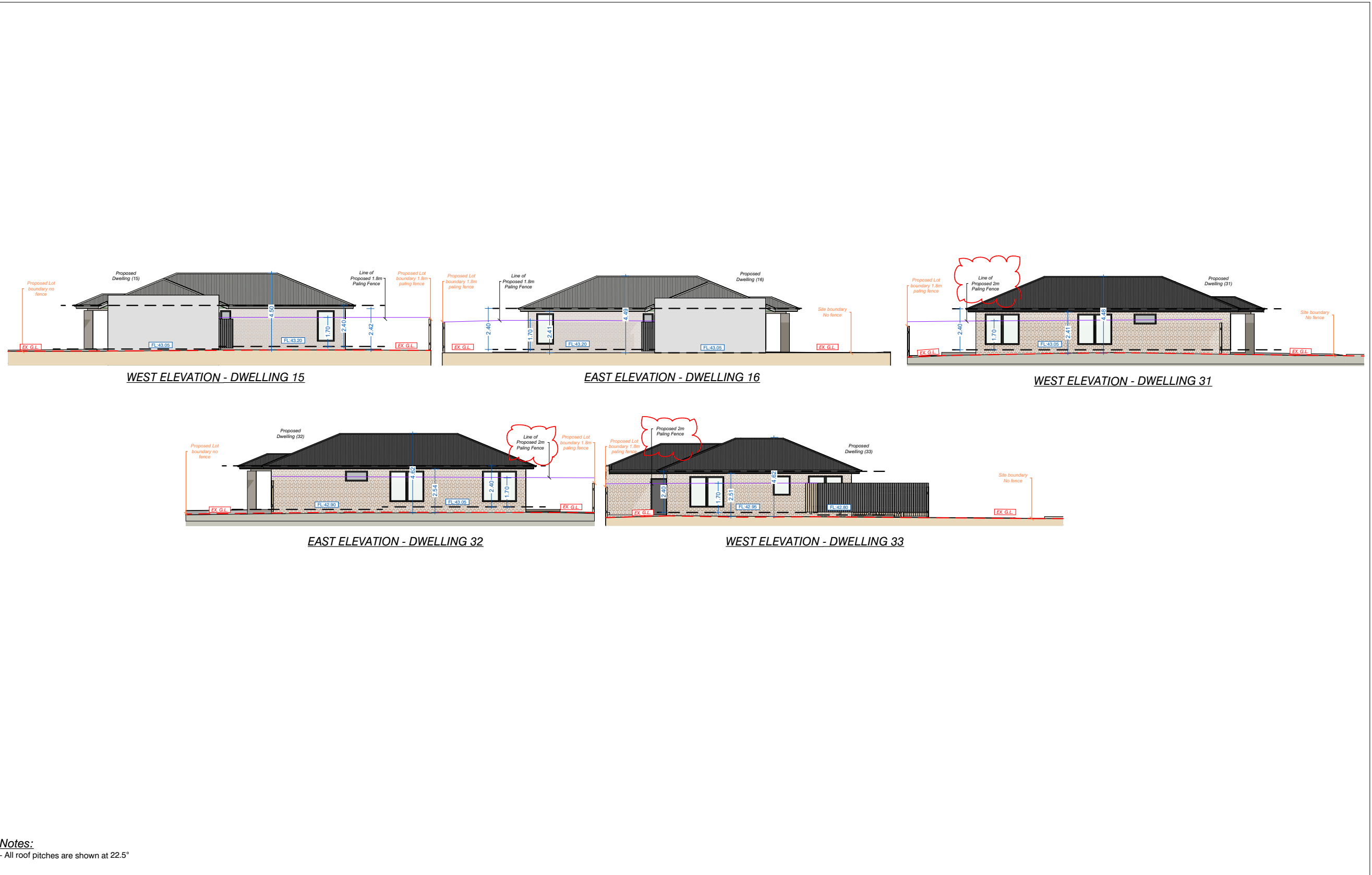
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PROPOSED DEVELOPMENT  
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**Notes:**  
- All roof pitches are shown at 22.5°

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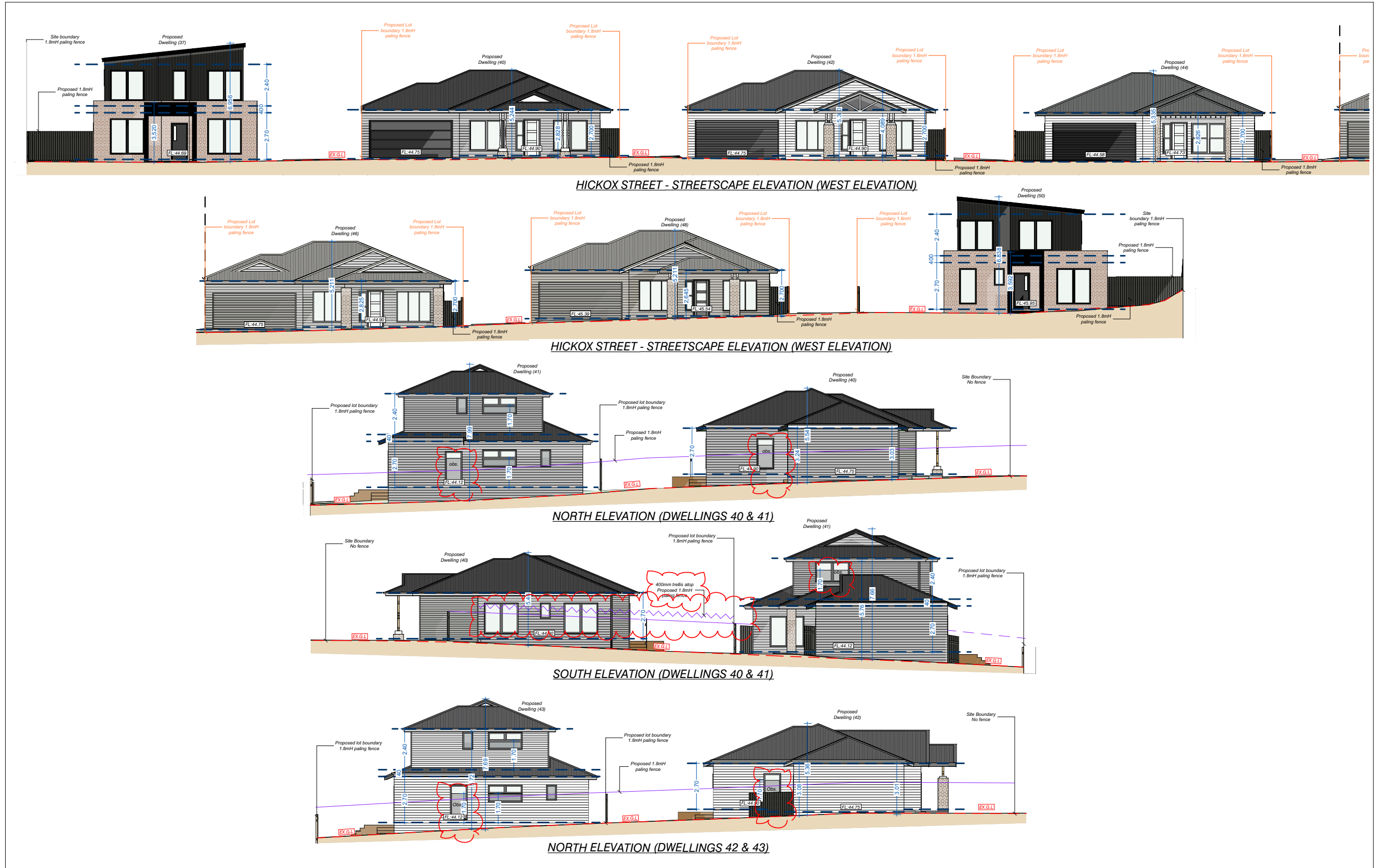
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PROPOSED DEVELOPMENT

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03	Amendments made as requested by council			Work in Progress

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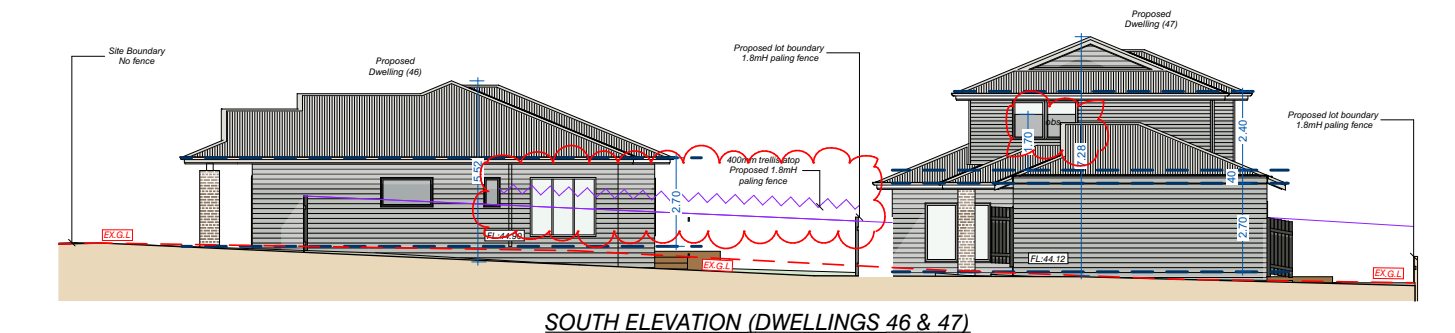
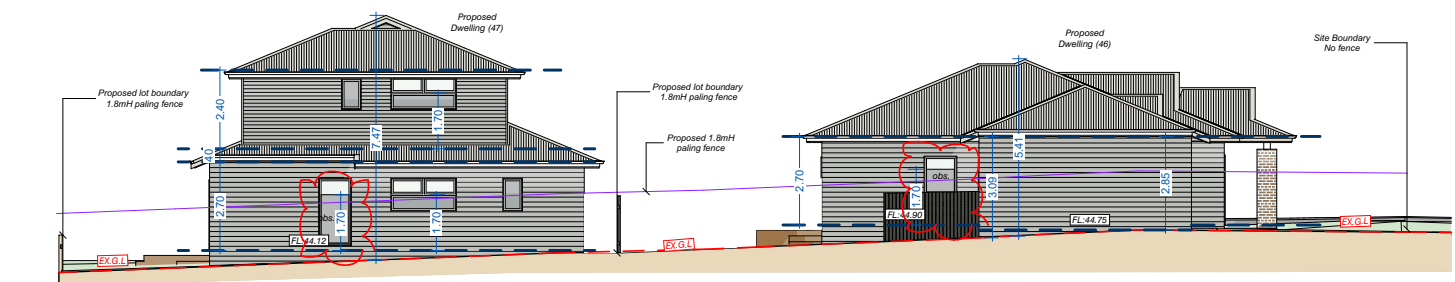
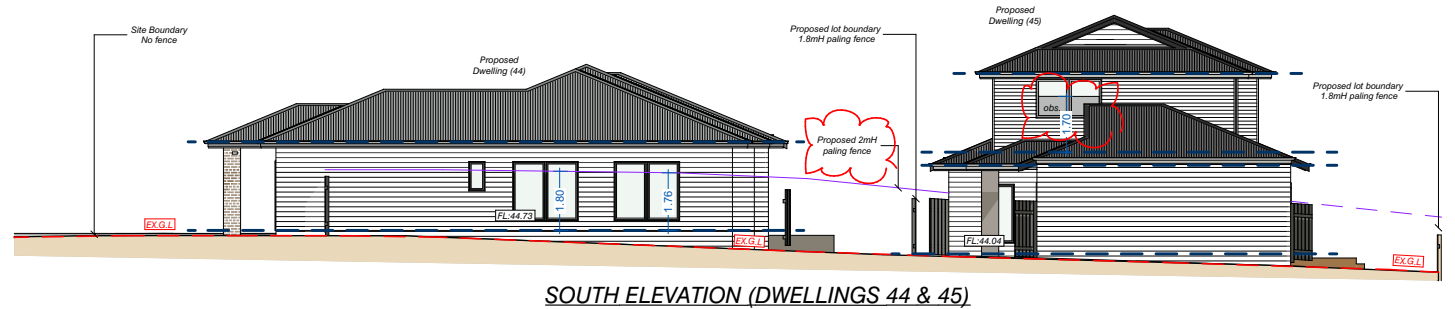
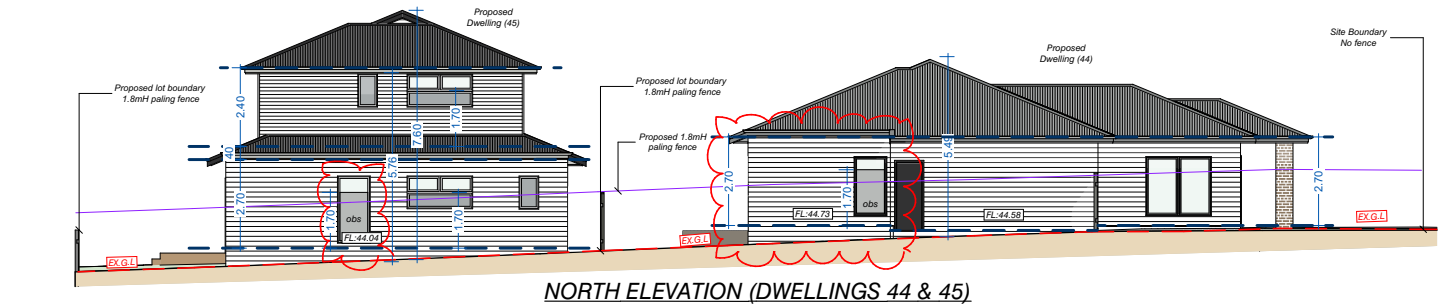
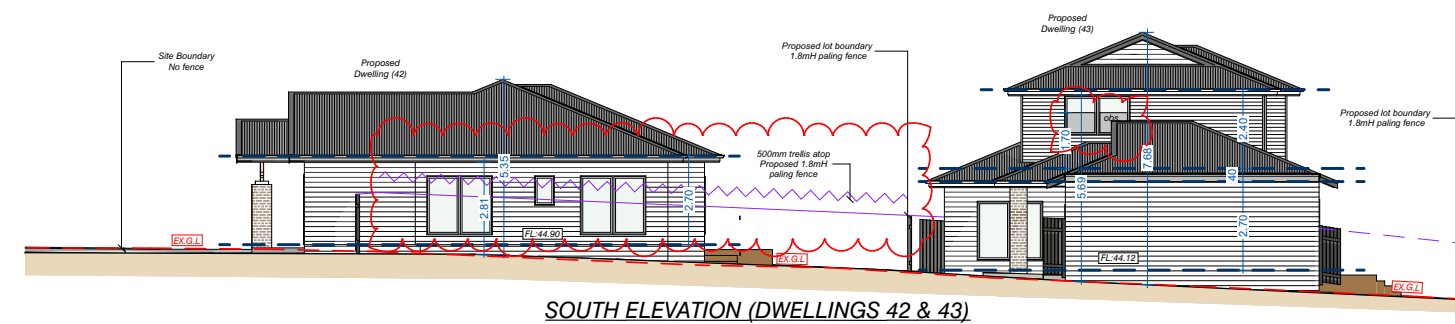
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**BUILDING ELEVATIONS - SHEET 9 OF 13**  
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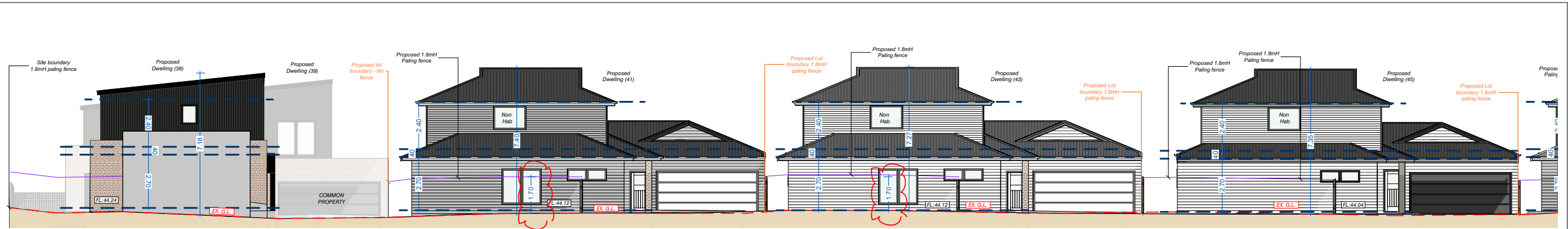


**BUILDING ELEVATIONS - SHEET 10 OF 13**

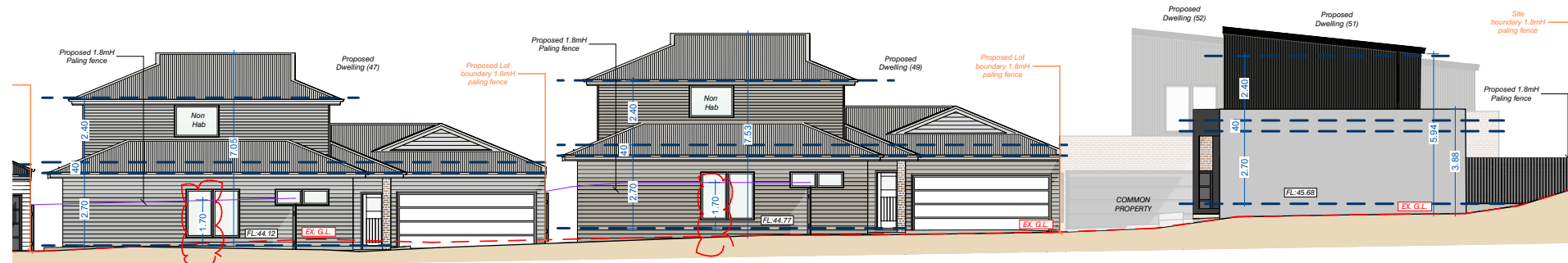
PROPOSED DEVELOPMENT

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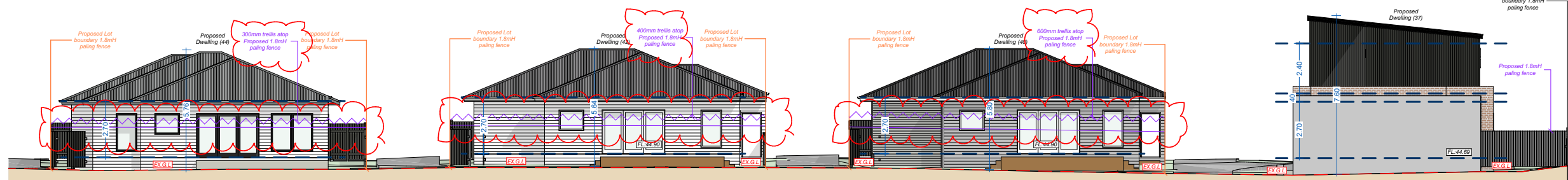




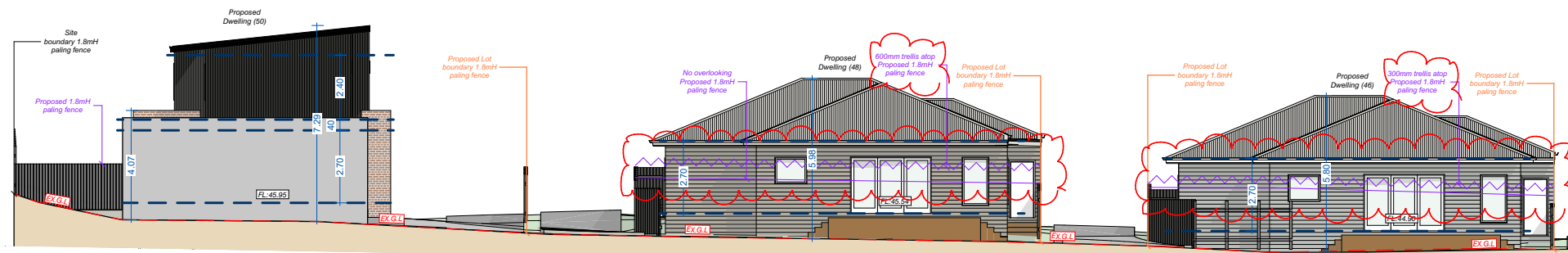
WEST ELEVATION (DWELLINGS 39, 41, 43, 45, 47, 49 & 51)



WEST ELEVATION (DWELLINGS 39, 41, 43, 45, 47, 49 & 51)



EAST ELEVATION (DWELLINGS 37, 40, 42 & 44)



EAST ELEVATION (DWELLINGS 46, 48 & 50)

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03	Prepared for planning purposes	TF	MB	AUG 22

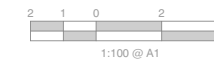
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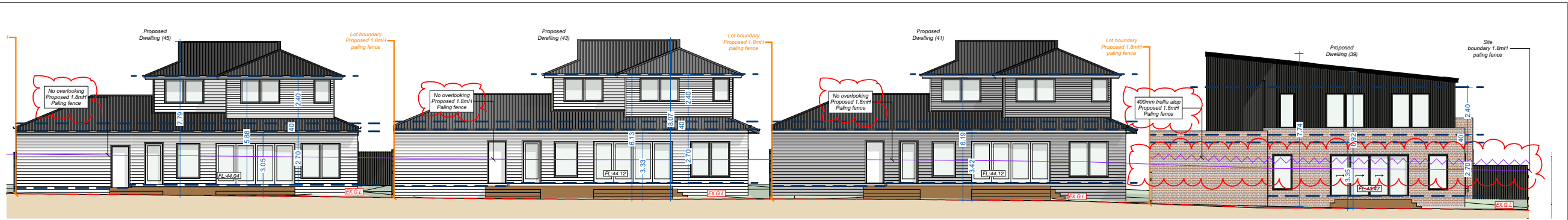
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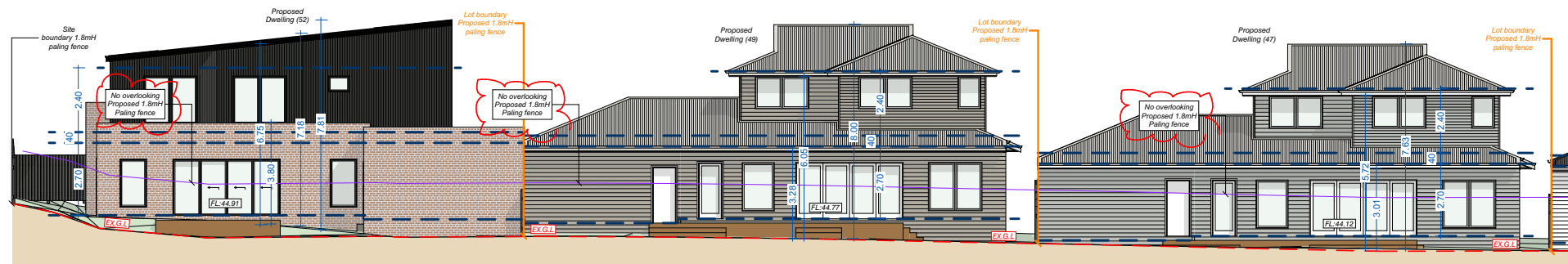
BUILDING ELEVATIONS - SHEET 11 OF 13

PROPOSED DEVELOPMENT

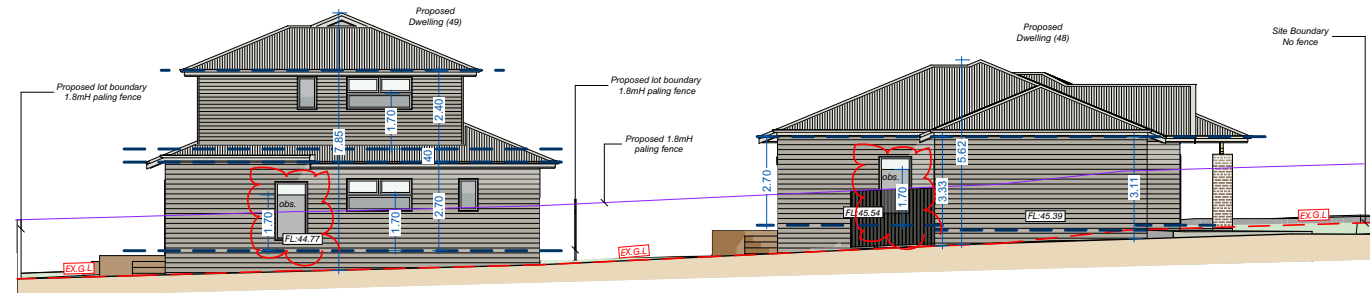
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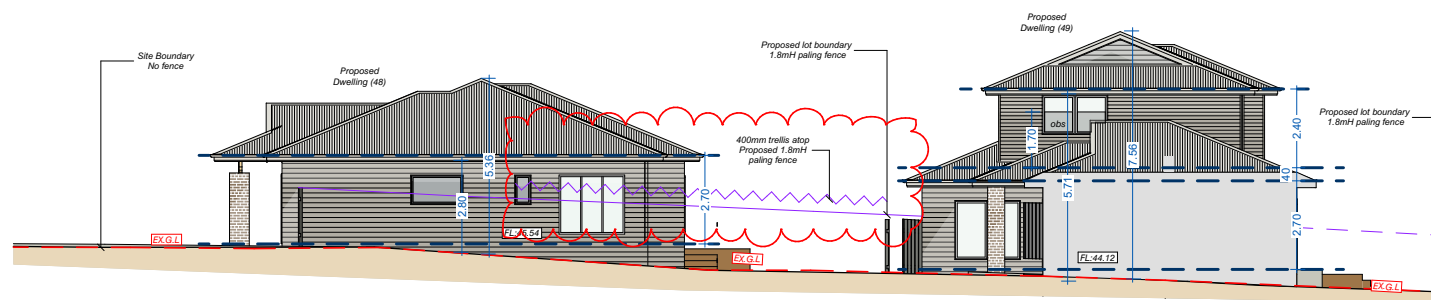
EAST ELEVATION (DWELLINGS 39, 41, 43 & 45)



EAST ELEVATION (DWELLINGS 47, 49 & 52)



NORTH ELEVATION (DWELLINGS 48 & 49)



SOUTH ELEVATION (DWELLINGS 48 & 49)

