



LATROBE CITY COUNCIL

MINUTES FOR THE ORDINARY COUNCIL MEETING

HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 5.30PM ON
04 FEBRUARY 2013

CM397

PRESENT:

| | | |
|---------------------|--------------------------------|--|
| Councillors: | Cr Sandy Kam, Mayor | East Ward |
| | Cr Sharon Gibson, Deputy Mayor | West Ward |
| | Cr Peter Gibbons | West Ward |
| | Cr Dale Harriman | East Ward |
| | Cr Graeme Middlemiss | Central Ward |
| | Cr Kellie O'Callaghan | East Ward |
| | Cr Michael Rossiter | East Ward |
| | Cr Christine Sindt | Central Ward |
| | Cr Darrell White | South Ward |
| Officers: | Paul Buckley | Chief Executive Officer |
| | Michael Edgar | General Manager Community Liveability |
| | Carol Jeffs | General Manager Governance |
| | Allison Jones | General Manager Economic Sustainability |
| | Grantley Switzer | General Manager Recreation, Culture & Community Infrastructure |
| | Jacinta Saxton | Manager Community Relations |

TABLE OF CONTENTS

| | |
|---|----------------------------|
| 1. OPENING PRAYER..... | 5 |
| 2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND | 5 |
| 3. APOLOGIES AND LEAVE OF ABSENCE..... | 5 |
| 4. DECLARATION OF CONFLICT OF INTEREST | 5 |
| 5. ADOPTION OF MINUTES | 5 |
| 6. PUBLIC QUESTION TIME | 20 |
| 7. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION..... | ERROR! BOOKMARK NOT |
| 8. NOTICES OF MOTION..... | 333 |
| 8.1 2013/01 - Notice of Motion - Gippsland Aquatic Centre..... | 333 |
| 9. ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR CONSIDERATION | 336 |
| 9.1 Potential Road Discontinuance and Sale of Land - Part Catterick Lane, Traralgon | 336 |
| 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project..... | 339 |
| 10. CORRESPONDENCE | 341 |
| 11. PRESENTATION OF PETITIONS | 345 |
| 12. CHIEF EXECUTIVE OFFICE | 349 |
| 13. ECONOMIC SUSTAINABILITY..... | 353 |
| 13.1 2013 Super Trade Missions To India..... | 353 |
| 13.2 Latrobe Regional Airport September Quarterly Report..... | 386 |
| 14. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE..... | 399 |
| 15. COMMUNITY LIVEABILITY | 403 |
| 16. GOVERNANCE | 406 |
| 16.1 Planning Application No. 2011/297 4-6 McClure Court, Traralgon | 406 |
| 16.2 Planning Permit Application 2011/287 - Multi-Lot Staged Subdivision And Native Vegetation Removal - 55 Bonds Road, Yinnar..... | 407 |
| 16.3 Mayoral Sponsorship Committee..... | 407 |

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

| | | |
|------------|--|------------|
| 16.4 | Planning Permit Application 2011/397 - Demolition of a Building at 171 Franklin Street, Traralgon | 425 |
| 16.5 | Setting of Mayoral & Councillor Allowance 2012 to 2016 | 425 |
| 16.6 | Documents Presented for Signing and Sealing | 430 |
| 16.7 | Assembly of Councillors | 432 |
| 17. | ORGANISATIONAL EXCELLENCE | 449 |
| 18. | MEETING CLOSED TO THE PUBLIC | 453 |
| 18.1 | LCC-14 Design, Supply, Installation and Commissioning of a Stationary Compaction and Conveyor Feed System for Moe Transfer Station | 453 |
| 18.2 | LCC-5 Provision of Drainage Maintenance Works..... | 453 |
| 18.3 | LCC-3 Provision of Theatre Technician and Mechanist..... | 453 |
| 18.4 | Food Sampling Analysis Report - October 2012 to December 2012 | 453 |
| 18.5 | Membership of the Traralgon East Community Centre Advisory Committee | 454 |
| 18.6 | Disability Reference Committee 2012-14 | 454 |
| 18.7 | Assembly of Councillors | 454 |
| 18.8 | Adoption of Minutes | 454 |
| 18.9 | Confidential Items | 454 |

1. OPENING PRAYER

The Opening Prayer was read by the Mayor

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

The Recognition of Traditional Landholders was read by the Mayor.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

4. DECLARATION OF CONFLICT OF INTEREST

Cr Harriman declared an indirect interest under section 78c of the *Local Government Act 1989* in relation to Item 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

Cr Kam declared a direct interest under section 77B and an indirect interest under section 78 of the *Local Government Act 1989* in relation to Item 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

Cr Harriman declared an indirect interest under section 78 of the *Local Government Act 1989* in relation to Item 16.4 Planning Permit Application 2011/397 - Demolition of a Building at 171 Franklin Street, Traralgon.

5. ADOPTION OF MINUTES

Moved: Cr Gibson
Seconded: Cr Gibbons

That Council adopts the Minutes of the Ordinary Council Meeting held on 4 February 2013 (CM 397), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

LATROBE CITY COUNCIL RATES

Chris Kaczowski asked the following question:

Question:

I will not be paying Latrobe City Council rates and charges for the year 2012/13.
In this respect my question is:

Will I be committing an offence against the Local Government Act 1989 by not paying the Latrobe City Council rates and charges?

Answer:

You would not be committing an offence against the Local Government Act 1989 but Council could sell your property to recover costs incurred.

SPECIAL COUNCIL MEETING START TIME

Bruce McDonald asked the following question:

Question:

Can the starting time of the proposed Special Meeting of Council scheduled for 25 March 2013 be postponed until at least 6.00pm?

This would allow many more interested participants who are employed in retail to attend and be at the whole of the meeting including the start.

Answer:

Council will resolve the starting time at tonight's meeting. The proposed starting time is 5.30pm.

COUNCIL MEETING STARTING TIME

Mr Bruce McDonald asked the following question:

Question:

Once again will Latrobe City Council review its new starting time for all of its ordinary meetings?

Refer to my first question regarding impact of employees working in retail until 5.30pm.

Answer:

Council have discussed having a review of the starting time of the Ordinary Council Meetings after 6 months.

PUBLIC QUESTIONS

Mr Bruce McDonald asked the following question:

Question:

Will questions from the community be displayed via overhead projection for all to see in their entirety and not just be delivered as an edited verbal version by the CEO? As has occurred since the meeting time change at lease?

Answer:

Due to most public questions not being received until the start of the meeting this can be difficult to arrange; however Council will investigate this option and consider it for future meetings.

COUNCIL MEETING TIME

Ms Linda Reid asked the following question:

Question:

What criteria is being used to assess the success or otherwise of the new Council Meeting times?

Will Council give consideration to a 6.00pm start to allow for most working people to attend and be able to have an evening meal or coffee before hand?

Answer:

Council has no formal criteria for the review of the Council Meeting times. Council have discussed having a review of the starting time of the Ordinary Council Meetings after 6 months.

MOE ACTIVITY CENTRE PLAN

Mr Bruce McDonald asked the following question:

Question:

Will Latrobe City Council ensure all previous submissions regarding the Moe Activity Centre Plan be published in the Agenda for the proposed meeting at the Moe Town Hall on the 25th of March 2013?

My handwritten submission from the 2009 consultation process has been omitted from the Agenda tonight as it and others were omitted from the Agenda at the December 2009 Latrobe City Council meeting that resolved to proceed with the Moe Activity Centre Plan at the time.

Answer:

Council officers will investigate Mr Bruce McDonald's submission and ensure any submission is included as part of the review. Mr McDonald will be contacted to discuss this further.

AUSTRALIAN LOCAL GOVERNMENT ASSEMBLY

Mr Ian Prigg asked the following question:

Question:

What discussion has taken place regarding local Councils being incorporated inside the Federal Constitution?

Answer:

Latrobe City Council are having ongoing discussions with other Local Councils. Further information can be provided to Mr Prigg following this meeting.

55 BONDS ROAD DEVELOPMENT YINNAR

Ms Leigh Vains asked the following question:

Question:

Where is the evidence that the population of Yinnar needs to double within 5 years? (600 people today – 1200+ in 5 years)

How will Council assist with this influx of residents?

How will Council address need for infrastructure to allow Yinnar to cope?

Answer:

The Chief Executive Officer paraphrased the question and responded that the question will be taken on notice with the answers provided in writing and also included in the Minutes of this meeting.

55 BONDS ROAD DEVELOPMENT YINNAR

Ms Leigh Vains asked the following question:

Question:

The need of young families to have an accessible play area for community use is not being met. How will Council address this?

Answer:

The Chief Executive Officer paraphrased the question and responded that the question will be taken on notice with the answers provided in writing and also included in the Minutes of this meeting.

55 BONDS ROAD DEVELOPMENT YINNAR

Ms Leigh Vains asked the following question:

Question:

The eastern drain has been designated to the estates "Open Space" for use by community with storm water drainage being directed into this drain how healthy will this be and how will Council monitor this?

Why is the eastern drain not being fenced for child safety?

Answer:

The Chief Executive Officer paraphrased the question and responded that the question will be taken on notice with the answers provided in writing and also included in the Minutes of this meeting.

55 BONDS ROAD DEVELOPMENT YINNAR

Ms Leigh Vains asked the following question:

Question:

Will Council put in the new proposal how they will maintain these areas (North west drain area) of concern once construction of development commences?

Answer:

The Chief Executive Officer paraphrased the question and responded that the question will be taken on notice with the answers provided in writing and also included in the Minutes of this meeting.

55 BONDS ROAD DEVELOPMENT YINNAR

Ms Leigh Vains asked the following question:

Question:

Will Council upgrade all our playgrounds in Yinnar with the funds given to them by developers?

Alfred Drive playground has no boundary fence along Yinnar Road, will Council address this prior to increased traffic flow that will occur when development commences?

Answer:

The Chief Executive Officer paraphrased the question and responded that the question will be taken on notice with the answers provided in writing and also included in the Minutes of this meeting.

55 BONDS ROAD DEVELOPMENT YINNAR

Ms Leigh Vains asked the following question:

Question:

We would like to request that the 100kph sign be reduced to 60kph after Bonds Road so as to make Yinnar Road safer during and after construction if this project is to go ahead.

Answer:

The Chief Executive Officer paraphrased the question and responded that the question will be taken on notice with the answers provided in writing and also included in the Minutes of this meeting.

6. PUBLIC QUESTION TIME**Suspension of Standing Orders**

Moved: Cr Gibbons
Seconded: Cr Rossiter

Cr Kam, Mayor left the Chamber at 5.44pm due to a direct interest under section 77B and an indirect interest under section 78 of the *Local Government Act 1989* in relation to item 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project. Cr Gibson, Deputy Mayor took the chair.

Cr Harriman left the Chamber at 5.44pm due to an indirect interest under section 78C of the *Local Government Act 1989* in relation to item 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

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

CARRIED UNANIMOUSLY**Standing Orders were suspended at 5.44 pm**

Ms Jenny Jackeulen addressed Council in relation to item 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

Mr Luke Van der Meulen addressed Council in relation to item 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

Mr Manny Gelagotis addressed Council in relation to item 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

Ms Christine Waterhouse addressed Council in relation to item 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

Ms Susan Broadbent addressed Council in relation to item 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

Mr Brett Morrow addressed Council in relation to item 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

Mr Tony Flynn addressed Council in relation to item 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

Ms Ankica Stojkovic addressed Council in relation to item 9.2 Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

Standing Orders were resumed at 6.25pm

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

9.2 REVIEW OF MOE ACTIVITY CENTRE PLAN AND MOE RAIL PRECINCT REVITALISATION PROJECT.

General Manager

**Recreation, Culture &
Community Infrastructure**

For Decision

PURPOSE

The purpose of this report is;

1. to identify all previous submissions made to Council on the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project and provide these to Council for their review; and
2. to present a suggested process for community members to engage with Council in relation to the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project review during February, for the consideration of Council.

DECLARATION OF INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

*Gippsland's Regional City
Strengthening our profile*

*An active connected and caring community
Supporting all*

*Attract, retain, support
Enhancing opportunity, learning and lifestyles*

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

Strategic Direction – Governance

- *Support effective community engagement to increase community participation in Council decision making.*
- *Ensure that Council decision-making considers adopted policies.*
- *Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.*
- *Ensure that Latrobe City Council applies a sound risk management approach to decision making and service delivery.*

Strategy – Governance

- *Community Engagement Plan*

Strategy – Built Environment

- *Moe Activity Centre Plan*
- *Moe Rail Precinct Revitalisation Project: Master Plan*

Key Strategic Actions

Pursue government funding opportunities to progress construction of the Moe Rail Precinct Revitalisation Project in accordance with the Moe Activity Centre Plan.

BACKGROUND

The Moe Activity Centre Plan:

Latrobe City Council adopted the Moe Activity Centre Plan (MACP) in December 2007. The MACP provides a framework for the urban revitalisation of the Moe Town Centre, which when implemented, will deliver the Transit Cities principles of creating a vibrant, safe and active town centre.

The MACP includes a range of infrastructure and public realm improvements designed to act as a catalyst to new private sector investment within the activity centre.

The MACP contains seven individual projects that have been designed to drive the urban revitalisation of the Moe Activity Centre.

The seven projects are:

1. Moe Train Station Precinct
2. Integrated Bus Loop & Street Upgrades
3. Moore Street Shared Zone
4. Clifton Street Car Park
5. Hasthorpe Place Precinct
6. Roundabout Overpass
7. Southern Precinct Housing

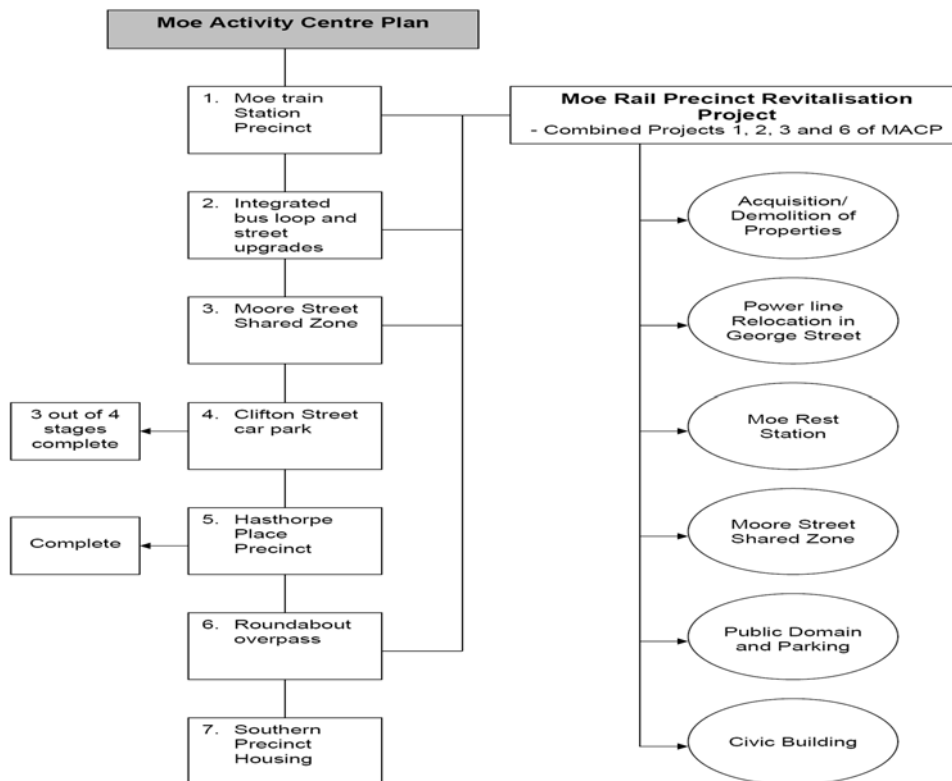
ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

The Moe Rail Precinct Revitalisation Project:

In order to undertake a whole of precinct approach to the future development of Moe, a number of the projects have been combined to create the Moe Rail Precinct Revitalisation Project (MRPRP). The projects combined include:

- Project 1 – Moe Train Station Precinct
- Project 2 – Integrated Bus Loop and Street Upgrades
- Project 3 – Moore Street Shared Zone, and,
- Project 6 – Roundabout Overpass

The projects and their interrelationships are detailed in the following diagram:



Latrobe City Council adopted the Moe Rail Precinct Revitalisation Project: Master Plan in December 2009. In May 2011, Council adopted the concept design of the Moe Rail Precinct Revitalisation Project and launched the design to the community and stakeholders in June 2011.

Community involvement in the MACP and MRPRP:

Project management of both the MACP and MRPRP have incorporated a strong commitment to community engagement, to provide for genuine and transparent public participation during the planning stages of each project. As summarised in the table below both projects have successfully achieved high levels of public participation.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

Moe Activity Centre Plan:

| Date | Activity | Details | Outcome |
|-------------------------------|---------------------|--|--|
| 30 March 2007 | Search Conference | Targeted stakeholder consultation event | > 100 participants |
| 11 August 2007 | Speak Out | Open stakeholder consultation event | > 100 participants |
| 5 November to 7 December 2007 | Consultation period | Draft MACP released for community consultation | - 31 written submissions - 3 petitions (1,511 signatures) |
| 17 December 2007 | Council Meeting | Council consideration of MACP | - 10 speakers - MACP Adopted |

Moe Rail Precinct Revitalisation Project:

| Date | Activity | Details | Outcome |
|---------------------------------|-----------------------------|--|--|
| 1 & 2 May 2009 | Design In | Targeted stakeholder consultation event | Approx. 65 participants |
| May 2009 (4 week period) | Ideas Shop | General (open) consultation event | Approx. 200 participants |
| 20 July 2009 | Council Meeting | Council consideration of Consultation Findings Report | - 3 speakers - Findings Report Adopted |
| 29 September & 6 October 2009 | Community briefing sessions | Open briefing sessions for general public | - Approx. 100 attendances |
| 22 September to 3 November 2009 | Consultation period | Draft MRPRP: Master Plan released for community consultation | 63 written submissions |
| 7 December 2009 | Council Meeting | Council consideration of MRPRP | - 5 public questions - 14 speakers - MRPRP Adopted |

In addition to the distinct periods of engagement outlined above, a further six submissions and three petitions have been received in relation to these projects. This has resulted in over 100 written submissions to Council, whilst the six separate petitions to date have contained almost 2,000 signatures on various elements of the MACP.

Whilst planned engagement activities have attracted close to 500 instances where community members have contributed to the project planning stages, there have also been incalculable contributions made by interested community members and project stakeholders through a range of informal avenues, such as direct contact with Councillors, Council Officers, meetings with stakeholders, etc.

Review of the MACP and MRPRP:

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

At the Ordinary Council Meeting on Monday, 17 December 2012, Council resolved:

That the Moe Railway Revitalisation Project – Moe Activity Centre Plan (MRPRP – MACP) be brought back to Council for a full review and that no further works be commenced, external funding sought and/or Council funding allocated until such time as Council completes the review, with the exception of those projects already approved by Council and funded, namely the underground placement of powerlines, construction of public toilets and the clocktower.

Subsequently, Council also resolved:

1. *That Council endorses the following review process for the MRPRP-MACP project. That Council:*
 - *Identify realistic funding opportunities and amounts for each component of the design;*
 - *Reviews each component of the MRPRP-MACP project design not yet undertaken and/or funded with regard to availability of funding and previous council submissions;*
 - *Review all previously received written public submissions made to Council on the MACP and MRPRP, including petitions;*
 - *Review the project design with reference to the Department of Transport's current 'Guidelines for Land Use and Development', and any plans involving transport which may affect the Moe railway corridor that have developed since adoption of the MRPRP-MACP Masterplan in 2009, and any finalised reports commissioned by Council and the State Government about road and rail traffic in and around Moe;*
 - *Undertake meetings in February 2013 between Councillors and Council officers with the previous public submitters to the MRPRP-MACP, and MACP written submission processes to discuss their respective submission/s.*
2. *That a report be brought back to a future Council meeting no later than the second Council meeting in March, 2013.*

This report has been prepared in response to the Council resolutions of 17 December 2012.

ISSUES

Progress on the review to date:

Review of the MACP and MRPRP contains five elements. Below is a summary of progress to date for each of these elements:

1. *Identify realistic funding opportunities and amounts for each component of the design:*

Officers have compiled a breakdown of funding secured to date, and are currently in the process of compiling a listing of all state and federal funding opportunities that would be considered appropriate for future elements of the MACP and MRPRP in the future. This information will be contained in the review findings, and provided to Council for their consideration in March 2013.

2. *Reviews each component of the MRPRP-MACP project design not yet undertaken and/or funded with regard to availability of funding and previous council submissions:*

Officers are currently in the process of identifying and compiling a listing of all state and federal funding opportunities that would be considered appropriate for the MACP and MRPRP in the future. This information will be contained in the review findings, and provided to Council for their consideration in March 2013.

3. *Review all previously received written public submissions made to Council on the MACP and MRPRP, including petitions:*

There have been 100 submissions and six petitions made to Council during previous engagement activities for the MACP and MRPRP. All previous submissions and petitions received to date are provided for the consideration and review of Council. These are included in attachment one to this report.

4. *Review the project design with reference to the Department of Transport's current 'Guidelines for Land Use and Development', and any plans involving transport which may affect the Moe railway corridor that have developed since adoption of the MRPRP-MACP Masterplan in 2009, and any finalised reports commissioned by Council and the State Government about road and rail traffic in and around Moe:*

Officers have contacted the Department of Transport to seek further information regarding the current Guidelines of Land Use and Development. This information will be contained in the review findings, and provided to Council for their consideration in March 2013.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

Officers are currently in the process of compiling any traffic reports that have been commissioned in relation to Moe. This information will be contained in the review findings, and provided to Council for their consideration in March 2013.

5. *Undertake meetings in February 2013 between Councillors and Council officers with the previous public submitters to the MRPRP-MACP, and MACP written submission processes to discuss their respective submission/s:*

For the purpose of the review, previous submitter is understood to refer to the primary author of the 100 written submissions received and the head petitioner identified on the six petitions, received from November 2007 through to October 2011.

Correspondence was sent to all previous submitters in December 2012 to provide notification of the review of the MACP and MRPRP. The communication outlined that a proposed process for which previous submitters could re-engage with Council during February in relation to these projects, would be presented to the first Council Meeting scheduled for 4 February 2013 for the consideration of Council.

The remainder of this report presents the suggested process for community members to engage with Council in relation to the review of the MACP and MRPRP during February.

Engagement with the community for the review of the MACP and MRPRP:

Given the significant levels of public participation in the MACP and MRPRP over the past six years, it is anticipated that the review of these two projects will generate a very high desire for community involvement.

To encourage good governance practices within the process for the review of past submissions during February 2013, consideration should be given to Latrobe City Council's adopted principles for community engagement, as contained in the *Community Engagement Plan 2010-2014*. These principles are:

1. *Participation and Inclusiveness*
Encourage community involvement in a diverse range of Council activities including policy development, planning, service delivery and decision making.
Embrace inclusive processes and practices to maximise results from engagement activities.
2. *Active Engagement*
Use new and effective ways to engage, moving beyond established networks and tapping into the significant knowledge and expertise residing within our community.

3. *Respect*
Actively listen to and better understand the views, concerns and experiences of our community. Where agreements or consensus can not be reached, the choice to respectfully disagree is a valid and honourable position.
4. *Integrity*
Utilise engagement practices and processes that genuinely inform decision making and increase community trust and confidence in Council. Do what we say we will do, when we say we will do it.
5. *Valuing diversity*
Seek out diverse opinions and perspectives on Council activities and decision making processes.
6. *Trust*
Develop community engagement activities that are genuine, relevant, timely and respectful of the community's desire to be involved. Inform the community as to the purpose of engagement and provide timely and appropriate feedback on how their input was considered by Council.
7. *Timely*
Schedule community engagement activities to provide maximum opportunities for involvement by all stakeholders. Ensure that community members and groups have adequate time to consider and prepare responses.
8. *Transparent and Accountable*
Provide community members with a clear understanding of how their inputs will be used and provide feedback on how their input contributed to Council's decision making process.
9. *Informed*
Ensure Council decisions are well informed by documenting the results of community engagement activities in all officer reports to Council. Council will consider submissions of all participants and community members when making decisions. If a difference occurs between community input and Council's final decision, the reasons for the Council decision will be clearly and unambiguously detailed.

Officers have considered the objective of the 17 December 2012 Council resolution in line with the engagement principles outlined above and suggest that the following approach best achieves the objective and principles, recognising the timeframe in which the review is to be completed, and the significant progress and previous participation in the project.

The suggested process to undertake further engagement with previous public submitters to the MACP and MRPRP includes three opportunities for participation:

1. Special Council Meeting to hear from previous submitters to the MACP and MRPRP;
2. Written submissions;
3. Special Council Meeting to consider the review of the MACP and MRPRP, and to hear from members of the community.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

Below is an overview of each engagement opportunity for Council's consideration.

1. Special Council Meeting to hear from previous submitters

In accordance with the resolution of Council on 17 December 2012, officers considered the objective, benefits and limitations associated with fifth element of the review, which relates to meetings with previous submitters to the MACP and MRPRP.

In the interests of good governance, it is recommended that a Special Council Meeting to hear from previous submitters is held to allow previous submitters to address the entire Council. It is proposed that this Special Council Meeting be held on Wednesday, 20 February 2013 at the Moe Town Hall for the purpose of hearing from previous submitters to the MACP and MRPRP.

A Special Council Meeting would allow for open and transparent contributions from previous submitters to all Councillors within a formal Council setting, ensuring good governance and meeting Council's community engagement principles of integrity, timely, transparent and accountable and informed.

It is suggested that all community members who have previously provided their contact details as part of a submission to the MACP or MRPRP will be contacted via mail or email outlining their opportunity to engage with Council in relation to the review. This will include an invitation to address Council at the Special Council Meeting on Wednesday, 20 February 2013, together with the opportunity to provide a revised or new written submission.

2. Written submissions

All written submissions from previous submitters received will be presented to Council in March, enabling the Council to be well informed of the community views on the MACP and MRPRP. This will also create an opportunity for community members to address Council in regard to their submission and provide for integrity and transparency within the review process.

To ensure consistency with the practice of Council on past occasions, and to allow for an inclusive process whereby the principle of diversity of views is provided for, any submissions received by Council will be presented to Council as part of the review process.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

Submissions received during February will be asked to address the following questions:

- Have you previously provided a submission to the MACP and/or MRPRP? If yes, have your views towards the project remained the same or have they changed?
- How would you like to see the project continue? Is this consistent with the concept design launched in June 2011?
- Do you have a view on Council's current approach to securing state and federal government funding through a staged project implementation process? (i.e. funding sourced as required for implementation on specific stages of the project)
- What are your expectations of community participation in the project's delivery going forward?

3. Special Council Meeting

It is suggested that an Officers Report on the review of the MACP and MRPRP will be presented to Council in March. The review will include all written submissions received since the 17 December 2012 resolution of Council in respect to this matter. In accordance with Local Law No.1, members of the community who have provided a submission to Council for this review will be provided an opportunity to address Council at the Special Council Meeting, in regard to their submission.