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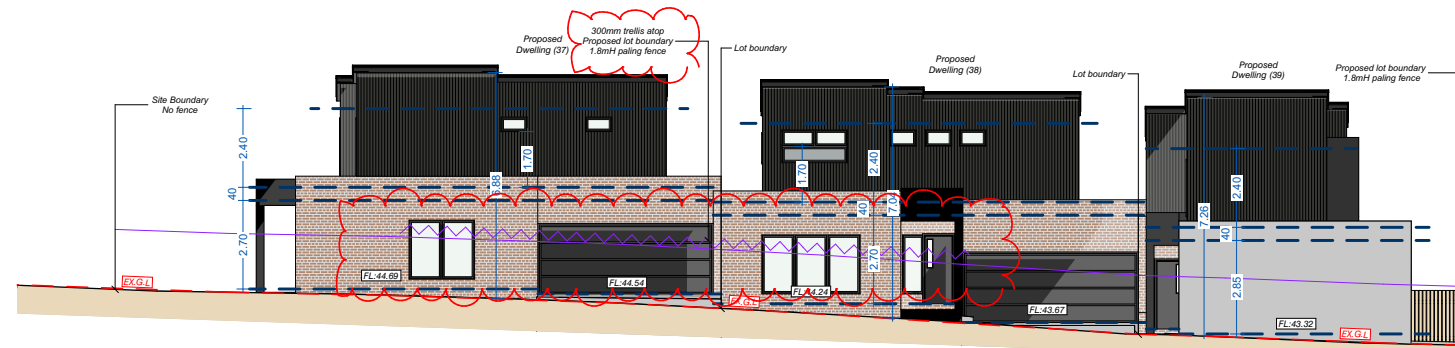
BUILDING ELEVATIONS - SHEET 12 OF 13

PROPOSED DEVELOPMENT

23 DUNBAR ROAD  
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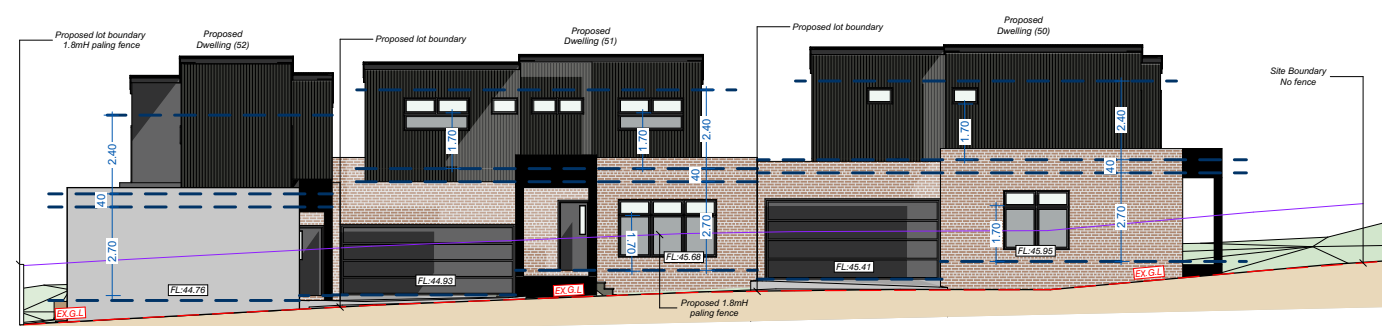
NORTH ELEVATION (DWELLINGS 37, 38 & 39)



SOUTH ELEVATION (DWELLINGS 37, 38 & 39)



SOUTH ELEVATION (DWELLINGS 50, 51 & 52)



NORTH ELEVATION (DWELLINGS 50, 51 & 52)

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PROPOSED DEVELOPMENT  
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01	Prepared for planning purposes	TF	MB	AUG 22

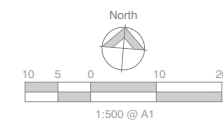
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Land Surveying  
Landscape Architecture  
Project Management  
Town Planning  
Urban Design

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**SHADOW DIAGRAM - 9am**  
PROPOSED DEVELOPMENT

23 DUNBAR ROAD  
TRARALGON, 3844  
Latrobe City Council  
27567 P19  
Version 03



SHADOW DIAGRAM - 12 Noon  
PROPOSED DEVELOPMENT

23 DUNBAR ROAD  
TRARALGON, 3844  
Latrobe City Council  
27567 P20  
Version 03

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Version	Description	Drafted	Checked	Issue Date
01	Prepared for planning purposes			AUG 22
02	Amendments made as requested by council			JAN 23
03	Amendments made as requested by council			Work in Progress

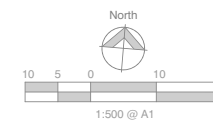
SUBJECT TO APPROVAL

Millar | Merrigan

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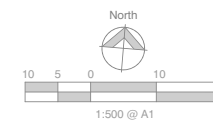
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**SHADOW DIAGRAM - 3pm**  
PROPOSED DEVELOPMENT

23 DUNBAR ROAD  
TRARALGON, 3844  
Latrobe City Council  
27567 P21  
Version 03



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# Listening Post for Planning Application: 2022/233 – 23 Dunbar Road, Traralgon

## Frequently Asked Questions

This Frequently Asked Questions Sheet has been developed to answer questions and provide information on process following matters raised at the 4 May 2023 Listening Post for Planning Permit Application 2022/233.

### Has Council decided on the planning permit application already?

No. A decision has not been made.

Councillors have called-in the permit application so that a decision can be made at a future Council Meeting. The Listening Post session on 4 May 2023 was an opportunity for Councillors to hear the community's views and perspectives on the proposal before making a decision at a future Council Meeting.

People who have made submissions to the proposal and the permit applicant will be notified in advance of the Council Meeting.

### What are the key themes raised in written objections to date?

The concerns raised in relation to the proposal to date include, but are not limited to:

- Extent and timeframe of public notification of the proposal
- Accessibility of planning documents
- Impacts of the proposal on:
  - The local street network and intersections
  - On-street car parking availability
  - Existing neighbourhood character
  - Existing services
  - Encroaching into the buffer area of the Graymont plant and other industrial activities
- Specifics of the development
  - Lack of open space in and surrounding dwellings
  - Density of development is too high
  - The concentration of social and affordable housing being too high and negatively impacting safety and amenity of the surrounding area
  - Ongoing maintenance of the development
  - Decrease in safety and local amenity
  - Stormwater management
- Impacts from construction of the development
- Impact on property values

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2022/233 – 23 Dunbar Road, Traralgon – Frequently Asked Questions | Page 2

## Is the proposal for social and affordable housing?

No. The proposal is for:

*“Development of land with 52 dwellings on a lot, 52 lot subdivision of land and the creation and removal of an easement”*

Nowhere in the application is there mention of the tenure of the proposed housing.

That said, there is a caveat on the property title advising that the Director of Housing has a purchasers' contract with the registered proprietors of the land.

There have been reports in the community and some news outlets that a portion of the future housing could be used for social and affordable housing, however this is not something that has formed part of the permit application. Further, it is noted that planning assessments cannot factor in the tenure of a dwelling as part of the decision-making on an application.

## What is social and affordable housing?

The State Government agency, Homes Victoria, provides definitions on the different types of housing that it works to deliver.

Social housing is an umbrella term that includes both public housing and community housing. It generally indicates housing that involves some degree of subsidy, within this umbrella term there is:

**Public housing:** owned and managed by Homes Victoria for people who are unemployed, on low incomes, live with a disability or a mental illness or are at risk of homelessness.

**Affordable housing:** housing suitable for the needs of a range of low to moderate income households and priced (whether bought or rented) so these households can meet their own essential living costs.

**Community housing:** housing that is owned or managed by community housing providers to house a diverse range of tenants that require both public and affordable homes.

Source: <https://www.homes.vic.gov.au/housing-explainer>

## How can I contact Homes Victoria?

Homes Victoria is the State Government's agency responsible for the delivery of the State Government's "Big Housing Build" which is intended to deliver 12,000 new homes over the next four years.

Homes Victoria has a community engagement page however there is not a listing for a project at 23 Dunbar Road, Traralgon: [www.homes.vic.gov.au/community-engagement](http://www.homes.vic.gov.au/community-engagement)



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2022/233 – 23 Dunbar Road, Traralgon – Frequently Asked Questions | Page 3

## Information on Key Themes raised during the Listening Post

- Proposal potentially providing a high concentration of social housing, and associated impacts of that concentration (safety, amenity, character, density etc.).

*Council is unable to consider the tenure of dwellings when deciding on an application for multi-dwelling applications.*

- Fire safety for future residents.

*The Country Fire Authority (CFA) were not specified as a referral authority for this application under the Planning Scheme. Fire safety matters are dealt with under the Building Regulations and are to be addressed at the building permit stage.*

- The density of the development.

*Multi dwelling developments will need to meet the ResCode requirements at Clause 55 of the Planning Scheme. Standards of ResCode to be met include Standard B6 Street Setback Objective, B8 Site Coverage Objective, B17 Side and Rear Setbacks Objective, B18 Walls on Boundaries Objective, B21 Overshadowing Open Space Objective, B22 Overlooking Objective, B23 Internal Views Objective and B27 Daylight to New Windows Objective.*

- Increase in traffic, particularly a concern when considering other nearby land uses.

*The proposal will increase the existing traffic in the area. The proposal was supported by a Traffic Impact Assessment that has been assessed by Council's Engineers and will inform the Officer's assessment of the application.*

- Concerns about details within the traffic report.

*According to the Traffic Impact Assessment accompanying the permit, it is expected that this development will generate an additional 160 vehicle movements per day in Hickox Street and 275 vehicle movements per day in Dunbar Road. The sections of Hickox Street and Dunbar Road are classified by Council as Major Access Streets which under Council's design guidelines have a nominal capacity of 2,000 vehicle movements per day.*

*The Hickox Street road pavement is seven metres in width. Under clause 56.06-8 of the Planning Scheme a seven metre wide street has a maximum indicative traffic volume of 3,000 vehicles per day.*

*On this basis, although traffic volumes along this section of Hickox Street would increase from those at present (about a 10 per cent increase), the expected total traffic volume would be lower than the maximum considered appropriate for the existing width of the street. Dunbar Road has a wider road pavement and therefore a larger capacity. Similarly to Hickox Street, the proposed increase in traffic along Dunbar Road due to the development is not expected to result in traffic volumes exceeding the maximum traffic volume of 3,000 vehicles per day.*

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## 2022/233 – 23 Dunbar Road, Traralgon – Frequently Asked Questions | Page 4

- Traffic report does not consider proposed expansion of Graymont that will see a doubling of vehicles to and from that site.

*Applications, including supporting documentation, are only able to consider the current use and development of an area. Any future planning permits will require Traffic Impact Assessments in order to enable a consideration of the impacts on the local street network.*

- Inadequate visitor car parking.

*The proposal seeks a reduction in on-site visitor car parking by three spaces with the justification that there is on-street parking available. This will be considered as part of the Officer's assessment of the application.*

- Proposal making it undesirable for people to purchase in the area impacting on property values.

*The Victorian Civil and Administrative Tribunal (VCAT) has regularly held that impacts on sale and value of properties is not a relevant planning consideration.*

- Proximity to Graymont and impact on business expansion and operation.

*It is acknowledged that the proposal is within the 500 metre buffer of the Graymont facility and that consideration needs to be given to this matter when a decision on the proposal is made.*

- Proximity to Graymont and impact on future residents' health.

*It is acknowledged that the proposal is for a sensitive land use that is within the 500 metre buffer of the Graymont facility and that consideration needs to be given to this matter when a decision on the proposal is made.*

- Lack of public open space and play areas for the residents.

*Multi dwelling developments will need to meet the ResCode requirements at Clause 55 of the Planning Scheme. Standard to be met include Standard B11 Open Space Objective, B28 Private Open Space Objective and B29 Solar Access to Open Space Objective.*

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2022/233 – 23 Dunbar Road, Traralgon – Frequently Asked Questions | Page 5

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### Next steps

The applicant has indicated that they plan to submit an updated suite of plans to address concerns raised by Council's planners as well as objections. If an amendment request is received, the plans will be readvertised (in accordance with Section 52 of the *Planning and Environment Act 1987*), and submitters to the application will also be directly notified of the amended application.

**Please note, any submissions made to the application will remain valid.** You are not required to make an additional submission to continue to be a submitter to this application. However, you can make a supplementary submission if there are additional concerns raised by the proposed changes, or if any of your concerns have been addressed by the amendments.

As previously mentioned, Councillors have called-in this permit application so that a decision can be made at a future Council Meeting. Submitters will be notified in advance of the Council Meeting.

### Can a planning decision made by Council be challenged?

The permit applicant and objectors can appeal a decision made by Council at the Victorian Civil and Administrative Tribunal (VCAT). The process to lodge an appeal will be detailed in correspondence sent to both parties when a decision has been made on the application by Council.

We note that at any point in time, the Minister for Planning could call in this permit application to make a decision or intervene in other ways. Such interventions are out of Council's control.

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## Attachment 5: Policy Assessment

### Settlement

- Clause 02.03-1 Settlement
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Gippsland
- Clause 11.01-1L Traralgon
- Clause 11.02-1S Supply of urban land

### Comment:

The overwhelming majority of the above-mentioned policy seeks to direct population growth to areas appropriately serviced for such development. Traralgon is a designated location to accommodate growth, with nominated 'Substantial Change Areas' proximate to the CAD to accommodate the most significant change in housing form and density.

In many respects, the proposal meets this overarching policy intent for Settlement within the Scheme, in that the subject site is:

- Well located to jobs, transport and services, including walking distance to the Traralgon Railway Station and Traralgon Activity Centre;
- Zoned Mixed Use Zone, which is within the residential suite of zones in the Latrobe Planning Scheme, that provides limited restriction on the type and intensity of built form
- Identified in the Latrobe Planning Scheme as 'future substantial change area'; with substantial change areas expected to accommodate a large proportion of future residential growth within Latrobe.

These factors are, generally speaking, all matters that would tend in favour of the grant of a permit for the site.

The policy settings contained in these Clauses also speak to the need to protect the existing industrial area along Janette Street, and the Sibelco (now Graymont) Plant from land use conflict by residential use and development. Indeed, the specific reference to this site as a **future** substantial change area, is a recognition that the site is not currently suitable for such change unless and until the land use interface with the Janette Street Industrial Precinct is resolved.

### Environmental Risks and Amenity

- Clause 02.03-3 Environmental risks and amenity



- Clause 13.02-1S Bushfire planning
- Clause 13.07-1S Land use compatibility
- Clause 13.07-1L Land use compatibility

Comment:

The major direction contained within these policies is found at Clause 13.07-1S and 1L, which seek *to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts*. This policy setting is an encapsulation of the factors that result in the subject land being identified as **future** substantial change, tied to the transition of the Janette Street Industrial Precinct from its current industrial usage to either redevelopment or tempering of activity that would be compatible with more intense residential use and development.

Relevantly, this policy setting requires consideration of EPA guidance for separation distances, which are also reflected in the operating requirements of the Sibelco (now Graymont) Lime Batching Facility. The subject site encroaches within the 500m buffer area that Graymont is required to comply with.

It is acknowledged that the application is accompanied by an acoustic assessment, which provides an assessment of impacts to the proposed residences. While this is beneficial in understanding likely acoustic impacts, this assessment does not outweigh the overarching policy direction, to avoid all amenity impacts that would emanate from existing industry. It is noted that once a residential development establishes, it becomes incumbent upon the emitting operations (i.e. the industrial properties), to ensure no unreasonable impact to those residents eventuates. The intent of policy is to avoid the situation arising where lawful industry is curtailed by the encroachment of new, sensitive land uses.

It is accepted that there is a community benefit from the provision of varied housing stock in a well located position, walkable to the CAD. However these policies weigh heavily against the proposal; particularly in circumstances where the Scheme has specifically considered these risks in *Live Work Latrobe* and found that intensification of the site should only occur *after* any industry transitions, not prior.

**Built Environment**

- Clause 02.03-5 Built Environment and Heritage
- Clause 15.01-1S Urban Design
- Clause 15.01-1L Urban Design
- Clause 15.01-2S Building Design

- Clause 15.01-3S Subdivision Design
- Clause 15.01-3L Subdivision Design
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L Neighbourhood Character
- Clause 15.02-1S Energy and resource efficiency
- Clause 15.02-1L Energy and resource efficiency

Comment:

The above-mentioned policy seeks to ensure that development outcomes provide a positive urban design outcome and interface; being consistent with character outcomes for the area and provide appropriate amenity and liveability for future residents.

On the whole, the proposal is considered to accord with the policy directions contained in this clause.

A number of objections refer to the density of the proposed development, and this being inconsistent with prevailing character and development forms of residential lots proximate to the site. It is a fair assessment of the application to say that it is higher density than existing residential development around it. However, there are a number of factors at play in which the increased density finds support in the Scheme, such as:

- The zoning of the site as Mixed Use Zone, which provides for higher density residential use and development, with no limitations on matters such as garden area requirements, and an express purpose *to provide for housing at higher densities*.
- While the surrounding development forms are lower in density, there is an eclectic interface of zoning around the site; each of which provides differing development expectations. The site has abuttals to land in the Residential Growth Zone, which has similar development expectations to the MUZ in terms of more intense development outcomes and a transition away from existing character. The site is opposite land in the Neighbourhood Residential Zone, which conversely tempers development expectations and forms in that area. There is no prevailing expected character or density outcome under these policies (save for comments relating to land use compatibility that result from the industrial interfaces that the site has).
- In terms of the overall built form presentation and on-site amenity (i.e. overlooking, overshadowing, private open space etc), the proposal exhibits a high level of compliance with Clause 55 (ResCode) of the Scheme. While the

development is higher density, general compliance with these matters indicates that the proposal is not an overdevelopment with regard to built form policy as a whole.

- The development form provides some diversity within the development, including positive interfaces to the public realm and a mixture of single and double storey developments.

Absent the land use compatibility issues (and more discrete issues regarding specific elements of ResCode contained in the recommendation and associated assessments), the form and character of development is considered appropriate having regard to these policies within the Scheme, and refusal of the application is not being recommended on the basis of the above policies.

### **Housing**

- Clause 16.01-1S Housing supply
- Clause 16.01-1L Housing supply

### Comment:

The above-mentioned policies seek to direct population growth to areas nominated as capable of accommodating such growth. As noted in Settlement, Traralgon is a designated location to accommodate growth, with nominated 'Substantial Change Areas' proximate to the CBD to accommodate the most significant change in housing form and density.

This policy provides more specific guidance, by reference to specific Housing Framework Plans that nominate specific areas for growth and in particular, encumbrances to such growth. This is not isolated to Traralgon and this site (for example, there is policy discouragement for growth south of Commercial Road in Morwell due to the open cut mine which is tied to the rehabilitation of the open cut).

These clauses provide specific discouragement to this site/area, by clearly stating for Council to *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.*

There is no policy support within these Clauses, or the Scheme more generally, to move away from this policy setting, which is soundly based in principles of land use compatibility that the existing Janette Street Industrial Precinct and Graymont Plant warrant specific protections in the Scheme, to avoid gradual residential encroachments that render these operations unviable due to land use conflicts.



These policy settings form the primary basis of refusal for this application, due to:

- The strategic work underpinning this policy, which is contemporary, evidence based and results from sound planning principles in relation to industrial interfaces;
- The explicit and area/site specific nature of the policy, which is targeted (rather than broad brush) and sets a clear expectation in relation to the subject site and immediate environs; and
- Absent a generalised increase in density on the site, no countervailing community benefit that may justify *some* level of intensification on the site (notwithstanding the large scale development proposed in this application).

### **Transport**

- Clause 18.02-1S Walking
- Clause 18.02-4S Roads

#### Comment:

The subject site is well located to transport services, in particular the road network, walking distance to public transport services, the CAD and associated connections. Road frontages to the site are sealed and considered capable of accommodating extra traffic that would be generated by the application.

Concerns have been raised by Council's Engineers regarding the ability to provide footpaths in front of the site in accordance with the Infrastructure Design Manual, without adverse impact to existing streetscape vegetation. Were the proposal to be supported, further information and/or consideration of these impacts and appropriate mitigation and offset matters would need to be taken into account.

**Attachment 6 - Clause 55 – Rescode Assessment**

Property address: 23 Dunbar Road, TRARALGON

Application number: 2022/233

Date of assessment: 5 June 2023

Officer: Kristy Crawford

**Please note: The responses should detail how the proposal meets the relevant objective and standards with a brief written explanation rather than stating it ‘complies’ or ‘refer to plan’. Where a proposal does not meet the standard, justification must be provided describing why a variation to the standard is appropriate in this instance.**

		Does it meet the objective? Is a variation of the standard required? Is further information required?
<p><b>Clause 55.02-1</b></p> <p><b>Neighbourhood character objectives</b></p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that the design responds to the features of the site and the surrounding area.</p>	<p><b>Standard B1</b></p> <p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>The layout of the proposed development is generally consistent with the development expectations of a land within a mixed-use zone that is in proximity of the Traralgon Activity Centre.</p> <p>The dwellings fronting Dunbar Road and Hickox Street present well to the street and provide a sense of place and passive surveillance. Internal dwellings front internal accessway which is appropriate.</p> <p>Materials, siting, forms and finishes are consistent with existing and emerging development forms and will fit appropriately in the streetscape</p> <p><b>Meets objective and standard</b></p>

<p><b>Clause 55.02-2</b></p> <p><b>Residential policy objectives</b></p> <p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p><b>Standard B2</b></p> <p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p>	<p>The subject site is within a MUZ in proximity of the Traralgon Activity Centre. In this regard, the proposed layout, built form and density will be respectful of the development expectation in the area.</p> <p>The proposal is however inconsistent with Clause 16.01-1L Housing Supply – Identified as ‘Future Substantial Change area’. The application is considered premature given existing industry and the Graymont Traralgon Lime Production Facility.</p> <p><b>Does not meet objective</b></p>
<p><b>Clause 55.02-3</b></p> <p><b>Dwelling diversity objective</b></p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p><b>Standard B3</b></p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> <li>▪ Dwellings with a different number of bedrooms.</li> <li>▪ At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>	<p>The application proposes diversity of dwellings as follows:</p> <ul style="list-style-type: none"> <li>- 9 x single storey, 1-bedroom dwelling</li> <li>- 12 x single storey, 2- bedroom dwelling</li> <li>- 16 x single storey, 3-bedroom dwelling</li> <li>- 4 x single storey, 4-bedroom dwelling</li> <li>- 6 x double storey, 3-bedroom dwelling</li> <li>- 5 x double storey, 4-bedroom dwelling</li> </ul> <p>The floor plans are varied in composition and provide a good range of choice.</p>



		<b>Meets objective and standard</b>
<p><b>Clause 55.02-4</b></p> <p><b>Infrastructure objectives</b></p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p><b>Standard B4</b></p> <p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>All services are currently available to the subject site and can be utilised for the proposed dwellings. Existing infrastructure has the capacity to cater for the new dwellings and the development will result in a more efficient use of existing infrastructure.</p> <p><b>Meets objective and standard</b></p>
<p><b>Clause 55.02-5</b></p> <p><b>Integration with the street objectives</b></p> <p>To integrate the layout of development with the street.</p>	<p><b>Standard B5</b></p> <p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p>	<p>The proposed development has been generally designed to integrate with the existing streetscape. Dwellings fronting main roads (Dunbar Road and Hickox Street) interface with them, while other dwellings will front internal accessways.</p>

	<p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>Landscaping is proposed within front setbacks to enhance the overall outlook.</p> <p><b>Meets objective and standard</b></p>
<p><b>Clause 55.03-1</b></p> <p><b>Street setback objective</b></p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p><b>Standard B6</b></p> <p>Walls of buildings should be set back from streets the distance specified in Table B1.</p> <p>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p> <p><b>Residential Growth Zone 1, 3 &amp; 4:</b></p> <p>3 metres</p> <p>Porches, pergolas and verandah that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setback of this standard</p>	<p>The proposed minimum front setback from Dunbar Road is 4.9m and the front setback from Hickox Street is 5.5m which is consistent with the existing and expected pattern of the development in the neighbourhood.</p> <p>The subject site is a large site, which will create its own mini neighbourhood.</p> <p>The minimum setback required under the standard is 4 metres which is satisfied.</p> <p><b>Meets objective and standard</b></p>

<p><b>Clause 55.03-2</b></p> <p><b>Building height objectives</b></p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B7</b></p> <p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated.</p>	<p>The MUZ does not specify a maximum building height. The proposed dwellings are either single or double storey in nature, therefore consistent with the existing built form in the neighbourhood.</p> <p><b>N/A</b></p>
<p><b>Clause 55.03-3</b></p> <p><b>Site coverage objective</b></p> <p>To ensure that the site coverage respects the existing or preferred</p>	<p><b>Standard B8</b></p> <p>The site area covered by buildings should not exceed 60 percent.</p>	<p>Site coverage for the development totals 41%, which is significantly less than the maximum allowed of 60%. It maintains sufficient space for new landscaping and dwelling spacing.</p>

neighbourhood character and responds to the features of the site.		<b>Meets objective and standard</b>
<p><b>Clause 55.03-4</b></p> <p><b>Permeability objectives</b></p> <p>To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p>	<p><b>Standard B9</b></p> <p>At least 20 percent of the site should not be covered by impervious surfaces.</p>	<p>The overall permeable area is 39% which significantly exceeds the minimum requirement of 20%. Additionally, water tanks are proposed on each dwelling to minimise impact on the external drainage network and on-site detention will be undertaken to the satisfaction of the responsible authority.</p> <p><b>Meets objective and standard</b></p>
<p><b>Clause 55.03-5</b></p> <p><b>Energy efficiency objectives</b></p> <p>To achieve and protect energy efficient dwellings and residential buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p><b>Standard B10</b></p> <p>Buildings should be:</p> <ul style="list-style-type: none"> <li>▪ Oriented to make appropriate use of solar energy.</li> <li>▪ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> <li>▪ Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General</li> </ul>	<p>The orientation and form of the site creates challenges to solar access, however the development reasonably provides good solar access to dwellings, does not impact other lots or solar energy systems.</p> <p><b>Meets objective and standard</b></p>



	<p>Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</p> <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	
<p><b>Clause 55.03-6</b></p> <p><b>Open space objective</b></p> <p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p><b>Standard B11</b></p> <p>If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> <li>▪ Be substantially fronted by dwellings, where appropriate.</li> <li>▪ Provide outlook for as many dwellings as practicable.</li> <li>▪ Be designed to protect any natural features on the site.</li> <li>▪ Be accessible and useable.</li> </ul>	<p>An undeveloped reserve adjoins part of the south site boundary. The development has been designed to have side fences to the reserve, as it is deemed more appropriate to have dwellings face the streets and the common accessway, rather than the reserve.</p> <p><b>Meets objective and standard</b></p>