It is recommended that this report is presented to a Special Council Meeting on 25 March 2013 at the Moe Town Hall, rather than the Ordinary Council Meeting on the 18 March 2013, for the following reasons:

- It is anticipated that the review of the MACP and MRPRP will generate very high levels of community interest, and will attract a significant number of requests by members of the community to address Council. Scheduling a Special Council Meeting for the purposes of considering this report, will ensure that all other business scheduled for the Ordinary Council Meeting on the 18 March 2012 will not be unnecessarily disrupted by Council's consideration of the MACP / MRPRP review; and
- A Special Council Meeting later in March will provide an appropriate amount of time for community members to provide submissions to Council and for officers to collate and present these submissions.

A Special Council Meeting will provide for an inclusive, transparent and accountable mechanism in which the community can participate in the decision making process.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

This would be in line with past practice for other major projects or strategic planning projects where there have been significant levels of community interest (e.g. Traralgon Aquatic Centre and Latrobe Performing Arts Centre), and would be considered best practice engagement, and consistent with the values and principles of the Community Engagement Plan.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report, with consideration given to risks around community confidence and good governance for decision making.

The *Community Engagement Plan 2010-2014* adopted by Council is a key document to ensure Council appropriately engages and considers the views of the community as part of its decision making processes. Adherence to the values and principles included in the Plan are an effective strategy to mitigate risks of this nature, and therefore important in the consideration of this review process.

A further risk to Council that may present during this review relates to the government partnership approach to funding which is currently being pursued for the delivery of these projects. Acknowledging that discussions regarding future funding opportunities with the state and federal governments had commenced, a significant delay in the progression of these projects may result in a reduced ability of Latrobe City Council to effectively advocate to the government to secure funding for the completion of the MACP and MRPRP. This risk has been considered with respect to the timing for the review process, ensuring the suggested process allows for the review to be presented to Council in March 2013.

Financial and resource implications have been considered as part of this report. The proposed process includes minimal direct costs (e.g. advertising) which would be absorbed within existing budget allocations.

A considerable investment of officer time is required to effectively implement this review process. Recreation, Culture and Community Infrastructure and Governance business plans had no allocation of human resources towards the implementation of a review process; therefore a reallocation of resources has occurred to support the implementation of this review.

INTERNAL/EXTERNAL CONSULTATION

No consultation was undertaken for the preparation of this report.

OPTIONS

Council has the following options in relation to this report:

1. Accept the suggested review process outlined in this report.
2. Not accept the suggested review process outlined in this report, and request further information.

CONCLUSION

At the Ordinary Council Meeting on 17 December 2012, Council resolved to undertake a full review of the MACP and MRPRP. Work has progressed on this review, which will be completed and presented to Council in March 2013. This report has focused on the two elements of the review relating to submissions and petitions that were previously received for these projects, and the requirement for meetings to be undertaken with previous submitters during February 2013.

Project management of both the MACP and MRPRP have incorporated a strong commitment to community engagement. This has resulted in a significant level of public participation for both projects. In line with Council's resolution, all submissions and petitions received during former engagement activities are attached for the consideration and review of Council.

Based on the previous levels of engagement, it is anticipated that the review of these projects will generate a very high desire of community involvement. To minimise the risk of reduced community confidence in Council decision making processes, any further community engagement in relation to these projects will require diligent consideration of Latrobe City Council's community engagement values and principles.

The suggested process to undertake further engagement with previous public submitters to the MACP and MRPRP is:

1. Special Council Meeting to hear from previous submitters,
2. Written submissions,
3. Special Council Meeting to consider the review of the MACP and MRPRP, and hear from members of the community.

The provision of written submissions, followed by an opportunity for members of the community to address the Special Council Meetings, provides a genuine, transparent, accountable and timely opportunity for engagement that is respectful of the community's desire to participate in the review process. The March Special Council Meeting will provide interested members of the community insight as to how their contribution was considered within the overall review process.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Attachments

1. Attachment One - Previous Submissions and Petitions

RECOMMENDATION

1. That Council notes a copy of all previous submissions to the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project, together with relevant petitions, has been provided to the Council for review.
2. That a Special Council Meeting is held for the purpose of hearing from previous submitters to the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project and whether their views about their original submission have since changed, on Wednesday, 20 February 2013 at 5.30pm at the Moe Town Hall.
3. That Council invite written submissions from previous submitters to the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project to address whether their views about their original submission have since changed, to be presented for Council consideration at the Special Council Meeting to be held on Monday, 25 March 2013 at 5.30pm at the Moe Town Hall.
4. That a Special Council Meeting is held for the purpose of considering the review of the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project, on Monday, 25 March 2013 at 5.30pm at the Moe Town Hall.

ALTERNATE MOTION

1. That Council notes a copy of all previous submissions to the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project, together with relevant petitions, has been provided to the Council for review.
2. That a Special Council Meeting is held for the purpose of hearing from previous submitters to the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project and whether their views about their original submission have since changed, on Wednesday, 20 February 2013 at 5.30pm at the Moe Town Hall.
3. That Council invite written submissions from previous submitters to the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project to address whether their views about their original submission have since changed, to be received by Friday 1 March 2013 and included in the final review report for Council consideration at the Special Council Meeting to be held on Monday, 25 March 2013 at 5.30pm at the Moe Town Hall.
4. That a Special Council Meeting is held for the purpose of considering the review of the Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project, on Monday, 25 March 2013 at 5.30pm at the Moe Town Hall.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Moved: Cr Gibbons
Seconded: Cr Rossiter

That the Motion be adopted.

For the Motion

Councillor/s Sindt, Gibson, Gibbons, Rossiter

Against the Motion

Councillor/s White, O'Callaghan, Middlemiss

The Deputy Mayor confirmed that the Recommendation had been CARRIED

Cr Kam returned to the Chamber at 6.57pm and resumed the chair.

Cr Harriman returned to the Chamber at 6.57pm.

9.2

Review of Moe Activity Centre Plan and Moe Rail Precinct Revitalisation Project.

- 1 Attachment One - Previous Submissions and PetitionsError! Bookmark not defined.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Attachment One:

**Submissions and Petitions relating to the MACP and MRPRP – received
between November 2007 and October 2011**

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)****Suspension of Standing Orders****Moved:** Cr O'Callaghan**Seconded:** Cr Gibbons**That Standing Orders be suspended to allow members of the gallery to address Council in support of their submissions.****CARRIED UNANIMOUSLY****Standing Orders were suspended at 6.57pm**

Mr Norman Butler addressed the Council in relation to item 16.1 Planning Application No. 2011/297 4-6 McClure Court, Traralgon

Ms Lisa Merante addressed the Council in relation to item 16.1 Planning Application No. 2011/297 4-6 McClure Court, Traralgon

Ms Monique Caucutt addressed the Council in relation to item 16.1 Planning Application No. 2011/297 4-6 McClure Court, Traralgon

Mr Paul Nijenhuis addressed the Council in relation to item 16.1 Planning Application No. 2011/297 4-6 McClure Court, Traralgon

Mr Greg Powell addressed the Council in relation to item 16.1 Planning Application No. 2011/297 4-6 McClure Court, Traralgon

Ms Jannet Stephens addressed the Council in relation to item 16.1 Planning Application No. 2011/297 4-6 McClure Court, Traralgon

Mr Sean Kennedy addressed the Council in relation to item 16.1 Planning Application No. 2011/297 4-6 McClure Court, Traralgon

Ms Cecile Leibowitz addressed the Council in relation to item 16.1 Planning Application No. 2011/297 4-6 McClure Court, Traralgon

Standing Orders were resumed at 7.47pm

**16.1 PLANNING APPLICATION NO. 2011/297 4-6 MCCLURE COURT,
TRARALGON**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Council's position regarding Planning Permit Application 2011/297 for the development of sixteen dwellings at Numbers 4, 5 and 6 McClure Court, Traralgon.

Council is unable to make a formal decision on the application as the applicant has submitted an Application for Review under section 79 of the Planning and Environment Act 1987 to Victorian Civil and Administrative Tribunal (VCAT) for the failure of Council to determine the matter within 60 statutory days.

However in order for Council to make submissions at VCAT, Council should resolve a 'position'. The purpose of this report is to recommend a position for Council to present at VCAT.

DECLARATION OF INTERESTS

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2012 - 2016

Strategic Direction – Built Environment

- *Promote and support high quality urban design within the built environment; and*
- *Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.*

Legislation –

- Planning & Environment Act 1987
- Local Government Act 1989

BACKGROUND

This section covers

- Summary
- Proposal
- History of Application
- Latrobe Planning Scheme

SUMMARY

Land: 4, 5 and 6 McClure Court, Traralgon, known as Lots 252, 253 and 254 on PS545548J

Proponent: Cecile Leibowitz

Zoning: Residential 1 Zone

Overlay No overlays

A Planning Permit is required for the construction of two or more dwellings on a lot in accordance with Clause 32.01-4 Residential 1 Zone.

PROPOSAL

The application (as amended on 21 December 2012) is for the development of the land with sixteen dwellings.

The original application was for 23 dwellings to be housed in three three-storey residential buildings. The amended application is for 16 dwellings to be housed in three two-storey residential buildings. This report is based on the amended proposal.

Building 1 at 4 McClure Court and Building 3 at 6 McClure Court would each have four dwellings on the ground floor and two on the first floor. Building 2 at 5 McClure Court would have two dwellings on the ground floor and two on the first floor. A total of 12 two-bedroom dwellings and 4 one-bedroom dwellings is proposed. The dwellings on the ground floor would have private open space provided at ground level either to the front, side or rear of the dwelling. The dwellings on the first floor would have private open space provided in the form of balconies.

Vehicle access to the site would be via a 3.5 metre wide crossover from McClure Court and a 3.0 metre wide crossover from Berwick Street on the south-western boundary of the site. A passing bay would be provided near to both entrances of the site to allow for vehicles to pass one another when required.

One car parking space would be provided for each dwelling. Three visitor car parking spaces would also be provided on site. The car parking for the development would be 90 degree angle parking arranged in a row at the rear of the site, set back 2.6 metres from the rear boundary. All spaces would be uncovered.

Bin storage and external storage would be provided within the open space areas for most ground floor dwellings with storage units and bin storage areas for the remainder of the dwellings located throughout the common property areas of the site.

The dwellings would be constructed from a variety of materials including face brick, cement sheet and mini orb cladding, and would have both pitched and flat roof forms constructed from colorbond. Front fencing set back 3.0 metres or more from the McClure Court frontage would range in height from 1.5 metres to 1.7 metres and would be constructed from horizontal timber slats. Landscaping would be provided in front of the fences and throughout the common property and private open space areas of the development.

A copy of the plans can be found at Attachment 1.

Subject Land:

The subject site is irregular in shape and is located at the top (southern) end of McClure Court. It is comprised of three allotments. It has a frontage to McClure Court of 42 metres, a depth of 34 metres, and an overall area of 2,837 square metres. The south-western corner of the site also has frontage to Berwick Street of 21.2 metres. There is a 2.5 metre wide drainage and sewerage easement running parallel to the southern boundary of the site and a 2.0 metre wide drainage easement along the north-western boundary. The site has a fall of approximately 4.5 metres from the rear south-west corner to the front north-east corner. The site is currently vacant and does not have any significant vegetation.

The site is located approximately 1.5 kilometres from the Traralgon Principal Activity Centre.

Surrounding Land Uses:

North:

- 3 & 7 McClure Court

Each lot holds a recently constructed single storey brick veneer dwelling with colorbond roof. No. 3 has an area of 920 square metres and No. 7 933 square metres.

South:

- 4 Berwick Street

Single storey weatherboard dwelling with colorbond roof on a lot of 714 square metres

- 26 Chenhall Crescent

Single storey rendered dwelling with tiled roof on a lot of 839 square metres.

- 28 Chenhall Crescent

Single storey weatherboard dwelling with colorbond roof on a lot of 883 square metres.

East:

- 8 Como Court

Single storey rendered dwelling with colorbond roof on a lot of 1181 square metres.

West:

- frontage to Berwick Street.

McClure Court forms part of the Sherwood Park Estate in which housing construction commenced approximately ten years ago. Dwellings to the north of the subject site have been constructed in recent years. Dwellings to the south are part of an older more established area of Traralgon with dwellings generally of post-war construction.

Both the older and more recently developed lots are generally made up of single detached dwellings on allotments ranging from 700 to 1000 square metres. Dwellings are generally single storey.

A locality plan can be found at Attachment 2.

HISTORY OF APPLICATION

The history of the assessment of planning permit application 2011/297 can be found in Attachment 3.

The relevant provisions of the Scheme relevant to this application are in Attachment 4.

LATROBE PLANNING SCHEME

State Planning Policy Framework

The proposal has been considered against the relevant clauses under the State Planning Policy Framework.

The State Planning Policy Framework Clause 15.01-1 'Urban Design' requires development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.

Clause 16.01-1 'Integrated Housing' encourages an increase in the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Clause 16.01-2 Location of Residential Development states that new housing should be located in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. A strategy listed to achieve this is to "*Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport*".

The objective of Clause 16.01-4 'Housing Diversity' is to provide for a range of housing types to meet increasingly diverse needs. Strategies to achieve this objective include ensuring planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres; and encouraging the development of well-designed medium-density housing which respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency.

The proposal is considered to be inconsistent with the policy outlined above. Although the application proposes medium density development in an area suitable for infill residential development, it is considered that the proposal is an inappropriate response to the subject site and that the design of the dwellings is not reflective of the neighbourhood character of the area. This will be discussed further in the 'Issues' section of this report.

Local Planning Policy Framework

The proposal has been considered against the relevant clauses under the Local Planning Policy Framework.

Within the Local Planning Policy Framework Clause 21.04-2 'Settlement Overview' has objectives to contain urban development within distinct boundaries and to encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing housing needs of the community.

The site is identified in an "existing residential opportunity" area (Area 12) on the Traralgon Structure Plan in the Latrobe Planning Scheme. Clause 21.05 Main Towns states that well designed infill development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility should be encouraged. Higher density housing in the Transit City Precinct and existing and future neighbourhood clusters in Traralgon should also be encouraged.

It is considered that the proposal does not satisfy this policy direction and that the scale of the proposed development is unsuitable for the subject site. This will be discussed further in the 'Issues' section of this report.

Zoning

The site is located within a Residential 1 Zone and is not subject to any overlays. The purpose and decision guidelines of the Residential 1 Zone have been taken into account as part of the assessment of this application and it is considered that the application does not fully comply with the zoning provisions.

These elements will be further discussed in the 'Issues' section of this report.

Particular Provisions

Clause 52.06 Car Parking:

The proposal has been assessed against Clause 52.06 and found to comply. One car parking space is required to be provided for a dwelling comprising one or two bedrooms. Four one-bedroom and twelve two-bedroom dwellings are proposed, with each dwelling provided with one car parking space in accordance with this clause.

One visitor car parking space is also required to be provided for every five dwellings. Three visitor spaces would therefore be provided in accordance with the clause.

Clause 55 Two or More Dwellings on a Lot:

The application has been assessed against Clause 55 and it is considered there are a number of areas where the application is not fully compliant with the applicable standards. These elements will be discussed later in this report. A copy of the ResCode assessment based on the amended plans can be found at Attachment 5.

Decision Guidelines (Clause 65):

The relevant decision guidelines have been considered. As previously mentioned there are a number of areas where the application is not considered acceptable. These are outlined in the 'Issues' section of this report.

Incorporated Documents (Clause 81):

- Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Offstreet car parking, Standards Australia 2004
- Australian Standard AS2890.3-1993, Parking Facilities Part 3: Bicycle parking facilities, Standards Australia 1993

ISSUES**Strategic direction of the State and Local Planning Policy Frameworks:**

It is considered that the development of the site for multi-dwellings satisfies State and Local Planning Policy Frameworks in that the site is an appropriate location for multi-dwelling development as it is located within the residential area of Traralgon. However the proposal is inconsistent with these policy frameworks as the design of the proposed dwellings is not respectful of the surrounding neighbourhood, particularly that of the Sherwood Park Estate, and would not provide high quality urban design within McClure Court.

Neighbourhood Character

The State and Local Planning Policy Frameworks emphasise that development must be respectful of neighbourhood character and be responsive to its context in terms of natural and built form. This is reinforced under the Residential 1 Zone provisions and Clause 55 of the Scheme.

The objectives of Clause 55.02-1 Neighbourhood Character are:

- *To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *To ensure that development responds to the features of the site and the surrounding area.*

McClure Court forms part of the Sherwood Park Estate, therefore it is considered appropriate that the proposal addresses the characteristics of this area which have been identified as follows:

- Dwellings are generally single storey brick structures in detached built form.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

- Spaciousness of the area is retained through landscaped front setbacks, rear setbacks, and side setbacks from at least one side boundary.
- Low or no front fencing assists in retaining a spacious feel to the streetscapes.
- Front yards are generally well maintained, with ample landscaping opportunities.
- Private open space is generally located at the rear of dwellings.
- Dwellings generally have attached garages which are visible from the street.

In contrast the proposed development would:

- Consist of three two-storey apartment-style buildings housing four to six dwellings each.
- The buildings, whilst articulated with a mix of materials, would present an inappropriate level of visual bulk to McClure Court as well as to six adjoining properties. This is due to the height (8.7 metres) and length (max. building length of 22.7 metres) of each building, and the levels of the site in relation to adjoining properties.
- The private open space of some of the proposed dwellings is shown located within the front setback of the buildings.
- Balconies would provide private open space to the upper floor dwellings.
- The private open space in front of the buildings requires 1.5 to 1.7 metre high fencing to be constructed within the front setback of each building.
- Car parking would be provided in a row of 19 spaces at the rear of the site.
- No garaging would be provided for vehicles, with car parking provided in an open common property area.

It is considered that the apartment style design of the dwellings is inconsistent with the prevailing neighbourhood character. The surrounding area comprises generally single storey detached dwellings with no front fencing, attached garaging and ground level private open space at the rear when in contrast it is proposed to construct 16 dwellings in apartment style buildings with high front fencing, a bank of car parking at the rear, and open space within the front setback or as balconies. It is considered that the design of the proposal has not responded to the prevailing characteristics of the surrounding neighbourhood and as such is not appropriate for this site.

On Site Amenity

The proposal would not provide a satisfactory level of amenity to some of the proposed dwellings, indicating that the proposal is an overdevelopment of the site.

Clause 55.05-4 states that dwellings should be provided with an area of open space of 40 sq. metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling.

The private open space for Dwellings 1, 5 and 6 would be located within the front setback of the buildings and would be enclosed with horizontal timber slatted fences ranging in height from 1.5 metres to 1.7 metres. It is considered that the privacy of these spaces would be compromised due to their location and lack of substantial screening. Landscaping would be provided between the fences and the front property boundary however this is considered to be an indication of poor design as the landscaping is needed to screen the high fences and private open space areas.

The private open space of Dwellings 5 and 6 would also be overlooked by the upper floor dwellings. Dwellings 13 and 14, further compromising the privacy of these areas. This does not comply with Clause 55.04-7 which states that 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 directly below and within the same development.

Clause 55.03-5 states that developments should be designed so that solar access to north-facing windows is maximised and that living areas and private open space should be located on the north side of the development, if practicable. Dwellings 3, 4, 9 and 12 have not been provided with any north facing windows, and the private open space of dwellings 9 and 12 would be in shadow for the majority of the day at the equinox. This is considered to be an unacceptable outcome as a design providing dwellings with solar access is achievable on this site. The proposal does not ensure the orientation and layout of the dwellings will reduce fossil fuel energy use and does not make appropriate use of daylight and solar access. The amenity of these dwelling will be compromised as a result.

Nineteen car parking spaces are to be provided along the rear boundary, set back 2.6 metres in order to avoid a sewer easement. The car parking spaces are shown as having a length of 4.6 metres which does not satisfy Clause 52.06 which requires the spaces to be 4.9 metres in length.

The proposed car parking area which will extend along the rear boundary for approximately 70 metres will abut the side and rear of an abutting dwelling to the south and the rear private open space of two further abutting dwellings also to the south. It is considered that the location of the car parking area for 16 dwellings and three visitors will impact on the amenity of these properties by way of vehicle noise, noise from residents, and vehicle emissions, and is not an acceptable outcome for these properties. Some landscaping would be provided between the spaces and the southern boundary however this would not provide an acoustic barrier between the cars and the adjoining properties, and the car parking would have an unacceptable impact on the amenity of the adjoining properties.

The car parking area for the proposal would not be secure and the configuration of the accessway would allow it to be utilised as a public thoroughfare from McClure Court to Berwick Street.

The layout and design of the car parking spaces are at odds with the character of the neighbourhood. Car parking for dwellings in the surrounding area is generally provided within garages, with the garages attached to dwellings. The provision of uncovered spaces that are separate to the dwellings is inconsistent with the general character of the area and are not a desirable outcome for the site. Simply covering these spaces with a large carport is also not considered to be an appropriate solution as this would introduce further built form closer to existing properties. Car parking for the dwellings should be provided in a more integrated form with the proposed dwellings.

It is proposed to have bins for the upper floor dwellings located in three corrals which would each house six to eight bins. These corrals would be adjacent to private open space or habitable room windows of the ground floor dwellings. The location of the bins would have a negative impact on the amenity of these dwellings in terms of odour and noise and could be relocated.

Off site amenity

Overlooking

There is the potential for overlooking from the ground floor of Dwelling 2 into the private open space of No. 3 McClure Court and No. 8 Como Court due to the slope of the site, high finished floor levels, and inadequate fence heights.

Court location

VCAT has accepted a number of principles in relation to multi-dwelling developments in court locations. Member Cimino summarised these principles in *Saxony Pty Ltd and Oceancare Pty v Manningham CC and Ors* [2001] VCAT 2269 after analysing a number of previous decisions as follows:

“In considering these decisions, it seems to me that three main themes emerge. The first is that the Tribunal has acknowledged that the residents of properties located in courts can generally expect and usually enjoy a higher level of amenity than those who reside in conventional streets. The limited number of properties usually found within the court environment and the absence of through traffic seem to be the main factors that contribute to this higher level of amenity. The second is that properties in courts, particularly when located at the very end, can present constraints that militate against development at higher density. Examples of these constraints include irregular shaped lots, their abuttal with a higher number of properties than usual and the impact of extra traffic. The third is that whilst the court environment offers a high level of amenity and properties within them may present constraints, this does not mean that, as a matter of principle, there can be no medium density housing in a court.”

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

These principles can be applied to McClure Court and Berwick Street (which also has a court configuration). McClure Court currently has 8 dwellings with all lots except for the subject site and No. 2/8 McClure Court developed. The addition of 16 dwellings into the court will result in a total of 25 dwellings in the street. Council's Development Engineer has advised that the proposed 16 dwellings will generate an extra 160 vehicle movements from the site. It is envisaged that these movements would generally take place more in McClure Court than Berwick Street due to the more direct route McClure Court provides to the Traralgon Principal Activity Centre. Therefore the court is expected to have an increase in vehicle movements from 80 per day to 240 per day.

This is contrary to the principle that the higher level of amenity of a court is derived from the "*limited number of properties usually found in a court environment and the absence of through traffic*". It is considered that the amenity of the court would be impacted on by way of traffic and noise not normally expected in a court due to the number of dwellings proposed.

Similarly, Berwick Street has six dwellings. The addition of a further 16 dwellings potentially using the street as an access point will also impact on the residents of this court by way of traffic and noise. This is considered to be an unreasonable impact on the amenity of these dwellings and one which would not be normally expected.

It is considered that whilst the site is suitable for some level of medium density housing, the proposal for sixteen dwellings is considered to be inappropriate for the site due to the above impacts and the expectations of existing residents.

Parking in McClure Court

The proposed development would provide one car parking space per dwelling and three on site visitor spaces. Whilst the provision of parking meets the requirements of Clause 52.06 of the Latrobe Planning Scheme, it is envisaged that the proposal will produce some level of on street parking demand. It is unrealistic to think that there would only be three visitor vehicles to the site at any one time, therefore the overspill of car parking would generally be in McClure Court given that that is where the pedestrian entrances to the buildings would be. McClure Court currently has limited on street parking opportunities due to existing crossovers within the street servicing existing dwellings, and there is no parking available in the court bowl itself as this area is needed for vehicles to turn around. The provision of on street parking for the development would then spill over into St Georges Road, increasing the impact of the development to a wider area.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

It is noted that only one crossover is proposed for McClure Court and there is the potential for at least three crossovers along the site frontage should each lot be developed as-of-right with an individual dwelling. Vehicles from 16 dwellings would have a far greater impact on the court and surrounding streets than traffic generated from 3 dwellings therefore the benefit of only one crossover to the court is lost.

Location of site

The site is identified in an “existing residential opportunity” area (Area 12) on the Traralgon Structure Plan in the Latrobe Planning Scheme. Clause 21.05 Main Towns states that well designed infill development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility should be encouraged. Higher density housing in the Transit City Precinct and existing and future neighbourhood clusters in Traralgon should also be encouraged.

Area 12 does not have an existing or future neighbourhood cluster and is not within the Transit City Precinct which surrounds the Traralgon Primary Activity Centre. It is noted that the subject site is located approximately 1.5 kilometres from the edge of the Primary Activity Centre, and is serviced by one nearby bus service that runs hourly from 8.00 am to 6.00 pm.

The proposed development is considered to be classified as higher density housing. The preferred location for such housing in Traralgon is identified on the Traralgon Structure Plan. McClure Court has not been identified as one of those areas. It is considered that the proposed development, whilst appropriate in specific locations within the Traralgon urban area, is not appropriate for the subject site. It has not been strategically identified as such due to its distance from the Principal Activity Centre and the availability of public transport.

Clause 65 (Decision Guidelines):

The relevant decision guidelines have been considered as part of the assessment of this planning application and have been discussed in this report.

OBJECTORS' CONCERNS

The original proposal for 23 dwellings in 3 three-storey buildings received 55 submissions in the form of objections. The following issues that are relevant to the amended application were raised:

- 1 The proposal will result in an increase in traffic in McClure Court, Berwick Street and St Georges Road.

Comment:

Council's Development Engineer has advised that the proposed 16 dwellings would generate an extra 160 vehicle movements from the site.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

It is considered that this increase in traffic will impact on the amenity of the residents of McClure Court and Berwick Street by way of noise and congestion.

- 2 The proposal will create a need for on street parking in McClure Court.

Comment:

McClure Court has limited opportunities for providing on street parking and there would not be any on street car parking provided in front of the subject site due to its location at the head of a court bowl. This will have an impact on the residents of the court as well as St Georges Road as overflow parking will need to occur in these streets.

- 3 The development will overshadow the private open space of adjoining properties.

Comment:

Shadow diagrams provided with the amended application show the development complies with the relevant ResCode requirement with regard to overshadowing.

- 4 There will be a loss of privacy to adjoining properties.

Comment:

Most windows and balconies of the development have been screened to protect the privacy of adjoining owners and occupiers with the exception of Dwelling 2 which has the potential to overlook the private open space of No. 3 McClure Court and No. 8 Como Court due to the slope of the site, high finished floor levels, and inadequate fence heights. This could be rectified with the addition of lattice to the fence or an increased fence height to prevent a loss of privacy to these dwellings.

- 5 The proposal does not accord with the character of the Sherwood Park Estate.

Comment:

Residents objected to the three storey design of the proposed development. The development has been reduced to two storeys but the number of dwellings proposed and the overall built form of the development is still considered to be out of character with the surrounding area.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

That is, the apartment style of the proposed buildings, their bulk, the location of private open space, front fencing, and provision of car parking are considered to be contrary to the character of the Sherwood Park Estate.

- 6 The site is located too far away from the Traralgon Primary Activity Centre.

Comment:

Objectors were concerned that the site is not well located in relation to the Traralgon Primary Activity Centre and the development would be better suited in a location close to shops, services. This objection is supported by the Local Planning Policy Framework of the Latrobe Planning Scheme which states that higher density housing should be encouraged in and around the Primary Activity Centre and in existing and future neighbourhood clusters. McClure Court does not form part of these areas.

- 7 Solar access for some proposed dwellings insufficient.

Comment:

Solar access to Dwellings 3, 4, 9 and 12 is deficient as these dwellings have not been provided with any north facing windows. Further the private open space of Dwellings 9 and 12 would be in shadow for the majority of the day at the equinox.

- 8 Rubbish collection issues.

Comment:

Objectors were concerned that McClure Court and/or Berwick Street could not cope with the number of bins required to be put on the kerbside for rubbish collection, and that garbage vehicles would find it difficult to access the site due to cars parked on the street. The applicant has not provided details regarding waste collection from the site.

Council's Development Engineer has requested that the applicant provide a waste management plan for the proposed development if approved. The waste management plan would demonstrate the storage and collection of household and green waste and recyclable materials on and from the site, and access arrangements for the safe and efficient collection of waste and recyclable materials by collection vehicles.

9 Security of properties abutting car parking area

Comment:

Objectors abutting the site to the south are concerned with the security of their properties where they abut the car parking area. Whilst this is a valid concern, there is no provision under the Latrobe Planning Scheme to address this issue.

10 Noise impact from upper floors

Comment:

Objectors were concerned with the impact of noise from the upper floors of the development that was originally proposed. This is still considered to be a valid concern as the private open space for six dwellings would be provided on first floor level and there is the potential for noise to carry to adjoining properties from these dwellings particularly from the balconies. This is considered to be an issue in this area where apartment style development does not form a part of the neighbourhood character.

11 Provision of clotheslines

Comment:

Objectors were concerned that there had been no provision made for clotheslines for the upper level dwellings and that this would impact on the environment due to the reliance on clothes dryers. Alternatively, drying clothes on balconies was considered to be unsightly.

The balconies provided for the upper floor dwellings are largely screened so any clothes drying should not be visible from adjoining properties or the street.

12 Reduced property values

Comment:

Property values are not considered to be a valid planning consideration.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Additional resources and financial cost will be incurred as the planning permit application requires determination VCAT.

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

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and an A3 notice was displayed on each site frontage for 14 days. The Notice of Application was also published in the Latrobe Valley Express for one issue.

External:

The application was referred pursuant to Clause 52 of the Act to Gippsland Water. Gippsland Water objected to the application on the grounds that the site layout plan did not provide sufficient information to make an informed assessment regarding the development and its proximity to Gippsland Water's sewer.

Internal:

Internal officer comments were sought from Council's Infrastructure Planning Team who gave consent to the granting of a planning permit subject to appropriate conditions and notes.

Amended Plans

Amended plans were lodged by the applicant on 21 December 2012. As this application is now before VCAT, the applicant was required to advise objectors and those originally notified of the application of the amended plans in accordance with VCAT directions. Council officers were advised that this notification was undertaken by the applicant on 21 December 2012.

Details of Community Consultation following Notification:

Fifty-five objections to the original application were received.

A meeting was held between the applicant, a Council officer and representatives of the Sherwood Park Action Group in early 2012 where the applicant agreed to lodge amended plans to address objectors' concerns.

An appeal was lodged with VCAT on 8 February 2012 for a failure to determine the application within 60 statutory days.

The applicant lodged amended plans on 21 December 2012.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

A planning information meeting was held on 21 January 2013 at the Traralgon Service Centre. It was attended by the applicants and approximately 25 submitters to the planning application. The purpose of the meeting was to explain the proposed amendments to the development and extend the opportunity for discussion on the changes. Officers also informed all parties on the process for the planning application relating to the VCAT appeal.

As the applicant was not able to amend the plans any further due to the matter being before VCAT, a consensus was not reached between the parties.

The matter is set down to be heard by VCAT at the Latrobe Valley Law Courts, Morwell on 20 and 21 February 2013.

It should be noted that the time lag in the planning permit application process is because VCAT is currently experiencing delays between 8 – 10 months from commencement to hearing for Planning and Environment List matters.

OPTIONS

As the applicant has lodged an application for review with VCAT, Council cannot formally determine this application. Council can only form a position that it will rely upon at VCAT. Therefore Council has the following options in regard to this application:

1. Form the position that the application be refused; or
2. Form the position that the application be approved.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

Should Council not formally resolve a position on this matter, officers will be required to present submissions at VCAT in line with the recommendations of this report.

CONCLUSION

The proposal is considered to be:

- Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Inconsistent with Clause 55 Two or More Dwellings on a Lot and Residential Buildings;
- Inconsistent with Clause 65 (Decision Guidelines);

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

The objections received have been considered against the provisions of the Latrobe Planning Scheme.

Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application does not meet the requirements of the Scheme. It is therefore recommended that Council advise VCAT that had a "Failure to Determine within the Prescribed Time" appeal not been lodged, Council would have issued a Refusal to Grant a Permit for the reasons set out in this report.

Attachments

1. Design Plans
2. Site Plan
3. Application History
4. Planning Scheme Framework
5. Site Description & Design Response

RECOMMENDATION

- A. That Council advise VCAT that had a "Failure to Determine within the Prescribed Time" appeal not been lodged, Council would have refused to grant a permit for the development of sixteen (16) dwellings at Nos. 4, 5 and 6 McClure Court, Traralgon on the following grounds:**
- 1 The proposal is inconsistent with the objectives and strategies of Clauses 15 and 16 of the State Planning Policy Framework, in particular Clause 15.01-1 Urban design and Clause 16.01-2 Location of Residential Development.**
 - 2 The proposal is inconsistent with the objectives and strategies of Clause 21.05-2 Main Towns Overview and Clause 21.05-6 Specific Main Town Strategies – Traralgon of the Local Planning Policy Framework.**
 - 3 The proposal does not meet the purpose and decision guidelines of the Residential 1 Zone, in terms of facilitating a development that respects the preferred neighbourhood character of the area.**
 - 4 The proposal does not satisfactorily address the purpose and intent and objectives of Clause 55 of the Latrobe Planning Scheme, and particularly is inconsistent with:**
 - **Clause 55.02-1 Neighbourhood Character**
 - **Clause 55.02-5 Integration with the street objective**
 - **Clause 55.03-5 Energy efficiency objectives**
 - **Clause 55.03-7 Safety objective**
 - **Clause 55.03-10 Parking location objectives**
 - **Clause 55.04-6 Overlooking objective**
 - **Clause 55.04-7 Internal views objective**

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

- Clause 55.05-4 Private open space objective
 - Clause 55.05-5 Solar access to open space objective
 - Clause 55.06-1 Design detail objective
 - Clause 55.06-2 Front fences objective,
 - Clause 55.06-3 Common property objectives, and
 - Clause 55.06-4 Site services objectives.
- 5 The proposal does not satisfy the requirements of Clause 52.06-8 Design standards for car parking.
- 6 The proposal is inconsistent with Clause 65 of the Scheme and does not provide for the orderly planning of the area.

Moved: Cr O'Callaghan

Seconded: Cr Harriman

That the Recommendation be adopted.

For the Motion

Councillor/s: Harriman, White, O'Callaghan, Kam, Gibson, Middlemiss, Gibbons, Rossiter

Against the Motion

Councillor/s: NIL

Councillor/s: Sindt abstained

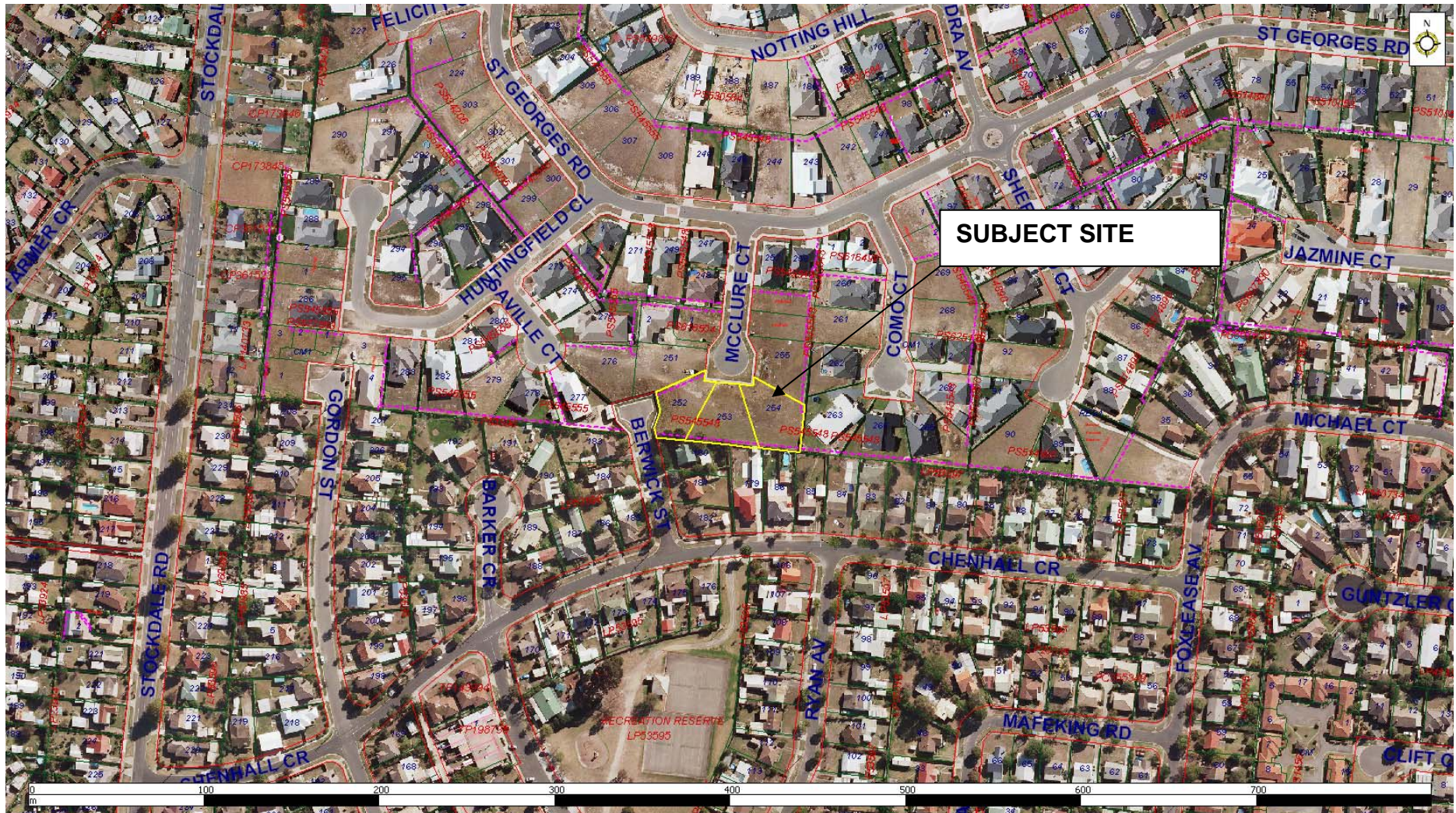
The Mayor confirmed that the Recommendation had been CARRIED

16.1

Planning Application No. 2011/297 4-6 McClure Court, Traralgon

- 1 Design PlansError! Bookmark not defined.
- 2 Site PlanError! Bookmark not defined.
- 3 Application History.....Error! Bookmark not defined.
- 4 Planning Scheme Framework.....Error! Bookmark not defined.
- 5 Site Description & Design Response..Error! Bookmark not defined.

ATTACHMENT 1



History of the Application

| | |
|-------------------------|--|
| 8 September 2011 | Application received by Council. |
| 28 September 2011 | Application referred internally to Council's Infrastructure Planning team and Rates Department. |
| 4 October 2011 | Council sent letter requiring notification to be given to adjoining and adjacent properties via letters, signs on site, and notice in the Latrobe Valley Express, in accordance with Section 52(1)(a) and Section 52(1)(d) of the Act. |
| 28 September 2011 | Council sent letter to Gippsland Water pursuant to Section 52(1)(d) of the Act. |
| 4 October 2011 | Referral response received from Council's Infrastructure Planning team. |
| October – November 2011 | Objections received |
| 25 October 2011 | Statutory Declaration provided by applicant. |
| 8 February 2012 | Application for Review lodged at VCAT by applicant on Council's failure to determine the application within 60 days. |
| 17 February 2012 | Objection received from Gippsland Water |
| Early 2012 | Meeting with members of Sherwood Park Action Group, applicant and Council officer |
| February 2012 | Copies of Statement of Grounds received from objectors |
| 5 April 2012 | Order received from VCAT advising that those objectors who are unable to attend the hearing will not receive further correspondence from VCAT but their statement of grounds will be considered. |
| 5 April 2012 | Order from VCAT regarding the process for substituting plans. |
| 14 December 2012 | Hearing Notice from VCAT. Application set down to be heard on 20 February 2013 for two days in the Latrobe Valley Law Courts, Morwell |
| 21 December 2012 | Amended plans lodged by the applicant |
| 21 January 2013 | Mediation meeting held to discuss amended plans |

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02 'Urban Growth'
Clause 11.05 'Regional Development'
Clause 15.01 'Urban Environment'
Clause 16.01 'Residential Development'
Clause 18.01 'Integrated Transport'
Clause 18.02 'Movement Networks'
Clause 19.03 'Development Infrastructure'

Local Planning Policy Framework

Clause 21.01 'Municipal Profile'
Clause 21.02 'Municipal Vision'
Clause 21.03 'Natural Environment Sustainability'
Clause 21.04 'Built Environment Sustainability'
Clause 21.05 'Main Towns'
Clause 21.07 'Economic Sustainability'
Clause 21.08 'Liveability'

Zoning – Residential 1 Zone

The subject land is located within a Residential 1 Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 55 'Two or More Dwellings on a Lot'

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

There are no incorporated documents that relate to the consideration of this application.

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

| Standard Number | Standard | Does it meet the Standard or More information required |
|------------------------|--|---|
| Standard B1 | <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>Does not comply:</p> <ul style="list-style-type: none"> • Visual bulk • Density of dwellings • Number of dwellings • Traffic issues • Scale • Court location |
| Standard B2 | <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 State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> | Complies |
| Standard B3 | <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. | Complies – 1 and 2 bedroom dwellings proposed. |

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

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| Standard B4 | <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>Complies – services are available in the area.</p> <p>Development should not put an undue load on services.</p> |
| Standard B5 | <p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</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>Car parking movements work on site. Pedestrian pathways provided.</p> <p>Dwelling entrances front McClure Ct.</p> <p>1.5 to 1.7 metre high timber horizontal fencing to enclose some private open space at front of site, although set back from front boundary.</p> <p>n/a</p> |
| Standard B6 | <ul style="list-style-type: none"> • At least the distance specified in the schedule to the zone, or • If no distance is specified in the schedule to the zone, the distance specified in Table B1. | <p>No 7 set back 5.06 metres No. 3 setback 4.190 metres Average is 4.625 metres</p> <p>No. 4 and 5 comply. No. 6 does not comply – 4.4 metres but given the court location is acceptable in this instance. Upper floor set back further.</p> |

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

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| | | Whilst doesn't technically comply, due to the curve of the court bowl, the dwellings would not have a major impact on the streetscape with regard to front setbacks. |
| Standard B7 | The maximum building height should not exceed the maximum height specified in the schedule to the zone. If no maximum height is specified in the schedule to the zone, 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. Changes of building height between existing buildings and new buildings should be graduated. | Maximum height can be up to 10 metres due to 3 degree slope. Proposed height is 8.7 metres – complies |
| Standard B8 | The site area covered by buildings should not exceed: <ul style="list-style-type: none"> • The maximum site coverage specified in the schedule to the zone, or • If no maximum site coverage is specified in the schedule to the zone, 60 per cent. | Complies - 30% |
| Standard B9 | At least 20 per cent of the site should not be covered by impervious surfaces. | Complies – 41.1% |
| Standard B10 | Buildings should be: <ul style="list-style-type: none"> • Oriented to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. | Dwellings 3, 4 and 9 have no north facing windows. Dwelling 12 has no north facing windows and no north facing private open space. |

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

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| | Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is maximised. | |
| Standard B11 | If any public or communal open space is provided on site, it should: <ul style="list-style-type: none"> • Be substantially fronted by dwellings, where appropriate. • Provide outlook for as many dwellings as practicable. • Be designed to protect any natural features on the site. • Be accessible and useable. | n/a |
| Standard B12 | Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares. | Entrances to each residential building visible from McClure Court. The landscape plan provided indicates that planting should not create unsafe spaces. Some surveillance of car parking area from upper floors. Driveway would allow a public thoroughfare from McClure Court to Berwick Street. |
| Standard B13 | The landscape layout and design should: <ul style="list-style-type: none"> • Protect any predominant landscape features of the | Landscape plan provides canopy trees, shrubs and low level planting which would complement and enhance the site. |

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

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| | <p>neighbourhood.</p> <ul style="list-style-type: none"> • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. | Planting between McClure Court front boundary and front fencing proposed. |
| Standard B14 | <p>Accessways should:</p> <ul style="list-style-type: none"> -Be designed to allow convenient, safe & efficient vehicle movements and connections within the development and to the street network. -Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves five or more car spaces, three or more dwellings, or connects to a road in a Road Zone. -Be at least 3 metres wide. -Have an internal radius of at least 4 metres at changes of direction. -Provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the access serves ten or more spaces and connects to a road in a Road Zone. | <p>Accessway widths satisfy the Scheme.</p> <p>Vehicles can exit in a forwards direction.</p> <p>Passing bay provided at each entrance.</p> |
| Standard B15 | <p>Car parking facilities should:</p> <ul style="list-style-type: none"> -reasonably close & convenient to dwellings & residential buildings. -secure. -designed to allow safe and efficient movements within the | <p>Car parking reasonably close to dwellings.</p> <p>Will allow for safe and efficient vehicle movements.</p> |

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

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| | <p>development. -well ventilated if enclosed. Large parking areas should be broken up with trees, buildings or different surface treatments. Shared access or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of 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 access.</p> | <p>Not secure – open, uncovered and driveways will allow for site to be used as a thoroughfare.</p> <p>Accessway set back the appropriate distances from windows.</p> |
| Standard B17 | <p>A new building not on or within 150mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in the schedule to the zone, or • If no distance is specified in the schedule to the zone, 1 metre, plus 0.3 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. | Complies |
| Standard B18 | <p>A new wall constructed on or within 150mm 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 for a length of more than:</p> <ul style="list-style-type: none"> • 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or • 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. | No walls on boundaries proposed. |

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

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| Standard B19 | 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. | Complies |
| Standard B20 | 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. | Complies |
| Standard B21 | 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. 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. | Complies |
| Standard B22 | 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: | Ground floor NE elevation – bedroom of Dwelling 2 will overlook pos of No. 3 due to slope of site and finished floor levels. Ground floor SE elevation – overlooking from Dwelling 2 |

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

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| | <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. • Have sill heights of at least 1.7 metres above floor level. • Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. | from bedroom and deck to pos of 8 Como Court. Fence not high enough, finished floor levels create overlooking issues. |
| Standard B23 | 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>North elevation – upper floor windows of Dwellings 13 and 14 would overlook pos of Dwellings 5 and 6 on the ground floor.</p> <p>West elevation – living room window of Dwelling 16 would overlook pos of Dwelling 9 on ground floor.</p> |
| Standard B24 | <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>No detail of mechanical plant provided.</p> <p>No major noise source in the vicinity of the site.</p> |
| Standard B25 | 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. | Ground floor dwellings could be made accessible to people of limited mobility if required. |

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

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| Standard B26 | <p>Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> • Be visible and easily identifiable from streets and other public areas. • Provide shelter, a sense of personal address and a transitional space around the entry. | Entries to each building should be visible from McClure Court. |
| Standard B27 | <p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> • An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah provided it is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter. | Complies |
| Standard B28 | A dwelling or residential building should have private open space of an area and dimensions specified in the schedule to the zone. | Complies however ground floor areas of Dwellings 3, 4 and 10 encumbered with services – clothesline, bins, storage |
| Standard B29 | The private open space should be located on the north side of the dwelling or residential building, if appropriate. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall. | POS of Dwellings 12 is not north facing. |
| Standard B30 | Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space. | Storage provided for each dwelling although not clear who they are allocated to. |
| Standard B31 | The design of buildings, including: -Facade articulation and detailing, -Window and door proportions, | Proposed materials are contemporary and reflect materials used in Sherwood Park dwellings. |

Clause 55 Objectives NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

| | | |
|--------------|---|---|
| | <p>-Roof form, and -Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p> | <p>Each residential building is well articulated with materials and setbacks however this does not disguise the overall scale of each building.</p> <p>Roof form, eaves, window and door proportions, etc meet the general character of the neighbourhood, but buildings have visual bulk impact.</p> |
| Standard B32 | <p>A front fence within 3 metres of a street should not exceed: -The maximum height specified in the schedule to the zone, or -If no maximum height is specified in the schedule to the zone, the maximum height specified in Table B3.</p> | <p>Complies but front fences are not typical in the area. Neighbourhood character issue.</p> |
| Standard B33 | <p>Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.</p> | <p>Common property area clearly defined but could be used as a thoroughfare.</p> |
| Standard B34 | <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 and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.</p> | <p>Bin enclosures would impact on the amenity of the dwellings they adjoin – Dwellings 3, 4, 6, 9 and 10.</p> <p>Garbage collection an issue.</p> |

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

*The meeting was adjourned at 8.00pm.
The Meeting resumed at 8.09pm*

Suspension of Standing Orders

Moved: Cr Gibson
Seconded: Cr Rossiter

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

CARRIED UNANIMOUSLY

Cr Harriman left the Chamber at 8.09pm due to an indirect interest under section 78 of the *Local Government Act 1989*

Standing Orders were suspended at 8.09pm

Mr Rob de Souza-Daw addressed the Council in relation to item 16.4 Planning Permit Application 2011/397 – Demolition of a Building at 171 Franklin Street, Traralgon.

Mr Mick Nicola addressed the Council in relation to item 16.4 Planning Permit Application 2011/397 – Demolition of a Building at 171 Franklin Street, Traralgon.

Ms Elizabeth Jeffrey addressed the Council in relation to item 16.4 Planning Permit Application 2011/397 – Demolition of a Building at 171 Franklin Street, Traralgon.

Ms Thelma Mayze addressed the Council in relation to item 16.4 Planning Permit Application 2011/397 – Demolition of a Building at 171 Franklin Street, Traralgon.

Standing Orders were resumed at 8.37pm

**16.4 PLANNING PERMIT APPLICATION 2011/397 - DEMOLITION OF A
BUILDING AT 171 FRANKLIN STREET, TRARALGON**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2011/397 for the demolition of a building, commonly known as 'Ostler's House' at 171 Franklin Street, Traralgon being Lot 2 on PS 314881

DECLARATION OF INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

An active connected and caring community
Supporting all

Attract, retain, support
Enhancing opportunity, learning and lifestyles

Strategic Direction – Built Environment

Promote and support high quality urban design within the built environment.

Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.

Legal

The discussions and recommendations of this report are consistent with the provisions of the *Planning and Environment Act 1987* (the Act) and the Latrobe Planning Scheme (the Scheme), which apply to this application.

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

BACKGROUND

1 SUMMARY

| | |
|------------|--|
| Land: | 171 Franklin Street, Traralgon known as Lot 2 on PS 314881 |
| Proponent: | Mick Nicola |
| Zoning: | Business 2 Zone |
| Overlay: | Heritage Overlay |

A Planning Permit is required to demolish a building in accordance with Clause 43.01-1 of the Heritage Overlay.

2 PROPOSAL

The application is for the demolition of a heritage listed building known as Ostler's House. The subject building is identified in *Latrobe City Heritage Study* (2010) HO 101, which includes both Ostler's House and Traralgon (Ryans) Hotel.

The applicant proposes to demolish the building if approved with no use or development proposed in its place. No change is proposed to the Traralgon Hotel which is still in use as a bar and late night entertainment venue.

Subject Land:

The subject site is situated on the west side of Franklin Street and north of Kay Street and is located within the Primary Activity Centre of Traralgon. The site is irregular in shape, with a frontage of approximately 58.52m to Franklin Street and a frontage to Kay Street of 66.33m. The total area of the site is 3413 square metres. The site is relatively flat with no noticeable changes of slope on the property. The site has a number of different uses. As stated previously the Traralgon Hotel is still used as a bar and late night entertainment venue. Over 50% of the western part of the site is used as a car park and in the north of the site there is bottle shop.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Franklin Street has a road reserve of 30m which includes a median strip directly east of the subject site which is used for traffic calming and landscaping purposes, concrete pathways on either side, parallel car parking on the eastern side with angle car parking available on both sides of Franklin Street further to the south. Kay Street is a 60m wide tree lined boulevard which incorporates pathways, passive recreation opportunities and some local active recreation areas further to the west. Parallel car parking is available on both sides of Kay Street.

The building stock in general along Kay Street and the surrounding area is varied in terms of period, style, materials and scale. The area of Kay Street bounded by Church Street and Franklin Street has a number of historic heritage listed buildings and landmarks in the area which includes Ostler's House and the Traralgon Hotel (HO 101), Post Office and Court House (HO 4), the Elm Memorial Avenue and War Memorial (HO 116) and the Former St. Andrews Church (HO 3). These important heritage listed structures are combined with newer type development including single storey retail units and shops which have a mix of modern building materials. There is also a three storey office and retail development at the corner of Kay Street and Church Street.

The subject site has been given an individual citation within the *Latrobe City Heritage Study* (2010) at HO101. This is included in attachment 4 of this report. All the other previously identified heritage listed sites are within 150 metres of Ostler's House.

As detailed in *Australian Heritage Places Inventory*, Ostler's House is a small brick building. It comprises a single room with the original entrance on the property boundary on to Kay Street. The roof is gabled and the walls are constructed of red brick patterned with brown header bricks. The Traralgon Hotel is a two storey brick building with a verandah along the two main facades of its key corner site.

The Traralgon Hotel design is predominantly Victorian in style with minor Federation details. The upper level verandah has Victorian features including a cast iron balustrade and eave brackets with turned posts. There have been a series of additions and alterations to the rear of the main building. The Traralgon Hotel compares favourably with similar hotels in townships throughout central Gippsland as it retains its Edwardian verandah and corner building form.

The other building on the subject site is a drive through bottle shop which has brown face brick and colorbond roofing. It is not part of the original development, in terms of Ostler's House and the Traralgon Hotel and is not included within the statement of significance of HO 101.

The western part of the subject site is used for car parking purposes.

Surrounding Land Use:

North: Commercial premises including offices, licensed premises and Grey Street Primary School

South: Commercial premises on the south side of Kay Street include the Traralgon Post Office, offices and shops

East: Stockland Shopping Centre

West: Car park, offices and medical services including a dental surgeon, pathology and xray services.

3 HISTORY OF APPLICATION

A history of assessment of this application is set out in Attachment 2.

The provisions of the Scheme that are relevant to the subject application have been included in Attachment 3.