<p><b>Clause 55.03-7</b> <b>Safety objective</b></p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p><b>Standard B12</b></p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Dwellings that face Dunbar Road or Hickox Street have entrances that will be visible from the streets.</p> <p>The remaining dwellings face the internal common accessway that will be provided with lighting. Together with habitable windows, the dwelling entries provide good surveillance over parking areas and accessways.</p> <p>Bollard lighting can be proposed for the common property area.</p> <p>All yards are to be securely fenced to prevent public access.</p> <p><b>Meets objective and standard</b></p>
<p><b>Clause 55.03-8</b> <b>Landscaping objectives</b></p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for</p>	<p><b>Standard B13</b></p> <p>The landscape layout and design should:</p> <ul style="list-style-type: none"> <li>▪ Protect any predominant landscape features of the neighbourhood.</li> </ul>	<p>A landscape plan was submitted with the application.</p> <p>The landscape treatment will ensure that the development contributes and respects the treed character of the neighbourhood.</p> <p><b>Meets objective and standard</b></p>

<p>plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site.</p>	<ul style="list-style-type: none"> <li>▪ Take into account the soil type and drainage patterns of the site.</li> <li>▪ Allow for intended vegetation growth and structural protection of buildings.</li> <li>▪ In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</li> <li>▪ Provide a safe, attractive and functional environment for residents.</li> </ul>	
<p><b>Clause 55.03-9</b> <b>Access objectives</b> To ensure vehicle access to and from a development is safe, manageable and convenient. To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p><b>Standard B14</b> Accessways should:</p> <ul style="list-style-type: none"> <li>▪ Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network.</li> <li>▪ Be designed to ensure vehicles can exit a development in a forwards direction if the access way serves five or more car</li> </ul>	<p>Some dwellings will achieve direct, private/shared, access from Dunbar Road or Hickox Street. The remaining dwellings will achieve shared access via a proposed common property driveway off Dunbar Road. The frontage of the site is wide and can easily accommodate the crossovers without causing detrimental impact to the streetscape character.</p> <p>There are concerns as to impacts on street trees for crossovers and footpaths that have not been satisfactorily demonstrated.</p> <p>Council’s Engineering Department are not satisfied that waste collection is safe and appropriate through the site.</p>

	<p>spaces, three or more dwellings, or connects to a road in a Road Zone.</p> <ul style="list-style-type: none"> <li>▪ Be at least 3 metres wide.</li> <li>▪ Have an internal radius of at least 4 metres at changes of direction.</li> <li>▪ Provide a passing area at the entrance that is at least 5 metres wide and 7 metres long   the access way serves ten or more spaces and connects to a road in a Road Zone.</li> </ul> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>▪ 33 per cent of the street frontage, or</li> <li>▪ if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p>	<p>While a 6.4m common property access allows for 2 way traffic, there are insufficient turning areas to allow safe movement for waste, delivery and emergency vehicles.</p> <p><b>Does not meet objective</b></p>
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	<p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	
<p><b>Clause 55.03-10</b></p> <p><b>Parking location objectives</b></p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>	<p><b>Standard B15</b></p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>▪ Be reasonably close and convenient to dwellings and residential buildings.</li> <li>▪ Be secure.</li> <li>▪ Be designed to allow safe and efficient movements within the development.</li> <li>▪ Be well ventilated if enclosed.</li> </ul> <p>Large parking areas should be broken up with trees, buildings or different surface treatments.</p> <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of</p>	<p>The parking areas provided are convenient to the dwellings that they are intended for and will not cause inappropriate vehicle noise.</p> <p>The parking areas for each dwelling are in the form of a double garage incorporated into the built form or single garage with a tandem car space.</p> <p>Easy access from the visitor parking areas to respective dwellings is available. Garages are within the roofline of the dwellings, and all have internal access to the dwelling.</p> <p>All habitable windows are located at least 1.5m from the shared access way as required.</p> <p><b>Meets objective and standard</b></p>

	habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	
<p><b>Clause 55.04-1</b>  <b>Side and rear setbacks objective</b></p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>		<p>The proposal achieves a minimum side setback of 1m – 1.2m side setback and 3-4m rear setback in accordance with requirements.</p> <p>All upper levels are substantially setback from the external boundaries and meet minimum requirements.</p> <p>The setbacks provide adequate space for substantial new planting to take place.</p> <p><b>Meets objective and standard</b></p>
<p><b>Clause 55.04-2</b>  <b>Walls on boundaries objective</b></p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><b>Standard B18</b></p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p>	<p>The only walls located on or within 200mm of external boundaries of the site are that of the garages for various dwellings. They are well under the 3.6m height limit, average wall height (3.2m) and 10m wall length to ensure that they do not cause detrimental amenity impacts to abutting properties.</p>

	<ul style="list-style-type: none"> <li>▪ For a length of more than the distance specified in a schedule to the zone; or</li> <li>▪ If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> <li>○ 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>○ Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</li> </ul> </li> </ul> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p>	<p>It is common for garages to abut boundaries throughout the neighbourhood, and this is not discouraged by the relevant neighbourhood character objectives.</p> <p><b>Meets objective and standard</b></p>
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	A building on a boundary includes a building set back up to 200mm from a boundary.	
<p><b>Clause 55.04-3</b></p> <p><b>Daylight to windows objective</b></p> <p>To allow adequate daylight into existing habitable room windows.</p>	<p><b>Standard B19</b></p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p>	<p>There are no existing habitable windows that will be affected by the proposed development and will continue to achieve appropriate solar access.</p> <p><b>N/A</b></p>



	Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.	
<p><b>Clause 55.04-4</b></p> <p><b>North facing windows objective</b></p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p><b>Standard B20</b></p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p>There are no existing north facing windows situated within 3m of the property boundary.</p> <p><b>N/A</b></p>

<p><b>Clause 55.04-5</b></p> <p><b>Overshadowing open space objective</b></p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p><b>Standard B21</b></p> <p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Appropriate setbacks have been achieved across all boundaries, particularly from the north to ensure neighbouring properties are not negatively affected by overshadowing.</p> <p><b>Meets objective and standard</b></p>
<p><b>Clause 55.04-6</b></p> <p><b>Overlooking objective</b></p> <p>To limit views into existing secluded private open space and habitable room windows.</p>	<p><b>Standard B22</b></p> <p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a</p>	<p>The proposed dwellings have been designed to overlook the street, their own internal open space or the common property area. Trellis, obscure glazing on upper level windows and highlight windows are proposed where necessary to prevent overlooking as required.</p>

	<p>horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"><li>▪ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</li><li>▪ Have sill heights of at least 1.7 metres above floor level.</li><li>▪ Have fixed, obscure glazing in any part of the window below 1.7 metre above floor</li><li>▪ level.</li></ul>	<b>Meets objective and standard</b>
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	<ul style="list-style-type: none"><li>▪ Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</li></ul> <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"><li>▪ Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</li><li>▪ Permanent, fixed and durable.</li><li>▪ Designed and coloured to blend in with the development.</li></ul> <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>	
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<p><b>Clause 55.04-7</b></p> <p><b>Internal views objective</b></p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p><b>Standard B23</b></p> <p>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>The proposal provides adequate fencing and screening to ensure internal views are addressed (noting that this standard speaks specifically to multi-level dwellings rather than detached structures)</p> <p><b>Meets objective and standard</b></p>
<p><b>Clause 55.04-8</b></p> <p><b>Noise impacts objective</b></p> <p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p><b>Standard B24</b></p> <p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>While an acoustic assessment has been provided, the proposal is fundamentally proposing too great an intensity of dwellings that will be impacted by existing, lawful industrial activity. This is not satisfactory and contrary to policy.</p> <p><b>Does not meet objective</b></p>

<p><b>Clause 55.05-1</b> <b>Accessibility objective</b></p> <p>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p><b>Standard B25</b></p> <p>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>The entrances to many of the proposed dwellings will be accessible for people with limited mobility.</p> <p><b>Meets objective and standard</b></p>
<p><b>Clause 55.05-2</b> <b>Dwelling entry objective</b></p> <p>To provide each dwelling or residential building with its own sense of identity.</p>	<p><b>Standard B26</b></p> <p>Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> <li>▪ Be visible and easily identifiable from streets and other public areas.</li> <li>▪ Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul>	<p>The entrance to each dwelling is highly visible, easily identifiable and will provide shelter and a transitional space.</p> <p><b>Meets objective and standard</b></p>
<p><b>Clause 55.05-3</b> <b>Daylight to new windows objective</b></p> <p>To allow adequate daylight into new habitable room windows.</p>	<p><b>Standard B27</b></p> <p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> <li>▪ An outdoor space clear to the sky or a light court with a minimum</li> </ul>	<p>Adequate daylight is available to all proposed habitable windows.</p> <p><b>Meets objective and standard</b></p>

	<p>area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</p> <ul style="list-style-type: none"> <li>▪ A verandah provided it is open for at least one third of its perimeter, or</li> <li>▪ A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>	
<p><b>Clause 55.05-4</b></p> <p><b>Private open space objective</b></p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p><b>Standard B28</b></p> <p>A dwelling or residential building should have private open space of an area and dimensions specified in the schedule to the zone.</p> <p>If no area or dimensions are specified in the schedule to the zone, a dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>▪ An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the</li> </ul>	<p>Each dwelling meets the total and secluded private open space requirements of the standard and are adequate to service the needs of residents.</p> <p>The SPOS of each dwelling has direct access to the living area of the dwelling.</p> <p>While some areas are 'clunky' in terms of form/dimension, the presence of public open space to the south further supports the design proposed to ensure recreation needs of residents are met.</p> <p><b>Meets objective and standard</b></p>

	<p>dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</p> <ul style="list-style-type: none"> <li>▪ A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</li> <li>▪ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul>	
<p><b>Clause 55.05-5</b></p> <p><b>Solar Access to Open Space</b></p> <p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p><b>Standard B29</b></p> <p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least <math>(2+0.9h)</math> metres, where 'h' is the height of the wall.</p>	<p>Each dwelling is provided with either north, south, east, or west facing open space. These areas of open space are well dimensions to ensure sufficient solar access is achieved.</p> <p><b>Meets objective and standard</b></p>



<p><b>Clause 55.05-6</b></p> <p><b>Storage</b></p> <p>To provide adequate storage facilities for each dwelling.</p>	<p><b>Standard B30</b></p> <p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Each dwelling has been provided with at least 6 cubic metres of storage space located within their respective garages or rear yards.</p> <p><b>Meets objective and standard</b></p>
<p><b>Clause 55.06-1</b></p> <p><b>Design Detail</b></p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B31</b></p> <p>The design of buildings, including:</p> <ul style="list-style-type: none"> <li>▪ Façade articulation and detailing,</li> <li>▪ Window and door proportions,</li> <li>▪ Roof form, and</li> <li>▪ Verandahs, eaves and parapets,</li> </ul> <p>should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>The proposed buildings with their mixed materials, pitched roofs and muted colours will blend appropriately into the neighbourhood. They offer a contemporary appearance with features that link back to the older areas of the neighbourhood.</p> <p>There are no particular building elements that are important to this area and the neighbourhood character policies do not reference detailed design.</p> <p><b>Meets objective and standard</b></p>
<p><b>Clause 55.06-2</b></p>	<p><b>Standard B32</b></p> <p>The design of front fences should complement the design of the dwelling or residential building and</p>	<p>There are no front fences proposed within the internal lots of the development.</p> <p><b>N/A</b></p>

<p><b>Front Fences</b></p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> <li>▪ Streets in a Road Zone, Category 1: 2 metres.</li> <li>▪ Other streets: 1.5 metres.</li> </ul>	
<p><b>Clause 55.06-3</b></p> <p><b>Common Property</b></p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p><b>Standard B33</b></p> <p>Development should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>Several areas of common property are proposed to provide shared access to various dwellings. Each of the lots will own equal entitlement of the area for ease of future management.</p> <p><b>Meets objective and standard</b></p>
<p><b>Clause 55.06-4</b></p> <p><b>Site Services</b></p> <p>To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p><b>Standard B34</b></p> <p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed</p>	<p>Sufficient space is available for the provision of services.</p> <p>Mailboxes locations are indicated along the front boundary and ample space is available for the private storage of bins within the garages or rear yards of each dwelling.</p> <p><b>Meets objective and standard</b></p>

	<p>and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	
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**Clause 55 Objectives    NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE**



## ATTACHMENT 7 – Assessment against Clause 56: Residential Subdivision Subdivision of 16-59 Lots

POLICY IMPLEMENTATION				
56.02-1 Strategic Implementation	Met?	Standard C1	Met?	Comments
<i>To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.</i>	No	<i>An application must be accompanied by a written statement that describes how the subdivision is consistent with and implements any relevant growth area, activity centre, housing, access and mobility, community facilities, open space and recreation, landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme.</i>	No	For the reasons discussed throughout the assessment, the application is considered to be inconsistent with policies relating to residential land development and urban growth in relation to the intensification of land within proximity to the Janette Street Industrial Precinct and Graymont Lime Batching Facility.

LIVEABLE AND SUSTAINABLE COMMUNITIES				
56.03-4 Built Environment	Met?	Standard C5	Met?	Comments
<i>To create urban places with identity and character.</i>	No	<p><i>The built environment should:</i></p> <ul style="list-style-type: none"> <li>• <i>Implement any relevant urban design strategy, plan or policy for the area set out in this scheme.</i></li> <li>• <i>Provide living and working environments that are functional, safe and attractive.</i></li> <li>• <i>Provide an integrated layout, built form and urban landscape.</i></li> <li>• <i>Contribute to a sense of place and cultural identity.</i></li> </ul> <p><i>An application should describe the identity and character to be achieved and the elements that contribute to that identity and character.</i></p>	No	For the reasons discussed throughout the assessment, the application is considered to be inconsistent with policies relating to residential land development and urban growth in relation to the intensification of land within proximity to the Janette Street Industrial Precinct and Graymont Lime Batching Facility.

LOT DESIGN				
56.04-1 Lot Diversity and Distribution	Met?	Standard C7	Met?	Comments
<i>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</i>	Yes	<i>A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.</i>	Yes	In general terms, the density proposed would be considered consistent with reasonable expectations for MUZ land in proximity to the Traralgon CBD and provides efficient use of the land.
<i>To provide higher housing densities within walking distance of activity centres.</i>	Yes	<i>Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme.</i>	Yes	See above.
<i>To achieve increased housing densities in designated growth areas.</i>	Yes	<p><i>A range and mix of lot sizes should be provided including lots suitable for the development of:</i></p> <ul style="list-style-type: none"> <li>• <i>Single dwellings</i></li> <li>• <i>Two dwellings or more.</i></li> <li>• <i>Higher density housing.</i></li> </ul>	Yes	Variations in lot size are provided such that different forms of development could reasonably be

		<ul style="list-style-type: none"> <li>Residential buildings and Retirement Villages</li> </ul>		accommodated on the newly created lots.
To provide a range of lot sizes to suit a variety of dwelling and household types.	N/A	Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.	N/A	Lots appropriately designed to respond to site conditions. There is good provision for Public Transport within walking distance of the site.
		Lots of 300sqm or less in area, lots suitable for development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.	N/A	See above.
<b>56.04-2 Lot Area and Building Envelopes</b>	<b>Met?</b>	<b>Standard C8</b>	<b>Met?</b>	<b>Comments</b>
To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.	Yes	An application to subdivide land that creates lots of less than 300sqm should be accompanied by information that shows: <ul style="list-style-type: none"> <li>That the lots are consistent or contain a building envelope that is consistent with a development approved under this scheme, or</li> <li>That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.</li> </ul>	Yes	The proposal is for a subdivision in accordance with development.
		Lots of between 300sqm and 500sqm should: <ul style="list-style-type: none"> <li>Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</li> <li>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10m x 15m, or 9m x 15m if a boundary wall is nominated as part of the building envelope</li> </ul>	Yes	The proposal is for a subdivision in accordance with development.
		If lots of between 300sqm and 500sqm are proposed to contain buildings that are built to the boundary, the long axis of the lots should be within 30°E and 20°W of N unless there are significant physical constraints that make this difficult to achieve.	Yes	Complies.
		Lots greater than 500sqm in area should be able to contain a rectangle measuring 10m x 15m, and may contain a building envelope.	Yes	The proposal is for a subdivision in accordance with development
		A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless: <ul style="list-style-type: none"> <li>The objectives of the relevant standard are met, and</li> <li>The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.</li> </ul>	N/A	N/A
		Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:	N/A	N/A

		<ul style="list-style-type: none"> <li>The building envelope must meet Standards A10 and A11 and Clause 54 in relation to the adjoining lot, and</li> <li>The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</li> </ul>		
		<p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> <li>Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.</li> <li>Existing or proposed easements on lots.</li> <li>Significant vegetation and site features.</li> </ul>	N/A	N/A
<b>56.04-3 Solar Orientation</b>	<b>Met?</b>	<b>Standard C9</b>	<b>Met?</b>	<b>Comments</b>
To provide good solar orientation of lots and solar access for future dwellings	Yes	Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.	Yes	Appropriate solar access is provided given the site characteristics (refer to Clause 55 assessment for dwellings).
		<p>Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> <li>The long axes of lots are within the range N20°W to N30°E, or E20°N to E30°S.</li> <li>Lots between 300sqm and 500sqm are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within N20°W to N30°E.</li> <li>Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.</li> </ul>	Yes	Appropriate solar access is provided given the site characteristics (refer to Clause 55 assessment for dwellings).
<b>56.04-4 Street Orientation</b>	<b>Met?</b>	<b>Standard C10</b>	<b>Met?</b>	<b>Comments</b>
To provide a lot layout that contributes to community social interaction, person safety and property security.	Yes	<p>Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> <li>Ensuring lots front all roads and streets and avoid the side and rear lots being orientated to connector streets and arterial roads.</li> <li>Providing lots of 300sqm or less in area and lots for 2 or more dwellings around activity centres and public open space.</li> <li>Ensuring streets and houses look onto public open space and avoiding sides and rears of lot along public open space boundaries.</li> </ul>	Yes	The layout of the site is generally suitable in providing passive surveillance; being adjacent to public roads and interfacing both internally to the common property and externally to the public realm.
<b>56.04-5 Common Area</b>	<b>Met?</b>	<b>Standard C11</b>	<b>Met?</b>	<b>Comments</b>
To identify common areas and the purpose for which the area is commonly held.	Yes	An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:	Yes	The common property area proposed is capable of efficient management. There are some concerns regarding access under Clause 55 and safety of waste vehicles moving through the site, however as the proposal is recommended for refusal on other grounds, these matters are not considered determinative here.
To ensure the provision of common area is appropriate and that necessary management arrangements are in place.	Yes	<ul style="list-style-type: none"> <li>The common area to be owned by the body corporate, including any streets and open space.</li> <li>The reasons why the area should be commonly held.</li> </ul>		
To maintain direct public access throughout the neighbourhood street network.	Yes	<ul style="list-style-type: none"> <li>Lots participating in the body corporate.</li> <li>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</li> </ul>		

<b>URBAN LANDSCAPE</b>				
<b>56.05-1 Integrated Urban Landscape</b>	<b>Met?</b>	<b>Standard C12</b>	<b>Met?</b>	<b>Comments</b>
<i>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</i>	N/A	<i>An application for subdivision that creates streets or public open space should be accompanied by a landscape design.</i>	N/A	Street based landscaping would be required to the satisfaction of Council's Parks Department should a permit be granted.
<i>To incorporated natural and cultural features in the design of streets and public open space where appropriate.</i>	Yes	<p><i>The landscape design should:</i></p> <ul style="list-style-type: none"> <li>• <i>Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.</i></li> <li>• <i>Create attractive landscapes that visually emphasise streets and public spaces.</i></li> <li>• <i>Respond to the site and context description for the site and surrounding area.</i></li> <li>• <i>Maintain significant vegetation where possible within an urban context.</i></li> <li>• <i>Take account of the physical features of the land including landform, soil and climate.</i></li> <li>• <i>Protect and enhance any significant natural and cultural features.</i></li> <li>• <i>Protect and link areas of significant local habitat where appropriate.</i></li> <li>• <i>Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space.</i></li> <li>• <i>Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread to the surrounding environment.</i></li> </ul>	Yes	As above.
<i>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</i>	Yes	<ul style="list-style-type: none"> <li>• <i>Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.</i></li> <li>• <i>Develop appropriate landscape for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.</i></li> <li>• <i>Provide for walking and cycling networks that link with community facilities.</i></li> <li>• <i>Provide appropriate pathways, signage, fencing, public lighting and street furniture.</i></li> <li>• <i>Create low maintenance, durable landscapes that are capable of a long life.</i></li> </ul>		
<i>To provide integrated water management systems and contribute to drinking water conservation.</i>	Yes	<i>The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.</i>	Yes	Landscape design conditions could appropriately cater for these matters.

<b>ACCESS AND MOBILITY MANAGEMENT</b>				
<b>56.06-2 Walking and Cycling Network</b>	<b>Met?</b>	<b>Standard C15</b>	<b>Met?</b>	<b>Comments</b>
<i>To contribute to community health and well being by encouraging walking and</i>	Yes	<i>The walking and cycling network should be designed to:</i>	Yes	Appropriate walking and cycling infrastructure would be provided in



<i>cycling as part of the daily lives of residents, employees and visitors.</i>		<ul style="list-style-type: none"> <li>• Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme.</li> </ul>		accordance with Council requirements, should a permit be granted.
<i>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</i>	Yes	<ul style="list-style-type: none"> <li>• Link to any existing pedestrian and cycling networks.</li> <li>• Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.</li> </ul>		
<i>To reduce car use, greenhouse gas emissions and air pollution.</i>	Yes	<ul style="list-style-type: none"> <li>• Provide an interconnected and continuous network of safe and efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces.</li> <li>• Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.</li> <li>• Ensure safe street and road crossings including the provision for traffic controls where required.</li> <li>• Provide an appropriate level of priority for pedestrians and cyclists.</li> <li>• Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.</li> <li>• Be accessible to people with disabilities.</li> </ul>		
<b>56.06-4 Neighbourhood Street Network</b>	<b>Met?</b>	<b>Standard C17</b>	<b>Met?</b>	<b>Comments</b>
<i>To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.</i>	Yes	<p><i>The neighbourhood street network must:</i></p> <ul style="list-style-type: none"> <li>• Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, footpaths and public transport routes.</li> <li>• Provide clear physical distinctions between arterial roads and neighbourhood street types.</li> <li>• Comply with the Roads Corporation's arterial road access management policies.</li> <li>• Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.</li> <li>• Provide safe and efficient access to activity centres for commercial and freight vehicles.</li> <li>• Provide safe and efficient access to all lots for service and emergency vehicles.</li> <li>• Provide safe movement for all vehicles.</li> <li>• Incorporate any necessary traffic control measures and traffic management infrastructure.</li> </ul>	Yes	The proposal relies upon existing public streets, with no new public roads to be created. There is a clear distinction between public roads and common areas.
		<p><i>The neighbourhood street network should be designed to:</i></p> <ul style="list-style-type: none"> <li>• Implement any relevant transport strategy, plan or policy for the area set out in this scheme.</li> <li>• Include arterial roads at intervals of approximately 1.6km that have adequate reservation widths to accommodate long term movement demand.</li> <li>• Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to</li> </ul>	N/A	N/A – see comment above.

		<p>accommodate long term movement demand.</p> <ul style="list-style-type: none"> <li>• Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles.</li> <li>• Provide and interconnected and continuous network of street within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles.</li> <li>• Provide an appropriate level of local traffic dispersal.</li> <li>• Indicate the appropriate street type.</li> <li>• Provide a speed environment that is appropriate to the street type.</li> <li>• Provide a street environment that appropriately management movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles).</li> <li>• Encourage appropriate sharing of access lanes and access places by pedestrians, cyclists and vehicles.</li> <li>• Minimise the provision of culs-de-sac.</li> <li>• Provide for service and emergency vehicles to safely turn at the end of a dead-end street.</li> <li>• Facilitate solar orientation of lots.</li> <li>• Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees.</li> <li>• Contribute to the area's character and identity.</li> <li>• Take account of any identified significant features.</li> </ul>		
<b>56.06-5 Walking and Cycling Network detail</b>	<b>Met?</b>	<b>Standard C18</b>	<b>Met?</b>	<b>Comments</b>
To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.	Yes	<p>Footpaths, shared paths, cycle paths and cycle lanes should be designed to:</p> <ul style="list-style-type: none"> <li>• Be part of a comprehensive design of the road or street reservation.</li> <li>• Be continuous and connect.</li> <li>• Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.</li> </ul>	Yes	Appropriate infrastructure would be provided to the satisfaction of Council and will integrate with existing infrastructure.
To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.	Yes	<ul style="list-style-type: none"> <li>• Accommodate projected volumes and mix.</li> <li>• Meet the requirements of Table C1.</li> <li>• Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound.</li> <li>• Provide appropriate signage.</li> <li>• Be constructed to allow access to lots without damage to footpath or shared path surfaces.</li> <li>• Be constructed with a durable, non-skid surface.</li> <li>• Be of a quality and durability to ensure: <ul style="list-style-type: none"> <li>▪ Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles.</li> <li>▪ Discharge of urban run-off.</li> <li>▪ Preservation of all weather access.</li> <li>▪ Maintenance of a reasonable, comfortable riding quality.</li> </ul> </li> </ul>		

		<ul style="list-style-type: none"> <li>▪ A minimum 20 year life space.</li> <li>• Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.</li> </ul>		
<b>56.06-6 Public Transport Network Detail</b>				
To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.	N/A	Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority.	N/A	No PT proposed in subdivision.
To provide public transport stops that are accessible to people with disabilities.	N/A	<p>Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.</p> <p>The design of public transport stops should not impede the movement of pedestrians.</p> <p>Bus and tram stops should have:</p> <ul style="list-style-type: none"> <li>• Surveillance from streets and adjacent lots.</li> <li>• Safe street crossing conditions for pedestrians and cyclists.</li> </ul> <p>Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority.</p> <ul style="list-style-type: none"> <li>• Continuous hard pavement from the footpath to the kerb.</li> <li>• Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage.</li> <li>• Appropriate signage.</li> </ul> <p>Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.</p>		
<b>56.06-7 Neighbourhood Street Network Detail</b>	<b>Met?</b>	<b>Standard C20</b>	<b>Met?</b>	<b>Comments</b>
To design and construct street carriageways and verges so that the street geometry and traffic speed provide an accessible and safe neighbourhood street system for all users.	Yes	<p>The design of streets and roads should:</p> <ul style="list-style-type: none"> <li>• Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met.</li> <li>• Provide street blocks that are generally between 120m and 240m in length and generally between 60m and 120m in width to facilitate pedestrian movement and control traffic speed.</li> <li>• Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs.</li> <li>• Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users.</li> </ul>	Yes	As noted above, no new public roads are to be created as a result of this proposal.