ISSUES

1 STATE PLANNING POLICY FRAMEWORK

Clause 15 *Built Natural Environment and Heritage* states that *'Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.'*

Clause 15.01-5 *Cultural identity and neighbourhood character* states that development should respond and reinforce heritage values and built form that reflects community identity.

Clause 15.03-1 *Heritage conservation* has a stated objective *'To ensure the conservation of places of heritage significance.'*

The strategic directions set out in the State Planning Policy Framework set a clear framework that generally supports development in areas of heritage significance provided they conserve elements of heritage significance or identify uses for the subject site or precinct that are compatible with its heritage significance.

In this case the application is proposing the demolition of a heritage listed building. There is no alternative use or development proposed.

As a result the application is not consistent with relevant State Planning Policy.

2 LOCAL PLANNING POLICY FRAMEWORK

Clause 21.04-4 *Heritage Overview* details that Latrobe City has a diverse heritage. There are a number of stated strategies and objectives under this clause which in general outline the importance of conserving and giving adequate statutory protection to sites of heritage significance. The statutory objectives and strategies are as follows:

Objective 1 – Heritage

‘To ensure that the heritage of Latrobe City is protected and conserved.’

The strategy to achieve this is to *‘Ensure that all heritage places and precincts of local or state significance receive appropriate statutory protection.’*

The proposal is not consistent with either the objective or strategy in this case as the proposal is for the demolition of a heritage listed building that has local significance.

Objective 2 – Heritage

‘To ensure that the management of heritage places will reveal rather than diminish the significance of the place.’

The outlined strategies to achieve this are to *‘Nominate heritage places, precincts and archaeological sites of potential state significance for inclusion on the Victorian Heritage Register.’* and to *‘Provide assistance and support to owners and custodians of heritage places in the conservation and management of these places’.*

Although the subject site is not included within Victorian Heritage Register, the site does have an individual citation (Place ID 4828) as a heritage place within the Register of the National Estate (Non-statutory archive) on the Australian Heritage Database and the *Latrobe City Heritage Study* (2010) which is an incorporated document with the Latrobe Planning Scheme.

It is considered that the proposal runs contrary to the objectives and strategies related to heritage protection in the Local Planning Policy Framework and the incorporated document of the Latrobe Planning Scheme, *Latrobe City Heritage Study* (2010).

3 CLAUSE 34.02 BUSINESS 2 ZONE

The subject site is located in a Business 2 Zone however the permit trigger related to this application is related to Clause 43.01 *Heritage Overlay*.

The application is not required to be assessed under the purpose and decision guidelines of the Business 2 Zone but will be assessed under the purpose and decision guidelines of Clause 43.01 *Heritage Overlay*.

4 CLAUSE 43.01 HERITAGE OVERLAY

The purpose of the Heritage Overlay is to conserve and enhance areas of heritage significance and importance while ensuring development does not impact the heritage significance of these places.

The proposal will remove a heritage listed building listed as regional and local heritage significance to Latrobe City and Traralgon in particular.

Heritage Importance of the Site:

As has been previously identified within this report, the subject site has been recently assessed as part of the *Latrobe City Heritage Study* (2010) and given a Heritage Overlay on the basis of it meeting the criteria for local significance. It should be acknowledged that within its individual citation within the heritage study HO101, the building condition has been described as 'good' with the major threat to the significance of the site being the threat of 'redevelopment'.

The information provided by the applicant is acknowledged. The use of non-original materials and additions to adapt use of the building so it could be used in association with the Traralgon Hotel could be considered to lessen the integrity of the built fabric of the building. This issue have been taken into consideration in the assessment of this application and was also taken into consideration prior to the inclusion of the subject site and buildings within the *Latrobe City Heritage Study* (2010). A Heritage Overlay was placed on the subject building on the basis of it meeting the criteria for local significance. This was tested by a planning panel as part of the introduction of Heritage Overlay into the Latrobe Planning Scheme. A counter opinion by a heritage consultant does not alter the fact that the property has local heritage status.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Following a balanced assessment of these matters, it is considered that the proposal runs contrary to both the State and Local Planning Policy Framework and the Heritage Overlay. The fact that the building is identified within the *Latrobe City Heritage Study (2010)* as having local significance, which is an incorporated document within the Latrobe Planning Scheme, adds further weight to that consideration. Furthermore it is also considered the impact of the demolition would be detrimental to the setting of Kay Street Elm Memorial Avenue and War Memorial

Pursuant to Clause 43.01-4 *Decision guidelines* there are a number of issues that have to be considered in making an assessment of an application in the Heritage Overlay. The following are the appropriate decision guidelines that have been assessed as part of this application:

The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies

The proposal runs contrary to both the State and Local Planning Policy Framework by proposing to demolish a building that has a citation (HO 101) within the *Latrobe City Heritage Study (2010)*.

Any applicable statement of significance, heritage study and any applicable conservation policy.

It is outlined in the statement of significance of the subject site in the *Latrobe City Heritage Study (2010)* 'The Traralgon (Ryan's Hotel) and Ostler's House are of local historic, social and aesthetic significance to Latrobe City'. As the proposal is for the demolition of the building, the application is contrary to this decision guideline and goes against the statement of significance for the site.

Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.

The changes to the original structure are outlined in Section 5.5 of this report. The heritage report submitted in support of the application concludes that the building has been heavily modified by the reuse of the building as a bar and the changes of the external appearance and to restore the building properly would mean that the entire structure would need to be demolished and rebuilt and thus reducing the integrity of the building.

This is considered inaccurate as there are conservation techniques that could reduce the brickwork cracking and other structural deficiencies.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Added to this any large restoration project of the building could use a large amount of the original materials and while new fabric (bricks and timber) may be needed to be introduced as part of the rebuilding process to bring the building back to its full potential, the aesthetic appearance of the streetscape would be maintained.

The issue with this application is that the owner wishes to demolish the building, thus removing it from the streetscape forever. There is no proposed replacement development in its place.

It is considered that the building has been recently assessed as part of the *Latrobe City Heritage Study* (2010) and given a Heritage Overlay on the basis of it meeting the criteria for local heritage significance. This has recently been tested at a planning panel in 2009 where the heritage significance of the building was affirmed.

It is noted that no objection was received in relation to this property as part of the planning scheme amendment process to introduce the *Latrobe City Heritage Study* (2010) into the Latrobe Planning Scheme.

Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

As the proposal is for the demolition of one of the buildings identified in the heritage citation for the site and as a result the significance, character and appearance of the heritage place will be detrimentally impacted and as a result it is not consistent with the decision guideline. Given its close proximity to the Kay Street Elm Memorial Avenue and War Memorial (HO 116), it is also considered that it will also impact this heritage site.

In summary it has been outlined in previous cases, including at VCAT level, that the assessment of planning applications covered by a Heritage Overlay must balance the loss of cultural heritage significance via demolition against other favourable planning aspects of the proposal.

In this case there are no favourable planning aspects to the application for the following reasons:

- Ostler's House has heritage significance at a local and regional level;
- One of the structures identified under HO101 of the *Latrobe City Heritage Study* (2010) is proposed to be removed;
- The application is for demolition only; and
- No alternative use or development proposal for the site has been proposed.

Ostler's House has been defined as significant through its entry in the heritage schedule of the Latrobe Planning Scheme.

It is therefore considered that the proposal is not consistent with the purpose and decision guidelines of Clause 43.01 *Heritage Overlay*.

5 Applicants Position

The reasons provided by the applicant for the demolition application are identified below. The applicant has submitted a number of technical documents to support his position. They are included in attachment 5.

- *The building is in poor physical condition:*

As outlined in the Building Surveyors and Structural Engineers report. Details of the poor condition of the building detailed in these reports include large brick work cracking as result of footing subsidence and rotation, additions to the building including of a door in the north wall, addition of serving window to the east, removal of the original floor which was replaced by a concrete floor and internal modern additions have negatively impacted the structural condition of the building to such a degree that demolition of the building is now the only option.

Officer Comment

As outlined in the referral response by Councils Heritage Advisor, one of the reasons for the poor condition of the building is that *'it seems as if for a very long time this building has had no basic maintenance at all'*. Poor condition is not in itself a sufficient reason for Council to support demolition. All buildings require maintenance and repairs, particularly buildings of some age. The Heritage Advisor contends that none of the work required to rectify the building faults is complex and *'whilst there are some technical details to be worked out, the building could be rebuilt to a sound condition'* and the work is within the capabilities of local tradespeople.

It is also noted that in the referral response from the Building Department that it was considered that the technical reports submitted in favour of the application were *'subjective'*.

There also appears to be contradictions in the technical documents submitted in favour of the application. It is detailed in the Structural Engineers report submitted in support of the application that *'the building is currently in poor condition that would prevent occupation, but it is not in imminent risk of collapse'* but it is also detailed in that report that *'recently the building has been used as bar servicing the beer garden'*.

- *The building cannot be feasibly repaired:*

The applicant has detailed in the submitted information (including supporting technical reports) that the building cannot be feasibly repaired. It is detailed in that information that full '*restoration could only be achieved by careful demolition to protect the bricks, and full reconstruction on new brick footings, re-using the existing bricks if they could be preserved during demolition. This could only be achieved at considerable cost*'.

Officer Comment

In the independent heritage advisor report it is detailed that the '*poor building condition is partly as a result of a long maintenance backlog*'. It is further detailed that the '*building is very small and the cost to rebuild, utilizing as much original material as can be retrieved, largely compromises labour rather than a large material cost*'.

- *Public Safety Issue:*

The applicant has detailed that due to the poor structural condition of the building that it may fall down and its location adjoining the property boundary with Kay Street and more specifically the public pathway is a public safety issue.

Officer Comment

The Building Department have assessed the application and have not issued any direction to the applicant to complete any urgent or immediate works as it is consider that there is no immediate danger of the building collapsing. The Structural Engineers report, as identified previously, also outlines this consideration. Any safety/emergency measures that might be required in the future would be the responsibility of the property owner.

6 Objectors Position

16 objections were received on the application. The objections are included in attachment 6. The objections to the application can be summarised as follows:

- Ostler's House plays an important part of the historical built fabric of Traralgon;
- It has been detailed that Ostler's House has been at this location since approximately the mid 1800s;
- *Latrobe City Heritage Study, Volume 3: Heritage place & precinct Citations July 2010* provides historical evidence of Osler's House and also details why it has been given protection as part HO 101 in the Latrobe Planning Scheme;

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

- The proposal will result in the loss of a significant part of Traralgon's heritage and cultural history;
- The National Trust classified this site at a '*regional level*' in 1975 due to its special historic and aesthetic qualities;
- Conflicting information has been provided including that despite the applicant detailing it is structurally unsound, in the GHD report it has been mentioned that '*recently the building has been used as a bar servicing the beer garden*';
- Ostler's House was built prior Ryan's Hotel and is a monument to our early settlers; and
- Ostler's House provides an important landmark as one of a group of historic buildings including the Post Office, Court House and Ryan's Hotel.

Officer Comment

It is considered the objectors submissions are generally valid considerations in the assessment of the heritage value of Ostler's House and on the merits of the subject proposal.

7 Clause 65 - DECISION GUIDELINES

Before deciding on an application or approval of a plan, the Responsible Authority must also consider the 'Decision Guidelines' at Clause 65.01, as appropriate.

As discussed previously in this report, the proposal is considered to be inconsistent with the decision guidelines at Clause 65.01.

8 Clause 81 Incorporated Documents

There is one relevant incorporated document which is *Latrobe City Heritage Study Volume 3: Heritage place & precinct Citations July 2010*, which the subject site is identified with an individual citation number HO 101.

As discussed previously in this report, the proposal is considered to be inconsistent with this incorporated document and the individual citation of the site.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

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

INTERNAL/EXTERNAL CONSULTATION**Notification:**

The application has been advertised under Section 52(1)(a) and Section 52(1)(d) of the Act by sending notices to all adjoining and adjacent landowners and occupiers and by displaying an A3 sign on the Kay Street frontage of the subject site for a minimum of 14 days.

External:

There were no referral requirements pursuant to Section 55 of the Act.

Internal:

Internal officer comments and advice were sought from Infrastructure Planning Team, Building Team and the Heritage Advisor.

The Infrastructure Planning Team did not object to the granting of a Planning Permit in relation to their area of expertise, with no conditions. Comments from the Building Team have been previously discussed but the Building Team did not object to the granting of a Planning Permit in relation to their area of expertise, with no conditions.

The service of a Heritage Advisor is available to Council as part of a Heritage Victoria grant funded scheme, which is managed by the Department of Planning and Community Development. The Heritage Advisor provides heritage advisory services to Council on an as needs basis.

The Heritage Advisor recommended a permit should not be issued for the demolition of this property for the following reason:

- *The grounds for refusal should be that demolition of Ostler's House adversely affects the significance of two heritage places [HO101 and HO116].*

The Heritage Advisor has also identified further areas of work to be conducted. These are as follows:

- *Council's building surveyor should report on any requirements to make the building safe from a public risk management perspective;*
- *Council's building surveyor may consider issuing a direction to compete any urgent and immediate repairs to make the building safe-On these two points the Municipal Building Surveyor has assessed the building and has not detailed any emergency action to take place;*

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

- *Encouragement should be given to the owner to make safe/repair/reconstruct Ostler's House with structural engineering advice;*
- *Encouragement should be given to the owner to consider ways in which the funding of repairs to Ostler's House can be achieved as part of the wider property interests with which his company is involved- On these two points, it is considered that these points are outside the remits of assessment of the planning permit application; and*
- *Exploring uses for the place that may encourage its retention and long term conservation- This is an element that will be left to the consideration of the land owner after the decision of Council is made on this application.*

A copy of the heritage advisors report is included in attachment 7.

It is noted that the comments of the internal referral teams only relate to part of the assessment process and do not necessarily direct the final recommendation of Council.

Details of Community Consultation following Notification:

Following referral and notification of the application 16 submissions all in the form of objections were received. A mediation meeting took place on 29 November 2012. No new information was presented at this meeting and no resolution to the objections occurred.

OPTIONS

Council has the following options in regard to this application:

1. Issue a Refusal to Grant a Planning Permit; or
2. Issue a Notice of Decision to Grant a Planning Permit.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

CONCLUSION

Having evaluated the proposal against the relevant provisions of the Scheme including the State and Local Planning Provisions, the purpose and decision guidelines of the Heritage Overlay and the incorporated document of the Latrobe City Planning Scheme *Latrobe City Heritage Study Volume 3: Heritage place & precinct Citations July 2010* it is considered that the application does not meet the requirements of the Scheme.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)****Attachments**

1. Plans
2. History of the application
3. Latrobe Planning Scheme
4. Heritage Citation
5. Technical Reports submitted in favour of the application
6. Objection submissions
7. Independent Heritage Advisor Report

RECOMMENDATION

That Council issues a notice of Refusal to Grant a Planning Permit, for the demolition of a building commonly known as Ostler's House of the land at Lot 2 on PS 314881, more commonly known as 171 Franklin Street, Traralgon on the following grounds:

1. The proposal is not consistent with Clause 15 'Built Natural Environment and Heritage' as the proposal is for the demolition of a heritage listed building with no alternative use or development proposed.
2. The proposal is not consistent with Clause 15.03-1 'Heritage conservation' as the proposal is for the demolition of a heritage listed building.
3. The proposal is not consistent with Clause 21.04-4 'Heritage Overview' and the incorporated document *Latrobe City Heritage Study 2010*.
4. The proposal is not consistent with the 'Purpose' of Clause 43.01, the Heritage Overlay.
5. The proposal is not consistent with the 'Decision Guidelines' of Clause 43.01-4, the Heritage Overlay.
6. The proposal is not consistent with Clause 65 'Decision Guidelines'.

Moved: Cr O'Callaghan

Seconded: Cr Rossiter

That the Recommendation be adopted.

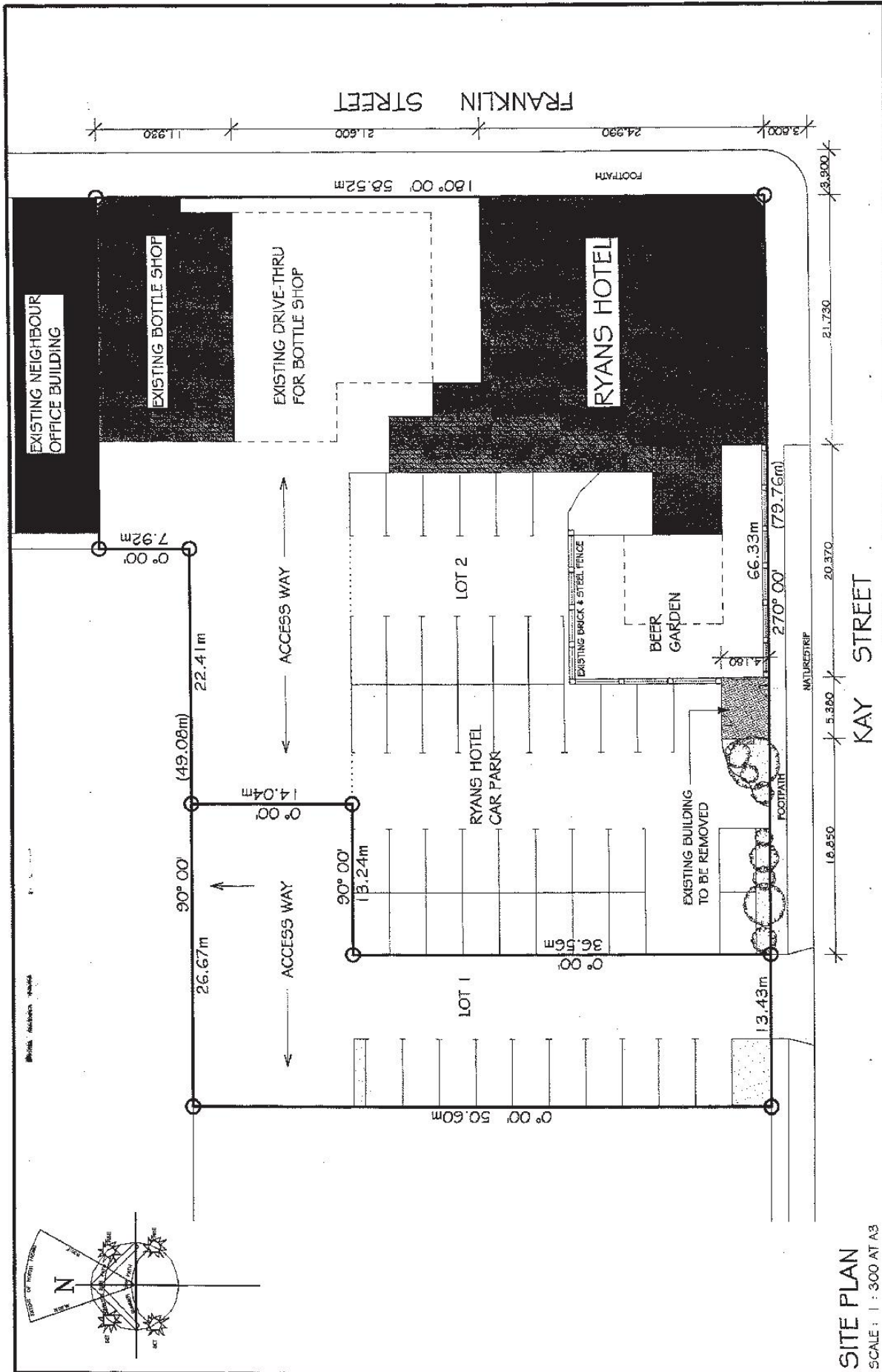
CARRIED UNANIMOUSLY

Cr Harriman returned to the Chamber at 8.45pm.

16.4

Planning Permit Application 2011/397 - Demolition of a Building at 171 Franklin Street, Traralgon

- 1 PlansError! Bookmark not defined.
- 2 History of the application.....Error! Bookmark not defined.
- 3 Latrobe Planning Scheme.....Error! Bookmark not defined.
- 4 Heritage CitationError! Bookmark not defined.
- 5 Technical Reports submitted in favour of the application Error! Bookmark not define
- 6 Objection submissionsError! Bookmark not defined.
- 7 Independent Heritage Advisor Report Error! Bookmark not defined.



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| <p>SITE PLAN SCALE : 1 : 300 AT A3</p> | <p>PROJECT: PROPOSED WORKS FOR MIR MICK NICOLA RYANS HOTEL - TRARALGON</p> | <p>REVISIONS:</p> <table border="1"> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> | | | | | | | | | | <p>PAGE CONTENTS: SITE PLAN</p> | <p>DATE ISSUED: 05/12/11</p> |
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| <p>SCALE : 1 : 300 AT A3 DESIGN : M.N. DRAWN : M.C. CHECKED : M.N. JOB No : 11-0011 SHEET No : 1 OF 1</p> | <p>VIRTUE HOMES</p> | <p>Virtue Homes Pty. Ltd. P.O. BOX 1589 Traralgon VIC 3844 Mobile: 0422 315 383 Phone: (03) 5176 523 Email: mick@virtuehomes.com.au WEB: www.virtuehomes.com.au</p> | <p>ALL RIGHTS RESERVED. THIS PLAN IS THE PROPERTY OF VIRTUE HOMES PTY. LTD. THESE DRAWINGS ARE SUBJECT TO COPYRIGHT AND ANY UNAUTHORIZED REPRODUCTION IS CONSIDERED AN INFRINGEMENT OF COPYRIGHT LAWS. Domestic Builder - Unlimited No: 21332 Master Builder Association No: 84475 ABN: 78 197 165 888</p> | <p> </p> | | | | | | | | | |



History of Application

| | |
|------------------|---|
| 12 December 2011 | Planning Permit application received by Council. |
| 5 January 2012 | Further information requested from applicant. It was requested that a report prepared by a suitably qualified heritage consultant, a structural report of the buildings to be demolished and to identify the proposed use for the site. |
| 12 January 2012 | Applicant received from the applicant detailing that the reason that the building is required to be removed as it is a public safety risk. |
| 13 January 2011 | Detailed that if the applicant/owner has concerns regarding the structural capability of the building that he should detail his concerns to Councils Building Department. No written request has been received by the building department on this matter. It was also detailed to Mr. Nicola that if he believed the building was structurally unsound than he should also submit a report from suitably qualified structural engineer. |
| 19 April 2012 | Request for an extension of time to provide the further information was granted. |
| 14 May 2012 | Request for an extension of time to provide the further information was granted. |
| 1 June 2012 | Application advertised to adjoining land owners and sign on site. Application referred internally to Building, Infrastructure Planning and the Independent Heritage advisor |
| 22 August 2012 | Applicant requested to place another notice on site due to complaints that the original advertising notice was not placed along the front boundary |
| 21 November 2012 | Mediation meeting to be held on 29 November due to 16 objections received. |
| 29 November 2012 | Mediation meeting held, with no resolution to objections achieved. |

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 15-Built Natural Environment and Heritage
Clause 15.01-2 - Urban Design Principles
Clause 15.01-5 - Cultural identity and neighbourhood character
Clause 15.03-1 Heritage conservation

Local Planning Policy Framework

Clause 21.01 – Municipal Profile
Clause 21.02 – Municipal Vision
Clause 21.04-4 - Heritage Overview
Clause 21.05-2 – Main Towns

Zoning – Residential 1 Zone

The subject land is located within a Business 2 Zone.

Overlay

There is a Heritage Overlay affected the site.

Particular Provisions

None

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

Latrobe City Heritage Study Volume 3: Heritage place & precinct Citations
July 2010

OSTLERS HOUSE AND TRARALGON (RYANS) HOTEL

| | | | |
|---------|----------------------------------|-------------|------------|
| | | Place No. | 87 |
| ADDRESS | 171 Franklin Street Traralgon | Last Update | 29/12/2007 |
| | | HO No. | |



DESCRIPTION The Traralgon Hotel is a two storey brick building with a verandah along the two main facades of its key corner site. The design is basically Victorian in style with minor Federation details. The upper level verandah Victorian features include a cast iron balustrade and eave brackets with turned posts. The verandah is bull nosed with exposed rafters and a segmental gable at the angled corner. Brown brick courses and arches above the ground floor windows are Queen Anne details, as are the tall chimneys with terracotta pots.

Internally, the building retains some of its original features such as the timber stair and balustrade and the timber fretwork valence over the stairway. On the upper level, there are a series of guest bedrooms and facilities, redecorated in the 1950s and some more recently. On both floors the ceilings have been lowered. There have also been a series of additions and alterations to the rear of the main building.

To the west of the hotel is a small brick building known as the 'Ostler's House'. It comprises a single room with entrance on property boundary. The roof is gabled and the walls are constructed of red brick patterned with brown header bricks.

The overall condition of the building is good. Internal ground floor alterations and rear extensions are not contributory to the Victorian design character of the building.

The Traralgon Hotel compares favourably with similar hotels in townships throughout central Gippsland as it retains its Edwardian verandah and corner building form. Similar hotels which

exist in the region have been altered extensively, for example the Victorian Hotel in Bairnsdale, which no longer retains the verandah and exposed brick [1].

SOURCES

[1] R. Peterson: 'City of Bairnsdale Urban Conservation Study', (1989).

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|------------------|---------------|---------------------|-------------|
| Condition | Good | Integrity | High |
| Threats | Redevelopment | Key elements | Buildings |
| Designer | | Builder | Mr McCarthy |

HISTORY

Duncan Campbell, owner of the Traralgon West run, first built a hotel on this site in 1858 naming it the Traveller's Rest. This was the second inn to be built in Traralgon, the first being run by Thomas and Elizabeth Windsor from 1848 on the site of the Uniting Church (former Wesleyan) today.

Campbell's establishment served many functions in the early life of the town when there were few other buildings of any substance. Campbell ran a general store and the post office from the hotel. A separate wooden building to the rear of the Hotel (in Kay Street) served as an early court house and also a venue for other meetings and church services in the 1860s and 1870s [1].

The 1858 hotel building was a simple rectangular building with gable roof, timber post verandah, later enclosed at both ends with extra rooms. Photographs show timber room additions extending along Franklin Street. Eight bedrooms, four sitting rooms, a large dining room, bar and cellar were contained in the main building facing Kay Street while the rear extensions housed kitchen, laundry and 6 more bedrooms [2].

In 1914, the hotel which stands today, was built for Mrs. M. Hoare [3]. A Mr. McCarthy of Rosedale won the building contract from 12 other tenders. At this time, the Traralgon Hotel, at the Station end of Franklin Street which had been built in 1914.

The small brick building known as the 'Ostlers House' is substantially earlier than the 1914 hotel, being shown on a photograph (held by the Traralgon & District Historical Society) of a street procession in 1893. It is apparently in the general location of the timber Court House building and may have served for a time as an office [4]. Further research is required.

During the inter-war years, licences exchanged hands several times. W. Daris took over H. H. Green (formerly of the Crown Hotel) in 1929 [5]. J.E. Ford ran the hotel for a short time from 1930 [6].

T. Gartland ran the premises in 1933 when it was taken over by Amby Ryan, after whom the premises was named for several years. In 1958, M. Buckley, a daughter of Ryan's still owned the licence [7]. Stained glass windows on the ground floor still name 'Ryan's' Hotel.

SOURCES

[1] W. J. Cuthill, The history of Traralgon, Manuscript, 1955, Vol 4 part 3 p.3.

[2] Traralgon and District Historical Society, Traralgon: a tableau through time, Traralgon and District Historical Society, Traralgon, 1984, p.16.

[3] National Trust of Australia (Victoria) File 2977.

[4] W. J. Cuthill, 'St. Michael's Roman Catholic Church', The history of Traralgon, Manuscript, 1955, Vol 4-3, p.3.

[5] Traralgon and District Historical Society Bulletin 20(4) Sept '89.

[6] Traralgon and District Historical Society Bulletin 21(2) May '90.

[7] Traralgon and District Historical Society Bulletin 21(3) July, 1990.

| | | | |
|----------------------|----------------------------|---------------------|---|
| Creation Date | c.1890 (Ostlers House), 19 | Change Dates | |
| Associations | Duncan Campbell | Local Themes | 7. BUILDING SETTLEMENTS & TOWNS 7.3 Developing towns and regional centres in the twentieth century |

STATEMENT OF SIGNIFICANCE What is Significant?
The Traralgon (Ryans) Hotel, constructed by Mr McCarthy in 1914, at 171 Franklin Street, Traralgon and the adjacent building known as Ostler's House.

How is it significant?

The Traralgon (Ryan's) Hotel and Ostlers House are of focal historic, social, and aesthetic significance to Latrobe City.

Why is it significant?

Historically, it is significant as the oldest hotel still on its original site in Latrobe City and it is the most externally intact of all the surviving early twentieth hotels retaining its overall form and most of its details from its 1914 date of construction. It is located on the site of Duncan Campbell's Traveller's Rest Hotel which symbolised the town centre in the early days. (RNE criteria A.4, B.2 & D.2)

Aesthetically, it is significant as corner building provides an important landmark as one of a group of historic buildings and other features which forms the town centre. The Post Office, Kay Street plantings and memorial also contribute to this focal point. (RNE criterion E.1)

LEVEL Local significance

RECOMMENDATIONS

Heritage Register Listings

| Register | Reference | Zoning | Status |
|-------------------------|-----------|--------|-------------|
| Latrobe Planning Scheme | HO | | Recommended |

Extent The whole of the property as defined by the Title boundaries.

Heritage Schedule

| | | | | | |
|-------------------------------|----------------|----------------------------|----|---------------------------|----|
| External Paint Controls: | No | On VHR: | No | VHR Ref No: | No |
| Internal Alteration Controls: | No | Prohibited Uses: | No | | |
| Tree Controls: | No | Aboriginal Heritage Place: | No | | |
| Outbuildings or Fences: | No | Incorporated Plan: | No | Incorporated Plan Details | |
| Description: | None specified | | | None specified | |

Conservation Management

GUIDELINES (GENERAL)

In order to conserve the heritage significance of this place, it is policy to, as appropriate:

1. Conserve the fabric of the features (building, structure, tree, fence etc.) that contribute to the significance of the place and in particular to:

- Encourage the accurate restoration or reconstruction of missing or modified features on the basis of available evidence.
- Encourage the removal of non-significant or intrusive elements, particularly where this would assist in revealing or interpreting the significance of the place.

2a. Encourage a contextual approach to new development that is complementary in form, scale, detailing and materials to the significant building/s or other features, but is clearly contemporary in design.

2b. Avoid new development that distorts the historic evidence by simply copying or reproducing historic styles or detailing.

3. Ensure that new development does not become a visually dominant element as a result of its scale, form or siting; i.e. it should appear as a secondary element when compared to the significant building/s or other features.

4a. Discourage the demolition of significant buildings except where it can be demonstrated that:

- the building is structurally unsound and cannot feasibly be repaired, or
- any repairs would require the replacement of significant fabric to such an extent that the integrity of the building would be so reduced that it is no longer significant.

4b. Demolition or removal of part of a significant building or feature may be considered when it can be demonstrated to the satisfaction of the responsible authority that its demolition or removal will not adversely affect the significance of the place and, as appropriate:

- It will remove a non-significant alteration or addition, particularly where this would assist in revealing the significance of the place, or
- It will assist in the long term conservation or maintenance of the place, or
- It will support the viability of the existing use of the place or will facilitate a new use that is compatible with the on-going conservation of the building, or
- It will upgrade the building to meet contemporary living standards such as improving energy efficiency.

5. Conserve significant outbuildings and maintain a visual relationship between the outbuildings and other buildings in order to demonstrate the historic use and/or development of the place.

6. Conserve significant trees or other plantings (see below), and maintain a visual relationship between the plantings and the significant buildings on the property.

7. Conserve or reveal views that contribute to the significance of the place.

8. In the case of subdivision of the place, encourage the retention of the significant features on one lot.

GUIDELINES (SPECIFIC)

None specified.

GUIDELINES (TREES)

In order to conserve the heritage significance of significant trees, it policy to:

- i. Encourage regular maintenance of significant trees including monitoring of condition, pruning, pest and disease.
- ii. Ensure that any future development or changes in immediate environmental conditions, adjacent to the significant trees does not have a detrimental impact upon the integrity and condition of the trees. Investigate ways in which adjacent development could include or coordinate with recovery and improvement of the trees' integrity and condition.
- iii. If the significant trees require replacement, encourage replacement with 'like with like' species

REVIEW OF SIGNIFICANCE & POLICY

While every effort has been made to ensure that the information contained in this citation is accurate, it is possible that more detailed investigation may reveal further information about the significance of the place. For example, in most cases an internal inspection was not made of buildings at the time of initial assessment. In the time since the place was first assessed it is also possible that the condition of buildings or trees may have changed.

The information contained in this citation should therefore be reviewed at the time that it is proposed to make changes to the property. This would likely require a more detailed assessment of any significant or contributory element that is affected by any proposed buildings or works. Once this more detailed assessment has been made, a review of the significance of the place and the conservation policy should be carried out by Council's Heritage Adviser or an appropriately qualified professional.

Extra Research None specified

BIBLIOGRAPHY Context Pty Ltd, (1992), Traralgon Heritage Study. Volume 2: Place citations, City of Traralgon, Traralgon, 173-6



VIRTUE HOMES Pty. Ltd. P.O.BOX 1589 Traralgon 3844
Ph: (03)51765997 mob: 0422315383 Fax: (03) 51765231
www.virtuehomes.com.au
BUILDING EXCELLENCE

24/5/12

LATROBE CITY COUNCIL

ATT- JODY RIORDAN

PERMIT APPLICATION NO - 2011/397

REGARDING - OSTLER HOUSE DEMOLITION PERMIT, HERITAGE REPORT ATTACHED AS REQUESTED

| | |
|---|--|
| LATROBE CITY COUNCIL | |
| INFORMATION MANAGEMENT | |
| RECEIVED | |
| 30 MAY 2012 | |
| R/O: | Doc No: |
| Comments/Copies Circulated to: | |
| <input type="checkbox"/> Copy registered in DataWorks | <input type="checkbox"/> Invoice forwarded to accounts |

THANKING YOU

Mick Nicola
Managing Director



24 May 2012

Mick Nicola
Managing Director
Virtue Homes
Mob: 0422315383
Ph: 51765997
Fax: 51765231

By Email: mick@virtuehomes.com.au

Private & Confidential

Dear Mick,

RE: Ostler House Heritage Impact Assessment

Heritage Impact Statement for:
"Ostler House & Traralgon (Ryan's) Hotel" HO101

This statement forms a part of a permit application for the proposed demolition of Ostler House, located at the rear of Ryan's Hotel, Traralgon. The works will include complete the complete demolition of the structure.

Authorship

This Heritage Impact Assessment was prepared by Erica Walther. Background Research was completed by Nicole Elfrink. The site inspection was completed by Rebecca McMillan.

Background

The activity area at 171 Franklin Street, Traralgon, includes the Traralgon (Ryan's) Hotel and an outbuilding known as Ostler House. The proposed works propose the demolition of the outbuilding known as Ostler House, and will not impact upon Ryan's Hotel. The Traralgon Hotel is a two story Victorian brick building with some federation additions (Context Pty Ltd, 2008b:397). Ostler House is a single roomed brick building with a gabled roof (Context Pty Ltd, 2008b:397) at the rear of Ryan's Hotel.

Traralgon was first settled by Europeans in the 1840s. The introduction of rail in 1879 encouraged town growth and attracted people and industry to the region and in that same year the shire of Traralgon was formed (Context Pty Ltd, 2008a:42). By the 1890s, Traralgon had become an important regional centre and by 1907 the commercial centre of the town had been firmly established along Franklin Street (Context Pty Ltd, 2008a:42).

The first hotel in Traralgon was built in 1848 and run by Thomas and Elizabeth Windsor (Context Pty Ltd, 2008b:398). In 1858, the Traveller's Rest hotel was built on the site by Duncan Campbell. It was the second inn to be built in Traralgon and functioned as the town's social centre operating as a post office and a general store (Context Pty Ltd, 2008b:398). A timber building situated behind the hotel was used as

a Court house, a general meeting place and also for religious services (Cuthill cited in Context Pty Ltd, 2008b:398)

The current hotel on the site, known as the Traralgon (Ryan's) Hotel, was built in 1914 for Mrs. M. Hoare and replaced the previous hotel (National Trust of Australia [Victoria] File No. B2977). Amby Ryan, whom the hotel was named after for many years, obtained the hotel's licence in 1933 and this was still held by his daughter in 1958 (Context Pty Ltd, 2008b:398).

The outbuilding at the rear of the hotel known as Ostler house is dated to circa 1893 (Context Pty Ltd, 2008b:398). The building's location may be associated with the previous timber court house building and it may have been used as an office (Cuthill cited in Context Pty Ltd 2008b:398). However, as indicated by Context Pty Ltd (2008b:398) more information is needed in order to interpret and understand the function and history of this building. The building is not historically associated with Ryan's Hotel.

Archaeological Background

There were a number of regional and localised archaeological investigations involving ground surface surveys in the Traralgon and surrounding regions which have identified historic archaeological sites. A review of relevant reports indicated that there are a total of six historic archaeological sites within the Traralgon and surrounding regions. A ground surface survey undertaken by Long, Rogers, Schell and Cusack (1999) in the Loy Yang Region uncovered evidence of two early homesteads and their outbuildings (H8221-3, H8221-5), a rural township (H8221-4) and an allotment (H8221-2). Clark and Thomson (2000) conducted a ground surface survey in the Traralgon area and identified a brick structure interpreted as a sheep dip (D8221-006), whilst Clark (2001) conducted a ground surface survey in the Traralgon to Flynn regions and identified a site containing a scatter of historic artefacts (H8221/11).

The closest site to the activity area is D8221-006, whilst the other sites (H8221-2, H8221-3, H8221-4, H8221-5, H8221/11) are located a significant distance from the activity area. Those sites identified have low to moderate historic archaeological significance and are of local significance only.

Cultural Heritage Significance

The following is the statement of significance for the place HO101 Ostlers House & Traralgon (Ryans) Hotel:

How is it Significant? "The Traralgon (Ryan's) Hotel and Ostlers House are of local historic, social, and aesthetic significance to Latrobe City" (Context Pty Ltd, 2008b: 399)

Why is it Significant? "Historically, it is significant as the oldest hotel still on its original site in Latrobe City and it is the most externally intact of all the surviving early twentieth hotels retaining its overall form and most of its details from its 1914 date of construction. It is located on the site of Duncan Campbell's Traveller's Rest Hotel which symbolised the town centre in the early days. (RNE criteria A.4, B.2 & D.2)" (Context Pty Ltd 2008b:399)

"Aesthetically, it is significant as corner building provides an important landmark as one of a group of historic buildings and other features which forms the town centre. The Post Office, Kay Street plantings and memorial also contribute to this focal point. (RNE criterion E.1)" (Context Pty Ltd 2008b:399)

Ostler House is included within the listing for Ryans Hotel, being an outbuilding at the rear of the Traralgon (Ryan's) Hotel. There is no evidence, however, that Ostler House is historically related to the Hotel. Ostler House predates the hotel.

Ostler House is significant due to its age (c.1893), however the significance attributed to Ryans Hotel (as outlined above) does not relate directly to Ostler House, despite it being included within the same listing. Within the listing completed by Context Pty Ltd (2008b:399) the answer to "Why is it Significant?" deals only with the hotel, not with Ostler House. The same significance should therefore not be directly applied to Ostler House without further investigation.

Current Use

Ostler House was inspected on 09/05/2012. The building is not currently in use, due to the unsound nature of the structure.

Alterations to the original structure were visible at the time of the inspection. These alterations have ultimately affected the structural integrity of the building. These include:

- Removal of the room to the west of the existing building (See Figure 1);
- Addition of a door in the north wall (See Figure 2);
- The addition of an internal partition and modern fixings including sink and bar;
- Addition of a serving window on the east wall;
- The original floor has been removed and replaced with concrete; and
- Various repairs to the brickwork.

Existing Condition

The condition noted during the inspection confirms the reports provided by Central Gippsland Building Consultants (2011) and GHD (2012) supplied by the Sponsor. The building is in extremely poor condition, with collapsing brickwork, large cracks, and wall tilting.

The condition and integrity assessment was recorded as Good and High respectively, as part of the La Trobe Heritage Study (Context Pty Ltd, 2008b:399). This is taking into account the condition and integrity of Ryan's Hotel, rather than directly relating to Ostler House. Based on the result of the inspection of Ostler House, both the condition and integrity of the fabric and structure is considered to be poor.

Impact of Proposed Works

It is proposed that the structure be demolished, and be replaced with fencing. This will therefore affect the significance of the building by completely removing it.

Conclusion

The proposed works will remove all fabric of Ostler House. The place is significant due to its age and in demonstrating the development of Traralgon. The significance attributed to Ryan's Hotel (e.g. "... Intact... early twentieth century hotel") cannot be attributed to Ostler House.

The place has been heavily modified by the reuse of the place as a bar. Removal of the western room and the addition of doors and the serving window in structural walls have negatively impacted the integrity and significance of the building. In addition, the shifting of the foundations due to soil movement has had an irreparable impact on the structure.

Based on the recommendations of the reports provided by Central Gippsland Building Consultants (2011) and GHD (2012) the building cannot be feasibly repaired.

To preserve the building, the entire structure would need to be demolished and rebuilt. This would essentially destroy any significance which is currently attributed to the fabric and structure. The integrity of the building would be diminished so far that it is no longer significant.

No archaeological deposits are considered to survive in situ due to the removal of the original floor surface, and the development of the car park and beer garden/bar surrounding the structure.

Recommendations

This Impact Assessment supports the demolition of the structure in the interests of public safety. However the following recommendations are put forward:

1. The building must be photographed and drawn to archival quality, prior to demolition;
2. The history of Ostler House must be investigated, and a short report prepared;
3. Any archaeological deposits encountered during demolition must be reported to Heritage Victoria; and
4. Re-use of bricks in fencing/landscaping should be facilitated where possible.

Declaration

"I have made all the inquiries that I believe are desirable and appropriate that no matters of significance which I regard as relevant have to my knowledge been withheld"

Yours faithfully

Erica Walther B/Arch (Hons)
Senior Archaeologist
Cultural Heritage Advisor
Australasian Cultural Heritage Management (Vic) Pty Ltd
GPO Box 5112, Melbourne, VIC 3000
Phone: 1300 724 913
Fax: 1300 724 913
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E-mail: erica.walther@achm.com.au
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- ¹ Associate Member, Australian Association of Consulting Archaeologists Inc.
² EnviroDevelopment Professional (EDP103)
³ Member, Australian Archaeological Association
⁴ Member, Australasian Society for Historical Archaeology

ACHM has offices in South Australia and Victoria and provides services throughout Australia

Quality Information

| Revision | Revision Date | Details | Authorised | | |
|----------|---------------|-------------|----------------|--------------------------|-----------|
| | | | Name | Position | Signature |
| 1.0 | 23/05/2012 | First Draft | Erica Walther | Senior Archaeologist | |
| 1.1 | 23/5/2012 | QA | Matthew Wilson | Operations Manager - Vic | |

References

Clark, V. (2001) Princes Highway East Traralgon to Flynn, Cultural Heritage

Study. Report prepared by Dr. Vincent A. Clark and Associates Pty Ltd for VicRoads.

Clark, V. and Thomson, M. (2000) Princes Highway Traralgon Bypass – Stage 1,

Archaeological and Cultural Heritage Study. Report prepared by Dr. Vincent A. Clark and Associates Pty Ltd for VicRoads.

Context Pty Ltd (2008a) Latrobe City Heritage Study, vol. 1, Latrobe City Council, Morwell.

Context Pty Ltd (2008b) Latrobe City Heritage Study, vol. 3, Latrobe City Council, Morwell.

Long, A., Rogers, I., Schell, P., and Cusack, K. (1999) Loy Yang Power Property, Archaeological and Heritage Management Plan – Stage 1. Report prepared by Andrew Long and Associates for Loy Yang Power Management Pty Ltd.

Authorship

1. Erica Walther is a Cultural Heritage Advisor and Project Manager with experience supervising and conducting Standard and Complex Cultural Heritage Management Plans. Erica completed a Bachelor of Archaeology (Honours) degree at Latrobe University in 2007. Since 2007 Erica has worked on archaeological surveys and excavations in Victoria, New South Wales and Tasmania.
2. Rebecca McMillan completed a Bachelor of Archaeology degree at Flinders University (2006) and later completed a Bachelor in Applied Geographic Information Systems at Flinders University (2008). She is currently undertaking an M.A. in Archaeological Science at the Australian National University. Since 2008 she has worked on archaeological surveys and excavations throughout Victoria and W.A.
3. Nicole Elfrink is an archaeologist with experience in artefact conservation. Nicole completed a Bachelor of Arts (Honours) degree with a specialisation in archaeology at Monash University in 2003 and in 2012 completed a Master of Cultural Material Conservation degree with a specialisation in objects conservation.

Appendices

Site Search

In order to determine the likelihood and nature of potential archaeological remains, a search of known historical sites within a one kilometre radius surrounding Ostler House was completed. The results are presented below. The activity area (Ryan's Hotel) is listed with the Latrobe City Council Heritage Overlay and the National Trust.

| Site Number | Site Listing | Site Name | Site Type | Site within activity area? |
|-----------------------|--|--|-----------|----------------------------|
| B2722 H1488 HO4 | National Trust Victorian Heritage Register Heritage Overlay | <i>Traralgon Post Office & Court House</i> 161-69 Franklin Street, Traralgon | Property | No |
| B2977 HO101 | National Trust (site number only covers Traralgon (Ryans) Hotel) Heritage Overlay | <i>Ostlers House & Traralgon (Ryans) Hotel</i> 171 Franklin Street, Traralgon | Property | Yes |
| B4890 HO125 | National Trust Heritage Overlay | <i>Star Hotel (former)</i> Peterkin Street, Traralgon | Structure | No |
| B6851 H1979 HO7 | National Trust Victorian Heritage Register Heritage Overlay | <i>Traralgon Engine Shed and Turntable</i> Queens Parade, Traralgon | Property | No |
| HO3 | Heritage Overlay | <i>St Andrew's Presbyterian Church (former)</i> 23 Kay Street, Traralgon | Structure | No |
| HO82 | Heritage Overlay | <i>Precinct - Anderson Street</i> 4-20 & 7-19 Anderson Street and 88- 94 Breed Street, Traralgon | Precinct | No |
| HO83 | Heritage Overlay | <i>Precinct - Bridges Avenue</i> 3-21 & 4-16 Bridges Avenue, Traralgon | Precinct | No |
| HO85 | Heritage Overlay | <i>Precinct - Traralgon Railway Residential</i> Coates, Collins, Curran, Meredith, Morrison and Shakespeare streets and Queens Parade, Traralgon | Precinct | No |
| HO86 | Heritage Overlay | <i>Precinct - APM Senior Staff Houses</i> 93-99 Grey Street and 76 & 78 Kay Street, Traralgon | Precinct | No |
| HO88 | Heritage Overlay | <i>Precinct - Moore Street</i> 47-61 & 48-60 Moore Street, Traralgon | Precinct | No |
| HO87 | Heritage Overlay | <i>Precinct - Henry Street</i> 8-14 Henry Street, Traralgon | Precinct | No |
| HO89 | Heritage Overlay | <i>Precinct - Thomas Street</i> 1-7 & 2-6 Thomas Street & 63 Queens Parade, Traralgon | Precinct | No |

| Site Number | Site Listing | Site Name | Site Type | Site within activity area? |
|-------------|------------------|--|-----------|----------------------------|
| HO90 | Heritage Overlay | <i>Traralgon Railway Station Signal Box (former)</i> Argyle Street, Traralgon | Structure | No |
| HO91 | Heritage Overlay | <i>House</i> 17 Breed Street, Traralgon | Structure | No |
| HO93 | Heritage Overlay | <i>St Michael's Church</i> 57 Church Street, Traralgon | Structure | No |
| HO94 | Heritage Overlay | <i>House</i> 104 Church Street, Traralgon | Structure | No |
| HO96 | Heritage Overlay | <i>Rodger's Buildings</i> 13-17 Franklin Street, Traralgon | Structure | No |
| HO97 | Heritage Overlay | <i>Layton Bros. Store (former)</i> 24-36 Franklin Street, Traralgon | Structure | No |
| HO98 | Heritage Overlay | <i>Butchers shop</i> 50 Franklin Street, Traralgon | Structure | No |
| HO99 | Heritage overlay | <i>SEC offices (former)</i> 116 Franklin Street, Traralgon | Structure | No |
| HO100 | Heritage Overlay | <i>Chemist</i> 92-96 Franklin Street, Traralgon | Structure | No |
| HO102 | Heritage Overlay | <i>House</i> 203 Franklin Street, Traralgon | Structure | No |
| HO103 | Heritage Overlay | <i>Grey Street Primary School No.3854</i> 30-44 Grey Street, Traralgon | Property | No |
| HO104 | Heritage Overlay | <i>House</i> 62 Grey Street, Traralgon | Structure | No |
| HO105 | Heritage Overlay | <i>House</i> 76 Grey Street, Traralgon | Structure | No |
| HO106 | Heritage Overlay | <i>Traralgon Park</i> 21 Hedges Avenue & 5 Windsor Court, Traralgon | Property | No |
| HO107 | Heritage Overlay | <i>House</i> 2 Henry Street, Traralgon | Structure | No |
| HO108 | Heritage Overlay | <i>House</i> 19 Henry Street, Traralgon | Structure | No |
| HO109 | Heritage Overlay | <i>Thus Kaner</i> 34 Henry Street, Traralgon | Structure | No |
| HO110 | Heritage Overlay | <i>Traralgon Service Reservoir (Water Tower)</i> 40A Henry Street, Traralgon | Structure | No |
| HO111 | Heritage Overlay | <i>Taversham</i> 17 Hickox Street, Traralgon | Structure | No |
| HO113 | Heritage Overlay | <i>Roland Hill Building (former)</i> 76-84 Hotham Street, Traralgon | Structure | No |
| | | | | |

| Site Number | Site Listing | Site Name | Site Type | Site within activity area? |
|------------------------|---|---|-----------|----------------------------|
| HO114 | Heritage Overlay | House 10 Janette Street, Traralgon | Structure | No |
| HO115 | Heritage Overlay | Cottage 11 Janette Street, Traralgon | Structure | No |
| HO117 | Heritage Overlay | Hillcrest 93 Kay Street, Traralgon | Property | No |
| HO118 | Heritage Overlay | House 9 Mabel Street, Traralgon | Structure | No |
| HO120 | Heritage Overlay | House & shop 18 Moore Street, Traralgon | Structure | No |
| HO121 | Heritage Overlay | Cumnock 46 Moore Street, Traralgon | Property | No |
| HO122 | Heritage Overlay | House 70 Moore Street, Traralgon | Structure | No |
| HO123 | Heritage Overlay | House 7 Munro Street, Traralgon | Structure | No |
| HO124 | Heritage Overlay | House 19 Munro Street, Traralgon | Structure | No |
| HO126 | Heritage Overlay | Infant Smythe Burial Site 9-13 Princes Street, Traralgon | Burial | No |
| HO127 | Heritage Overlay | House 96 Princes Street, Traralgon | Structure | No |
| HO129 | Heritage Overlay | Traralgon Railway Station complex 14-16 Queens Parade, Traralgon | Property | No |
| HO130 | Heritage Overlay | Drill Hall (former) 40-50 Queens Parade, Traralgon | Structure | No |
| HO131 | Heritage Overlay | House 14 Roseneath Street, Traralgon | Structure | No |
| HO132 | Heritage Overlay | Danora (former) 135 Seymour Street, Traralgon | Structure | No |
| HO133 | Heritage Overlay | Hazel-lyn 5 Shakespeare Street, Traralgon | Structure | No |
| T11194 HO116 | National Trust Heritage Overlay | Elm Memorial Avenue & War Memorial Kay Street, Traralgon | Memorial | No |
| T11195 H2135 HO9 | National Trust Victorian Heritage Register Heritage Overlay | Azarole Hawthorn Tree Victory Park, Traralgon | Tree | No |

Figures

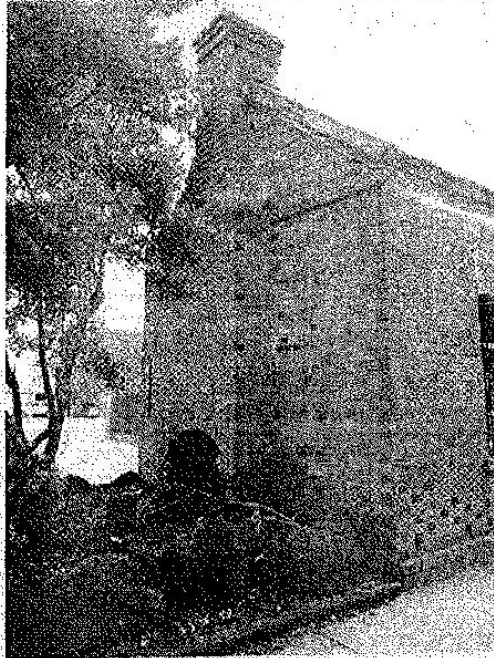


Figure 1: Exterior west wall showing internal fireplace where additional room has been removed

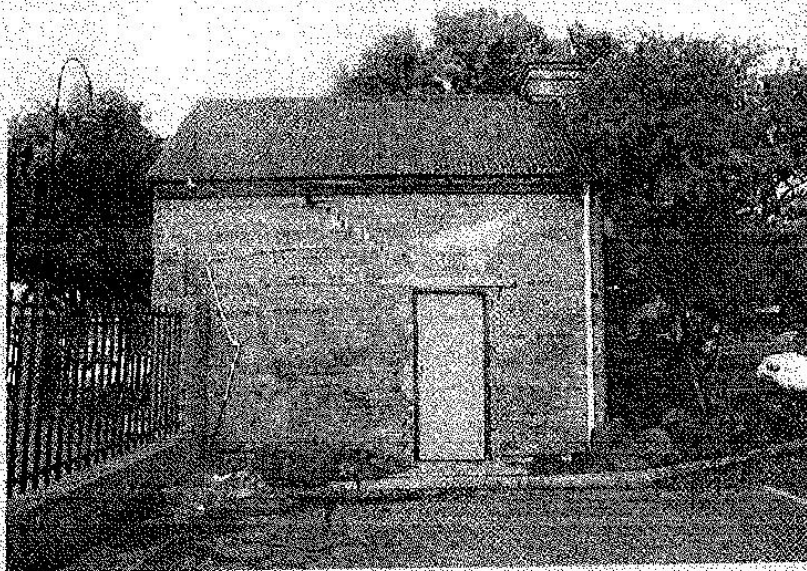


Figure 2: North wall showing modern door and extensive cracking in structural wall



CLIENTS | PEOPLE | PERFORMANCE

31 January 2012

Ben Weber
 c/- Ryans Hotel
 PO Box 815
 Traralgon, Vic. 3844

Our ref: 31/21176/01/15700

Dear Ben,

Ostler's House Condition Report

At your request we carried out an inspection of the above building on January 24, 2012, for the purpose of assessing the current structural integrity.