		<ul style="list-style-type: none"> <li>• Provide a low-speed environment while allowing all road users to proceed without inconvenience or delay.</li> <li>• Provide a safe environment for all street users applying speed control measures where appropriate.</li> <li>• Ensure intersection layouts clearly indicate the travel path and priority movement for pedestrians, cyclists and vehicles.</li> <li>• Provide a minimum 5m by 5m corner splay at junctions with arterial roads and a minimum 3m by 3m corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners.</li> <li>• Ensure street are sufficient strength to:             <ul style="list-style-type: none"> <li>▪ Enable the carriage of vehicles.</li> <li>▪ Avoid damage by construction vehicles and equipment.</li> </ul> </li> <li>• Ensure street pavements are of sufficient quality and durability for the:             <ul style="list-style-type: none"> <li>▪ Safe passage of pedestrians, cyclists and vehicles.</li> <li>▪ Discharge of urban run-off. Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality.</li> </ul> </li> <li>• Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority.</li> <li>• Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span.</li> <li>• Provide pavement edges, kerbs, channel and crossover details designed to:             <ul style="list-style-type: none"> <li>▪ Perform the required integrated water management functions.</li> <li>▪ Delineate the edge of the carriageway for all street users.</li> <li>▪ Provide efficient and comfortable access to abutting lots at appropriate locations.</li> <li>▪ Contribute to streetscape design.</li> </ul> </li> <li>• Provide for the safe and efficient collection of waste and recycling materials from lots.</li> <li>• Be accessible to people with disabilities.</li> </ul>		
	Yes	<p>A street detail plan should be prepared that shows, as appropriate:</p> <ul style="list-style-type: none"> <li>• The street hierarchy and typical cross-sections for all street types.</li> <li>• Location of carriageway pavement, parking, bus stops, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices.</li> <li>• Water sensitive urban design features.</li> <li>• Location and species of proposed street trees and other vegetation.</li> <li>• Location of existing vegetation to be retained and proposed treatment to ensure its health.</li> <li>• Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.</li> </ul>	Yes	As above.
<b>56.06-8 Lot Access</b>	<b>Met?</b>	<b>Standard C21</b>	<b>Met?</b>	<b>Comments</b>



To provide for safe vehicle access between roads and lots.	Yes	Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.	Yes	The site has no abutments to the arterial road network.
		Vehicle access to lots of 300sqm or less in area and lots with frontage of 7.5m or less should be provided via rear or side access lanes, places or streets.	N/A	N/A
		The design and construction of a crossover should meet the requirements of the relevant road authority.	Yes	Crossovers would be provided in accordance with relevant requirements, noting the Clause 55 assessment considers number and size of crossovers.

<b>INTEGRATED WATER MANAGEMENT</b>				
<b>56.07-1 Drinking Water Supply</b>	<b>Met?</b>	<b>Standard C22</b>	<b>Met?</b>	<b>Comments</b>
To reduce the use of drinking water	Yes	The supply of drinking water must be: <ul style="list-style-type: none"> <li>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</li> <li>Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority</li> </ul>	Yes	Services would be installed in accordance with the requirements of the relevant utility provider.
To provide adequate, cost-effective supply of drinking water	Yes			
<b>56.07-2 Reused and Recycled Water</b>	<b>Met?</b>	<b>Standard C23</b>	<b>Met?</b>	<b>Comments</b>
To provide for the substitution of drinking water for non-drinking water purposes with reused and recycled water,	Yes	Reused and recycled water supply systems must be: <ul style="list-style-type: none"> <li>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services.</li> <li>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul>	Yes	Services would be installed in accordance with the requirements of the relevant utility provider.
<b>56.07-3 Waste Water Management</b>	<b>Met?</b>	<b>Standard C24</b>	<b>Met?</b>	<b>Comments</b>
To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.	Yes	Waste water systems must be: <ul style="list-style-type: none"> <li>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environmental Protection Authority.</li> <li>Consistent with any relevant approved domestic waste water management plan.</li> </ul>	Yes	Services would be installed in accordance with the requirements of the relevant utility provider.
		Reticulated waste water must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.	Yes	As above.
<b>56.07-4 Urban Run-Off Management</b>	<b>Met?</b>	<b>Standard C25</b>	<b>Met?</b>	<b>Comments</b>
To minimise damage to properties and inconvenience to residents from urban run-off.	Yes	The urban stormwater management system must be: <ul style="list-style-type: none"> <li>Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> <li>Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.</li> </ul>	Yes	Services would be installed in accordance with the requirements of the relevant utility provider.

		<ul style="list-style-type: none"> <li>Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</li> <li>Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</li> </ul>		
To ensure that the street operates adequately during major storm events and provides for public safety.	Yes	The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.	Yes	As above.
To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.	Yes	For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard: <ul style="list-style-type: none"> <li>Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</li> <li>Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.</li> </ul>	Yes	As above.
		For storm events greater than 20% AEP and up to and including 1% AEP standard: <ul style="list-style-type: none"> <li>Provision must be made for the safe and effective passage of stormwater flows.</li> <li>All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.</li> <li>Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria <math>d_a V_{ave} &lt; 0.35m^2/s</math> (where, <math>d_a</math> = average depth in metres and <math>V_{ave}</math> = average velocity in metres per second).</li> </ul>	Yes	As above.
		The design of the local drainage network should: <ul style="list-style-type: none"> <li>Ensure run-off is retarded to a standard required by the responsible drainage authority.</li> <li>Ensure that every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Where possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</li> <li>Ensure that inlet and outlet structures take account of the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overload flow in a safe and predetermined manner.</li> <li>Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</li> </ul>	Yes	As above.
		Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.	Yes	As above.

SITE MANAGEMENT				
56.08-1 Site Management	Met?	Standard C26	Met?	Comments

To protect drainage infrastructure and receiving waters from sedimentation and contamination.	Yes	A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:: <ul style="list-style-type: none"> <li>• Erosion and sedimentation.</li> <li>• Dust</li> <li>• Run-off</li> <li>• Litter, concrete and other construction wastes.</li> <li>• Chemical contamination.</li> <li>• Vegetation and natural features planned for retention.</li> </ul>	Yes	The site would be managed to address these issues; which would be imposed by permit condition if a permit is to be granted.
To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.	Yes	Recycled materials should be used for the construction of streets, shared paths and other infrastructure where practicable.	Yes	Reused/recycled materials would be used where practicable.
To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.	Yes			

<b>UTILITIES</b>				
<b>56.09-1 Shared Trenching</b>	<b>Met?</b>	<b>Standard C27</b>	<b>Met?</b>	<b>Comments</b>
To maximise the opportunities for shared trenching.	Yes	Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.	Yes	Services would be installed in accordance with the requirements of the relevant utility providers.
To minimise constraints on landscaping within street reserves.	Yes			
<b>56.09-2 Electricity, Telecommunications and Gas</b>	<b>Met?</b>	<b>Standard C28</b>	<b>Met?</b>	<b>Comments</b>
To provide public utilities to each lot in a timely, efficient and cost effective manner.	Yes	The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.	Yes	Services would be installed in accordance with the requirements of the relevant utility provider.
To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.		Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.	N/A	N/A
		The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.	Yes	Services would be installed in accordance with the requirements of the relevant utility provider.
		Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.	Yes	Services would be installed in accordance with the requirements of the relevant utility provider.
<b>56.09-3 Fire Hydrants</b>	<b>Met?</b>	<b>Standard C29</b>	<b>Met?</b>	<b>Comments</b>

<i>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</i>	Yes	<i>Fire hydrants should be provided:</i> <ul style="list-style-type: none"> <li>• <i>A maximum distance of 120 metres from the rear of each lot.</i></li> <li>• <i>No more than 200 metres apart</i></li> </ul>	Yes	Would be installed in accordance with CFA requirements.
		<i>Hydrants and fire plugs must be compatible with the relevant fire service authority.</i>	Yes	As above.
<b>56.09-4 Public Lighting</b>	<b>Met?</b>	<b>Standard C30</b>	<b>Met?</b>	<b>Comments</b>
<i>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</i>	Yes	<i>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</i>	Yes	Public lighting would be required prior to the issue of SOC in accordance with the relevant Australian Standard.
<i>To provide pedestrians with a sense of personal safety at night.</i>	Yes	<i>Public lighting should be designed in accordance with relevant Australian Standards.</i>	Yes	As above.
<i>To contribute to reducing greenhouse emissions and to saving energy</i>	Yes	<i>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</i>	Yes	As above.



# APPLICATION TO AMEND PLANNING 2018/128 FOR THE USE AND DEVELOPMENT OF LAND FOR AN EMERGENCY SERVICES FACILITY (FIRE STATION), ALTERATION OF ACCESS AND REMOVAL AND CREATION OF AN EASEMENT AT 167 - 171 AND 173 - 177 PRINCES DRIVE, MORWELL

## PURPOSE

To provide Council with an assessment of an application to amend planning permit 2018/128 for the use and development of land for an emergency services facility (fire station) in the Activity Centre Zone, alteration of access onto Transport Zone 2, and removal and creation of an easement at 167-171 and 173-177 Princes Drive Morwell, against the provisions of the Latrobe Planning Scheme.

## EXECUTIVE SUMMARY

The application seeks to amend the existing planning permit to:

- a) Amend the access to Princes Drive, to meet the requirements of Department of Transport.
- b) Amend the design of the laneway from Buckley Street to provide rear access to 24, 26 and 28 Buckley Street, Morwell from reinforced concrete to asphalt surface, as well as other minor changes below.
  - i. This also includes the installation of gate with concrete base running the width of access.
  - ii. Installation of four sensor light fittings installed along the southern boundary fence.
  - iii. Installation of a raised concrete kerb along the northern side of the access to align with vehicle movements with the crossover.
  - iv. Installation of a concrete slab (dimensions 3.6m x 4.8m) for the location of the waste bins.

As part of these changes the following will occur to the permit conditions:

- Condition 27 and 28 of the permit issued by VCAT on 7 October 2019 will be deleted to reflect the private nature of the accessway (i.e. not a public road) and to remove inconsistencies contained the original permit between conditions and endorsed plans, with all other conditions renumbered accordingly.
- A condition (Condition 3) will be added in relation to the maintenance of the access from Buckley Street.
- The preamble to the permit will also be altered to meet the current zoning of the land and renaming of the Road Zone to Transport Zone.

It is noted the application is retrospective in nature as the works have already occurred.

The subject site is now located within the Activity Centre Zone (previously the mixed use zone) and is subject to the Environmental Audit Overlay (partial south-west corner of the site) and the Parking Overlay (Schedule 2).

Following advertising of the application, thirteen (13) objections were received with the following concerns raised (a map showing the location of objectors is provided at Attachment 1, and a copy of the objections at Attachment 2):

- the proposed amendment does not comply with condition 1a) of the permit issued, which requires the applicant to install 6mm thick glass as a noise barrier
- the proposed amendment does not comply with condition 28 a) relating to the construction of the proposed vehicle access to 24, 26 and 28 Buckley Street, where the condition stipulates the access to be constructed from reinforced concrete and to meet Latrobe City Council standard drawings 302 & 307
- The amended plans still show “proposed easement” as there has been no private agreement with the owners that gained access from formerly Verey Lane
- Four sensor lights have been installed along only one boundary
- The gate that has been constructed has no drop bolt and presents as an obstruction to gain access to the road and has the ability to damage property as it is not constructed properly

Having considered the proposal against the relevant provisions of the Latrobe Planning Scheme (the Scheme) and the objections submitted, it is considered that the proposal is generally consistent with the relevant objectives and decision guidelines of the Scheme.

The proposal is also considered to be consistent with the relevant planning policy frameworks, the Activity Centre Zone, Environmental Audit Overlay and the Parking Overlay (Schedule 2) of the City of Latrobe Planning Scheme.

#### OFFICER'S RECOMMENDATION

**That Council issues a Notice of Decision to grant an amended Permit for the the use and development of land for an emergency services facility (fire station) in the Activity Centre Zone alteration of access onto Transport Zone 2 and removal and creation of an easement at 167-171 and 173-177 Princess Drive Morwell, subject to the conditions at Attachment 3 to this report.**

## BACKGROUND

- The site is located on the corner of Princes Drive, Collins Street and Buckley Street Morwell.
- The site is irregular in shape and is approximately 7,160 metres square.
- The site contains the Morwell CFA station, with a number of buildings on the site, as was approved under planning permit 2018/128 which has just commenced operation as fire station.
- Access to the site is via Princes Drive and along Collins Street.
- The site is used for fire fighting purposes as well as community safety briefings and educational sessions for schools and groups.

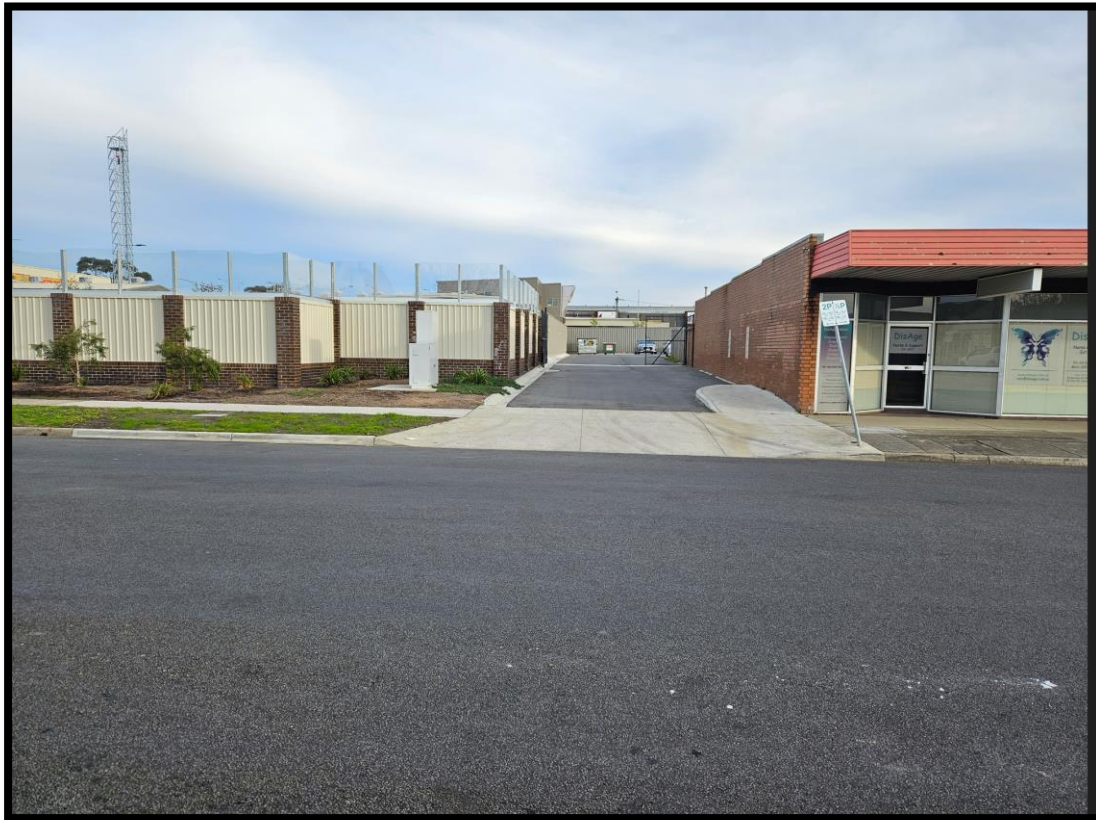
The application seeks to amend the existing planning permit to:

- a) Amend the access to Princes Drive, to meet the requirements of Department of Transport.
- b) Amend the design of the laneway from Buckley Street to provide rear access to 24, 26 and 28 Buckley Street, Morwell from reinforced concrete to asphalt surface, as well as other minor changes, including:
  - i. The installation of gate with concrete base running the width of access.
  - ii. Installation of four sensor light fittings installed along the southern boundary fence.
  - iii. Installation of a raised concrete kerb along the northern side of the access to align with vehicle movements with the crossover.
  - iv. Installation of a concrete slab (dimensions 3.6m x 4.8m) for the location of the waste bins.

It is noted the application is retrospective in nature as the works have already occurred.

Condition 27 and 28 of the permit issued by VCAT on 7 October 2019 (refer to Attachment 4) will be deleted, with all other conditions renumbered accordingly so as to remove the original inconsistency between Conditions 27 and 28 and the originally endorsed plans. This is deemed appropriate as the endorsed plans enable all weather surface access and an additional Condition is to be added to the amended permit to ensure maintenance of the accessway from Buckley Street.

The preamble to the permit will also be altered to meet the current zoning of the land and renaming of the Road Zone to Transport Zone.



Buckley Street Entrance construction



Reinforced concrete for gate construction





Construction of access, access to 24, 26 and 28 Buckley Street and construction of concrete foundation under bins



Construction of concrete island to steer vehicles in line with access



## CONSULTATION

The application was advertised pursuant to Section 52(1)(a) and (d) of the Planning and Environment Act 1987 (the Act). Notices were sent to all adjoining and adjacent landowners and occupiers and a site notice was displayed on the site frontage for 14 days.

Following advertising of the application, 13 submissions in the form of written objections were received, a copy of the objections can be viewed at Attachment 2 to this report.

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

- the proposed amendment does not comply with condition 1a) of the permit issued, which requires the applicant to install 6mm thick glass as a noise barrier.
- the proposed amendment does not comply with condition 28 a) relating to the construction of the proposed vehicle access to 24, 26 and 28 Buckley Street, where the condition stipulates the access to be constructed from reinforced concrete and to meet Latrobe City Council standard drawings 302 & 307.
- The amended plans still show “proposed easement” as there has been no private agreement with the owners that gained access from formerly Verey Lane.
- Four sensor lights have been installed along only one boundary.
- The gate that has been constructed has no drop bolt and presents as an obstruction to gain access to the road and has the ability to damage property as its not constructed properly.

The amended application was formally notified by posting of notices to the owners and occupiers of the surrounding properties and signs placed along Princes Drive, Collins Street and Buckley Street for 14 days.

The concerns raised by the objectors relate to the construction of the access from formally Verey Lane for 24, 26 and 28 Buckley Street, who have engaged in a number of discussions relating to the construction of the access, gate and bin damage to the access.

It is noted there is an objection relating to a private agreement between the CFA and the landowners at 24-28 Buckley Street, Morwell. Private agreements are civil matters between the parties involved.

## ANALYSIS

This application to amend the existing permit requires assessment against the relevant Planning Policies, Activity Centre Zone, Environmental Audit Overlay (partial), and Parking Overlay of the Latrobe Planning Scheme. A report relating to how the amended proposal meets the Planning Policy is listed as Attachment 5.

The application seeks to amend Planning Permit 2018/128. The proposal must be considered under the provisions of Section 72 of the Planning and Environment Act 1987. Under these provisions, Section 72 of the Act states:

- (1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*

Section 73 of the Act states:

- (1) *Subject to this section, sections 47 to 62 (with any necessary changes) apply to an application to the responsible authority to amend a permit as if—*
  - (a) *the application were an application for a permit; and*
  - (b) *any reference to a permit were a reference to the amendment to the permit.*
- (2) *If the responsible authority decides to grant an amendment to a permit subject to conditions, the conditions must relate to the amendment to the permit; and*
- (3) *Any conditions to which an amendment to a permit is subject form part of the permit when it is issued.*

These relevant sections of the legislation effectively require Council to consider an amendment to a permit in the same way as an application for planning permit would be considered.

The proposed amendment to the design to the access from Princes Drive and Buckley Street requires assessment against the provisions of the relevant planning policies, Activity Centre Zone, Environmental Audit Overlay, Parking Overlay and the decision guidelines of Clause 65.

Matters for consideration include the suitability of the design and siting of the amended access and materials used for the construction of the access. The response from the relevant referral authorities and matters raised in the objections received will also be taken into consideration.

The application was referred to the Department of Transport and Planning in relation to the amended design for Princes Drive, with the referral stating they amended design meets their conditions as part of the existing permit. The application was also referred to Council's Engineering Team who consented to the amendment, subject to changes to conditions.

Ultimately, the proposed amendments are considered to be acceptable when assessed against the relevant planning controls. The asphalt accessway provides for an all weather surface and therefore is suitable. A copy of the amended plans proposed to be endorsed can be found at Attachment 6.

#### RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<b>REPUTATIONAL RISK</b> Supporting an application that seeks to legitimise works contrary to a planning permit as originally issued.	<b>Medium</b> <i>Possible x Minor</i>	The amendment to the planning application 2018/128 complies with the Latrobe Planning Scheme and can be supported with appropriate conditions.

RISK	RISK RATING	TREATMENT
<b>FINANCIAL RISK</b> Supporting the application and the submitters seeking review of the decision at VCAT.	<b>High</b> <i>Likely x Moderate</i>	To manage and limit the potential risk, the recommendation has been considered against the requirements of the Activity Centre Zone, Planning Policy Framework and Municipal Planning Strategy. The recommendation to approve the amendments to the permit is considered to be consistent with the Latrobe Planning Scheme.

#### DECLARATIONS OF INTEREST

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

#### Attachments

1. Attachment 1 - Map of Objectors (Published Separately)

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

2. Attachment 2 - Copies of Objections (Published Separately)

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

3. Attachment 3 - Draft Permit Conditions

4. Attachment 4 - Existing Planning Permit 2018/128

5. Attachment 5 - Policy Response

6. Attachment 6 - Amended Plans

## **7.2**

### **Application to Amend Planning 2018/128 for the use and Development of Land for an Emergency Services Facility (Fire Station), alteration of access and removal and creation of an easement at 167 - 171 and 173 - 177 Princes Drive, Morwell**

<b>3</b>	<b>Attachment 3 - Draft Permit Conditions.....</b>	<b>164</b>
<b>4</b>	<b>Attachment 4 - Existing Planning Permit 2018/128.....</b>	<b>173</b>
<b>5</b>	<b>Attachment 5 - Policy Response .....</b>	<b>187</b>
<b>6</b>	<b>Attachment 6 - Amended Plans .....</b>	<b>190</b>



**DRAFT PERMIT CONDITIONS 2018/128/A****Proposal: Use and development of land for an Emergency Services Facility (Fire Station) in the Activity Centre Zone (ACZ1), alteration of access onto a Transport Road 2 (TPZ2) and removal and creation of an easement 30-40 Buckley Street, 167-171 and 173-177 Princes Drive, MORWELL****1. Amended Plans:**

Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to an 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 dimension 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) An acoustic barrier at a height of 3.6m to be provided to the norther and western boundary in accordance with the recommendations in the Watson Moss Growcott Acoustic report dated 17 September 2019 at page 27. A section of the acoustic barrier at least 1 metre above the 2.4 metre fence should be constructed in 6mm clear glass.
- b) Additional landscaping to be provided in front of the acoustic barrier ensuring sight lines are retained.
- c) Location of all mechanical services equipment.

**Endorsed Plans Condition:**

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**Maintenance Condition**

3. The maintenance of the Access easement E-1 formally known as Verey Lane is to be maintained at the expense of the owner of land in consolidation 377347T, unless with the prior written consent of the Responsible Authority

**Environmental Conditions:**

4. Before the use or buildings and works associated with the use starts (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*) the applicant must provide an independent review of the Environmental Site Assessment (Completed by Senversa, dated 9 October 2018, Ref:m16539\_rpt\_004\_rev0), undertaken by a suitably qualified person to the satisfaction of the Responsible Authority. This review should confirm the Environmental Site Assessment was undertaken in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 and either:

- a) Confirm the suitability of the land for the proposed use and/or development, including any conditions or limitations associated with that use and/or development; or
  - b) Recommend an environmental audit in accordance with Section 53X of the Environment Protection Act 1970 be undertaken.
5. If recommended by the independent review of the Environmental Site Assessment as outlined in Condition 3. Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*) the applicant must provide:
- a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
  - b) A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. A Statement must state that the site is suitable for the use and development allowed by this permit.

All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

**Development Conditions:**

6. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
7. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
8. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.

**Operational Amenity Conditions:**

9. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) transport of materials, goods or commodities to or from the land;
  - b) appearance of any building, works or materials;

- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) presence of vermin;
- or otherwise, to the satisfaction of the Responsible Authority.
- 10. Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
  - 11. Provision must be made on site for storage of trade wastes and garbage and such areas must be screened from public view to the satisfaction of the Responsible Authority.
  - 12. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
  - 13. The public address system must not be utilised external to the building during the night time period between 10:00pm and 7.00am.
  - 14. Vehicle testing as much as possible is to be carried out during the periods 8:00am to 8:30am and 6:00pm to 6:30pm.
  - 15. Training activities are to be undertaken only during EPA defined 'day' and 'evening' periods. No training activities to be undertaken during the 'night' period.
  - 16. A maximum of only two emergency vehicles are to be in operation within the external yard area forming part of training/testing activities at any one time.
  - 17. During times when sirens are tested as part of the emergency vehicle testing, the duration of the test must be as short as possible to satisfy the tester that the equipment is functioning correctly (nominally less than 1 second).
  - 18. The location and design of all mechanical services equipment is to be undertaken by an acoustic consultant to ensure compliance with NIRV RNML's and the project design objectives at the nearby residential receptors.
- Landscaping Conditions:**
- 19. Prior to the occupancy of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

20. 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.

**Subdivision Conditions:**

21. Before the use starts, all existing and proposed easements and sites for existing and required utility services roads or accessways must be set aside in favour of the relevant authorities and landowners for whom the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
22. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
23. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
24. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with section 8 of that Act.

**Engineering Conditions:**

25. Prior to the commencement of any works hereby permitted, all titles of the land to which this amendment applies must be consolidated to ensure that the land comprising all buildings, car parking and vehicle access ways in the proposed development are contained within a single title.
26. 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 to the legal point of discharge for a 1 in 10 year ARI storm event.
  - b) An underground pipe drainage system conveying stormwater discharge to the legal point of discharge.



- c) An underground pipe drainage system conveying stormwater from the legal point of discharge and connecting into Latrobe City Council's stormwater drainage system.
27. 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
28. Before the use commences of the building 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 must be constructed in accordance with the site drainage plan approved by the Responsible Authority.
- b) The areas shown on the endorsed plans for vehicle access and car parking must be constructed to such levels that they can be used in accordance with the approved plans including surfacing with an all-weather sealed surface, drainage and line marking to indicate each car space.
- c) The proposed vehicle crossings must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with:
- i. the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307, and
- ii. the requirements of any service authority having existing assets proposed to be incorporated into the vehicle crossings or located within one metre of the vehicle crossings.
- d) All redundant vehicle crossings must be removed and kerb and channel, footpath and naturestrip reinstated.
29. Where proposed, all lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises to the satisfaction of the Responsible Authority.
30. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit and must not disrupt the circulation and parking of vehicles on the land or adjacent roads. Delivery vehicles larger than that nominated on the approved and endorsed site layout plan shall not be permitted to enter the property.

31. Car spaces, vehicle access lanes, vehicle turn around areas and driveways must be kept available for these purposes at all times.
32. The areas set aside for car parking and vehicle access lanes must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
33. **Gippsland Water Conditions:**  
Prior to the construction of any building works commencing on site the owner of the land must enter into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete works necessary to re-align the existing 150mm sewer mains around the proposed development. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.
34. The owner must also enter into a separate Deed of Agreement for the transfer and decommissioning of the section of the existing sewer mains which details the terms for transferring the ownership of the decommissioned sewer main from Gippsland Water to the County Fire Authority. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.
35. The applicant will need to verify the depth of water mains adjacent to site in Princes Drive and Collins Street via Non Destructive Digging technique. A Gippsland Water representative may need to be on site during digging.
36. The owner/applicant must lodge a Building Over or Near Assets application and have written approval given by Gippsland Water prior to the commencement of any building works associated with the development.  
  
Please refer to Gippsland Water website:  
<https://www.gippswater.com.au/developers/property-connections/buildover-easements>
37. Provide water and sewer service layout plan (Hydraulic Plans) showing how the proposed site will be serviced.
38. The existing 50mm Fire Service is to be disconnected via a quote request in conjunction with all other Water and Sewer connection works.
39. The following existing metered water services will need to be capped at the main and the meters returned to Gippsland Water for a final read:

- 05BF000786 – 25mm – 167 Princes Hwy
- 14AF001176 - 20mm – 173-77 Princes Hwy
- 11AF006280 - 20mm – 30 Buckley St

40. All unused existing sewer connection points, must be capped as part of the sewer re-alignment works.

41. As constructed details showing the location of the installed internal sewer services are required to be submitted to Casey Services via facsimile on 9835 5515 and a copy to Gippsland Water on facsimile 5174 5174.

**VicRoad Conditions:**

42. The access, kerbing and emergency signals must generally be in accordance with the recommendations and plans associated with the Trafficworks, traffic impact assessment no 170451 dated 17/10/2018.

43. Prior to the design beginning, a pre-design meeting between VicRoads and the applicant's consultants must be conducted.

44. Prior to the construction works beginning, functional layout plans of the access must be submitted and approved by VicRoads.

45. All plans must be in accordance with VicRoads Eastern Region Developer funded works checklists.

46. Prior to the building works beginning, detailed plans of the access, kerbing, lighting and emergency signals must be provided and approved by VicRoads.

47. The installation of the new emergency signals, upgrade or re-programming of existing signals must be to the satisfaction of and at no cost to VicRoads.

48. Prior to works commencing within the road reserve, a plan demonstrating the roadway lighting and demonstrated relocation of lighting must be submitted and approved by VicRoads.

49. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 11m inside the property to allow vehicles to store clear of Princes Drive pavement and footpath.

50. The luminance of any sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m<sup>2</sup>, throughout the driver's approach.

51. Prior to the commencement of the use or the occupation of the buildings hereby approved, the access, crossovers and associated works must be provided and available for use.

52. All works must be completed at no cost and to the satisfaction of VicRoads.

**Expiry of Use and Development:**

53. 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;
  - b) The development is not completed and the use has not commenced 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.

**Expiry of Subdivision:**

54. This permit will expire if:
- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
  - b) the registration of the subdivision is not completed within 5 years of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

Note: The commencement of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of the plan, and completion is regarded as the registration of the plan.

- Note 1. For a quotation relating to sewerage and water costs and requirements, please contact Property Connections on (03) 5177 4648.
- Note 2. The operator of this permit must ensure that all relevant Permits have been obtained prior to the commencement of the use.
- Note 3. 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 4. Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.
- Note 5. A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.
- Note 6. 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](http://www.latrobe.vic.gov.au/Building_and_Planning/Building/Work_Permits_and_Property_Information)
- Note 7. 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 8. Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.



Planning and Environment Regulations 2015  
S.R No. 33/2015

**FORM 4**

Section 63 & 86

**PLANNING PERMIT**

Permit No.: 2018/128  
 Planning Scheme: Latrobe Planning Scheme  
 Responsible Authority: Latrobe City Council

ADDRESS OF THE LAND: 30-40 Buckley Street, 167-171 and  
173-177 Princes Drive, MORWELL  
 DESCRIPTION: L 1 TP 365164, L 1 TP 518929, L 1  
TP 247461, L 1 TP 418368, L 1 TP  
98997, RD 1 LP 33695, L 1 TP  
216347, L 1 TP 399065

THE PERMIT ALLOWS: Use and development of land for an Emergency Services Facility (Fire Station) in the Mixed Use Zone (MUZ), alteration of access onto Road Zone, Category 1 (RDZ1) and removal and creation of an easement, in accordance with the endorsed plan(s)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

**Amended Plans:**

1. Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to an 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 dimension 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) An acoustic barrier at a height of 3.6m to be provided to the norther and western boundary in accordance with the recommendations in the Watson Moss Growcott Acoustic report dated 17 September 2019 at page 27. A section of the acoustic barrier at least 1 metre above the 2.4 metre fence should be constructed in 6mm clear glass.
  - b) Additional landscaping to be provided in front of the acoustic barrier ensuring sight lines are retained.
  - c) Location of all mechanical services equipment.

**Endorsed Plans Condition:**

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Date Issued: 9 October 2019

  
 Signature for the Responsible Authority

Planning and Environment Regulations 2015  
S.R No. 33/2015

## FORM 4

Section 63 &amp; 86

**PLANNING PERMIT**

Permit No.: 2018/128  
 Planning Scheme: Latrobe Planning Scheme  
 Responsible Authority: Latrobe City Council

---

**Environmental Conditions:**

3. Before the use or buildings and works associated with the use starts (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*) the applicant must provide an independent review of the Environmental Site Assessment (Completed by Senversa, dated 9 October 2018, Ref:m16539\_rpt\_004\_rev0), undertaken by a suitably qualified person to the satisfaction of the Responsible Authority. This review should confirm the Environmental Site Assessment was undertaken in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 and either:
- a) Confirm the suitability of the land for the proposed use and/or development, including any conditions or limitations associated with that use and/or development; or
  - b) Recommend an environmental audit in accordance with Section 53X of the Environment Protection Act 1970 be undertaken.
4. If recommended by the independent review of the Environmental Site Assessment as outlined in Condition 3. Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*) the applicant must provide:
- a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
  - b) A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. A Statement must state that the site is suitable for the use and development allowed by this permit.

All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or

Date Issued: 9 October 2019



Signature for the Responsible Authority

Page 2 of 14

Planning and Environment Regulations 2015  
S.R No. 33/2015

**FORM 4**

Section 63 &amp; 86

**PLANNING PERMIT**

Permit No.: 2018/128  
 Planning Scheme: Latrobe Planning Scheme  
 Responsible Authority: Latrobe City Council

---

other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

**Development Conditions:**

5. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
6. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
7. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.

**Operational Amenity Conditions:**

8. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) transport of materials, goods or commodities to or from the land;
  - b) appearance of any building, works or materials;
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) presence of vermin;
 or otherwise, to the satisfaction of the Responsible Authority.
9. Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
10. Provision must be made on site for storage of trade wastes and garbage and such areas must be screened from public view to the satisfaction of the Responsible Authority.

Date Issued: 9 October 2019



Signature for the Responsible Authority

Page 3 of 14

Planning and Environment Regulations 2015  
S.R No. 33/2015**FORM 4**

Section 63 &amp; 86

**PLANNING PERMIT**

Permit No.: 2018/128  
Planning Scheme: Latrobe Planning Scheme  
Responsible Authority: Latrobe City Council

---

11. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
12. The public address system must not be utilised external to the building during the night time period between 10:00 pm and 7.00 am.
13. Vehicle testing as much as possible is to be carried out during the periods 8:00 am to 8:30 am and 6:00 pm to 6:30 pm.
14. Training activities are to be undertaken only during EPA defined 'day' and 'evening' periods. No training activities to be undertaken during the 'night' period.
15. A maximum of only two emergency vehicles are to be in operation within the external yard area forming part of training/testing activities at any one time.
16. During times when sirens are tested as part of the emergency vehicle testing, the duration of the test must be as short as possible to satisfy the tester that the equipment is functioning correctly (nominally less than 1 second).
17. The location and design of all mechanical services equipment is to be undertaken by an acoustic consultant to ensure compliance with NIRV RNML's and the project design objectives at the nearby residential receptors.

**Landscaping Conditions:**

18. Prior to the occupancy of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Date Issued: 9 October 2019



Signature for the Responsible Authority

Page 4 of 14

Planning and Environment Regulations 2015  
S.R No. 33/2015

## FORM 4

Section 63 &amp; 86

**PLANNING PERMIT**

Permit No.: 2018/128  
Planning Scheme: Latrobe Planning Scheme  
Responsible Authority: Latrobe City Council

---

19. 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.

**Subdivision Conditions:**

20. Before the use starts, all existing and proposed easements and sites for existing and required utility services roads or accessways must be set aside in favour of the relevant authorities and landowners for whom the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
21. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
22. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
23. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with section 8 of that Act.

**Engineering Conditions:**

24. Prior to the commencement of any works hereby permitted, all titles of the land to which this amendment applies must be consolidated to ensure that the land comprising all buildings, car parking and vehicle access ways in the proposed development are contained within a single title.

Date Issued: 9 October 2019



Signature for the Responsible Authority

Page 5 of 14



Planning and Environment Regulations 2015  
S.R No. 33/2015

**FORM 4**

Section 63 &amp; 86

**PLANNING PERMIT**

Permit No.: 2018/128  
 Planning Scheme: Latrobe Planning Scheme  
 Responsible Authority: Latrobe City Council

25. 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 to the legal point of discharge for a 1 in 10 year ARI storm event.
  - b) An underground pipe drainage system conveying stormwater discharge to the legal point of discharge.
  - c) An underground pipe drainage system conveying stormwater from the legal point of discharge and connecting into Latrobe City Council's stormwater drainage system.
26. 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.
27. Before the use commences of the building hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the operator of this permit must complete to the satisfaction of the Responsible Authority, all legal arrangements required to provide vehicle access from Buckley Street to the rear of the properties at numbers 24, 26 and 28 Buckley Street. Such arrangements may include either the creation of a road reserve or written agreement to the declaration of the proposed vehicle accessway as a public highway.
28. Before the use commences of the building hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the operator of this permit must complete the following works to the satisfaction of the Responsible Authority in accordance with engineering

Date Issued: 9 October 2019



Signature for the Responsible Authority

Page 6 of 14

Planning and Environment Regulations 2015  
S.R No. 33/2015**FORM 4**

Section 63 &amp; 86

**PLANNING PERMIT**

Permit No.: 2018/128  
Planning Scheme: Latrobe Planning Scheme  
Responsible Authority: Latrobe City Council

---

plans and specifications submitted to and approved by the Responsible Authority:

- a) The areas on the endorsed plans shown for vehicle access to abutting properties in Buckley Street, must be constructed in accordance with the standards as set out in Latrobe City Council's Standard Drawings LCC 302 and LCC 307 and be surfaced with reinforced concrete.
29. Before the use commences of the building 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 must be constructed in accordance with the site drainage plan approved by the Responsible Authority.
- b) The areas shown on the endorsed plans for vehicle access and car parking must be constructed to such levels that they can be used in accordance with the approved plans including surfacing with an all-weather sealed surface, drainage and line marking to indicate each car space.
- c) The proposed vehicle crossings must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with:
- i. the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307, and
  - ii. the requirements of any service authority having existing assets proposed to be incorporated into the vehicle crossings or located within one metre of the vehicle crossings.
- d) All redundant vehicle crossings must be removed and kerb and channel, footpath and naturestrip reinstated.

Date Issued: 9 October 2019



Signature for the Responsible Authority

Page 7 of 14

Planning and Environment Regulations 2015  
S.R No. 33/2015

## FORM 4

Section 63 &amp; 86

**PLANNING PERMIT**

Permit No.: 2018/128  
Planning Scheme: Latrobe Planning Scheme  
Responsible Authority: Latrobe City Council

---

30. Where proposed, all lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaires (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises to the satisfaction of the Responsible Authority.
31. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit and must not disrupt the circulation and parking of vehicles on the land or adjacent roads. Delivery vehicles larger than that nominated on the approved and endorsed site layout plan shall not be permitted to enter the property.
32. Car spaces, vehicle access lanes, vehicle turn around areas and driveways must be kept available for these purposes at all times.
33. The areas set aside for car parking and vehicle access lanes must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

**Gippsland Water Conditions:**

34. Prior to the construction of any building works commencing on site the owner of the land must enter into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete works necessary to re-align the existing 150mm sewer mains around the proposed development. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.
35. The owner must also enter into a separate Deed of Agreement for the transfer and decommissioning of the section of the existing sewer mains which details the terms for transferring the ownership of the decommissioned sewer main from Gippsland Water to the County Fire Authority. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.

Date Issued: 9 October 2019

  
Signature for the Responsible Authority

Page 8 of 14

Planning and Environment Regulations 2015  
S.R No. 33/2015

**FORM 4**

Section 63 & 86

**PLANNING PERMIT**

Permit No.: 2018/128  
 Planning Scheme: Latrobe Planning Scheme  
 Responsible Authority: Latrobe City Council

36. The applicant will need to verify the depth of water mains adjacent to site in Princes Drive and Collins Street via Non Destructive Digging technique. A Gippsland Water representative may need to be on site during digging.
37. The owner/applicant must lodge a Building Over or Near Assets application and have written approval given by Gippsland Water prior to the commencement of any building works associated with the development.
- Please refer to Gippsland Water website:  
<https://www.gippswater.com.au/developers/property-connections/buildover-easements>
38. Provide water and sewer service layout plan (Hydraulic Plans) showing how the proposed site will be serviced.
39. The existing 50mm Fire Service is to be disconnected via a quote request in conjunction with all other Water and Sewer connection works.
40. The following existing metered water services will need to be capped at the main and the meters returned to Gippsland Water for a final read:
- 05BF000786 – 25mm – 167 Princes Hwy
  - 14AF001176 - 20mm – 173-77 Princes Hwy
  - 11AF006280 - 20mm – 30 Buckley St
41. All unused existing sewer connection points, must be capped as part of the sewer re-alignment works.
42. As constructed details showing the location of the installed internal sewer services are required to be submitted to Casey Services via facsimile on 9835 5515 and a copy to Gippsland Water on facsimile 5174 5174.

Date Issued: 9 October 2019

  
 Signature for the Responsible Authority

Page 9 of 14

Planning and Environment Regulations 2015  
S.R No. 33/2015

**FORM 4**

Section 63 & 86

**PLANNING PERMIT**

Permit No.: 2018/128  
 Planning Scheme: Latrobe Planning Scheme  
 Responsible Authority: Latrobe City Council

**VicRoads Conditions:**

43. The access, kerbing and emergency signals must generally be in accordance with the recommendations and plans associated with the Trafficworks, traffic impact assessment no 170451 dated 17/10/2018.
44. Prior to the design beginning, a pre-design meeting between VicRoads and the applicant's consultants must be conducted.
45. Prior to the construction works beginning, functional layout plans of the access must be submitted and approved by VicRoads.
46. All plans must be in accordance with VicRoads Eastern Region Developer funded works checklists.
47. Prior to the building works beginning, detailed plans of the access, kerbing, lighting and emergency signals must be provided and approved by VicRoads.
48. The installation of the new emergency signals, upgrade or re-programming of existing signals must be to the satisfaction of and at no cost to VicRoads.
49. Prior to works commencing within the road reserve, a plan demonstrating the roadway lighting and demonstrated relocation of lighting must be submitted and approved by VicRoads.
50. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 11m inside the property to allow vehicles to store clear of Princes Drive pavement and footpath.
51. The luminance of any sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m<sup>2</sup>, throughout the driver's approach.

Date Issued: 9 October 2019



Signature for the Responsible Authority

Page 10 of 14



Planning and Environment Regulations 2015  
S.R No. 33/2015

**FORM 4**

Section 63 &amp; 86

**PLANNING PERMIT**

Permit No.: 2018/128  
 Planning Scheme: Latrobe Planning Scheme  
 Responsible Authority: Latrobe City Council

---

52. Prior to the commencement of the use or the occupation of the buildings hereby approved, the access, crossovers and associated works must be provided and available for use.
53. All works must be completed at no cost and to the satisfaction of VicRoads.

**Expiry of Use and Development:**

54. 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;
  - b) The development is not completed and the use has not commenced 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.

**Expiry of Subdivision:**

55. This permit will expire if:
- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
  - b) the registration of the subdivision is not completed within 5 years of certification.

Date Issued: 9 October 2019



Signature for the Responsible Authority

Page 11 of 14

Planning and Environment Regulations 2015  
S.R No. 33/2015

**FORM 4**

Section 63 & 86

**PLANNING PERMIT**

Permit No.: 2018/128  
 Planning Scheme: Latrobe Planning Scheme  
 Responsible Authority: Latrobe City Council

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

**Note:** The commencement of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of the plan, and completion is regarded as the registration of the plan.

- Note 1.** For a quotation relating to sewerage and water costs and requirements, please contact Property Connections on (03) 5177 4648.
- Note 2.** The operator of this permit must ensure that all relevant Permits have been obtained prior to the commencement of the use.
- Note 3.** 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 4.** Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.
- Note 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.

Date Issued: 9 October 2019

  
 Signature for the Responsible Authority

Planning and Environment Regulations 2015  
S.R No. 33/2015

## FORM 4

Section 63 &amp; 86

**PLANNING PERMIT**

Permit No.: 2018/128  
Planning Scheme: Latrobe Planning Scheme  
Responsible Authority: Latrobe City Council

---

- Note 6.** 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](http://www.latrobe.vic.gov.au/Building_and_Planning/Building/Work_Permits_and_Property_Information)
- Note 7.** 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 8.** Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.

END CONDITIONS

Date Issued: 9 October 2019

  
Signature for the Responsible Authority

Page 13 of 14

### 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.

## Attachment 5: Policy Assessment

### Planning Policy Framework

Clause No.	Clause name
11	Settlement
11.01-1L	Morwell
11.03-1S	Activity Centres
11.03-1L	Activity Centres
15.01-1S	Urban Design
15.01-1L	Urban Design
15.01-2S	Building Design
18.01-2S	Transport System
19.02-5S	Emergency Services

The relevant clauses listed above are relevant to the amendment to 2018/128. The state based objectives seek

- *'to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community'.*

The locally based policy around activities seeks the following

- *'to facilitate the growth of the Morwell, Moe, Traralgon and Churchill Town Centres'. The proposal implements the strategy 'encourage a diverse range of land uses including accommodation, office, retail, food and drink, transport, leisure, civic and community uses' by locating an emergency services facility in the Morwell Town Centre..*

Local based policy seeks that Morwell (clause 11.01-1L) has a role in accommodating the population and catering for the provision of government and commercial services.

In relation to policy it is considered the amended proposal is still appropriately located and the amended design is appropriate as the subject site is still located in the Morwell Activity Centre and represents an opportunity for a high quality development to re-invigorate an area of the centre. The proposal is a community facility that provides for employment and accommodation of firefighters. It provides increased surveillance of the area and improved amenity of the activity centre with landscaping, community seating and building design.



In regards to Clause 19.02-5S (emergency services) which seeks

- *'to ensure suitable locations for police, fire, ambulance and other emergency services'*.

The proposal is still located within an appropriate site, with the location being contained in the Morwell Activity Centre. Morwell is identified as one of the four main towns in Latrobe City. The Latrobe City Strategic Land Use Framework Plan details Morwell's role in providing for government offices, and implementing the Morwell Structure Plan.

In regards to the Clauses relating to Urban Design, which seek the following:

- *'to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity'*.

The amended design relates to the access from Buckley Street and Princes Drive, where from a design perspective the amended application is considered satisfactory as surveillance is maintained from the public and private interface, where the gate proposed is fully transparent in design and the applicant has provided sensor lighting along the Buckley Street access to further enhance the site from a safety perspective.

The proposal responds to the strategy

- *'Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm'*

by not impacting on the landscaping and has not minimised the landscaping (staying the same as approved) that has been approved, which at maturity will sufficiently screen the fence and soften the development.

The proposed amendment maintains the strategy

- *'Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads'*

As the traffic signals, crossovers and signage approved by Council and the Department of Transport (formally Vic Roads) have not been altered, and the application was re-referred to the Department of Transport, who responded the proposed amendment meets the conditions on the permit.

The amended application still responds to the strategy

- *'Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use'*

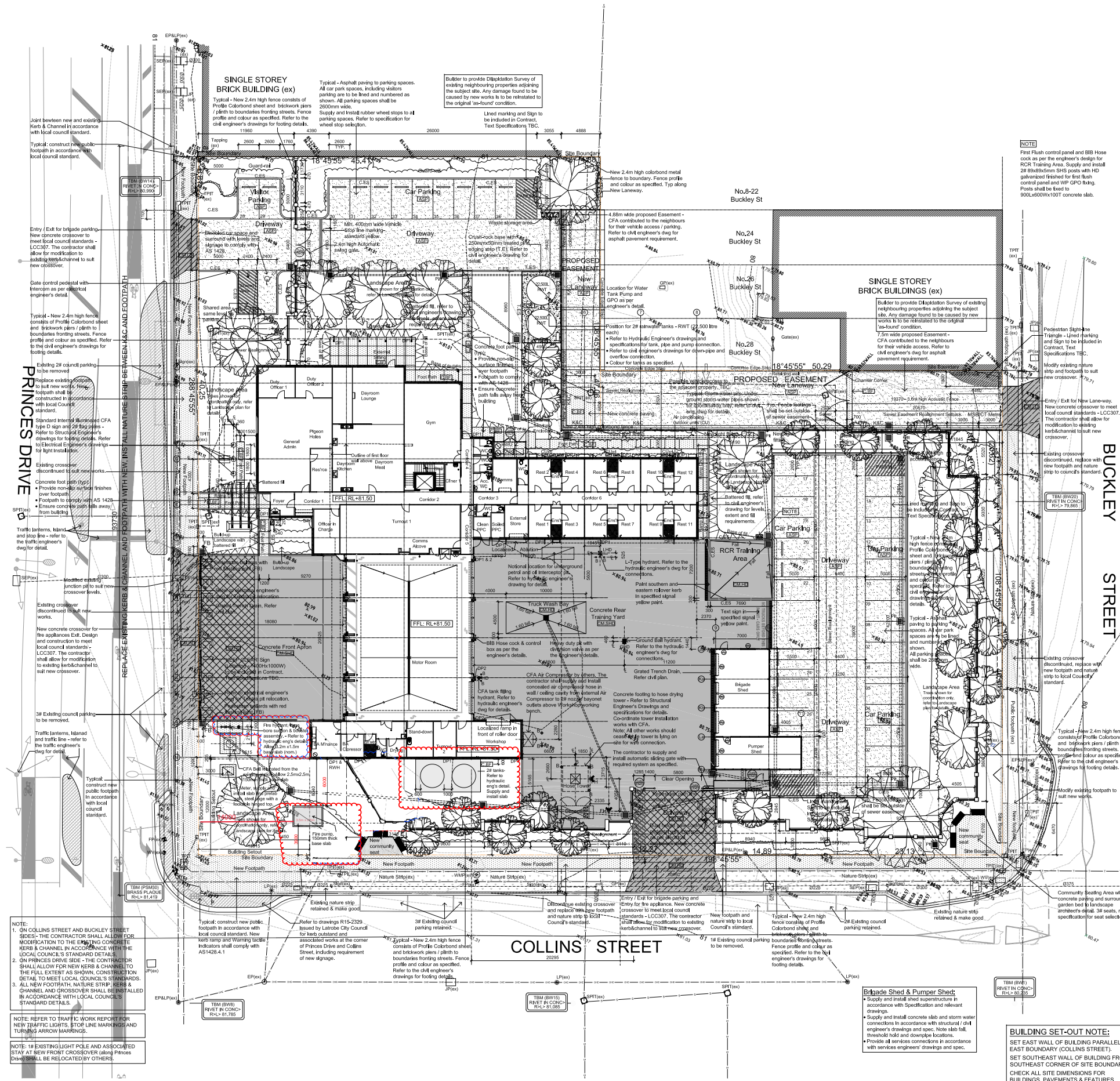
As the amended application, although not provided a reinforced concrete material sought by conditions 27 and 28 of the existing permit, will still provide paved areas of sufficient dimensions to enable safe access. This includes the installation of warning bollards for pedestrians to enable safe egress of emergency vehicles. As the site is located along a principal road it responds to the strategy 'Promote good urban design along and abutting transport corridors' by providing a complementary but interesting façade, variable roof levels and setbacks, and incorporating timber into the entry of the building.

In relation to Clause 18.01-2S (Transport system) which has the following objective

- *'to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure'*
- *'ensure that road space complements land use and is managed to meet community and business needs'*

The amended design is still considered to implement the above strategies by providing a purpose built traffic and pedestrian interface catering to the egress of emergency vehicles from the facility, that has been approved by the Department of Transport and Council's engineers. The proposed easement that has provided access to the rear of 24-28 Buckley Street, under existing conditions exists through the centre of the development. The amended design has not altered from the existing plans endorsed, where the new location provides far better access, however the construction of the access has been altered. Council's engineering department have no issues with the altered treatment of the road from reinforced concrete to asphalt, with conditions 27 and 28 deleted from the permit. A condition will be added by council officers regarding the maintenance of the access, which will be required to be maintained by the CFA to appropriate standards. It is noted the CFA have already done maintenance works, in the bin locations, changing the material from asphalt to reinforced concrete.