The construction date of the building is unknown, but the style indicates the early 1900's. The building currently consists of two small rooms. The chimney construction indicates that at some time in the past there were rooms to the west side. The structure consists of solid brick walls (presumably supported on brick footings, similar to the main Ryan's Hotel building; brickwork damage also suggests this footing system); timber floor and timber framed roof and ceiling with timber lining boards; corrugated iron clad roof. An inspection of the interior of the building was not possible due to collapse of brickwork over the doors, causing them to jamb. Recently the building has been used as a bar servicing the beer garden, and a servery opening has been constructed on the east side.

The building is in poor condition, showing multiple large cracks in the walls, tilting of the walls and general deterioration of the roof gutters.

The damage would be classified as in excess of Category 4 to Appendix C of AS2870 Residential slabs and footings code.

The building is showing the following signs of distress:

Table 1 Observed Building Distress

| Item | Description |
|-------------------|--|
| <u>Externally</u> | |
| North Wall | |
| 1 | Multiple brickwork cracks open to 50mm, especially around the door opening. |
| 2 | Settlement of the footings at west end leading to tilting of west wall to 50mm at top. |
| 3 | Brickwork over door lintel dropped 40mm causing door to jamb. |
| 4 | Roof gutters missing. |

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 T 61 3 5136 5800 F 61 3 5136 5893 E mw@mail@ghd.com W www.ghd.com



CLIENTS | PEOPLE | PERFORMANCE

West Wall

- 5 Extensive brickwork cracking at north corner, open to 50mm at top.
- 6 Tilling of north wall 50mm at top.
- 7 Deterioration of brick around the chimney opening.
- 8 Barge boards rotted or fallen off.

South Wall

- 9 Multiple brickwork cracks open to 50mm, especially around the door and window openings and along base plinth. Indications of previous brickwork repairs.
- 10 Arched lintel over door dropped approx. 30mm causing door to jamb.
- 11 Settlement of the footings at the west end leading to tilting of the west wall to 50mm at top.
- 12 Roof gutters and downpipes missing.

East wall

- 13 Anchor bolt at southeast corner evidencing long term wall movement. Cracking to 15mm locally around anchor bolt bearing plate.

Roof

- 14 Tilling of west wall has caused 50mm wide gap against chimney.

Internally

No inspection was possible due to jammed doors, but likely damage to ceiling construction due to tilting of external walls.

It is our opinion that the brick footings have subsided and rotated, resulting in extensive cracking of the north and south walls and tilting of the west wall. This damage will likely have been caused by soil drying effects, together with loss of strength of the brick footings over time.

The building is currently in a condition that would prevent occupation, but it is not in imminent risk of collapse. Repair of the brickwork is not possible due to the footing construction which would prevent underpinning. It is likely that the cracking of the brickwork will become worse over time. Restoration of the building could only be achieved by careful demolition to protect the bricks, and full reconstruction on new brick footings, re-using the existing bricks if they could be preserved during demolition. This could only be achieved at considerable cost.

We enclose copies of photographs of the current damage and our sketch plan.

Should you require any further information about this or other matters please contact this office.

Yours faithfully

Ian Round

Principal Structural Engineer
3 5136 5851

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T 61 3 5136 5800 F 61 3 5136 5888 E mail@ghd.com W www.ghd.com

*pw 13/8/12
jmet*



10/8/2012

Planning Officer
Latrobe City Council
PO Box 264
Morwell 3840

| | |
|---|--|
| LATROBE CITY COUNCIL INFORMATION MANAGEMENT | |
| RECEIVED 13 AUG 2012 | |
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Dear Sir/Madam,

As a Traralgon resident I would like to object to the demolition of the "Ostler's House" beside Ryan's Hotel on the grounds that far too much of Traralgon's heritage has already been demolished. I would be very surprised if that building is actually beyond repair and have been made aware that it is in the Heritage Study carried out by CONTEXT and has a "Heritage Overlay".

The only way I would agree to its demolition is if a Heritage Consultant says it is beyond repair and not take the word of local Building Consultants. Not only is this building part of Traralgon's early history it is also mentioned in several Tourist information brochures, so I would have thought Council would have taken a greater interest in its wellbeing over recent years anyway.

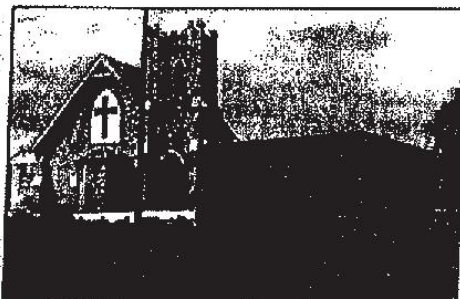
I would hate to have to add it to the "Now & Then" photos I've previous created of magnificent/historic buildings that have disappeared from Traralgon over the years such as:



The Cobbedick building which was on the corner of Franklin St and the Princes Hwy.



The Municipal Offices and Town Hall which was in Hotham St.



St James Church of England in Church St.



The Savings Bank in Hotham St.

I also feel that the Councillors, local Historical Societies and general public should be made more aware of the existence of the results of the Latrobe Historical Study carried out by CONTEXT and what is actually of historical importance. Maybe contact should be made with the appropriate Historical Society in future should applications come to Council involving anything of heritage significance listed in that report.

Proof of the need for this to actually happen is in the fact that this application has been in with Council since last December, yet it has just been noticed by members of the general public in the last few days. Not to mention that the notice on the actual building is hidden on the rear door and not facing the street for everybody to see. I'm sure if it had been on the front door facing Kay Street objections would have been into Council months ago.

Having done volunteer work with Historical Societies over recent years, I'd be very surprised if a Heritage Consultant would agree to the demolition of the "Ostler's House" and would appreciate you giving more consideration to this matter.

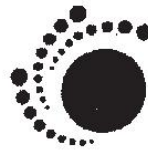
Yours truly,



Terence Killalea-Hore

pw 15/18
Joely

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**Traralgon Chamber
of Commerce & Industry Inc.**

supporting Traralgon Business

ABN: 67 503 899 220

PO Box 79

Traralgon Vic 3844

Tel: 0419 547 363

Email: traralgonchamber@gmail.com

8 August 2012

Planning Permit Officer
Latrobe City Council
PO Box 264
Morwell Vic 3840



Dear Sir/Madam,

**Objection to Permit to Demolish Ostlers House, 171 Franklin Street,
Traralgon
Application Reference No: 2011/397**

Traralgon Chamber of Commerce & Industry have recently become aware of a Permit Application for demolition of Ostler's House, 171 Franklin Street (facing Kay Street), Application reference number: 2011/397.

The Latrobe Heritage Study, Volume 3: - Heritage place & precinct citations, Final Report December 2008, prepared for Latrobe City Council states, on page 399, "The Traralgon (Ryan's) Hotel and Ostler's House are of local historic, social and aesthetic significance to Latrobe City. The document also contains a history of the buildings, with proof that "Ostler's House was there before the existing hotel.

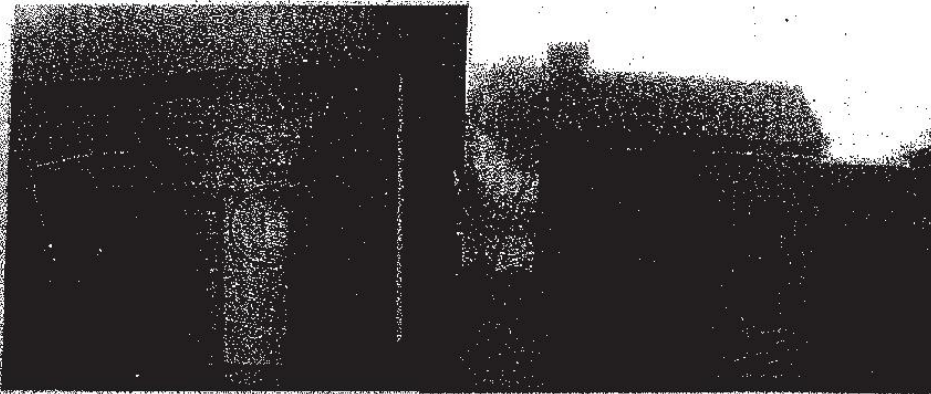
Ostler's House is believed to date back to around 1858, when Duncan Campbell, built the Travellers Rest Hotel, which served our community as a post office, store, church court house and community centre, prior to being pulled down and replaced in 1914 with what is now known as Ryans Hotel.

By demolishing this building, we will be losing a significant part of Traralgon's heritage and cultural history.

We also believe that the notice was not placed in an appropriate location to enable reasonable notification to members of the public. The notice was placed on the back of the building, which faces into a car park, rather than being placed on the front of the building, facing Kay Street, which would have been the most appropriate location.

Therefore, the public have not been granted reasonable knowledge of the intention of the applicant to demolish the building.

We refer you to the photographs below, showing the front and back of the building (with Notice of an Application for a Planning Permit nailed onto the back door).



Traralgon Chamber of Commerce & Industry are not opposed to future development on the site, providing it is not detrimental to our heritage and does not involve the demolition of Ostler's House.

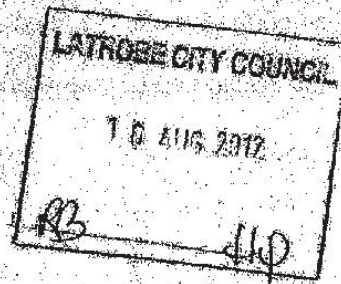
We seek consideration that the Application be postponed until a new Council is appointed and until we have been able to view a copy of your heritage consultant's report on the present condition of the Ostler's House.

We look forward to receiving Council's response in writing regarding our objection to the demolition of Ostler's House, 171 Franklin Street, Traralgon (facing Kay Street).

Yours sincerely,


Lorraine Paulet
President


Debbie Grist
Secretary



pw 11/9



Latrobe City Council
Tel: 1300 367 700
www.latrobe.vic.gov.au

Objection to the Grant of a Planning Permit

Under section 57 of the Planning and Environment Act 1987

| Council Use Only | |
|-----------------------|----------------------|
| Application Number :- | <input type="text"/> |
| Application Date:- | <input type="text"/> |
| Ledger Number:- | <input type="text"/> |

Fields marked with an asterisk (*) are mandatory and must be completed.

Council Specific Information

Objector details

| | | | |
|--------|----------|---------------|--------------|
| Title* | Surname* | Given Name 1* | Given Name 2 |
| Mr | Nott | Terence | |

Business Details

| | |
|----------------------|----------------------|
| ABN | ACN |
| <input type="text"/> | <input type="text"/> |
| Company Name | Business Name |
| <input type="text"/> | Nott Architecture |

Address

Street Address*

| | | |
|----------------------|---------|----------------------|
| Suburb / Town* | State * | Postcode * |
| <input type="text"/> | Vic | <input type="text"/> |

Affected property address (if different from above)

Street Address*
171 Franklin Street

| | | |
|----------------|---------|------------|
| Suburb / Town* | State * | Postcode * |
| Traralgon | Vic | 3844 |

Contact Details
Please provide at least one phone number and include the area code.*

| | | | |
|-------------------------------|--------------------------|--------------------------|--------------------------|
| Business Phone | After hours phone | Business Fax | Mobile |
| (03) <input type="text"/> | () <input type="text"/> | () <input type="text"/> | () <input type="text"/> |
| Email <input type="text"/> | | | |

Applicant contact (representative) - If details are entered below, all correspondence will be made through the applicant contact (representative) e.g. consultant, planner, architect

| | | | |
|----------------------|----------------------|----------------------|----------------------|
| Title* | Surname* | Given Name 1* | Given Name 2 |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Business Details | | Company Name | |
| ABN | ACN | <input type="text"/> | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Business Name | | Company Name | |
| <input type="text"/> | | <input type="text"/> | |

RECEIVED
11 SEP 2012
BY: _____

Address

Street Address*

Suburb / Town*

State *

Postcode *

Contact Details

Please provide at least one phone number and include the area code *

Business Phone

After hours phone

Business Fax

Mobile

Email

Planning permit application details

What is the permit application number to which you object? *

2011/397

Who has applied for the permit? Name of applicant *

M L Nicola

Address

Choose the type of formal land description *

Street Address

Lot/ Plan

Crown allotment

Other (if no other land description applies)

Street address *

171 Franklin Street

Suburb Town *

Traralgon

State *

Vic

Post Code *

3844

Lot / Plan

Lot number

Plan type and numbering (existing)

Crown allotment number

Section number

Block

Portion

Subdivision

Parish OR Township name

Other (where no address or formal land description relevant - e.g. street furniture, bus shelter advertising)

What is Proposed? *

Demolition of Historic Building

The notice on the site reads "Demolition of a small hut called Oatlers House". This should not be described as a small hut. It is a building.

Objection Details

What are the reasons for your objection? *

Historical place

The building forms a significant part of an historic place. It contributes significantly to the importance of the heritage place.

Unique building form

The building form is unique in that it does not have a brick parapet at the front façade. It demonstrates the characteristics of many original small houses and commercial buildings constructed immediately on the footpath. There are very few buildings of this type remaining in Traralgon and other Gippsland towns.

Significant historic example

By nature of its prominent position and unique form the building serves as a significant historical reminder of the scale of earlier buildings in the township. Its role as an example of this form is important for the education of local students interested in their heritage.

Building form and materials

The building form and materials are historically significant. The external walls are basically intact. The hand made bricks appear to have never been painted and are generally in sound condition. The intricate brick pattern with its regular and uniform cross bonding header course is a rare example. This is a very good example of the skills of previous local craftsmanship.

Position

It is important that the building remain in its present location. My opinion is that it is not ready to collapse as some have commented. It still has a roof and there is an original timber lined ceiling. In my opinion the repairs required are not substantial. There are many examples of successful repairs that have been carried out to old brick buildings that are in far worse condition than this building.

To relocate the building will mean a total rebuild. It will require special exemptions from a building surveyor if the original bricks and new lime mortar (with grit to match the existing) are used. If the building is re-built properly it would cost far more than to restore it in its present location.

How will you be affected by the grant of a permit? *

The demolition of this historically significant building will adversely affect the heritage place in the centre of Traralgon. This heritage place is important for all Victorians who care and cherish their historic built environment.

RECEIVED

11 SEP 2012

BY: _____

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Acknowledgement

- Copies of objections/submissions lodged with the Responsible Authority will be made available to the public and copies may be made to interested parties for the sole purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.
- may refuse this objection after review of the information provided.

By marking this checkbox I confirm that I have read and understood all the statements above *

Name of person completing this application *

Terence Nott

Date *

7. September 2012

Signature of person completing this application *

Terence Nott

RECEIVED
11 SEP 2012
BY:

Privacy Statement

The information gathered in the form is used by Council to process the application. To view Council's privacy policy, please either visit Council's offices or go to Council Privacy statement located at: www.latrobe.vic.gov.au

Lodgement

If you intend to post or fax this form please use the details provided below:

Latrobe City Council
PO BOX 264
MORWELL VIC 3840

Telephone: 1300 367 700
Fax: 03 5128 5672
Email: latrobe@latrobe.vic.gov.au
Website: www.latrobe.vic.gov.au

14th September, 2012

Mr Chris Wightman
Planning Manager
Latrobe City Council

Re: Demolition Notice – Ostler's House, Traralgon.

I write in protest at the proposed demolition of Ostler's House in Traralgon due to Public Safety purposes.

I believe that developers are very quick to pull down old infrastructure and not take the time and effort into restoring them or protecting them for future generations.

This building should be heritage listed. In deed anything that is over 50 years old is considered historic and should be protected accordingly. The building has significant history within the Traralgon township.

In my role as Acting Forest Manager for the Department of Sustainability & Environment, we also have issues arising from public safety on public land. A recent example of this was an old hut located in the Aberfeldy area, used by gold miners of past eras that was in a very bad condition and a public safety risk. DSE worked with volunteers from the 4WD Clubs and the Victorian High Country Hut Association to restore the hut back to it's former glory, and this is now being used by campers, hunters, 4WD'ers, bushwalkers, fishermen, etc. (see photos attached).

If the developers believe that this is a significant public safety risk, why wouldn't they go through a similar process of putting out an expression of interest to people or businesses that may be able to assist in restoring this building? Once it's demolished, it's gone forever.

I strongly object to the demolition of this historic feature in Traralgon and urge council to list the site with Heritage Victoria to protect and prevent any such notion from occurring in the future.

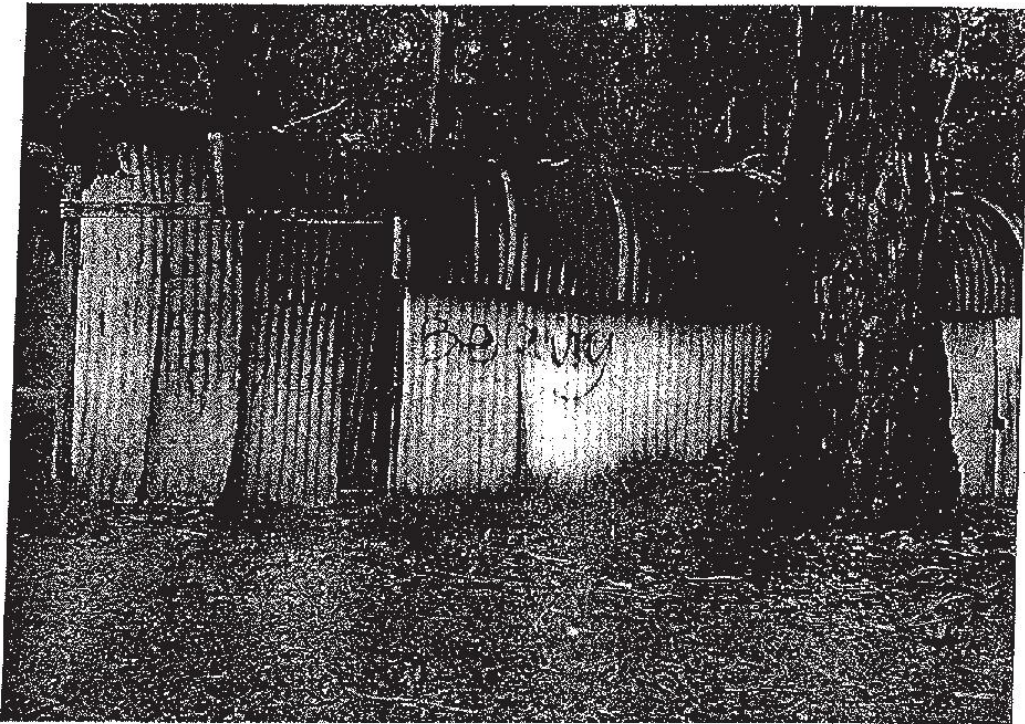
Yours sincerely

Suzette Fullerton



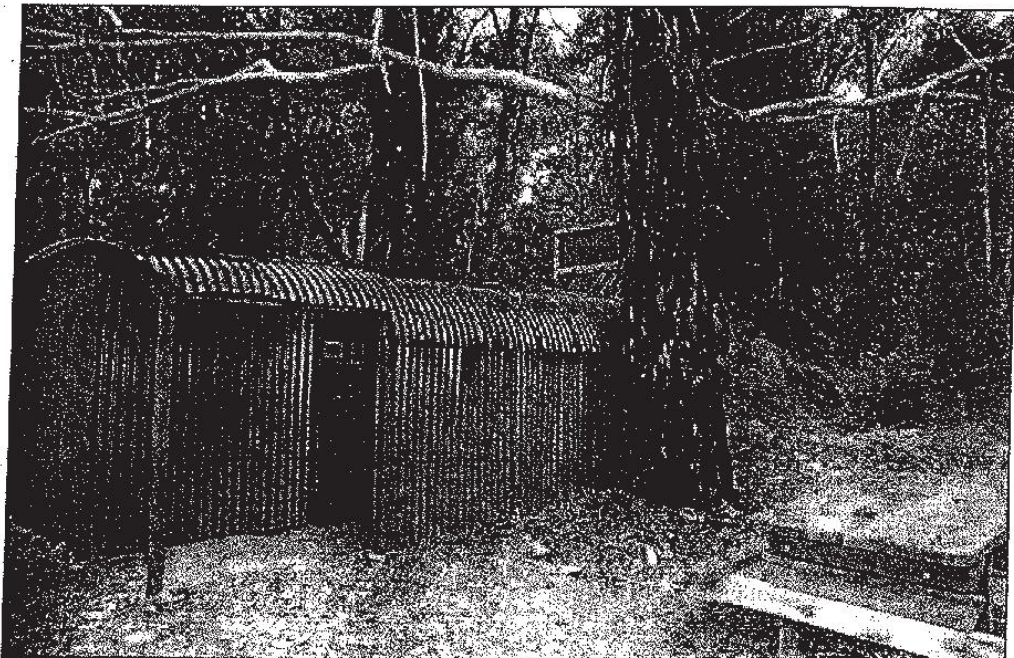
2011/397
pw 5/10
Jody

Noted and
actioned by
stat planning.



Before

Afterwards



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07 SEP 2012

Doc No 4-9-2012

Comments/Notes Distributed to:

Drawings/Specs/Worksheets Approved for a Spec.

pl 13/9/12
Joddy

G & E CRAWFORD

Dear Sir / Madam

writing re Oskers House Kay St Traralgon
We feel it should be preserved or relocated to

Victory Park or Beside the STAR HOTEL Padekin St.

If it was relocated to the park land on West
side of the STAR, maybe it could incorporate a
stable old post & rail horse yard and some old time
memorabilia displayed securely.

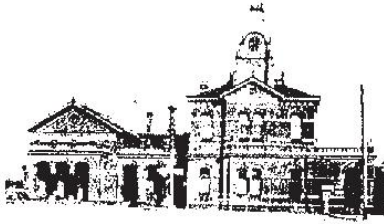
May I suggest Traralgon does not have much history
preserved like some other Victorian towns of the same
era. I.e. Maldon / Castlemaine / Beechworth.

We would also like to see that the few remaining
Historical Buildings left in Latrobe, be placed on
Heritage Listing. I.e. Post Office, Ryans, Purvis/Erington
building Franklin St, Old Railway Station Building just
to name a few.

It would be a shame if the OSKERS HOUSE 1850 era
was just demolished and no record preserved.

Yours faithfully

Graeme Crawford Elaine Crawford



**Traralgon and District
Historical Society Inc.
P.O. Box 697, Traralgon.
Vic. 3844.
Ph. (03) 5174 8399.**

**President:- Alan Gibson.
Phone:- 51 743939.**

**Secretary:- Thelma Mayze.
Phone:- 0429 901 948.**

Email:- secretary@traralgonhistory.asn.au

August 7th 2012
Planning Permit Officer
Latrobe City Council
PO Box 264
Morwell 3840

| | | |
|---|---------|---------------------|
| LATROBE CITY COUNCIL | | Ref Number 2011/397 |
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Dear Sir/Madam,

The Traralgon & District Historical Society have become aware of a permit to demolish the brick building on the corner of Franklin & Kay Streets (as part of Ryan's Hotel) known as "Ostler House". Ref Number 2011/397.

This building was built in the very early days of Traralgon and is an important part of Traralgon's history as shown in the following documents.

The following documents provide detail of the significance of the "Ostler's House":

1. The Latrobe Heritage Study, Volume 3: – Heritage place & precinct citations, Final Report December 2008. Prepared for Latrobe City Council by CONTEXT. Their Statement of Significance on Page 399 contains "The Traralgon (Ryan's) Hotel and Ostler's House are of local historic, social and aesthetic significance to Latrobe City". Also on Page 399 is a statement under a heading Recommendations – Extent: "The whole of the property as defined by the Title boundaries". This document also contains a history of this site with proof that the "Ostler's House" was there before the existing hotel. Further information is available from the Traralgon and District Historical Society.
2. The Australian Heritage Places Inventory states: "To the west of the hotel is a small brick building known as the Ostler's House. It comprises a single room with entrance on property boundary. The roof is gabled and the walls are constructed of red brick patterned with brown header bricks. The overall condition of the building is good."

3. On Page 12 of an edition of the Latrobe City "Link" the "Ostler's House" is the featured building under a heading of "Heritage sites being evaluated in study".
4. The Traralgon & District Historical Society hold photographs including one taken in the late 1940's (Registration Number 12211) showing the "Ostler's House" and stables which were located in what is now a car park.
5. The publication "A Tableau Through Time" - produced by the Traralgon & District Historical Society on Page 16 shows a photograph of "M. Hoare's - Traralgon Hotel" built in 1858 and demolished in 1914 for the erection of the new Traralgon Hotel. Although we don't know the exact date that the "Ostler's House" was erected it is definitely older than Ryan's Hotel.
6. A photograph of the "Ostler's House" with Registration Number 10334 held by Traralgon & District Historical Society has written under it "Built before 1893" and logically would have been built before trains came through Gippsland which was back in the 1870's.
7. We also include a photograph of Ryan's Hotel with Registration Number 10325 stating that the Traralgon Hotel was classified by the Nation Trust in 1971 and the "Ostler's House" is on the same Title.

Although this application has been out for observations since December last year we have only been made aware of it this week, incidentally by a community member. We as the Traralgon & District Historical Society feel it would have been appropriate for Council to have notified us of this important issue. The "Ostler's House" is a well known iconic Traralgon building and the Society is disappointed at not being given official notification that this was about to happen.

We have also included a photo of where the Planning Permit notice is attached to the rear door of the "Ostler's House". It is out of view of the public instead of being placed on the front door facing Kay Street where it could be seen.

This building is of such historical importance, we the Traralgon & District Historical Society would have expected a formal notification of this demolition permit which was applied for back in December 2011. As this did not occur we request a meeting with the Councillors and Responsible Authority. We would appreciate to be notified who this "Responsible Authority" may be as stated in the Planning Permit Ref 2011/397.

We would like to see consideration given to putting off such an important decision until the new Council is appointed and not rushed through in the next few weeks. Our Historical Society would also appreciate a copy of your heritage consultant's report on the present condition of the "Ostler's House" which we would hope has been obtained.

The Historical Society is not against future development providing it is not detrimental to our heritage.

Therefore the Traralgon & District Historical Society vehemently opposed to this permit being granted.

We would appreciate our concerns being considered and look forward to a reply immediately.

Yours faithfully,

Alan Gibson. Melina h. Mayge.