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GENERAL NOTES

- These drawings are to be read in conjunction with the Specification and any other working drawings as may be issued during the course of the contract. Any discrepancies must be referred to the Superintendent and Architect prior to the commencement of any works, off-site prefabrication or similar.
- All dimensions shall be verified on site by the Builder/Contractor prior to the commencement of any works, off-site prefabrication or similar.
- Do not scale drawings. Work to figured dimensions only and if unsure seek advice from Architect.
- All materials and workmanship shall conform to the relevant and current S.A.A. codes and the project Specification.
- All levels shall be checked and verified by the Builder/Contractor prior to the commencement of any works, off-site prefabrication or similar. Builder to maintain a clearly marked level to A.H.D. on site for duration of building works.
- Refer to the project Engineers drawings and computations for details of all slab, footings, concrete and structural works in general.
- All storm water is to be discharged to the legal point of discharge in accordance with Engineer's drawings and Local Council's regulations and requirements.
- All materials to be used are to meet fire hazard property requirements in accordance with BCA Section 1.10.
- All external ramps and foot paths shall be in non-slip finish.
- Portable fire extinguishers must be provided in accordance with BCA Table E1.6 and in locations as shown on drawings or otherwise directed.
- Whilst under construction, not less than 1 fire extinguisher to suit Class A, B & C fires and electrical fires must be provided at all times on each storey adjacent to temporary exits.
- Provide all necessary protection for existing adjoining buildings, properties, footpaths, roads and nature strip and install screens, hoarding, temporary fencing and other protection necessary to protect the adjoining owners and the general public. After works commence, adopt and maintain all such temporary works as may be necessary from time to time and make good if disturbed. The Contractor will be responsible for the protection and making good of any damage to existing adjoining buildings or properties and the maintenance of all temporary works. All temporary fencing to be erected within the site boundaries. If protection projects into & over the street alignment, the contractor is to obtain all relevant approval from council prior to erecting any fencing.
- Underground cables and other services may be located in this vicinity. Builder to refer to relevant authority prior to commencing.
- Remove and seal all services no longer required in accordance with regulations and to the satisfaction of the authority having jurisdiction over them. Take every precaution to prevent damage or interference to existing live services lines to remain or servicing adjoining buildings. Give notices to the relevant authorities and allow them facilities for removing any authority features, fittings or services. Existing live pipe levels to be modified to suit new pavement levels where is necessary.
- Provide chemical termite protection to new building in accordance with AS 3660.
- Refer to Land Survey drawing 1701216 Rev B (Dated 09/07/2018) prepared by Beveridge Williams Development & Environment Consultants for existing site details & levels.
- Site establishment set-out plans have been installed by Surveyor. Prior to commencement on site, Licensed Land Surveyor is to be engaged to confirm the location of set-out posts and subject site boundaries.
- Reinstall all existing retained footpaths, kerbs pavements and nature strip disturbed by the works in accordance with Council requirements. All new public footpath and tactile shall be constructed in accordance with Council standard details AS 1428.
- Refer to Existing Condition Survey Plan, Civil plan and Demolition Plan for likely soft spots locations. The Contractor shall allow for excavation and back fill. The work shall be done in accordance with Civil Engineer's requirements.

LEGEND - GENERAL

- Refer to Land Survey drawing 1701216 Rev B (Dated 09/07/2018) prepared by Beveridge Williams Development & Environment Consultants for existing site details & levels.
- Existing Level
  - New Pavement Level
  - Existing Building (Adjacent)
  - Large vehicle driveway & Training Yards - 250mm thick reinforced heavy duty, suspended concrete pavement slab (CM,SHB)
  - Large vehicle driveway - 200mm thick reinforced heavy duty concrete pavement (CM,HD)
  - Large Vehicle driveway Crossover - 200mm thick reinforced heavy duty concrete pavement (CM,HD)
  - General Vehicle driveway Crossover - 150mm thick reinforced concrete pavement (CM,LD)
  - General car parking & Driveway - asphalt paving (ASP)
  - Concrete paved footpath and External Sitting - Fine wood chip finish. C.B.F To comply with accessibility requirements of AS 1428.1, including gradient and crossfall.
  - Compacted crush rock (CR)
  - CES K&C Concrete kerb, Kerb & Channel refer to the civil engineer's drawings for different types and size of kerb.
  - T.E.S 50x250mm treated pine timber edge strip. Also refer to the landscape drawings for extent of timber edging required.

OTHER WORKS - GENERAL

- New 2.4m H Fence on boundary building New Lanesways, cobolored profiled sheet cladding. Refer structural engineer's drawing for fence footing details. Provide 50x250mm treated pine piling/hoard under fence.
- New 2.4m H Fence on boundary fronting streets, consists of brick piers, brick piling and cobolored profiled sheet cladding. Refer structural engineer's drawing for fence footing details.
- New galvanized guard rail in front of adjacent existing building on boundary, refer to structural engineer's drawing for footing details.
- 2# Above Ground Rain Water Tanks (22,500 litres) unless noted otherwise.
  - Refer to Hydraulic Engineer's drawings and specifications for drainage, pipe and pump connection.
  - Refer to Civil Engineer's drawings and specifications for slab details.
  - Refer to Civil Engineer's drawing for down pipe and overflow connection.
- Stormwater pits & pipes - Refer Civil Engineer's drawing No. 4537-01-C01
- Junction Pit (Concrete cover) - Refer Civil Engineer's drawing 4537-01-C01 for detail.
- Nominal location for Fire Hydrant and Training Hydrant Valves. Refer hydraulic Engineer's drawings 2329-H01 for detail.
- Groundball hydrant to hydraulic engineer's details.
- L-type hydrant to hydraulic engineer's details.
- Nominal positions for downpipes. Refer Floor Plan 21706A1-05 & A1.06 for locations.

LANDSCAPING - GENERAL

- Proposed shrub & ground cover
- Proposed shade trees & additional plantings
- Existing nature strip to be retained and make good where damaged
- New nature strip to meet local council's standard

THE CONTRACTOR SHALL ALLOW FOR REMOVAL OF THE EXISTING TREES, LARGE SHRUBS AND GRASSES WITHIN DEVELOPED AREA, INCLUDING GRUBBING OUT ROOTS. REFER TO THE PROJECT LANDSCAPE DRAWINGS FOR ANY PLANTINGS TO BE RETAINED AND PROTECTED, WHERE GROUND DISTURBED, THE CONTRACTOR SHALL ALLOW FOR COMPACTED FILL IN ACCORDANCE WITH THE CIVIL ENG. REQUIREMENTS.

FOR DETAILS OF LANDSCAPE REFER TO LANDSCAPE PLAN PREPARED BY HAMILTON LANDSCAPE ARCHITECTS PTY LTD.

READ THIS DRAWING IN CONJUNCTION WITH CIVIL / STRUCTURAL DRAWINGS & SPECIFICATION FOR SOIL PREPARATION ESPECIALLY WHERE EXISTING STRUCTURE, TREES & UNDERGROUND SERVICES REMOVED.

FLOODLIGHTING PROVIDED TO REAR YARD WILL BE PROTECTED BY Baffles TO ENSURE CONTAINMENT WITHIN SITE.

**BUILDING SET-OUT NOTE:**  
SET EAST WALL OF BUILDING PARALLEL TO EAST BOUNDARY (COLLINS STREET).  
SET SOUTHEAST WALL OF BUILDING FROM SOUTHEAST CORNER OF SITE BOUNDARY.  
CHECK ALL SITE DIMENSIONS FOR BUILDINGS, PAVEMENTS & FEATURES.

REV	DESCRIPTION	DATE
C15	Revised 2# tanks & 1# pump	12/12/22
C14	1. Add 2# tanks & 1# pump. 2. Add fire hydrant, large box suction & booster assembly.	28/10/22
C13	As per site instructions: 1. Add concrete slab at 1# tank. 2. Add 2# tanks. 3. Change electric gate to 4# with.	24/06/22
C12	1. Change scope of work along Princes Drive. 2. Add Concrete slab. 3. Add painted sign / line marking.	20/07/21
C11	Delete guard rail, add wheel stoppers.	06/04/21
C10	Dimensions of western fence shown.	27/06/20
C9	Revised set-out dimensions shown.	24/07/20
C8	Add wide dimensions of carport.	02/06/20
C7	Add Retaining Wall & Conc. edge steps.	14/05/20
C6	Revised Pit level and size.	22/04/20
C5	Revised Easement pavement levels.	20/04/20
C4	Add kerb.	03/04/20
C3	Add Gate.	01/04/20
C2	Survey levels and sewer pits updated.	23/03/20
C1	As dimension.	03/03/20
-	Tender Issue.	16/10/18
-	Pre Tender Issue.	11/10/18
-	Design Development Issue.	11/07/18
-	Preliminary Design Development Issue.	27/06/18

**LAND & BUILDING SERVICES DEPARTMENT**  
Headquarters: 4 Lakeside Drive, Burncoast East, Victoria.  
Postal Address: P.O. Box 701, Mt Waverley, Victoria 3149  
Tel: (03) 9282 8348 Fax: (03) 9282 8358  
**Creating a safer community**

**MORWELL FIRE STATION**  
Corner of Princes Drive & Collins Street  
**MORWELL VIC**

**MOHNT Architecture + Interior Design**  
49 Prince Vale Road  
Morwell, Victoria 3609  
Tel: (03) 970 9132  
Fax: (03) 970 9641  
e: info@moht.com.au

**HR Consulting Engineers**  
18/11 DUNDAS STREET SOUTH, MELBOURNE, VICTORIA 3006  
TEL: (03) 9411 1711 FAX: (03) 9411 1712

**STRUCTURAL & CIVIL CONSULTANT JOHN MULLEN & PARTNERS J.M.P.**  
A SPECIALIST PRACTICE  
Level 3, 174 Bunn Street, Melbourne VIC 3000  
Tel: (03) 9411 4000  
Fax: (03) 9411 4001  
www.jmp.com.au

**CONSTRUCTION ISSUE FEBRUARY 2020**

**Site Plan**

DATE: November 2017  
DRAWN: W.Z./J.C.  
PROJECT NO.: 21706  
DWG. NO.: A1.01

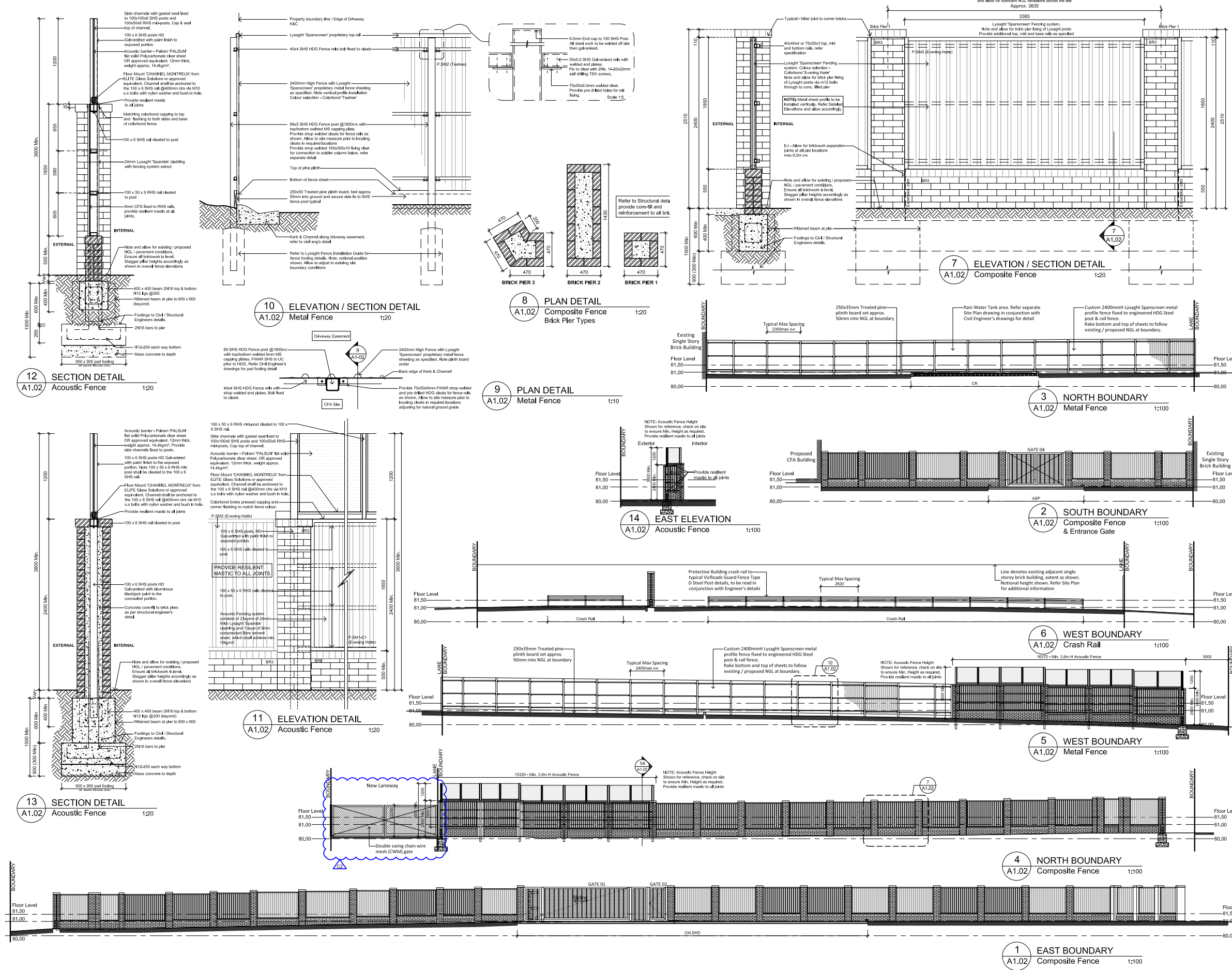
DATE: 28/10/2022  
SCALE: 1:200 @ B1

CHECK: Barry Merrit  
REV: C15

PAPER SIZE: B1-1000MMX707MM



PAPER SIZE: B1-1000MMX707MM



Rev	Description	Date
C2	Add gate at new laneway on North	31/08/22
C1	Construction Issue	02/22
-	Tender Issue	16/10/18
-	Pre Tender Issue	11/10/18
-	Design Development Issue	11/07/18
-	Preliminary Design Development Issue	27/09/18

CLIENT  
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**Creating a safer community**

PROJECT  
**MORWELL FIRE STATION**  
Corner of Princes Drive & Collins Street  
**MORWELL VIC**

ARCHITECT  
**Verity Architects**  
architecture • interior design • planning  
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Moonee Ponds  
Victoria, 3039  
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fax: (03) 9370 4841  
e: info@merarchitects.com.au

SERVICES CONSULTANT  
**HR Consulting Engineers**  
184-190 HURSTFIELD ROAD, SOUTH WILSONS PROMENADE, WILSONS PROMENADE  
TEL: 0845 94111 FAX: 0845 988 848 EMAIL: HR@HRCONSULTANTS.COM

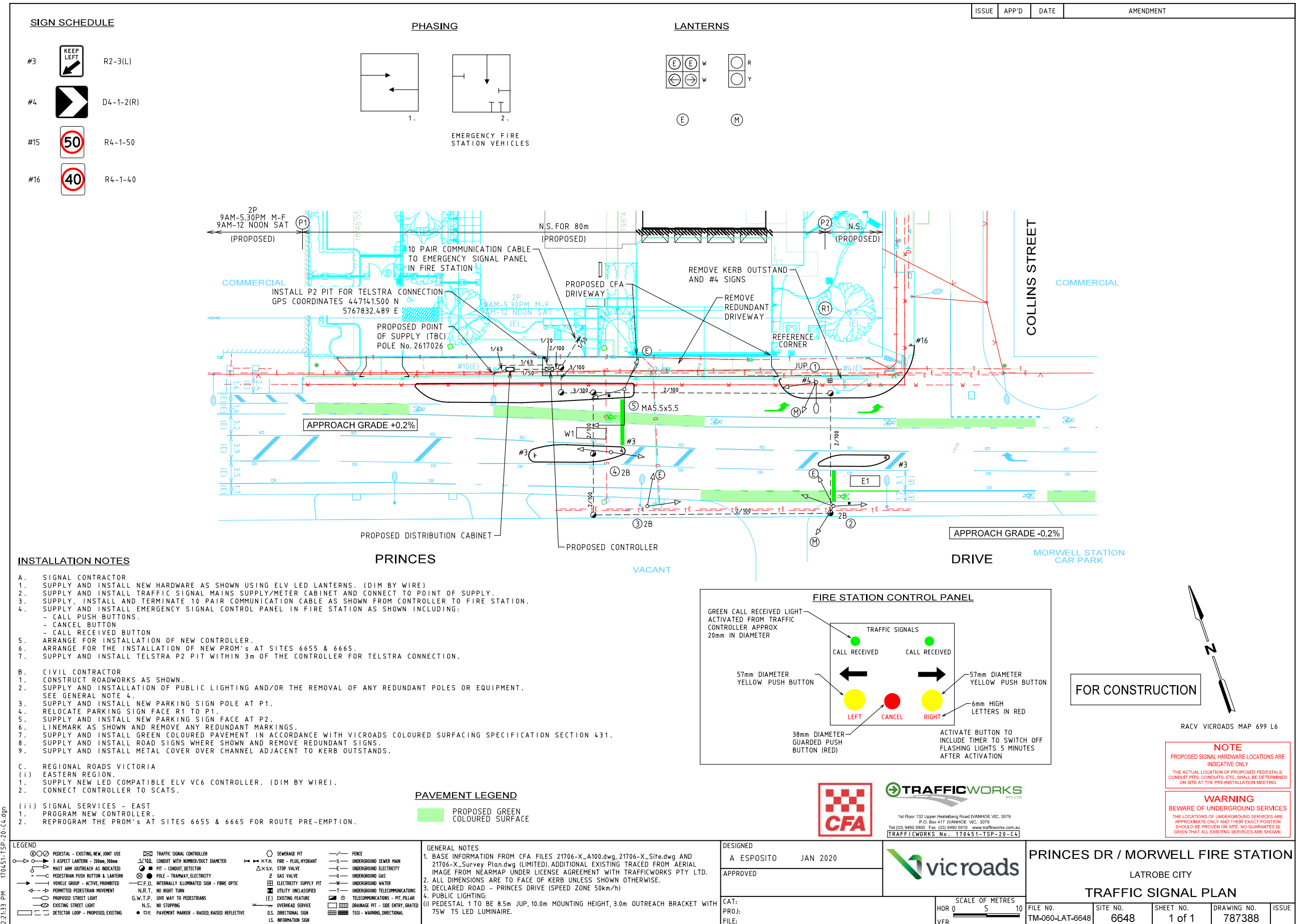
STRUCTURAL & CIVIL CONSULTANT  
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NORTH POINT

**CONSTRUCTION ISSUE**  
**FEBRUARY 2020**

DRAWING  
**Fencing Details & Boundary Conditions**

DATE: November 2017 PLOT DATE: 31/08/2022 SCALE: As Show @ B1  
CIB FILE: E:21706 - Morwell FS21706 - A1.02 Boundary Conditions and Fenc  
DRAWN: W.Z./A.S. CHECK: Barry Merat  
PROJECT NO: **21706** REV: **C2**  
DWG. NO: **A1.02**  
PAPER SIZE: B1-1000MMX707MM





# **CORPORATE ITEMS FOR DECISION**

## 8. CORPORATE ITEMS FOR DECISION

Item Number 8.1 07 August 2023

Regional City Planning and Assets

# REVIEW OF PLAQUES AND MEMORIALS POLICIES

## PURPOSE

To seek Council's endorsement of the Plaques and Memorials Policy.

## EXECUTIVE SUMMARY

- The Plaques and Memorials on Public Infrastructure and Open Space Policy was previously adopted by Council in 2017, whilst the Roadside Fatality Memorials Policy was adopted in 2011.
- The Roadside Fatality Memorials Policy was well overdue for review and was determined by officers to align with the Plaques and Memorials on Public Infrastructure and Open Space Policy, and subsequently the new Plaques and Memorials Policy (Attachment 1) was developed to consolidate these two policies into one.
- The most significant change suggested is the change of authorisation from Council to the Chief Executive Officer for new plaques.
- Other major changes within the policy apart from formatting and officer position titles are:
  - Name of the policy changed.
  - Consolidation of the Roadside Fatality Memorials Policy into this policy.
  - Inclusion of general principles for all plaques and memorials.
  - Updated parameters for the approval of a plaque or memorial request.
  - Updated parameters for the installation of a plaque or memorial request.
  - Updated parameters for the duration a plaque or memorial may be retained in its location.
  - Updated parameters for the ownership, maintenance, removal and associated costs of plaques and memorials

## OFFICER'S RECOMMENDATION

### That Council:

1. **Adopt the Plaques and Memorials Policy;**
2. **Note that with the adoption of the Plaques and Memorials Policy, that the following previous policies are revoked:**
  - a. **Plaques and Memorials on Public Infrastructure and Open Space Policy;**
  - b. **Roadside Fatality Memorials Policy; and**
3. **Make the Plaques and Memorials Policy available on Council's website.**

## BACKGROUND

The Plaques and Memorials Policy is required to provide guidelines and parameters for the placement of commemorative plaques and memorials on or in public infrastructure and open space, whilst also providing guidance on roadside memorials.

## ANALYSIS

It is best practice to review policies endorsed by Council on a regular basis to ensure that they are relevant, reflect contemporary practice, reference current legislation, and meet community expectations.

The major changes for this policy include the following:

- The most significant change incorporated is the change of authorisation from Council to the Chief Executive Officer for new plaques.
- Other major changes within the policy apart from formatting and officer position titles are:
  - Name of the policy changed.
  - Consolidation of the Roadside Fatality Memorials Policy into this policy.
  - Inclusion of general principles for all plaques and memorials.
  - Updated parameters for the approval of a plaque or memorial request.
  - Updated parameters for the installation of a plaque or memorial request.
  - Updated parameters for the duration a plaque or memorial may be retained in its location.
  - Updated parameters for the ownership, maintenance, removal and associated costs of plaques and memorials.
  - Definitions updated.

The above changes were incorporated based on consultation, benchmarking with other Councils, and to align with other Council documents.

Attachment 2 provides a table that details the key changes to the policy – as the entire policy has been rewritten due to the consolidation of the Plaques and Memorials on Public Infrastructure and Open Space Policy (Attachment 1) and the Roadside Fatality Memorials Policy (Attachment 2) into one new Plaques and Memorials Policy (Attachment 3).

## RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<b>COMPLIANCE</b> Policies are required to fulfil statutory obligations and provide clarity to Officers.	<b>Low</b> <i>Unlikely x Minor</i>	Policies reviewed on a scheduled basis to reflect contemporary practices, relevant legislation and community expectations.
<b>FINANCIAL</b> Outdated policies may leave Council exposed to financial risk	<b>Low</b> <i>Unlikely x Minor</i>	Policies reviewed on a scheduled basis to reflect contemporary practices and relevant legislation.

## CONSULTATION

Consultation was undertaken internally with Council's leadership teams given an opportunity to provide comment.

## COMMUNICATION

The Plaques and Memorials Policy will be conveyed to staff and Councillors. The policy will also be made available to the community on Council's website.

## DECLARATIONS OF INTEREST

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

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

Not Applicable

### **Cultural**

Not Applicable

### **Health**

Not Applicable

### **Environmental**

Not Applicable

### **Economic**

Not Applicable

### **Financial**

There are no adverse financial implications for Council as a result of the endorsement of the updated policies.

### **Attachments**

1. DRAFT Plaques and Memorials Policy
2. Key Changes Table



# 8.1

## Review of Plaques and Memorials Policies

1	DRAFT Plaques and Memorials Policy .....	199
2	Key Changes Table.....	210



# Plaques and Memorials Policy

Version TBC

Approval Date: TBC

Review Date: August 2027



## Plaques and Memorials Policy

### DOCUMENT CONTROL

Responsible GM	GM Regional City Planning and Assets	
Division	Regional City Planning and Assets	
Last Updated (who & when)	Manager City Assets	2023
DOCUMENT HISTORY		
Authority	Date	Description of change
Council	29 May 2017	Adopted by Council
Manager City Assets	February 2023	Comprehensive review, consolidation with Roadside Fatality Memorials policy
	TBC	Adopted by Council
References	Refer to Section 8 and 9 of this policy	
Next Review Date	August 2027	
Published on website	Yes	
Document Reference No.		

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Page 2 of 11

Responsible Division	Assets and Presentation	Approved Date	TBC	Review Date	August 2027
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## Plaques and Memorials Policy

### 1. Background

Public infrastructure and open space are an important part of Latrobe City's social and cultural heritage and makes a significant contribution to the lives of people who live, work and recreate in the municipality.

The significance that public infrastructure and open space hold for many people results in Council receiving requests for the placement of commemorative plaques and memorials on or in public infrastructure and open space.

### 2. Objectives

This policy provides direction for assessing requests for the installation of new plaques and memorials within Council owned and managed public infrastructure and open space, and for managing plaques and memorials generally.

Any decision needs to consider the balance between the desire to commemorate events or individuals and the ongoing enjoyment of (natural uncluttered open) areas.

### 3. Scope

This policy applies to all Council managed land and assets and addresses the range of memorials (such as a roadside item placed to commemorate a fatal accident), plaques or minor items placed to commemorate a person or minor event, or a major sculpture item or landscaping commemorating a significant or national event.

### 4. Principles of Management

#### General Principles

- All plaques and memorials:
  - will only be considered where they are sympathetic with and suited to the surrounding landscape. Unless a major memorial such as a war monument, the item must "blend in" and otherwise not negatively impact the aesthetic or environmental value of public space, nor the use of the space by the community.
  - must not create a significant maintenance or renewal burden on Council, and Council does not accept ongoing liability for the condition or replacement of the item. For example, the item shall be robust, easily cleaned, and if affixed to an asset, have a life proportionate to the asset's life, and if damaged Council is not obliged to replace it. Major memorials

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Page 3 of 11

Responsible Division	Assets and Presentation	Approved Date	TBC	Review Date	August 2027
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## Plaques and Memorials Policy

- such as significant war memorials are an entity themselves and have specific budgets that Council determines annually.
  - cannot be permanent.
  - have a “display” period corresponding with the person or event being recognised.
  - must be safely installed, easily managed and not present a danger to visitors or maintenance personnel.
- Council shall endeavour to maintain the public space in a neat and tidy state, balancing the community desire to acknowledge people or events against the impact on the amenity of the space to Council’s current Horticulture Maintenance Standards.

### **Roadside Memorial Requests**

Roadside memorial requests shall be managed through a permit process whereby the applicant must indicate their acceptance of liability for any damage or injury arising from their installation and acknowledge that Council, and in some cases Regional Roads Victoria (RRV), take no responsibility for maintenance. The roadside memorial itself shall be:

- If not flush to the ground, comprised of a light frangible material so as to disintegrate and not present a danger to a motorist or pedestrian etc. if struck by a vehicle
- Installed:
  - in a position where it will not distract drivers’ attention or interfere with any traffic control item.
  - in a position where it will not be hazardous to vehicles or pedestrians or interfere with maintenance of the road reserve. VicRoads “Design Guidelines for Clear Zones” should be used to assess the location of a memorial.
  - well clear of the road edge and in such a manner so as it does not interfere with or impact the safe use of the road or with maintenance activities, including the the management of non-road related infrastructure located in the road reserve, including above and below ground utility services.
  - with consideration given to the location of a memorial so to not promote unsafe roadside parking, or other impacts to not only memorial visitors but other road users.