President and Secretary

Traralgon & District Historical Society

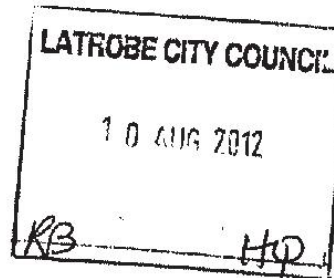
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Debbie Grist



8 August 2012

Planning Permit Officer
Latrobe City Council
PO Box 264
Morwell Vic 3840



Dear Sir/Madam,

Objection to Granting Permit to Demolish Ostlers House, 171 Franklin Street, Traralgon
Application Reference No: 2011/397

As a ratepayer and long standing member of the Traralgon community, I wish to object to the granting of a permit to demolish Ostlers House, 171 Franklin Street (facing Kay Street), as it has cultural and historical significance to our community.

It was featured in an edition of the Latrobe City "Link" only a few years ago.

It has also been acknowledged by Latrobe City Council as having local historic, social and aesthetic significance in the Latrobe Heritage Study, Volume 3 – Heritage Place and precinct citations, Final Report December 2008, page 399.

It also features in tourist information brochures, and on numerous tourism websites, such as:

www.visitvictoria.com/Regions/gippsland/Destinations/traralgon.aspx
www.aura.travel/accommodation/vic/gippsland
www.au.totaltravel.yahoo.com/destinations/destination/vic//traralgon/

Traralgon's history records that Dr Edward Hobson was the first pioneer to settle in Traralgon with his hut built on the banks of the creek in 1846. Eventually he sold his cattle run to the Campbell brothers, Duncan and John. In 1858, Duncan Campbell built the Travellers Rest Hotel, which served our community as a post office, store, church court house and community centre.

In 1914, the original hotel was pulled down and rebuilt as the Traralgon Hotel, now known as Ryan's Hotel, but Ostlers House, remained at the back of the existing hotel, where it was built in approximately 1858. It is where the

traveller's horses were taken care of (Ostlers is the name for people who looked after horses in old times).

I believe it to be part of National Trust file B2977, and therefore should not be destroyed.

Ostlers House should be preserved so that future generations can be taught about our heritage and shown examples such as this lovely old building.

I also believe that the notice was not placed in an appropriate location as to provide reasonable notification to members of the public. The notice was placed on the back of the building, which faces into a car park, rather than being placed on the front of the building, facing Kay Street, which would have been the most appropriate location.

It is my understanding that notifications need to be placed in a location so as to be seen by as many people as possible, not hidden away, hoping not to be seen at all.

I refer you to the photographs below, showing the front and back of the building (with notice on the back door).



I look forward to receiving Council's response in writing regarding my **objection to the demolition of Ostlers House, 171 Franklin Street, Traralgon (facing Kay Street).**

Yours sincerely,

Debbie Grist



PETER F WOOD OAM JP*Justice of the Peace (Vic) No 6007*

Telephone: [REDACTED]

Mobile: [REDACTED]

E-Mail: [REDACTED]

8 August 2012

Office of Planning
 Latrobe City Council
 P O Box 264
 MORWELL Vic 3840

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| LATROBE CITY COUNCIL INFORMATION MANAGEMENT | |
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Dear Sir,

Objection – Planning Permit 2011/397
 M L Nicola – Ostler House Demolition Order

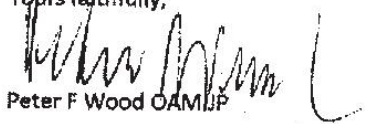
I have become aware of a planning permit application for the demolition of Ostler House Traralgon by noticing a permit application attached to the building in an inconspicuous place, not easily noticed by the general public.

This building has been one of the sites recognized in the Latrobe Valley Heritage Study by the Latrobe Regional Commission around 1990 and again in 1992 by the Traralgon Heritage Study. Latrobe Council commenced a review of the Traralgon Study in 2001 with the intention of completing an assessment of the sites and introducing statutory protection and measures to conserve such sites as Ostler House.

My objection to demolition is on the grounds that Ostler House is a building of significant heritage value and must be preserved and protected. I am sure it has always been intended that Latrobe Council would provide statutory protection for Ostler House (and many other sites) in the Latrobe Valley.

Should there be any discussions re this application, I would appreciate the opportunity to attend.

Yours faithfully,



Peter F Wood OAM JP

Johanna Sykes


10th August 2012.

Re Application for Permit to demolish building known as 'The Ostler House'.
 Planning Permit Officer.

Dear Sir,

As a Community member I am concerned about the above Application to demolish the 'Ostler House'. I am grateful to have this opportunity for input to you before the decision to grant the Permit is made.

As I only have become aware of this request during the last week, I will only make a few points. Hoping that there will be more time given to the Community to discuss this important issue.

As this building is so much part of our Traralgon heritage, may I say that it would have been appreciated if the Community had been notified more specifically. However now there still time to review.

May I make 2 points.

1. On the Government Tourist Website for Traralgon under the heading, Historical Sights
 'Ryan Hotel and the Ostler House'..... is mentioned.

The Government Tourist Authority must appreciate the Historical value of this Building. Thus it is not only the Community who value this piece of history. It was also mentioned somewhere that it was an asset to the Latrobe Valley. Sorry that I do not remember where I read this

2. I spent some time studying the Notice of an Application for planning Permit. Ref. 2011/397. In Traralgon Service Centre. In it the condition of the building was documented. However may I comment on the following.

- a. In the Central Gippsland Consultants Report..... 'in preserving its historical effect would be compromised' last sentence..... 'enjoyment of the public such as a historical building should be.'
 - b. From the GHD Group..... 'Recently the building has been used as a bar servicing the beer garden, and a servery opening has been constructed on the east side.
- 3rd last paragraph of this report speaks of 'Restoration... could only be achieved by careful demolition to the protect the bricks....'

From this I read that there was a certain acceptance that this is a historical building, that it has been recently used and that it can be restored with the present bricks.

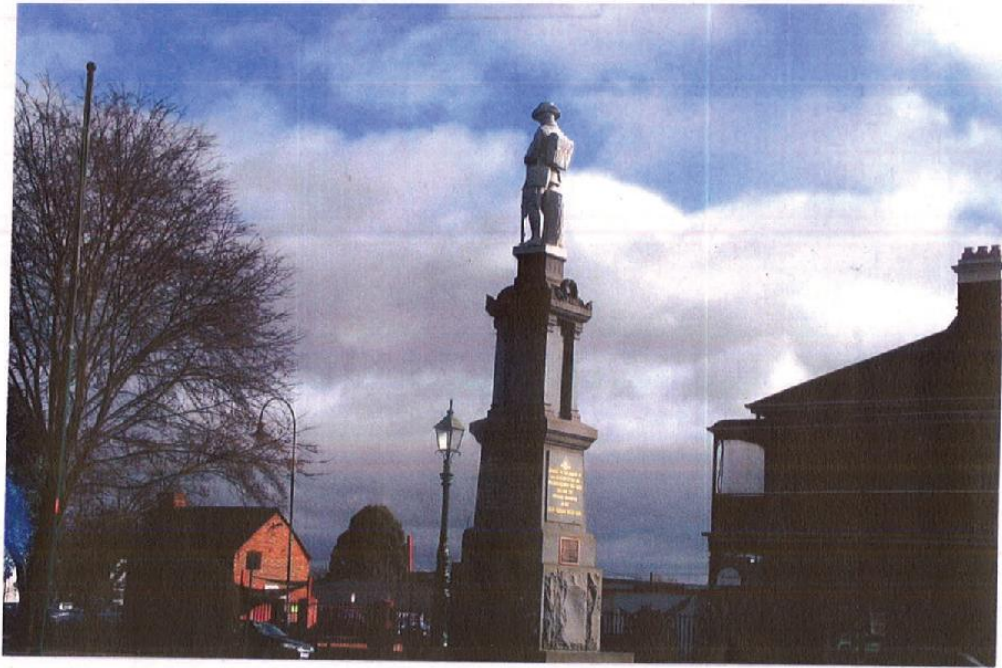
Enclosed a photo of the 'Ostler House' as it is today, being so much part of the Kay St./Franklin St. Historical Corner and our Heritage.

Please may you consider the above points.
 Thank you.

Sincerely
 Johanna Sykes.

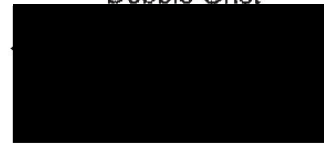


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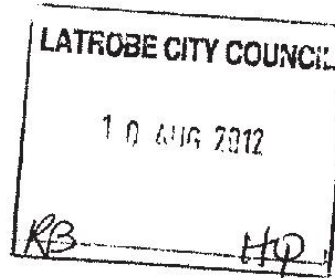
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Debbie Grist



8 August 2012

Planning Permit Officer
Latrobe City Council
PO Box 264
Morwell Vic 3840



Dear Sir/Madam,

Objection to Granting Permit to Demolish Ostlers House, 171 Franklin Street, Traralgon
Application Reference No: 2011/397

As a ratepayer and long standing member of the Traralgon community, I wish to object to the granting of a permit to demolish Ostlers House, 171 Franklin Street (facing Kay Street), as it has cultural and historical significance to our community.

It was featured in an edition of the Latrobe City "Link" only a few years ago.

It has also been acknowledged by Latrobe City Council as having local historic, social and aesthetic significance in the Latrobe Heritage Study, Volume 3 – Heritage Place and precinct citations, Final Report December 2008, page 399.

It also features in tourist information brochures, and on numerous tourism websites, such as:

www.visitvictoria.com/Regions/gippsland/Destinations/traralgon.aspx

www.aura.travel/accommodation/vic/gippsland

www.au.totaltravel.yahoo.com/destinations/destination/vic//traralgon/

Traralgon's history records that Dr Edward Hobson was the first pioneer to settle in Traralgon with his hut built on the banks of the creek in 1846. Eventually he sold his cattle run to the Campbell brothers, Duncan and John. In 1858, Duncan Campbell built the Travellers Rest Hotel, which served our community as a post office, store, church court house and community centre.

In 1914, the original hotel was pulled down and rebuilt as the Traralgon Hotel, now known as Ryan's Hotel, but Ostlers House, remained at the back of the existing hotel, where it was built in approximately 1858. It is where the

traveller's horses were taken care of (Ostlers is the name for people who looked after horses in old times).

I believe it to be part of National Trust file B2977, and therefore should not be destroyed.

Ostlers House should be preserved so that future generations can be taught about our heritage and shown examples such as this lovely old building.

I also believe that the notice was not placed in an appropriate location as to provide reasonable notification to members of the public. The notice was placed on the back of the building, which faces into a car park, rather than being placed on the front of the building, facing Kay Street, which would have been the most appropriate location.

It is my understanding that notifications need to be placed in a location so as to be seen by as many people as possible, not hidden away, hoping not to be seen at all

I refer you to the photographs below, showing the front and back of the building (with notice on the back door).



I look forward to receiving Council's response in writing regarding **my objection to the demolition of Ostlers House, 171 Franklin Street, Traralgon (facing Kay Street).**

Yours sincerely,

Debbie Grist



National Trust of Australia (Victoria)
ABN 61 004 356 192



Tasma Terrace
4 Parliament Place
East Melbourne
Victoria 3002

Email: info@nattrust.com.au
Web: www.nattrust.com.au

T 03 9656 9800
F 03 9650 5397

10 August 2012

Ref: B2977

Panning Permit Officer
Latrobe City Council
PO Box 264
MORWELL Vic 3840

Dear Sir/Madam

The National Trust of Australia (Victoria) has been made aware of permit 2011/397 to demolish the part of Ryan's Hotel known as the 'Ostler House'.

In 1975, Ryan's Hotel (formerly the Traralgon Hotel) was classified at a Regional Level by the Trust. It was identified as having special historic and aesthetic qualities which, in our belief, are an important part of our cultural heritage that should be preserved for the education and appreciation of future generations.

Its inclusion in the Council Heritage Overlay for its 'demonstrable heritage significance' is supported by the Trust's 1974 classification of the hotel at a Regional Level. Ryan' Hotel (formerly the Traralgon Hotel) was identified as having special historic and aesthetic qualities which, in the Trust's belief, form an important part of our cultural heritage that should be preserved for the education and appreciation of future generations.

The demolition of any part of the hotel and its precinct would be to lose a significant part of Traralgon's heritage and cultural history.

Yours sincerely

Paul Roser
Senior Manager, Advocacy

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| 14 AUG 2012 | |
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**Objection to the proposed demolition of Ostlers building, Kay Street,
Traralgon.**

Planning permit application 2011/397

I am writing to object to the proposed demolition of the Ostlers building in Kay Street Traralgon. This is one of the oldest, if not the oldest buildings in Traralgon, and particularly important as a witness to its past history due to its prominent position.

It is an excellent example of a humble building that has survived despite its not being of the grandiose nature that people usually associate with heritage.

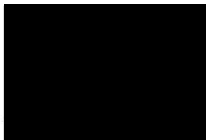
I am familiar with the heritage studies in Latrobe, Wellington and East Gippsland, and do not believe there is a similar building in those LGAs, in such a prominent and publicly accessible position.

This objection is brief due to illness, but should the matter go to a panel, I wish to be heard.

I am also extremely concerned that the advertising on the site has not been on the public side of the building, but can only be seen from the car park. I do not believe this constitutes proper advice to the public.



Linda Barraclough



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10th August, 2012

Latrobe City Council
Planning Department
Commercial Road, Morwell

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To Whom It May Concern,

I am writing to express a very loud objection to the proposal to demolish or renovate Osler House in Kay Street, Traralgon.

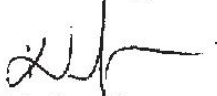
This building is part of Traralgon's history and should be preserved, maintained and restored, not knocked down to make way for more carparking spaces or larger beer gardens!

The notice of proposal was not prominently displayed on the building in accordance with policy, it was placed on the rear door which faces a carpark with no passing foot or vehicle traffic. This, as I assume was the intent, has resulted in minimal public awareness of the hotel owners plans for demolition.

Rest assured this building WILL NOT be demolished and once made aware of the proposal the residents of Traralgon and surrounding communities will rally together to fight this action.

Once again, I stress that I am vehemently opposed to the demolition of this building!!

Yours sincerely,



Kristin Passalacqua



LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED
15 AUG 2012

R/O: _____ Doc No: _____

Comments/Copies Circulated to:

Copy registered in DataWorks Invoice for printed accounts

Watershed Building Consultants at 2/18, 19/20,
 Suite 2, 73 Robinson Street, Hindmarsh Vic 5175
 P.O. Box 2531, 4/04 9/10, 1/95 W watersheds.com.au
 84 Seaview Street, Traralgon Vic 3843
 0385 4 01 170 099 W watersheds.com.au

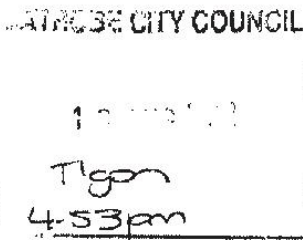
10 August 2012

Planning Permit Officer

Latrobe City Council

PO Box 264

Morwell Vic 3840



Dear Sir/Madam,

Objection to Permit to Demolish Ostlers House, 171 Franklin Street, Traralgon

Application Reference No: 2011/397

We have been engaged by the Traralgon Chamber of Commerce & Industry to prepare a Building Inspection Report, in support of their objection to Application Reference No. 2011/397, for the proposed demolition of Ostlers House, 171 Franklin Street, Traralgon.

The Traralgon Chamber of Commerce & Industry only became aware of the Application for Planning Permit two days ago, as the Notice was not placed on the front of the Ostlers House building, and, as a result of the short notice, we have not yet been able to inspect the Building and prepare our Report.

However, we submit this letter as an Addendum to the Traralgon Chamber of Commerce & Industry's objection letter, dated 8 August 2012, and will have the Report completed prior to this matter being dealt with at the next Council Meeting.

Yours sincerely,

Leanne Platt



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| LATROBE CITY COUNCIL | |
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| 20 AUG 2011 | |
| R/O: | mayor + councilor |
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Rosemary Melzer



Dear Ms Power,

I am writing to you out of great concern for the heritage of Traralgon, in particular the future of the Ostlers Cottage. I am shocked to learn that someone could and has applied to have it demolished.

I regard this historic building as also belonging to the community not just to the legal owner. Over the years many historic buildings (and trees) have been knocked down as there seems to be no value placed on the heritage of Traralgon. Please do not let this precious example of our history be destroyed.

When a building such as this is purchased the obligation to maintain it is also purchased, however, if money is the issue then surely the owner could apply for a grant, rather than an application to demolish the building.

— Please save the Ostlers Cottage.

Yours sincerely,


Rosemary Melzer



7 September 2012

Latrobe City Council
PO Box 264
MORWELL 3840

Dear Sir

Objection to the application for the demolition of the Ostlers House, Traralgon

I wish to formally object to the current application for the demolition of the Ostler's House in Kay St Traralgon.

The Ostlers House is one of the oldest surviving built structures in Traralgon. It has great historic interest and value and it should be retained and properly maintained. There are very few features from the 19th century remaining in the Latrobe Valley. As a consequence, the few that do remain, like the Ostler's House, have even greater relative significance than they might have in some other areas of Victoria in which had earlier European settlement.

I also consider that it may be possible for the owners of the Ryan's Hotel to make more of a feature of the Ostlers House in an historically suitable manner which would enhance the attractiveness of their business.

Yours sincerely

David Langmore

Latrobe City Council

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Elizabeth Jeffery

Dear Councillors

THE OSTLER'S HOUSE

Hearing that the Ostler's House was listed for destruction, I checked to see if there was a notification of this. There was no notification visible, maybe it had blown away in the wind, maybe it had been removed by someone. But supposing that I was misinformed I did not pursue the matter. However it now seems that this irreplaceable part of Traralgon's heritage is under threat. The Ostler's House is our earliest building, back in 1858 when Duncan Campbell took up the Traralgon West run, he built the first hotel on the site naming it the Traveller's Rest. He ran a general store, post office and hotel under the same roof; an early example of multi-skilling. Back in 1858, travellers would have needed to rest when they finally reached Traralgon, no practicable land road to Melbourne had been surveyed, people travelled by boat to Port Albert, then by cart to Sale and/or Rosedale and on. A traveller left her impression of travelling to Sale 1859. "the roads were worse than driving over ploughed fields; in one part we were jerked rapidly over the trunks of trees laid close together to mend the road, which leads through bush or forest, and when one track becomes too much cut up they make another winding in and out the trees most wonderfully. Every now and then one expected to stick fast in the mud"..... " Crossing a morass, they stuck fast, the horses lay down and refused to move further, luckily a passing bullock team pulled them out, and they continued their journey." Which took several days. (Mrs Peck – Sale the Early Years and Later)

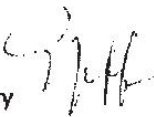
Building the Ostler's House was a considerable achievement, it was built before the present Ryan's Hotel, and is a monument to our early settlers; it and the hotel should be preserved as they are of significance to Traralgon. The house is a living remnant of our history, having social and aesthetic consequence, it's also educational, I wonder how many of our young people know what an ostler did? The building was most solidly constructed, it has lasted well over a century, the house is recorded in a photo in 1893, and it provides an important landmark as one of a group of our historic buildings, the Post Office, Court House and Ryans Hotel, a focal point for tourists, a group of historic buildings which attract general interest.

There are some structural problems evident due to neglect, but as we often see on TV it is possible to repair buildings that are aged but significant. A renovated building would demonstrate our pride in our heritage and we would also demonstrate that we still can do, whatever is necessary to uphold our dignity and pride in our ancestors.

I would ask you to not allow this building to be demolished until every possibility of repair has been investigated.

Yours sincerely

Elizabeth Jeffery





HERITAGE ADVISOR'S REPORT/MEMO

Planning Permit No: 2011/397
Address: Ryan's Hotel and Ostler's House
 171 Franklin Street Traralgon
Date: 13 June 2012 [completed 25 June 2012] Amended 3 August 2012
Heritage Overlay No.: HO101

BACKGROUND: Ostler's House and the Traralgon (Ryan's) Hotel are both elements in HO101. The Schedule to the Heritage Overlay specifically mentions Ostler's House and as a result the Latrobe City Heritage Overlay Permit Exemptions do not apply to this place.

It has been determined that a Planning Permit is required for changes to Ostler's House - including demolition as is proposed by this application.

Ostler's House is a small one room brick building fronting Kay Street, behind the hotel and at the edge of the car park.

Statement of significance for HO101:

The Traralgon (Ryan's) Hotel, constructed by Mr McCarthy in 1914, at 171 Franklin Street, Traralgon and the adjacent building known as Ostler's House are of local historic, social, and aesthetic significance to Latrobe City.

Historically, it is significant as the oldest hotel still on its original site in Latrobe City and it is the most externally intact of all the surviving early twentieth hotels, retaining its overall form and most of its details from its 1914 date of construction. It is located on the site of Duncan Campbell's Traveller's Rest Hotel which symbolised the town centre in the early days.

Aesthetically, it is significant as corner building provides an important landmark as one of a group of historic buildings and other features which forms the town centre. The Post Office, Kay Street plantings and memorial also contribute to this focal point.

An application to demolish Ostler's House has been received and several background reports accompany the application. These include structural and condition reports by GHD [2012], Central Gippsland Building Consultants [2011] and a heritage assessment by ACHM [2012]. All reports acknowledge that the building has structural problems and would be expensive or not feasible to repair.

General consensus is that a large part of the building would need to be substantially rebuilt.

Further historical research has not established definitively what the historical relationship between Ryans's Hotel and Ostler's House has been. [ACHM]

A meeting was held on 13/6/12 with Louise Honman [Latrobe Heritage Advisor], Mick Nicola [owner and managing director of Virtue Homes] and Virtue Homes builder [Mick -surname not noted]. The purpose of the meeting was to discuss the future of Ostler's House.

The following points were discussed:

- advice previously received by experts as noted above
- explore the reason why the building is in poor condition [current ownership has been over 17 years]

CONTEXT

171 FRANKLIN STREET TRARALGON

- enquire why obvious maintenance has not been done [the building has no gutters and soil is built up against the walls]
- enquire about use of the building [vacant for 15 years]
- enquire about possible uses for this building, either with or without an extension to make it more viable
- reiterate that the building has a current HO and that demolition is not encouraged and may be refused
- ascertain whether there are any development pressures on this site – there are none as it is a private carpark adjacent to Ryan's Hotel, but serving other businesses also

COMMENTS:

No research to date has established definitively the purpose of Ostler's House and there is no historic evidence to link it to Ryan's hotel, however it remains an important element in the Kay Street streetscape. Kay Street itself has a Heritage Overlay. (HO116 – Elm Memorial Avenue and War Memorial).

It seems as if for a very long time this building has had no basic maintenance at all. It has been left to deteriorate to the point at which all parties are saying that demolition is the only option. There is a responsibility to maintain buildings in a safe condition, heritage listed or not. The reasons given for demolition are that it needs to be completely rebuilt due to unsoundness, and that there is a large cost attached to this.

The poor building condition is partly a result of a long maintenance backlog and this should not be a reason to support demolition. The building is very small and the cost to rebuild, utilizing as much original material as can be retrieved, largely comprises labour rather than a large material cost. Whilst there are some technical details to be worked out, the building could be rebuilt to a sound condition.

Whilst new fabric [bricks and timber] would need to be introduced as part of rebuilding, the aesthetic significance as part of the streetscape would be retained. Rebuilding is a feasible option if there is a willing owner who is prepared to accommodate the relatively small cost of this work as part of the overall picture of a property development portfolio, and to see this as a community benefit.

The purpose of the heritage policy is:

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Australia ICOMOS Charter for Places of Cultural Significance [Burra Charter] is clear that significance is separated from condition and management.

Under the heritage policy the decision guidelines include [relevant clauses in bold]:

The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.

Any applicable statement of significance, heritage study and any applicable conservation policy.

Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.

Whether the proposed works will adversely affect the significance,



character or appearance of the heritage place.

A permit may sometimes be granted to use a heritage place for a use which would otherwise be prohibited if all of the following apply: However the Schedule to this overlay does not identify Ostler's House as one where prohibited uses may be permitted.

CONCLUSION:

The demolition of Ostler's House is contrary to conserving and enhancing a heritage place and adversely affects the significance of HO101 by removing one element. Furthermore the impact of demolition is also detrimental to the setting of the Kay Street Elm Memorial Avenue and Wat Memorial.

Ostler's House has been defined as a significant place through its entry in the Heritage Schedule therefore the principles of the Burra Charter on should apply. These include all the processes of looking after a place – maintenance, repair, restoration or reconstruction [if appropriate].

In this case re-construction is recommended.

RECOMMENDATION

The demolition of this building is not supported and it is recommended that the application be refused.

The grounds for refusal should be that demolition of Ostler's House adversely affects the significance of two heritage places [HO101 and HO116].

Further work:

1. Council's building surveyor should report on any requirements to make the building safe from a public risk management perspective.
2. Council's building surveyor may consider issuing a direction to complete any urgent and immediate repairs to make the building safe.
3. Encouragement should be given to the owner to make safe/repair/reconstruct Ostler's House with structural engineering advice.
4. Encouragement should be given to the owner to consider ways in which the funding of repairs to Ostler's House can be achieved as part of the wider property interests with which his company is involved.
5. Exploring uses for the place that may encourage its retention and long term conservation. [See picture attached Albert Street Brunswick – reused building associated with former potteries].

CONTEXT

171 FRANKLIN STREET TRARALGON

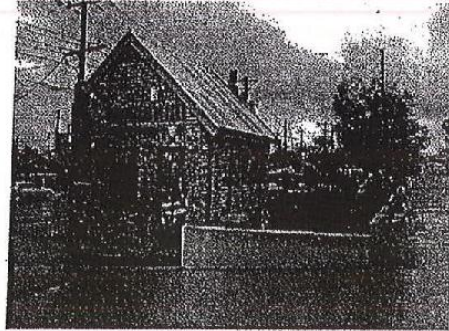


Figure 1 Albert Street Brunswick - now used as a cafe after restoration

A handwritten signature in dark ink, appearing to read 'Andrew Brown'. The signature is written in a cursive, somewhat stylized font.

Heritage Adviser
Context Pty Ltd

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Moved: Cr Gibbons
Seconded: Cr O'Callaghan

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 8.45pm

Ms Jane Mitchell addressed the Council in relation to item 8.1 2013/01 - Notice of Motion – Traralgon Aquatic Centre.

Mr Tony Dowler addressed the Council in relation to item 8.1 2013/01 - Notice of Motion – Traralgon Aquatic Centre.

Mr Jadon Mintern addressed the Council in relation to item 8.1 2013/01 - Notice of Motion – Traralgon Aquatic Centre.

Ms Bronwyn McGinniskin addressed the Council in relation to item 8.1 2013/01 - Notice of Motion – Traralgon Aquatic Centre.