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Page 4 of 11

Responsible Division	Assets and Presentation	Approved Date	TBC	Review Date	August 2027
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## Plaques and Memorials Policy

- with the impersonal details encouraged to be included on the memorial for contact purposes, for instance, a non-identifying email address or PO Box, however Council understands that when someone places a roadside memorial the last thing on their mind is letting the responsible road authority know how to contact them.

If Council needs to undertake any works in the vicinity of a roadside memorial, that requires its modification, relocation or removal, Council will endeavour to contact the memorial maker. Roadside memorials are not maintained by Council or RRV, however the proponent of a roadside memorial may be requested by Council or RRV to neaten a roadside memorial from time to time.

Roadside memorials are not owned by Council and are installed by others under permit (fee waived) who accept the liability. Where a roadside memorial has fallen into disrepair or unreasonably interferes with road management or maintenance activities, Council will endeavour to contact the memorial maker to arrange for its modification, relocation or removal.

Any objection or complaint from nearby residents or from road users regarding any aspects of memorials, including the activity of visitors to the memorial, should be carefully considered and if necessary, the memorial should be relocated or removed.

Arrangements for the placement of permanent roadside memorials shall be made with the Regional Roads Victoria Gippsland Region Director, or Council's Chief Executive Officer in accordance with policy guidelines.

### **Plaque or Memorial Requests**

Requests for plaques and memorials will only be considered where they are consistent with Council's master plan or concept plan for the proposed area of open space or public infrastructure. If there is no master plan or concept plan for the proposed area of open space, then the request must be consistent with Council's Public Open Space Policy and the land's public purpose and must not result in a change of amenity or use of the land. Requests for memorials on or within Council owned or managed public infrastructure shall also be considered under this policy.

Plaques and memorials commemorating deceased persons will not generally be allowed to be placed in Council open space. In exceptional circumstances they may be allowed, and will only be considered where they meet the following criteria:

- They commemorate an individual who:
  - Is deceased for at least one year
  - Was a member of the Latrobe community and has made a substantial contribution to the Latrobe community, or as determined by Council where necessary

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Page 5 of 11

Responsible Division	Assets and Presentation	Approved Date	TBC	Review Date	August 2027
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## Plaques and Memorials Policy

- The contribution of the individual was extra-ordinary and over and above what might reasonably be expected through paid employment or their voluntary contribution to the community, and that contribution stands out from others who may have also made a valuable contribution
- The subject of a requested plaque or memorial must have a clear association and strong significance to the location proposed for the plaque or memorial.

Memorials commemorating the death of pets and animals or local level events are not permitted, unless deemed of a significant nature by Council officers.

### Requests from the Community:

- Persons making initial enquiries regarding the installation of a plaque or memorial should be referred to this policy for direction regarding the criteria applicable to the enquiry.
- Applications must be in writing that will allow Council officers to assess the application against this policy.
- Approval will be at the discretion of Council's Chief Executive Officer

### Requests by External Funding Bodies

- Where an external agency such as the state or federal government has provided funding for a project and the funding agreement requires recognition in the form of a plaque, the layout and wording of this plaque will be in line with the requirements specified in the funding agreement.

### Council Initiated Requests

- Plaques may be installed by Council to commemorate the opening of a new or refurbished Council building or facility, or to commemorate an event that may be of historical significance now or at some time in the future.
- Plaques installed by Council will be funded by Council. Council may seek a financial contribution from funding partners if applicable.
- The layout and wording of Council initiated plaques must be submitted to the Engagement and Customer Focus department for approval.

### Other

Plaques or memorials may also be considered where they:

- Commemorate a Latrobe group or association who have made a substantial and outstanding contribution to the community.

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Page 6 of 11

Responsible Division	Assets and Presentation	Approved Date	TBC	Review Date	August 2027
----------------------	-------------------------	---------------	-----	-------------	-------------



## Plaques and Memorials Policy

- Commemorate a significant historical or cultural event which has a profound resonance with the broader Latrobe community or is of national or state significance.
- Recognise significant donations (\$50k and over) for open space infrastructure (e.g. barbecues, picnic shelters, picnic settings, playgrounds, buildings etc).

### **Plaque and Memorial Approval and Installation**

In considering requests for the placement of a plaque or memorial on or within Council owned or managed public infrastructure and open space, Council officers will review the request against this policy and the relevant criteria and determine whether to approve or refuse the request. Officers will provide the recommendation to the Chief Executive Officer for endorsement.

All fabrication and installation costs for a community requested plaque or memorial will be at the proponent's cost. Fabrication and installation shall be to Council's required standard and satisfaction.

Proposed sites for plaques and memorials shall meet the requirements of council planning documents and regulations, and shall only be installed whereby:

- There is no conflict with existing plaques, public artworks or other objects in the vicinity of the proposed location
- The location of the memorial will not adversely affect existing use or themes of that location
- The new plaque or memorial will not commemorate a person, event or place that is already memorialized in the region or community of interest unless determined by Council to be appropriate
- The placement does not detract from the aesthetic value of the space, nor have a negative impact on the use of the site by the community.
- Where necessary, the proposed memorial, other than a plaque, must demonstrate design merit (as assessed by the Art Gallery Advisory Committee or equivalent Council body) and be an original work.

### **Duration of Installation for Plaques and Memorials**

All approved plaques and memorials will be retained in place for as long as practicable, with the following exceptions:

- The area in which the item is sited is to be redeveloped
- The use of the area in which the item is sited changes significantly in character and the item is not deemed suitable for the site

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Page 7 of 11

Responsible Division	Assets and Presentation	Approved Date	TBC	Review Date	August 2027
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## Plaques and Memorials Policy

- The structure or support on which the item is located is to be removed or permanently altered
- The item is deemed unsafe, has been vandalised and is no longer viable

Latrobe City Council does not guarantee that a plaque or memorial will be maintained in perpetuity, and its retention may be reviewed at any time. The criteria to determine the retention of the plaque or memorial would be based on the:

- Physical condition of, the plaque or memorial
- Suitability of the plaque or memorial in light of the current social values
- Whether the plaque or memorial is now so intimately related to the asset that it forms part of the value of the site

Major memorials may remain in perpetuity subject to:

- The body responsible undertaking the required maintenance
- The location is not required by Council for community purposes

### **Plaque and Memorial Maintenance**

All costs associated with establishing, fabricating, installing, and maintaining a plaque or memorial will be met by the proponent.

### **Ownership and Removal**

Except for roadside memorials, any plaque or memorial on Council land becomes Council's property. If a plaque or memorial is damaged such that it is no longer fit for purpose, the proponent may attempt a repair, however there is no obligation on Council to replace the plaque or memorial.

If Council is requested by the proponent of a plaque or memorial to remove it, the proponent will be responsible for the removal of the item. In the instance a proponent is no longer contactable, Council shall arrange for the removal and disposal of the item.

If Council deems that a plaque or memorial is no longer required for any reason, it will undertake a reasonable search to locate the proponent of the item to return it. Council would remove and store it as above, or if the proponent wishes to remove the plaque or memorial themselves, they will have an agreed period to arrange removal under a permit from Council (permit fee waived), and will be required to make good the asset on which the item was installed.

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Page 8 of 11

Responsible Division	Assets and Presentation	Approved Date	TBC	Review Date	August 2027
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## Plaques and Memorials Policy

The placement of plaques or memorials on public infrastructure or in open space must have prior written approval from Council. Any plaque or memorial which has been installed without prior Council approval shall be removed. All reasonable efforts will be made to identify and contact the persons responsible for installing the item to advise them of this policy, and the removal. Reasonable attempts will also be made to return any removed item to the persons responsible for its placement.

### 5. Accountability and Responsibility

Accountability and responsibility for this policy is outlined below.

#### 5.1. Council

- Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policy
- Responsibility for the decision to approve this Policy by Council Resolution

#### 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

#### 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

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Page 9 of 11

Responsible Division	Assets and Presentation	Approved Date	TBC	Review Date	August 2027
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## Plaques and Memorials Policy

### 5.5. Employees, Contractors and Volunteers

- Participate where required in the development of frameworks and procedures in compliance with this policy
- Comply with frameworks and procedures developed to achieve compliance with this policy

## 6. Evaluation and Review

This policy will be reviewed every four years.

## 7. Definitions

For the purposes of this policy:

- A 'roadside memorial' is an object installed at the roadside within the road reserve to commemorate or indicate a road fatality. Memorials may include items such as wooden crosses, coloured posts, flowers or any type of construction with or without plaques or inscriptions.
- A "plaque" refers to a flat tablet with text and and/or images which commemorate a person/groups/association or an event that would be affixed to an object, building or hard ground surface located within public open space, and does not include roadside memorials.
- A 'memorial' refers to an object established in the memory of a person, group, association or event but does not include 'major memorials'. This may include sculptures, statues, fountains, other landscape items, and does not include plaques or roadside memorials.
- A 'major memorial' includes memorials that have a significance in their own right, more than the event they are associated with, such as a war memorial or the Yallourn township memorial.

## 8. Related Documents

- Council's Public Open Space Policy

## 9. Reference Resources

- VicRoads Roadside Memorial Policy

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Page 10 of 11

Responsible Division	Assets and Presentation	Approved Date	TBC	Review Date	August 2027
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## Plaques and Memorials Policy

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### 10. Appendices

Nil

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Page 11 of 11

Responsible Division	Assets and Presentation	Approved Date	TBC	Review Date	August 2027
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**ATTACHMENT*****Latrobe City Council – Plaques and Memorials Policy Review – Key Changes***

To ensure the consolidation of the Roadside Fatality Memorials Policy and the Plaques and Memorials on Public Infrastructure and Open Space Policy was carried out effectively officers considered the following:

- The updated policy template
- Benchmarked other Council's policies
- Local Government Act 2020

**Summary of Policy Changes**

<b>Current Titles</b>	<b>Proposed Title</b>
<p><i>Roadside Fatality Memorials Policy (2011)</i></p> <p><i>Plaques and Memorials on Public Infrastructure and Open Space Policy (2017)</i></p>	<p>Plaques and Memorials Policy</p>
<b>Current Definitions</b>	<b>Proposed Definitions</b>
<p><i>Roadside Fatality Memorials Policy (2011)</i></p> <ul style="list-style-type: none"> <li>• Nil</li> </ul> <p><i>Plaques and Memorials on Public Infrastructure and Open Space Policy (2017)</i></p> <ul style="list-style-type: none"> <li>• Nil</li> </ul>	<p>For the purposes of this policy:</p> <ul style="list-style-type: none"> <li>• A 'roadside memorial' is an object installed at the roadside within the road reserve to commemorate or indicate a road fatality. Memorials may include items such as wooden crosses, coloured posts, flowers or any type of construction with or without plaques or inscriptions.</li> <li>• A "plaque" refers to a flat tablet with text and and/or images which commemorate a person/groups/association or an event that would be affixed to an object, building or hard ground</li> </ul>

	<p>surface located within public open space, and does not include roadside memorials.</p> <ul style="list-style-type: none"> <li>• A 'memorial' refers to an object established in the memory of a person, group, association or event but does not include 'major memorials'. This may include sculptures, statues, fountains, other landscape items, and does not include plaques or roadside memorials.</li> <li>• A 'major memorial' includes memorials that have a significance in their own right, more than the event they are associated with, such as a war memorial or the Yallourn township memorial.</li> </ul>
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#### **Summary of Principles of Management Changes**

To ensure the consolidation of the Roadside Fatality Memorials Policy and the Plaques and Memorials on Public Infrastructure and Open Space Policy is appropriate for future requirements, officers applied the following changes:

- Updated the objectives of the policy
- Updated the flow of the document and the order in which it read
- Updated the definitions related to the policy
- Defined the scope of the policy
- Consolidation of the Roadside Fatality Memorials Policy and the Plaques and Memorials on Public Infrastructure and Open Space Policy into one Plaques and Memorials policy.
- Inclusion of general principles for all plaques and memorials
- Updated parameters for the approval of a plaque or memorial request
- Updated parameters for the installation of a plaque or memorial request
- Updated parameters for the duration a plaque or memorial may be retained in its location
- Updated parameters for the ownership, maintenance, removal and associated costs of plaques and memorials
- Change of authorisation/approval from Council to the Chief Executive Officer for new plaques

# REVOCATION OF OUTDATED POLICIES

## PURPOSE

To present a recommendation to revoke Council Policies that are no longer required.

## EXECUTIVE SUMMARY

- Following a further audit of Council policies by Officers, it has been determined that an additional three policies are no longer required:
  - Biodiversity and Native Vegetation Policy: contains statements rather than actions or processes and does not provide any guidance/direction that is not already outlined in the Council Plan, draft Sustainability Action Plan, and/or relevant legislation;
  - Weeds Policy: contains statements rather than actions or processes and does not provide any guidance/direction that is not already outlined in the Council Plan, draft Sustainability Action Plan, and/or relevant legislation;
  - Public Open Space Policy: the purpose of this policy is now captured in the Public Open Space Strategy.

## OFFICER'S RECOMMENDATION

**That Council revoke the following policies:**

- **Biodiversity and Native Vegetation Policy**
- **Weeds Policy**
- **Public Open Space Policy**



**BACKGROUND**

Officers have conducted an audit of Council adopted policies to ensure the policies are current and still meet Council’s needs. A larger number of policies were revoked by Council resolution of 5 June 2023, with a further 3 policies since identified as no longer being required.

**ANALYSIS**

Policies are established to set the direction for a particular service or position of Council.

Policies may be a requirement of legislation or developed where a need has been identified that is not covered within existing Council strategic documents, industry guidelines or legislation.

The review identified a suite of policies that could be revoked based on certain policy positions no longer being required and some policies having been superseded.

Factors considered for recommending revocation of a policy include:

- The subject matter is covered within legislation or a Local Law.
- The subject matter has been captured within other strategic documents of Council.
- The content is no longer current and Council is undertaking strategic work that will guide any future policy requirements.
- Council no longer provides the service covered in the Policy.

The below table lists the policies recommended for revocation along with the determining factor/s.

<b>Policy</b>	<b>Date Adopted</b>	<b>Determination</b>
Biodiversity and Native Vegetation	7/2/2011	This policy provides statements rather than actions or a process to be implemented. The Environmental Sustainability Team believes that in its current form, this policy does not provide any guidance/direction that is not already outlined in the Council Plan, draft Sustainability Action Plan, and/or relevant legislation.

Policy	Date Adopted	Determination
Weeds	7/2/2011	This policy provides statements rather than actions or a process to be implemented. The Environmental Sustainability Team believes that in its current form, this policy does not provide any guidance/direction that is not already outlined in the Council Plan, draft Sustainability Action Plan, and/or relevant legislation.
Public Open Space	7/2/2011	The purpose of this policy is now endorsed and updated through the Public Open Space Strategy on a regular basis. The Public Open Space Strategy guides the work and decisions the Recreation and Open Space Planning team make on a daily basis. It is therefore considered that this policy is no longer needed.

#### RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<b>COMPLIANCE</b> That a policy is a legislative requirement and it is superseded or out of date.	<b>Medium</b> <i>Possible x Minor</i>	Each team set key dates to review policies to ensure they are current and relevant.  Add policies to RelianSys in order to better monitor review dates.
<b>SERVICE DELIVERY</b> That a superseded policy is revoked that impacts how we deliver a Council service.	<b>Low</b> <i>Minor x Unlikely</i>	Ensure that Management and teams continually review policies to ensure that it does not impact service delivery.

RISK	RISK RATING	TREATMENT
<b>FINANCIAL</b> That a policy is revoked that is required in order to receive funding or grants.	<p style="text-align: center;"><b>Low</b> <i>Moderate x Rare</i></p>	Ensure that teams are aware of the legal and financial implications of receiving grants/funding and build that into their BAU planning.

**CONSULTATION**

The Senior Leaders Team and Coordinators Network undertook an audit of their teams’ policies and provided their feedback to the Governance team as to the status of their policies and future direction.

**COMMUNICATION**

Nil.

**DECLARATIONS OF INTEREST**

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

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

Not Applicable

### **Cultural**

Not Applicable

### **Health**

Not Applicable

### **Environmental**

Not Applicable

### **Economic**

Not Applicable

### **Financial**

Not Applicable

### **Attachments**

1. Biodiversity and Native Vegetation Policy
2. Weeds Policy
3. Public Open Space Policy

# 8.2

## Revocation of Outdated Policies

1	Biodiversity and Native Vegetation Policy .....	218
2	Weeds Policy.....	220
3	Public Open Space Policy .....	222



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Document Name: **Biodiversity and Native Vegetation Policy** **11 POL-4**

Adopted by Council: **7 February 2011**

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### **Policy Goals**

The goals of this Policy are to protect Latrobe City's biological diversity and maintain ecological processes and systems, by protecting, enhancing and, where appropriate, restoring native vegetation (including flora and fauna habitat requirements) to conserve biodiversity, protect river water quality and conserve soil resources, including on private land managed for agriculture, forestry and urban development; and to enhance the protection and management of nature conservation values, both inside and outside areas protected under legislation.

### **Relationship to Latrobe 2026 & Council Plan**

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:-

#### **Natural Environment**

##### **Latrobe 2026:**

In 2026, Latrobe Valley enjoys a beautiful natural environment that is managed and protected with respect to ensure a lasting legacy for future generations.

##### **Council Plan:**

- Enhance biodiversity conservation through the protection and management of remnant native vegetation and revegetation.

### **Policy Implementation**

It is the policy of Latrobe City to seek to maintain and enhance biodiversity within the municipality, and in particular to:

- seek to protect biodiversity and native vegetation assets of state and national significance, including native vegetation classified as Endangered or Vulnerable in the bioregion,
- seek the retention and enhancement of remnant native vegetation for the conservation of biodiversity, and particularly the larger and better quality patches,
- encourage the maintenance and enhancement of remaining native vegetation as a priority,
- support revegetation or regeneration as an important but lower priority, to extend, enhance or connect remnant native vegetation,

- 
- encourage biodiversity conservation in both rural and urban landscapes and across all land tenures,
  - achieve a reversal within the municipality of the long-term decline in the extent and quality of native vegetation and biodiversity, leading to a net gain,
  - encourage landholders to pursue a target of 30% of native vegetation across the landscape as a critical threshold for biodiversity conservation.

This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Signed : \_\_\_\_\_  
*Chief Executive Officer*

Date : 08/02/2011.

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Document Name: **Weeds Policy**

**11 POL-4**

Adopted by Council: **7 February 2011**

---

### **Policy Goals**

The goal of this policy is to contribute to the control, reduction and elimination of weeds in Latrobe City through Council operations, working cooperatively with agencies and others, and facilitating the community to take action.

Listed noxious weeds are recognised as the priority but this policy also applies to those other species of non-native or not locally indigenous plants having detrimental, or potentially detrimental, effects on the economy and environment of Latrobe City.

### **Relationship to Latrobe 2026 & Council Plan**

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:-

#### **Natural Environment**

##### **Latrobe 2026:**

In 2026, Latrobe Valley enjoys a beautiful natural environment that is managed and protected with respect to ensure a lasting legacy for future generations.

##### **Council Plan:**

- Promote a collaborative approach to the management of weed infestations on private and public land, including weed control initiatives.
- Ensure environmental sustainability principles are integrated with the Local Planning Policy Framework.

### **Policy Implementation**

It is Latrobe City Council's policy to:

1. Seek to prevent the spread of weeds as a priority.
2. Take steps to reduce the spread of weeds during works by Council staff and contractors, on machinery or in materials such as topsoil moved, dumped or stockpiled on Council managed land.
3. Control wherever practical weed infestations on land under Council management, as required by State legislation.

- 
4. Not use in its plantings species that are or may become significant environmental or agricultural weeds.
  5. Encourage weed control through changes in land management as a priority. Support the use of mechanical means of control where practical.
  6. Where chemical control is necessary, encourage the correct use of herbicides and the use of the minimum amount necessary, and discourage the use of herbicides known or suspected to have damaging effects on human health and the environment. This will reduce undesirable effects and the risks of weeds developing herbicide resistance.
  7. Require all Council staff paid or unpaid to hold a current Agricultural Chemical User's Permit when applying herbicide on Council owned or managed land, and require all Council contractors to have a Commercial Operators Licence as required by legislation and all their staff applying herbicide on Council owned or managed land to hold a current Agricultural Chemical User's Permit.
  8. Work cooperatively with other agencies including the Department of Primary Industries, the Department of Sustainability and Environment, the West Gippsland Catchment Management Authority, the Environmental Protection Authority and Gippsland Water on weeds initiatives.
  9. Provide information to the community on weeds and their control, encourage community compliance with relevant legislation and government policies.

This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Signed : \_\_\_\_\_  
*Chief Executive Officer*

Date : 08/02/2011.

Document Name: **Public Open Space Policy**

**11 POL-4**

Adopted by Council: **7 February 2011**

### Policy Goals

Latrobe City has developed the Public Open Space Policy as an overarching statement regarding the planning and development of public open space within the municipality. The Purpose of the Policy is to guide the development and future management of public open space in a manner which conserves, improves and protects the open space environment of the Latrobe City.

### Relationship to Latrobe 2026 & Council Plan

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:-

#### Recreation

##### Latrobe 2026:

In 2026, Latrobe Valley encourages a healthy and vibrant lifestyle, with diversity in passive and active recreational opportunities and facilities that connect people with their community.

##### Council Plan:

- Align open space requirements of the community with useable public open space.

#### Natural Environment

##### Latrobe 2026:

In 2026, Latrobe Valley enjoys a beautiful natural environment that is managed and protected with respect, to ensure a lasting legacy for future generations.

##### Council Plan:

- Protect and enhance bushland parks and reserves for the benefit of native flora and fauna.

#### Built Environment

##### Latrobe 2026:

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

##### Council Plan:

- Develop high quality community facilities that encourage access and use by the community.
- Promote the integration of roads, cycling paths and footpaths with public transport options and public open space networks to facilitate passive recreation and enhance the liveability and connection of Latrobe City.



- 
- Ensure proposed developments and open space areas are complementary to their surrounds.
  - Enhance the quality and sustainability of streetscapes and parks across the municipality through the provision and maintenance of trees that are appropriate to their surroundings.

### **Policy Implementation**

Latrobe City will ensure that in the planning and development of public open space full account will be taken of the various State Government policies relevant to public open space in Victoria.

The Council is committed to providing a wide range of public open space options designed to meet the needs of residents and visitors to the municipality. These options include passive and active recreation facilities, flora and fauna reserves, high amenity sites, undeveloped public land, waterways and their adjacent environments. Public open space will be provided at three levels, regional, to service the entire municipality and beyond, district, to service the surrounding communities and local to service the immediate local community.

In planning, maintaining and developing public open space the Council will: -

- Provide public open space that demonstrates reasonable and responsible levels of safety, accessibility and availability for general public use in appropriate locations.
- Provide a comprehensive public open space system to serve the present and anticipated needs of residents and visitors to the municipality.
- Provide a proactive and strategic response to planning and management of public open space in line with the principles of the 'Healthy by Design' guidelines.
- Provide and advocate for the development of the highest quality of public open space within the resources available (both capital and recurrent maintenance), at each level, taking into account the purpose/s for which the asset has been planned or developed.
- Maximise usage of public open space in an effort to optimise community investment and to efficiently maintain our assets.
- Provide protection for and integration of flood plains and major watercourses with other public open space venues and facilities.
- Ensure the conservation of important areas of native flora and fauna, sites or features (including trees, landscape, buildings or structures) that are of environmental, historical, cultural or scenic significance.
- Consider the implications of Native Title in the planning of public open space usage.

- 
- Promote an appreciation of outdoor recreation and the value of parklands.
  - Involve the community in planning, management and the usage of public open space.

This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Signed : \_\_\_\_\_ Date : 08/02/2011.  
*Chief Executive Officer*

# **URGENT BUSINESS**

## 9. URGENT BUSINESS

Business may be admitted to the meeting as urgent business in accordance with clause 17 of the Governance Rules, by resolution of the Council and only then if it:

- 17.1 Relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 17.2 Cannot reasonably or conveniently be deferred until the next Council meeting.

# REPORTS FOR NOTING



# CONSIDERATION OF ON-GOING LAKE NARRACAN FORESHORE SECURITY PATROLS

## PURPOSE

To provide Council with an update on efforts to reduce illegal camping activity within the Lake Narracan Foreshore reserve now the caravan park is closed.

## EXECUTIVE SUMMARY

- At the Council Meeting held on Monday, 1 June 2020 Council resolved to engage a security contractor to patrol the Lake Narracan foreshore to gather data in respect of instances of illegal camping and rubbish dumping and promote community awareness of camping prohibitions.
- These patrols were undertaken twice a day on weekends and public holidays over the summer period.
- A second report was presented to the Council Meeting held on Monday, 5 July 2021 where Council unanimously resolved to continue the patrols for another two years between November and May pending a future report presenting the data for consideration in respect of future requirements to manage illegal activity at the site.
- The data gathered during the past two years indicates that there is a decrease in illegal camping activity, with reports of rubbish dumping also declining.
- Unfortunately, there has been a technical error with the provision of specific data requested from the security company for the 2022/2023 summer period,
- At the request of officers, Victoria Police have increased patrols of the area to address anti-social and dangerous driving behaviours.
- Since the closure of the caravan park on 10 December 2022, there has been no indication that illegal activity has increased.
- Moving forward, management of the issues can be addressed either by continuing security patrols over the summer season or officers responding to reports of illegal camping, in partnership with Victoria Police, where resources permit.
- Officers will review the data in June 2024 to consider next steps and operational arrangements will be made based on the information provided.

## OFFICER'S RECOMMENDATION

### That Council:

- 1. Continue the security patrols of the Lake Narracan foreshore area from November 2023 to May 2024, and**
- 2. Note that management arrangements post May 2024 will be operationalised based on identified need.**

## BACKGROUND

Following discussions between Councillors and the caretakers of the Lake Narracan Caravan Park in 2019, officers were requested to review the utilisation of the foreshore by members of the community who were illegally camping and leaving excessive amounts rubbish and waste in the area.

A report was presented to the Council Meeting held on Monday, 1 June 2020 which provided background on the issue and options to obtain quantifiable data. The option of engaging a security contractor to undertake regular morning and evening patrols on weekends and public holidays over the summer period was endorsed.

The contractor provided reports to Officers measuring the number of visitors in the area, if any rubbish issues were identified, if campers were present and what action was taken to move the campers on.

During the period that the patrols were completed, the Lake Narracan Caravan Park caretakers reported a significant reduction in the amount of rubbish in the area. They had also reported that the presence of regular security patrols resulted in a reduction of illegal camping and anti-social issues.

At the Council Meeting held on Monday, 5 July 2021, Council resolved to engage the contractor for a further two years. Unfortunately, there has been a technical issue with the second year of data not being provided as required, however they have provided evidence that the patrols were completed.

Officers advise that no reports of illegal camping activity or dumping of rubbish have been reported directly to Council over this period from the community.

The success in driving down instances of illegal camping and rubbish dumping is attributed to:

- The education provided by the security patrol company reminding people of the requirement to leave the area at dusk; and
- An increase in the number of rubbish bins placed at the exit gate of the reserve; and
- The increased presence of Victoria Police.

Operations at the caravan park ceased on 10 December 2022, with the caretakers due to vacate the property in October 2023.

Officers recommend that security patrols are continued for the 2023/2024 summer period to ensure that the community are abiding by the requirements to vacate the area at dusk each day.

A review of the data will be completed in June 2024 to consider next steps and operational arrangements will be made based on the information provided.

## ANALYSIS

The data obtained by a contracted security patrol on weekends at and around the Lake Narracan foreshore area between November 2021 and May 2023 summer season is summarised as follows:

<i>Year</i>	<i>No of patrols</i>	<i>Visitors observed</i>	<i>Reports of rubbish</i>	<i>Campers observed</i>	<i>Campers moved on</i>	<i>Police called</i>
20/21	113	37	17	16	10	2
21/22	120	4	1	2	2	0
22/23	115	N/A	N/A	N/A	N/A	0

#Data has not been provided on specifics of each category over the 2022/2023 summer period due to a technical error experienced by the contractor, however evidence that the patrols were undertaken has been provided.

This, data, while limited, considered alongside the lack of reports received in relation to instances of illegal camping over the 22/23 period, evidences the efficacy of recent approaches to managing the issue.

## RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<p><b>COMPLIANCE</b></p> <p>Council has an obligation to provide safe and accessible public open space. There may be a negative impact if illegal camping activity was not managed appropriately</p>	<p><b>Low</b></p> <p><i>Possible x Minor</i></p>	<p>Continue to be responsive to reports of illegal camping activity where current resources allow and to continue to engage with Victoria Police to maintain patrols of the area and address any issues of community safety observed.</p> <p>Present option to Council to continue patrols of the area.</p> <p>Provision of clear signage.</p>

## CONSULTATION

No community consultation has been undertaken in the preparation of this report.

## COMMUNICATION

The role of the security contractor was to educate people using the area during the day about the signage advising that camping was illegal and to ensure that they understood the requirement to leave the area at dusk. This has had a positive impact on reducing the instances of illegal camping.

## DECLARATIONS OF INTEREST

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

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

Not Applicable

### **Cultural**

Not Applicable

### **Health**

Public access to recreational open spaces provides a positive impact on the emotional and social wellbeing of local and visiting community.

There is the potential for a negative impact on the environment if visitors do not avail themselves to the public amenities provided in the area or dispose of waste/rubbish appropriately.

### **Environmental**

Not Applicable

### **Financial**

The cost of engaging a contracted security company was approx. \$6,000 per year which was referred to the surplus bidding process. Should Council resolve to continue the patrols, arrangements will be made to cover the cost of the patrols and if required, a budget allocation will be requested.

### **Attachments**

Nil



## TABLING OF AUDIT AND RISK COMMITTEE BI-ANNUAL REPORT

### PURPOSE

To fulfil the Chief Executive Officer's legislated requirement to table the Audit and Risk Committee Bi-Annual Report at a Council Meeting.

### EXECUTIVE SUMMARY

- The *Local Government Act 2020* set outs that an Audit and Risk Committee must:
  - prepare a Bi-Annual Audit and Risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations.
  - provide a copy of the Bi-Annual Report to the Chief Executive Officer for tabling at the next Council meeting.
- A copy of the Bi-Annual Report is attached.
- The Bi-Annual Report found that it is the independent view of the Committee that the governance culture of the Council remains strong.
- The Report does note a further report is to be provided to the Committee outlining the way forward with regards to the Business Continuity Plan and the recent IT Disaster Recovery Audit.

### OFFICER'S RECOMMENDATION

**That Council receives and notes the Bi-Annual Report prepared by the Audit and Risk Committee Chairperson.**

**BACKGROUND**

The Audit and Risk Committee is formally established under Section 53 of the *Local Government Act 2020*.

The Audit and Risk Committee’s purpose is to support Council in discharging its oversight responsibilities related to:

- financial and performance reporting;
- risk management;
- fraud prevention systems and control;
- maintenance of a sound internal control environment;
- assurance activities including internal and external audit; and
- Council’s performance with regard to compliance with its policies and legislative and regulatory requirements.

It acts in this capacity by monitoring, reviewing, endorsing and advising on the above matters.

**ANALYSIS**

The attached Audit and Risk Committee Bi-Annual Report is provided to fulfil a legislative requirement of the *Local Government Act 2020* and the Audit and Risk Committee Charter. The Bi-Annual Report provides a summary of the work performed by the Audit and Risk Committee for the period 1 January 2023 to 30 June 2023.

The Bi-Annual Report found that it is the independent view of the Committee that the governance culture of the Council remains strong. The Report does note a further report is to be provided to the Committee outlining the way forward with regards to Business Continuity Plan and the recent IT Disaster Recovery Audit.

**RISK ASSESSMENT**

RISK	RISK RATING	TREATMENT
<b>COMPLIANCE</b> That Council does not fulfil its legislative obligations.	<b>Low</b> <i>Unlikely x Minor</i>	Ensure that each report is tabled at the next possible Council meeting and/or briefing in order to meet legislative requirements.

**CONSULTATION**

The draft Bi-Annual Report was provided to Audit and Risk Committee members for discussion and endorsement.

## COMMUNICATION

No particular communication is proposed.

## DECLARATIONS OF INTEREST

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

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

Not Applicable

### **Cultural**

Not Applicable

### **Health**

Not Applicable

### **Environmental**

Not Applicable

### **Economic**

Not Applicable

### **Financial**

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

### **Attachments**

1. Audit and Risk Committee Bi-Annual Report H1 2023

# 10.2

## Tabling of Audit and Risk Committee Bi-Annual Report

1	Audit and Risk Committee Bi-Annual Report H1 2023 .....	238
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1



# Audit and Risk Committee Bi- Annual Report

2023 Year (January to  
June)



**[AUDIT AND RISK COMMITTEE BI-ANNUAL REPORT]**

June 2023

Dear Councillors,

As part of the Audit and Risk Committee Charter, I am pleased to present to you the Bi-Annual Report of the Audit and Risk Committee for the period January to June 2023.

The report contains details of:

1. Purpose of the Audit and Risk Committee
2. Audit and Risk Committee Charter
3. Committee Membership
4. A Summary of Work Performed by the Audit and Risk Committee
5. Overall Conduct of the Audit and Risk Committee

**Ms. Beverley Excell**

Chair, Audit and Risk Committee

25 May 2023

### **Purpose of the Audit and Risk Committee**

The Audit and Risk Committee is formally established under Section 53 of the *Local Government Act 2020*.

The Audit and Risk Committee's purpose is to support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, maintenance of a sound internal control environment, assurance activities including internal and external audit and Council's performance with regard to compliance with its policies and legislative and regulatory requirements. It acts in this capacity by monitoring, reviewing, endorsing and advising on the above matters.

### **Audit and Risk Committee Membership**

The May 2023 Audit and Risk Committee meeting is my last meeting following almost nine years on the Committee due to the end of my tenure. This is in line with the Audit and Risk Committee Charter which sets out that a member who has served a membership of nine years in total cannot be reappointed. As a result, a process was undertaken to recruit a new external independent member to the Committee. A total of 23 applications were received for the role with a broad mix of experience, with a number of applicants currently in similar roles in other local government organisations across the state. As part of this recruitment process applicants were also asked to indicate their interest in the also soon to be vacant Chairperson role. Interviews for the role were held in early June 2023.

Cr. Darren Howe was appointed as a Council representative in April 2023 following the resignation of Cr. Melissa Ferguson from the Committee in March 2023. Cr. Graeme Middlemiss was also appointed as the alternate Councillor member at that time.

The Committee consists of two Councillors and one Councillor alternate member, and three independent external members. The Committee consists of:

- Independent Chair: Ms. Beverley Excell

Appointed by Council as an independent member: 11 August 2014

Appointed by Council as Chair: 24 May 2016

Current and final term expires on 01 August 2023

*Formal qualifications:*

- *B.Sc. (Hons)*
- *AICD Company Directors Course (FAICD)*
- Independent Member: David Kortum

Appointed by Council on 06 June 2022 for a three year term

*Formal qualifications:*

**[AUDIT AND RISK COMMITTEE BI-ANNUAL REPORT]**

June 2023

- *Certified Fraud Examiner Association of Fraud Examiners*
  - *CBCI Certification Course*
  - *Masters in Counter Terrorism Monash University*
  - *Masters in Defence Studies*
  - *Bachelor of Arts in Political Science*
- Independent Member: John Purcell  
Appointed by Council on 06 June 2022 for a 2.5 year term  
*Formal qualifications:*
    - *Doctor of Philosophy, Victoria University*
    - *Master of Business Administration, La Trobe University*
    - *Graduate Certificate in Fraud Investigation, La Trobe University*
    - *Bachelor of Business (Accounting), Swinburne University*
    - *Bachelor of Economics - Monash University*
    - *Fellow, Certified Practising Accountant, CPA Australia (1098973)*
  - Council Representative: Cr. Melissa Ferguson  
Appointed in December 2022; until December 2023  
*Resigned March 2023*
  - Council Representative: Cr Bradley Law  
Appointed in December 2022; until December 2023
  - Council Representative: Cr. Darren Howe  
Appointed in April 2023; until December 2023
  - Alternate Council Representative: Cr. Graeme Middlemiss  
Appointed in April 2023; until December 2023

**A Summary of Work Performed by the Audit and Risk Committee****Risk Management**

The Committee continued to monitor Council's risk management performance and the effectiveness of the risk management framework. The Committee has continued to focus on and prioritised risks associated with internal audit reviews and external audit reports and to consider new and emerging risks.

### Internal Audit Tender

Following the expiration of the internal audit contract with HLB Mann Judd, a tender process was undertaken for a new three-year contract with two one-year extensions. The tender process attracted a total of seven submissions with many having extensive experience in the internal audit function within the Victorian local government sector.

An extensive evaluation of the tenders was undertaken with the Chairperson a member of the panel that reviewed the submissions. Following the evaluation process HLB Mann Judd were reappointed with the recommendation presented to the March 2023 council meeting.

### Internal Audit

Throughout the year the Committee reviewed regular status reports from the Internal Auditor on their work and continued a practice of endorsing audit scopes in advance of commencement.

The following reports have been tabled at Audit and Risk Committee meetings for endorsement:

- Procurement and Contract Management
- Fraud and Corruption Control Framework (High Level)
- Review of ITGC
- IT Disaster Recovery

In addition, the Committee was given a progress update on the information technology actions

A key focus for the Committee remains reviewing the organisation's audit action compliance through regular reporting to the committee. The Committee recognises Management's focus on the review and close out of aging and overdue audit actions, to ensure risks have been mitigated.

With the granting of the new contract one of the first pieces of work is the develop the of the new three-year audit plan with work underway to develop this plan. The Committee reviews the plan annually and monitors delivery of the plan at every Committee meeting.



**Other Audits and Information Presented**

In addition, the Audit and Risk Committee have had information presented on the following audits, investigations, and internal projects, including some that have been conducted by other agencies:

- Council's quarterly Performance and Budget Reports
- Local Government Act 2020 - Compliance Obligations and Governance Transition
- Gifts, Benefits and Hospitality Compliance Reporting - July - December 2022
- Audit Compliance Report - March 2023
- VAGO, Ombudsman, Inspectorate and IBAC Reports
- Fraud and Corruption Reporting
- Conflict of Interest – Compliance
- Local Government Performance Reporting Framework (LGPRF) - 2021/22 Yearly Comparison
- People and Workcover Reports
- Response to OVIC report 'Process versus Outcome: Investigation into VicForests' handling of a series of FOI requests
- Review of Business Continuity Framework and testing regime
- Response to VAGO report 'Regulating Private Pool and Spa Safety'
- Update on compliance and internal control activities
- Asset accounting update

As noted above, the Committee received an update on the review and testing of Council's Business Continuity Framework. This identified that Business Continuity Framework, including Business Continuity Plan, Sub Plans, Business Recovery Team, testing and training is currently due or overdue for review. The Committee were advised that significant review, with the assistance of consultants, is planned for 2023/24. However, an immediate action to review and update of the Business Recovery Team and operational policy is underway to enable a timely/swift/organised organisational response should a disruption event occur in the interim. A further report will be provided outlining the way forward with regard to Business Continuity Plan and the recent IT Disaster Recovery Audit.

The Committee advises it continues to get value from the review of integrity agency reports and these are produced to a high quality.

**Overall Conduct of the Audit and Risk Committee**

The Committee discharged its duties during the following meetings:

2 March 2023

25 May 2023

**[AUDIT AND RISK COMMITTEE BI-ANNUAL REPORT]**

June 2023

**Attendance**

Attendance at the meetings for each independent and Councillor members is in the following table.

Committee Member	March 2023	May 2023
Beverley Excell	✓	✓
David Kortum	✓	✓
John Purcell	✓	✓
Cr Ferguson	Apology	N/A
Cr Law	✓	✓
Cr Howe	N/A	Apology
Cr Middlemiss (alternate)	N/A	✓

\* All councillors are invited to attend meetings but do not have an entitlement to vote.

## Conclusion

The Committee is of the view that the governance culture of Council remains strong. There have been no substantial issues raised by Internal Audit or External Audit that were a great surprise to the Executive or would give rise to undue concern. Moreover, as opportunities to improve have been identified, Council has been open to the suggestions.

The Committee appreciates that council does understand the important role the Committee plays as an independent committee of Council, through the diverse experience and knowledge of its members. It helps council to fulfil its responsibilities via many key functions including external financial and performance reporting, maintenance of strong and effective governance and control frameworks, management of key risks and Council's compliance with legislation and regulation.

I would like to thank the management team for their support in running the Committee and thank my colleagues, both the independent members and the Councillors, for their contribution to a strong Committee.

*Bev Excell, FAICD  
External Chair  
Audit & Risk Committee, Latrobe City Council  
30 June 2023*

## UPDATE ON PROPOSED SALE OF LAND - 23 BUNYIP COURT, MORWELL

### PURPOSE

To provide an update on the proposed sale of a parcel of land adjacent to the property at 23 Bunyip Court, Morwell.

### EXECUTIVE SUMMARY

- At the Council Meeting held on Monday, 4 April 2022, Council resolved to commence the statutory process to sell an estimated 190 square metres of vacant land (“the land”) within a Council reserve located between Nindoo Drive and Airlie Bank Road, adjoining 23 Bunyip Court, Morwell, by private treaty.
- Since this resolution the interested party has withdrawn their interest to purchase the land.
- Council will now discontinue the sale process.

### OFFICER’S RECOMMENDATION

**That Council discontinues the sale process for the parcel of land adjacent to property located at 23 Bunyip Court, Morwell.**

## BACKGROUND

Council received a request from the owner of 23 Bunyip Court, Morwell, to acquire part of the Council reserve, measuring approximately 190 square metres, at the rear of the property (Attachment 1).

This land is described as part of Reserve 1 on PS 427750Y being the land contained in Certificate of Title Volume 10477 Folio 240 (Attachment 2).

Recent staffing changes within the property team delayed the progression of this resolution, when the process has recently resumed the interested party has removed their interest in the purchase.

Complete correspondence between the previously interested party and Latrobe City Council is included (Attachment 3) indicates the removal of interest in the property.

## ANALYSIS

With the withdrawal of interest in the property (Attachment 3) from the adjacent property owner and the property still within the existing reserve, Council is discontinuing the process to sale.

## RISK ASSESSMENT

RISK	RISK RATING	TREATMENT
<b>COMPLIANCE</b> Adherence to the Local Government Act (2020) and Land Act (1958) in relation to land sales	<b>Low</b> <i>Rare x Minor</i>	All steps required to comply with the act have been undertaken
<b>SERVICE DELIVERY</b> Extended timeframes for service delivery	<b>Low</b> <i>Rare x Minor</i>	Officers prioritising previously commenced processes to complete them within a timely manner
<b>FINANCIAL</b> Costs associated with a land sale not being recovered	<b>Low</b> <i>Possible x Minor</i>	The discontinuance of the land sale will not incur any further costs

RISK	RISK RATING	TREATMENT
<b>STRATEGIC</b> Council being regarded as slow and non-responsive to the community	<p style="text-align: center;"><b>Low</b> <i>Possible x Minor</i></p>	Officers prioritising previously commenced processes to complete them within a timely manner, before considering new requests

#### CONSULTATION

Community Consultation was completed as part of the sales process for the land parcel and no submissions were received.

#### COMMUNICATION

Communication has been directly between the interested party (owners of the adjacent property 23 Bunyip Court) and Council Officers.

#### DECLARATIONS OF INTEREST

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



## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

Not applicable

### **Cultural**

Not applicable

### **Health**

Not applicable

### **Environmental**

Not applicable

### **Economic**

Not applicable

### **Financial**

The financial impacts of the sale are not recovering the \$20,000 proposed as the sale price, however the asset remains in Council possession, therefore the net result is immaterial.

### **Attachments**

1. 23 Bunyip Court, Morwell - Aerial Imagery of Proposed Purchase
2. 23 Bunyip Court, Morwell - Title plan
3. Correspondance with interest party and Latrobe City Council (Published Separately)

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

# 10.3

## Update on Proposed Sale of Land - 23 Bunyip Court, Morwell

- 1 23 Bunyip Court, Morwell - Aerial Imagery of Proposed Purchase ..... 251
- 2 23 Bunyip Court, Morwell - Title plan..... 252



**Above:** Subject site shown within blue boundaries.

The surrounding residential area is zoned Neighbourhood Residential Zone Schedule 4 (NRZ4).

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<b>PLAN UNDER SECTION 24A OF THE SUBDIVISION ACT 1988</b>		STAGE No. _____	LTO USE ONLY <b>EDITION</b>	PLAN NUMBER <b>PS 427750Y</b>
<b>LOCATION OF LAND</b>		<b>COUNCIL CERTIFICATION AND ENDORSEMENT</b>		
PARISH: MARYVALE TOWNSHIP: SECTION: CROWN ALLOTMENT: 4 (PART)  LTO BASE RECORD: DCMB TITLE REFERENCES: VOL 10271 FOL 24.0 LAST PLAN REFERENCE/S: LP 132352 POSTAL ADDRESS: NINDOO DRIVE MORWELL 3840 (At time of subdivision) AMG Co-ordinates (of approx centre of land in plan) E 450 560 ZONE: 55 N 5 768 660		COUNCIL NAME: LATROBE SHIRE COUNCIL REF: 99089 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. <del>This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6. / /</del> 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.  OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. (ii) <del>The requirement has been satisfied.</del> (iii) <del>The requirement is to be satisfied in Stage .....</del>  Council Delegate <del>Council Seal</del> Date 22/4/99  <del>Re-certified under Section 11(7) of the Subdivision Act 1988.</del> <del>Council Delegate</del> <del>Council Seal</del> Date / /		
<b>VESTING OF ROADS AND/OR RESERVES</b>		<b>NOTATIONS</b>		
IDENTIFIER	COUNCIL/BODY/PERSON	STAGING This is/ is not a staged subdivision. Planning permit No. 99089		
RESERVE NO.1	LATROBE SHIRE COUNCIL	DEPTH LIMITATION DOES NOT APPLY		
NOTATIONS:		PURPOSE OF THE PLAN:		
LOT 1 IS THE RESULT OF THIS SURVEY. THE AREA OF LOT 2 HAS BEEN OBTAINED BY DEDUCTION FROM TITLE. THIS PLAN IS <del>IS NOT</del> BASED ON SURVEY		1. TO REMOVE THE RESERVE STATUS FROM THE LAND SHOWN AS LOT 1 AND RESERVE NO.1 ON SHEET 2 OF THIS PLAN BEING ALL THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOL 10271 FOLIO 24.0. 2. TO REMOVE THE EASEMENT OF DRAINAGE AND SEWERAGE FROM THE LAND SHOWN AS LOT 1 ON SHEET 2 OF THIS PLAN. 3. TO VEST THE LAND SHOWN AS RESERVE NO.1 ON SHEET 2 OF THIS PLAN IN THE LATROBE SHIRE COUNCIL. 4. TO CREATE THE DRAINAGE EASEMENTS SHOWN AS E-1 & E-3 THROUGH LOT 1 ON SHEET 2 OF THIS PLAN IN FAVOUR OF THE LATROBE SHIRE COUNCIL. 5. TO CREATE THE EASEMENTS FOR PIPELINE OR ANCILLARY PURPOSES SHOWN AS E-2 & E-3 THROUGH LOT 1 ON THIS PLAN IN FAVOUR OF THE CENTRAL GIPPSLAND REGION WATER AUTHORITY.  THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) 231, 338 & 339 IN PROCLAIMED SURVEY AREA No. ____		
<b>EASEMENT INFORMATION</b>		<b>LTO USE ONLY</b>		
LEGEND	A-Appurtenant Easement	E-Encumbering Easement	STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT	
LEGEND	R-Encumbering Easement (Road)	RECEIVED <input checked="" type="checkbox"/>		
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	2	THIS PLAN	LATROBE SHIRE COUNCIL
E-2	PIPELINE OR ANCILLARY PURPOSES	2	THIS PLAN	CENTRAL GIPPSLAND REGION WATER AUTHORITY
E-3	DRAINAGE	2	THIS PLAN	LATROBE SHIRE COUNCIL
E-3	PIPELINE OR ANCILLARY PURPOSES	2	THIS PLAN	CENTRAL GIPPSLAND REGION WATER AUTHORITY
E-4	DRAINAGE & SEWERAGE	SEE DIAGRAM.	LP. 132352	LOTS ON LP. 132352.
<b>DELL &amp; KEITH CONSULTANTS PTY LTD</b> ACN 005 289 387 3/6-8 GREY STREET, TRARALGON Ph. (03) 5174 5385 Fax. (03) 5174 9548		PETER GORDON DELL LICENSED SURVEYOR (PRINT) .....		DATE 17 / 3 / 99
SIGNATURE .....		REF 9175		VERSION 1
DATE / /		COUNCIL DELEGATE SIGNATURE		ORIGINAL SHEET SIZE A3
SHEET 1 OF 2 SHEETS		DATE: 8/10/99		
DATE: / /		LTO USE ONLY PLAN REGISTERED TIME 2.30 pm DATE 4/11/99		



## PETITION FOR THE REOPENING OF CHESTNUT AVENUE, MORWELL

### PURPOSE

To present Council with a petition received requesting the reopening of Chestnut Avenue, Morwell.

### EXECUTIVE SUMMARY

- Latrobe City Council (Council) has been presented with a petition (Attachment 1) containing 45 signatures requesting that Council reopen the western end of Chestnut Avenue to restore vehicular access to The Boulevard, Morwell.
- This report is being presented to Council in accordance with Section 63 of the Governance Rules, requesting that the petition lay on the table.
- The purpose of laying the petition on the table is to bring to the Council's attention the petition, the terms of the petition and to allow time for a detailed report to be prepared for the consideration of Council.
- No debate or discussion will be entered into when the petition is tabled, however this can occur when the petition is brought back to Council in a further report.

### OFFICER'S RECOMMENDATION

#### That Council:

- 1. In accordance with the Governance Rules, refer the petition requesting the reopening of Chestnut Avenue, Morwell, to the General Manager Regional City Planning and Assets for assessment and analysis;**
- 2. Request a report be prepared for the Council Meeting to be held on Monday, 04 September 2023 detailing, but not limited to, the implications, issues and options surrounding the matters raised in the petition; and**
- 3. Advise the head petitioner in writing of this decision in relation to the petition.**



**BACKGROUND**

Council has been presented with a petition (Attachment 1) containing 45 signatures requesting that Council reopen the western end of Chestnut Avenue, Morwell.

The petition statement outlines the following request:

*We, the undersigned residents and property owners hereby request that Latrobe City Council remove the barrier at the western end of Chestnut Avenue to restore vehicular access to The Boulevard, Morwell.*

This report is being presented to Council in accordance with Section 63 of the Governance Rules requesting that the petition lay on the table.

**ANALYSIS**

The purpose of laying the petition on the table is to bring to Council’s attention the petition, the terms of the petition and allow time for a detailed report to be prepared for the consideration of Council. No debate or discussions will be entered into when the petition is tabled however it can occur when the petition is brought back to Council in a further report.

In accordance with Council’s Governance Rules, a petition is required to lie on the table unless it is an item of urgent business.

A report for a decision on this petition will be presented at the Council Meeting to be held on Monday, 04 September 2023.

**RISK ASSESSMENT**

RISK	RISK RATING	TREATMENT
<b>COMPLIANCE</b> Petition not being dealt with in an appropriate manner.	<b>Low</b> <i>Rare x Minor</i>	Ensure petition is dealt with in accordance with the requirements of the Governance Rules.

**CONSULTATION**

Officers have assisted the head petitioner with preparing the petition to ensure that it meets the requirements of the Governance Rules to enable it to be considered by Council.

**COMMUNICATION**

Not applicable

**DECLARATIONS OF INTEREST**

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

## APPENDIX 1 IMPACT ASSESSMENT

### **Social**

Not applicable

### **Cultural**

Not applicable

### **Health**

Not applicable

### **Environmental**

Not applicable

### **Economic**

Not applicable

### **Financial**

Not applicable

### **Attachments**

#### 1. Petition - Reopening of Chestnut Avenue, Morwell (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. Petition contains personal details of residents..*

**11. QUESTIONS ON NOTICE**

Nil reports

# **NOTICES OF MOTION**

**12. NOTICES OF MOTION**

Nil

# ITEMS FOR TABLING



**13. ITEMS FOR TABLING**

Nil reports

#### **14. ACKNOWLEDGEMENTS**

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

**MEETING CLOSED TO  
THE PUBLIC TO  
CONSIDER  
CONFIDENTIAL  
INFORMATION**

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

Section 66 of the *Local Government Act 2020* enables Council to close the meeting to the public to consider *confidential information* as defined in that Act.

**Proposed Resolution:**

**That Council pursuant to section 66(1) and 66(2)(a) of the *Local Government Act 2020* (the Act) close the Council Meeting to the public to consider the following items containing confidential information as defined in section 3(1) of the Act:**

- 15.1 44 Albert Street, Moe - Expression of Interest**  
This item is confidential as it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)). This ground applies because it relates to an EOI process for the lease over a building.
- 15.2 LCC-788 Provision of Plumbing and Gas Fitting Services & LCC-789 Provision of Electrical Services - Contract Award**  
This item is confidential as it contains private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)). This ground applies because releasing this information publicly and/or prematurely may prejudice the undertaking of this process.