Standing Orders were resumed at 9.00pm

**The meeting was adjourned at 9.00pm due to an emergency
The meeting resumed at 9.16pm**

Cr Gibson left the Chamber at 9.16pm

8.1 2013/01 - NOTICE OF MOTION - GIPPSLAND AQUATIC CENTRE

Cr Christine Sindt

That the Gippsland Regional Aquatic Centre Concept Plans which were endorsed at on 3 September 2012 (CM386) be brought back to Council for a full review and that no further works be commenced, external funding sought and/or Council finding allocated until such time as Council completes the review based on responses to the following questions:

1. What was the original costing for the Traralgon Indoor Aquatic and Leisure Centre at Hubert Osborne Park (Option 1, or Development Scenario 1)?
2. What were the itemised costings for each of the following in the original proposal – gym, spa, steam room, crèche and outdoor play area, hydrotherapy pool, large kiosk/café?
3. What were the floor areas of each of the above items in the original proposal?
4. How is it that a \$15 million upgrade to the existing Traralgon Pool at Hubert Osborne Park turned into a final Gippsland Regional Aquatic Centre Concept price of \$30 million in July 2012?
5. Is there capacity to later include gym, spa, steam room, crèche and outdoor play area, hydrotherapy pool, large kiosk/cafe which were left out of the final Concept Report?
6. Is there capacity to increase the number of car parking spaces from 45?
7. What investigations have been made into other locations within Latrobe City for this \$30 million plus facility?
8. How does the Traralgon average of 8.99ha/1000 people open space and the Latrobe City average of 17.62ha/1000 people open space compare with that of Warragul and Sale?
9. At the working Party meeting held in April 2012, was it legitimate in terms of governance, transparency and working party procedures to increase the budges by \$10 million?
10. Were there any attendees at the same April 2012 Working Party meeting who may have had conflicts of interest?

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Moved: Cr Sindt
Seconded: Cr Middlemiss

That the Recommendation be adopted.

For the Motion

Councillor/s Sindt, Gibbons

Against the Motion

Councillor/s Harriman, White, O'Callaghan, Kam, Middlemiss, Rossiter

The Mayor confirmed that the Recommendation had been LOST

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Moved: Cr O'Callaghan
Seconded: Cr Gibbons

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 9.53pm

Mr Matthew Joske addressed Council in relation to item 9.1 Potential Road Discontinuance and Sale of Land – Part Catterick Lane, Traralgon

Standing Orders were resumed at 9.57pm

**9.1 POTENTIAL ROAD DISCONTINUANCE AND SALE OF LAND -
PART CATTERICK LANE, TRARALGON**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to further consider the potential discontinuance and sale of part of Catterick Lane Traralgon

DECLARATION OF INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

An active connected and caring community
Supporting all

Strategic Direction – Governance

Support effective community engagement to increase community participation in Council decision making.

Legislation

Local Government Act 1989

Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989* gives Council the power to discontinue roads:

“A Council may, in addition to any power given to it by Sections 43 and 44 of the *Planning and Environment Act 1987*-

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

- (i) discontinue a road, or part of a road, by a notice published in the Government Gazette; and
- (ii) sell the land from that road (if it is not Crown Land), transfer the land to the Crown or itself or retain the land.”

This power is subject to Section 223 of the Local Government Act 1989 which requires Council “publish a public notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section.”

Council must then consider any written submissions that have been received and any person who has made a submission and requested they be heard are entitled to appear before a meeting of Council.

Policy

Council has not adopted a policy relating to the discontinuance of roads. Council has previously discontinued roads and laneways and sold the land to adjoining property owners, Blundell Lane Traralgon being the most recent. The *Sale of Council Property Policy* and the *Local Government Best Practise Guideline for the Sale, Exchange & Transfer of Land* is applicable.

BACKGROUND

Council received a joint application (refer attachment 1) from the owners of 38 Washington Street, and 13 Bernard Avenue, Traralgon requesting Council discontinue and sell part of Catterick Lane, Traralgon. This section of laneway runs between Washington Street and Bernard Avenue, Traralgon as shown on attachment 2.

Catterick Lane was originally created as road reserve in 1950 on Plan of Subdivision LP 20160. The laneway is contained in Certificate of Title Volume 7239 Folio 603, registered in the name of Australian Paper Manufacturers, the original owner and subdivider of the land.

Catterick Lane is 3 metres wide, fully constructed and is fenced along both sides at a height of approximate 1.83 metres. The laneway provides a pedestrian link from Catterick Crescent, Washington Street through to Bernard Avenue, Traralgon.

Council considered this request at the Ordinary Council Meeting held 3 December 2012 and resolved the following:

“That Council:

1. *Gives public notice of its intention to consider the proposed discontinuance and sale by private treaty of part of Catterick Lane, Traralgon pursuant to Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989.*

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

2. *Consider any submissions received in relation to the proposed discontinuance of part of Catterick Lane, Traralgon at the Ordinary Council Meeting to be held Monday 4 February 2013. “*

ISSUES

Catterick Lane is a narrow laneway being 3 metres wide, bounded by high fences either side. Current planning conventions, supported by the Local Planning Policies and the Municipal Strategic Statement would not support such narrow pedestrian laneways being incorporated into a new residential subdivision. Pedestrian paths provided in a new subdivisions are designed and constructed as part of a wider public open space area to provide greater visibility and improve public safety.

Council, pursuant to the Local Government Act 1989 and also the Road Management Act 2004 is the designated Road Management Authority being responsible for the care and management of this section of laneway.

Pursuant to Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989, Council is empowered to discontinue a road reserve or part thereof and if it desires sell the land whether or not it is the registered owner. The land vests in the name of Council from the date that the road discontinuance order is published in the Government Gazette. This notice will generally free the land of encumbrances and brings it in under the operation of the Transfer of Land Act 1958.

The applicants (the owners of 13 Bernard Avenue and 38 Washington Street) have advised that there have been numerous acts of vandalism and anti social behaviour that have occurred in the laneway. There have also been incidents of property damage when neighbouring homes have had rocks thrown on their roofs during the night by people walking through the laneway and items have been stolen from a work vehicle.

These claims of antisocial behaviour are consistent with claims from residents that have previously requested Council close other laneways to pedestrian traffic.

Policing issues associated with this laneway was discussed with a representative of the Traralgon Police who was of the opinion that generally there was no significant difference in reported incidents of anti social behaviour in laneways situated in a residential area compared to those that occur in residential streets. Laneways with bollards at entrances do prevent police vehicles accessing the lane and laneways also provide a point of trespass/burglary in adjoining properties.

In the event Council discontinues this section of laneway and sells the land, it is considered that this would only cause minor inconvenience to pedestrian traffic that currently uses the laneway. There are alternate routes available for pedestrians that link Washington Street and Bernard Avenue including via Garibaldi Street and also Princes Street. Accordingly this section of Catterick Lane is not considered crucial to the road network.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

It is calculated that using Garibaldi Street instead of Catterick Lane would add an additional 170 metres to a pedestrian journey. This is an additional distance of 85 metres from Garibaldi Street to both laneway entrances on Bernard Avenue and Washington Street.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

The discontinuance and sale of this part of Catterick Lane will reduce ongoing inspection and future maintenance costs and remove the potential for any public liability claim resulting from injury to persons or damage to private property.

Costs associated with this statutory process are minimal, being the cost of public notices in the Latrobe Valley Express inviting submissions and an order published in the Victorian Government Gazette.

Should Council resolve to discontinue part of Catterick Lane, all survey and legal costs associated with the transfer of the land would be borne by the applicants.

If Council proceeds with the discontinuance and sale of the land an independent valuation will be obtained to determine the market value of the land in accordance with the *Local Government Act 1989*, the *Sale of Council Property Policy* and the *Local Government Best Practise Guideline for the Sale, Exchange & Transfer of Land*.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

- Public Notices published in the Latrobe Valley Express Thursday 6 December 2012, Monday 10 December 2012 and Monday 7 January 2013.
- A letter inviting comment from Kosciuszko Primary School was mailed on the 12 December, 2012.
- On the 11 December, 2012 letters were mailed to property owners within a target area east of the Traralgon Sports Centre and Kosciuszko Primary School, south of Garibaldi Street and west of Ambrose Avenue, refer attachment 5. In total 109 letters were sent to residential properties as the occupants were potential users of the laneway as it offers a direct line access to both the Traralgon Sports Stadium and the Kosciuszko Primary School.
- Three laminated public notices were attached to fences in Catterick Lane.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

Details of Community Consultation / Results of Engagement:

Prior to the end of year closure, a Council Officer contacted the Kosciuszko Primary School to enquire if the school intended to lodge a submission and was advised by the School Principal the school would not be submitting a formal submission. The Principal further stated that they had consulted a number of students who walk home in Catterick Lane direction and these students stated that they did not use the laneway.

In response to the public notices, the 109 letters to nearby residents, Council received submissions objecting to the proposal from the residents 9, 15 and 16 Bernard Avenue, refer attachment 4 & 5.

All three letters of objection state that children regularly use the lane to go to school, the Catterick Crescent sporting oval and the Traralgon Sports Stadium. Two residents also advised that they use the lane regularly and the laneway provides a safe crossing location in Washington Street.

One objector expressed concern that *“the sale of the laneway will only benefit one or two adjoining landowners to the detriment of other rate payers and residents of the area.”* This objector has stated that they wish to address Council and speak in support of their submission.

OPTIONS

Council may resolve to either:

1. Discontinue the road reserve and sell the land to the two applicants.
2. Not proceed with the road discontinuance and decline to sell the land.

CONCLUSION

It is considered that the proposed discontinuance of this section of Catterick Lane, Traralgon, would not have a major impact on pedestrian traffic as there are alternative access routes in the immediate area. It would also eliminate the instances of antisocial behaviour and property damage that occur in a laneway within a residential area.

It is considered that, on balance, Council's aim of an active, connected and caring community would be best achieved by closing the lane. Having given public notice and considered submissions received it is appropriate for Council to resolve that this section of Catterick Lane is no longer required for public traffic and discontinue the road.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)****Attachments**

1. Application Letter
2. Locality Plan & Aerial Image
3. Photographs
4. Submissions
5. Plan

RECOMMENDATION

1. That Council having considered submissions received, forms the opinion that the section of Catterick Lane between Bernard Avenue and Washington Street Traralgon is not reasonably required for pedestrian access.
2. Further, Council resolves to discontinue and sell by private treaty that part of Catterick Lane, Traralgon pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989*.
3. That a notice be published in the Government Gazette to formally discontinue the section of Catterick Lane between Bernard Avenue and Washington Street Traralgon.
4. That pursuant to the *Sale of Council Property Policy* the Chief Executive Officer is authorised to enter into Contracts of Sale and sign and seal Transfer of Land Documents to dispose of this section of Catterick Lane, Traralgon.
5. That Council advise those persons who provided written submission of Council's decision in this matter.

ALTERNATE MOTION

1. **That this matter be deferred until further consultation with the community can be undertaken to ascertain whether the responses received indicate the level of interest in this decision.**

Moved: Cr Harriman
Seconded: Cr Middlemiss

That the Motion be adopted.

CARRIED UNANIMOUSLY

9.1

Potential Road Discontinuance and Sale of Land - Part Catterick Lane, Traralgon

- 1 Application LetterError! Bookmark not defined.
- 2 Locality Plan & Aerial Image.....Error! Bookmark not defined.
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- 4 SubmissionsError! Bookmark not defined.
- 5 PlanError! Bookmark not defined.

Application letter

13/06/12

To Whom It May Concern

Over the past two years there has been several incidents involving the laneway next to my property on which two occasions the police were called out.

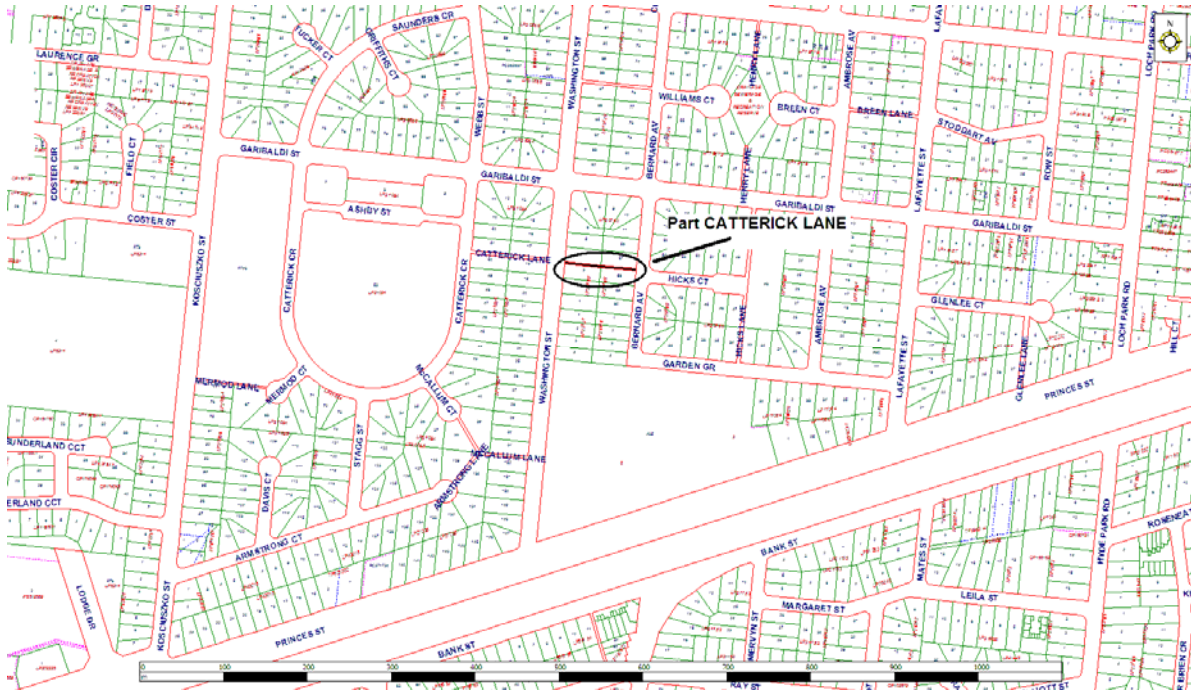
We have had vandalism to the laneway, people drinking in the lane at night, throwing rocks from the lane on our roof were on one occasion my house window was smashed, a drunk person trespassing on our property and tools stolen from my work ute when parked in my drive way alongside the laneway, after speaking to my neighbours they have told me some similar storeys.

Because of these repeated incidents I have spoken to Henry Morrison from Latrobe City Council about applying to have the concerned laneway closed, he was very helpful and informative when speaking to him about this matter.

I have spoken to all neighbours concerned about this matter and the owners of 38 Washington st and 13 Bernard av are happy to share the cost to purchase the land from the council if possible to see the laneway closed.

If there is any questions about this matter you would like to speak to me about please feel free to call me on [redacted] I thank you for your time and look forward to your response.

LOCALITY PLAN & AERIAL IMAGE



Photographs



PHOTO TAKEN FROM WASHINGTON STREET LOOKING EAST



Chief Executive Officer
Latrobe City Council
P.O. Box 264
Morwell 3840

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| LATROBE CITY COUNCIL | |
| INFORMATION MANAGEMENT | |
| RECEIVED | |
| 07 JAN 2013 | |
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Dear Sir,

Re - Closure Part Catterick Lane,
Traralgon.

We wish to make a submission to Council to consider keeping this lane open for use by the public.

1. School children use it to go to Kosciuszko St. School and the Secondary school also in Kosciuszko Street.

2. We use it to go through to Catterick Crescent also.

We will not be wanting to address Council. Thankyou for the opportunity to make a submission on this matter.

PTO.

| | |
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7/1/13

HENRY MORRISON
 CO-ORD. PROP + STAT SERV.
 LATROBE CITY,
 BOX 264
 MORVELL 3840

Dear Sir, RE: 940 SUBP PART CATTERICK
 LANE TRARALGON

This lane is used by children
 going through to schools and
 sports grounds. Why close it?

Yours faithfully,
 T. Morrison
 ()

Chief Executive Officer
Latrobe City Council
PO Box 264
Morwell 3840

| | |
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| LATROBE CITY COUNCIL INFORMATION MANAGEMENT | |
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RECEIVED
11 JAN 2013
BY: HONK

9th January 2013

Dear Sir,

Re: Closure Part Catterick Lane, Traralgon
Your Ref: HJM:CA

We refer to your letter dated the 11 December 2012 regarding the request to close part of Catterick Lane, Traralgon and sell the land to the adjoining owners and advise that we wish to express our objection to this closure and sale of public land.

The land in question is a fully sealed concrete laneway in good condition. The laneway requires little maintenance by council and the ongoing costs of maintenance by Council would be negligible within the foreseeable future. The laneway is adequately fenced with two of the adjoining land owners having recently constructed new paling fences and the remaining two adjoining landowners having maintained their boundary fences.

The laneway is regularly used by our family, neighbours, many school aged children and other local residents. During the school year you can witness numerous children use the laneway to safely walk to and from the Kosciuszko Street Primary School and Lavalla Catholic College. The use of the laneway places the children at a safe location on Washington Street to cross the road where they are only required to navigate two lanes of traffic which are generally slowing as there are speed humps on the road to the highway end of Washington Street, a short distance from the laneway and a roundabout to the Garibaldi Street end of Washington Street. The children then use the other connecting laneways being the balance of Catterick Lane and for the senior school Mermod Lane to safely arrive and depart school. This route provides safe crossing locations, generally light traffic flow and a sealed and safe pathway to and from their school. Council should be committed to ensuring safe routes to schools and public sporting areas used by children exist and continue to be encouraging the youth of the municipality to be active and fit by walking and riding to school.

Further to this other children who do not attend these schools and adults who live within the area use the laneway on a regular basis to traverse to and from the Traralgon Basketball Stadium and Catterick Crescent sporting oval for various sporting pursuits including junior football practice, junior and senior cricket practice and games, junior and senior basketball practice and games, senior netball

competition and badminton competition. Further to this we were under the impression that Council had been considering the development of Catterick Crescent sporting oval and basketball stadium in the recent past as a location for the new Traralgon Leisure Centre. It would be highly short-sighted of Council to consider selling an adjoining and currently well used pedestrian access to these publicly owned sports facilities, which may be further developed in the future and that would create an even higher traffic flow to the area than currently experienced. A recent example of higher pedestrian traffic using the laneways occurred when the basketball stadium hosted Commonwealth Games group matches, the roadways including Bernard Avenue had additional traffic using the surrounding streets for parking due to limited car parking at the venue, accordingly the laneways were used to access the venue easily. If Council intended to support other major events being hosted in the municipality, in this case at the basketball stadium and Catterick Crescent reserve these additional pedestrian routes are necessary.

As parents of a young child we also regularly use the park and equipment located at the bottom of Hicks Court, since receiving your letter we have spoken to several parents with children using that park who have indicated that they live in Kosciuszko Street, Armstrong Court, Catterick Crescent and Washington Street and that they and their children use the laneways to safely and conveniently access Burge park. Limiting other local resident's access to another public owned park would be a consequence of closing the laneway.

We are also aware of several elderly neighbours in Bernard Avenue and Garden Grove who no longer or rarely drive and use the laneway to visit other friends and family who live on Washington Street and the streets around Catterick Crescent. If Council was to close this laneway it may result in some elderly members of our community who are already limited in mobility being unable to as easily access their support network and social circle.

The sale of this property to one or two adjoining landowners would create little in the way of revenue for Council, the sale price given the dimensions of the land would only raise several thousand dollars per sale in a one off transaction and the ongoing additional rates Council could raise against the landowners would not be a significant increase to the existing rates already charged to the landowner. As a Solicitor, in my experience with these types of dealings by other Councils the majority of funds spent or received are allocated to both the Councils and the adjacent landowner's legal and surveying costs, not the sale price. Council has already spent significant funds on the laneway when it was sealed and will be unlikely to be required to spend further funds on maintenance in the near future. The sale of this laneway will only benefit one to two adjoining landowners to the detriment of other rate payers and the residents of the area. The sale of what is effectively a sealed driveway, to one or two landowners to enable them to extend sheds, store caravans, campers, boats or vehicles is not a reasonable or appropriate reason for Council to sell public land that is currently and regularly used by other rate payers to access other publicly owned facilities and schools. Further Council should keep this land as there is a continued and ongoing need for access to the nearby schools and any future development of Catterick Crescent sporting facilities by Council or use of the facilities for any major events will create additional traffic to the venues and a continued need for pedestrian access to and from the sporting venue. As Council is aware the process of acquiring

land from private land owners if in the future Council was required to provide these additional access routes is not a simple process and can be costly to Council.

We have lived in Bernard Avenue for about 12 years, during our residence in this area there has been little evidence of any antisocial behaviour occurring in the laneway, any argument that the lane should be closed to prevent these types of behaviours occurring is in our opinion unjustified.

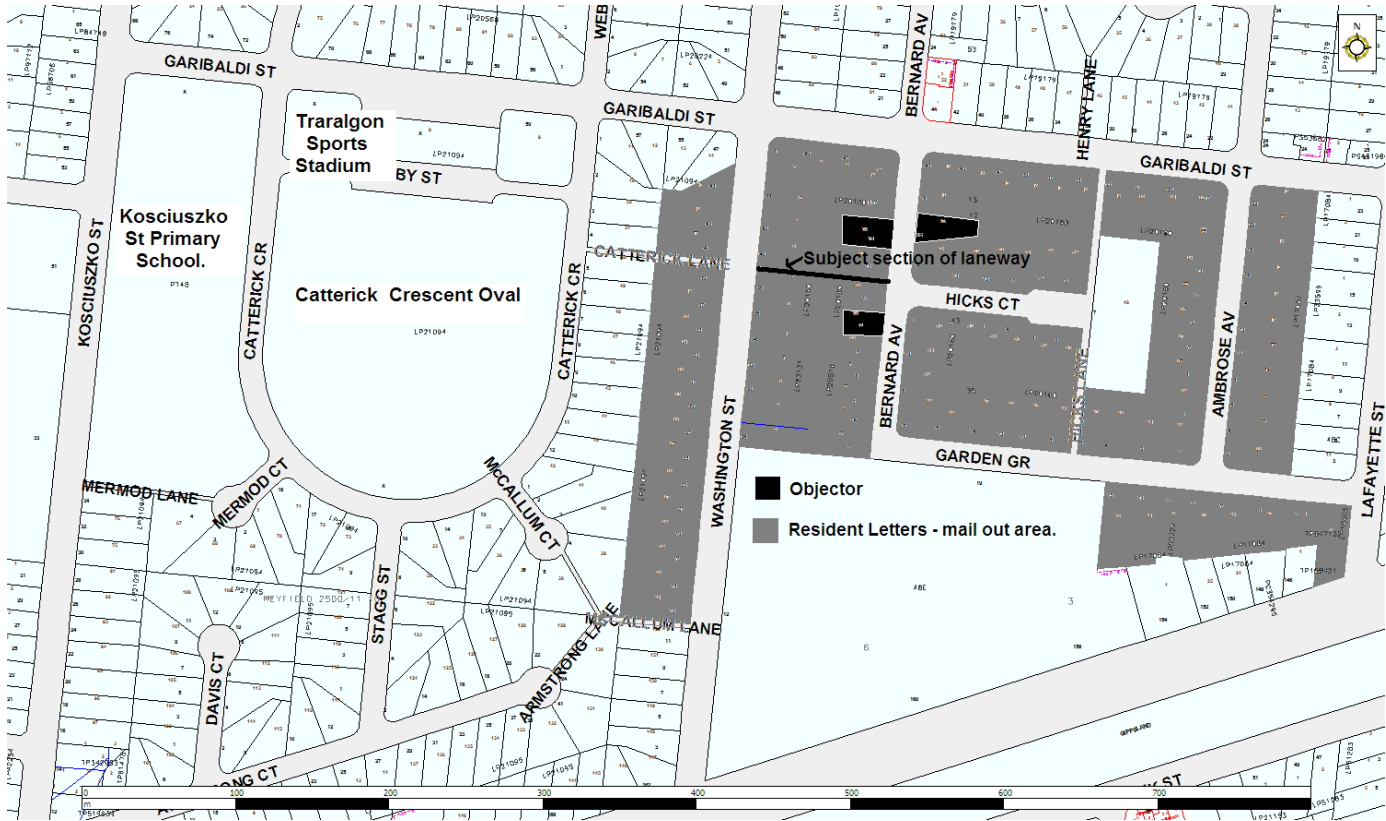
Our family uses the laneway on our own regular walks and to access the sports facilities at Catterick Crescent and we hope as our children reach school age their school. We have and continue to witness others regularly using the laneway whilst walking, jogging, biking or walking their dogs. Council is aware that the Latrobe City has a statistically high obesity rate and should be committed to ensuring that any publicly owned land that is currently used by the public for exercise or as in this case to access additional exercise facilities remains available for the public to use. Council should also remain committed to providing safe routes to and from schools and these sporting venues, this laneway currently provides this. We hope that Council consider our objections carefully and keep the interests and wellbeing of the majority of residents and ratepayers at the forefront of their decision making along with the foresight to protect publicly owned assets for use should future developments occur. We are happy to support our written submission verbally at the forthcoming Council meeting, I have enclosed my business card which has my contact details should any representative from Council need to discuss this matter further during business hours.

We look forward to hearing from Council regarding this matter in due course.

Yours Faithfully,



ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)



**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Moved: Cr White
Seconded: Cr Gibbons

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 9.59pm

Ms Leigh Vains addressed Council in relation to item 16.2 Planning Permit Application 2011/287 - Multi-Lot Staged Subdivision And Native Vegetation Removal - 55 Bonds Road, Yinnar.

Mr Tom Vercoe addressed Council in relation to item 16.2 Planning Permit Application 2011/287 - Multi-Lot Staged Subdivision And Native Vegetation Removal - 55 Bonds Road, Yinnar.

Standing Orders were resumed at 10.11pm

**16.2 PLANNING PERMIT APPLICATION 2011/287 - MULTI-LOT
STAGED SUBDIVISION AND NATIVE VEGETATION REMOVAL -
55 BONDS ROAD, YINNAR**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Council's position on Planning Permit Application 2011/287 for the subdivision of land and native vegetation removal at 55 Bonds Road, Yinnar.

Council is unable to make a formal decision on the application as the applicant has submitted an Application for Review under section 79 of the Planning and Environment Act 1987 to the Victorian Civil and Administrative Tribunal (VCAT) for the failure of Council to determine the matter within 60 statutory days.

However in order for Council to make submissions at VCAT, Council should resolve a 'position'. The purpose of this report is to recommend a position for Council to present at VCAT.

DECLARATION OF INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2012 - 2016

Strategic Direction – Built Environment

Promote and support high quality urban design within the built environment.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.

Legal –

The discussions and recommendations of this report are consistent with the provisions of the *Planning and Environment Act 1987* (the Act) and the Latrobe Planning Scheme (the Scheme), which apply to this application.

BACKGROUND

1 SUMMARY

| | |
|------------|---|
| Land: | 55 Bonds Road, Yinnar, known as Lot 1 TP199318, Lot 1 TP95031 and Lot 1 TP95030 |
| Proponent: | Bonds Road Yinnar Pty Ltd |
| Zoning: | Part Residential 1 Zone Part Farming Zone |
| Overlay | No overlays |

A Planning Permit is required for subdivision in accordance with Clause 32.01-2 Residential 1 Zone.

A planning permit is also required to subdivide land in the Farming Zone in accordance with Clause 35.07-3 of the Scheme. The minimum lot size for subdivision in the Farming Zone is 40 hectares. However, Clause 64.03 of the Scheme relates to subdivision of land in more than one zone, and provides that a planning permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone so long as certain criteria are met.

A planning permit is required for the removal of native vegetation pursuant to Clause 52.17 Native Vegetation.

2 PROPOSAL

The application is for a multi-lot staged subdivision and native vegetation removal.

It is proposed to subdivide the current three titles into 137 residential lots and three balance lots. The residential lots would range in size from 510 sq. metres to 1605 sq. metres, with an average lot size of 715 sq. metres. The three balance lots would be 4.567 hectares (Lot A), 0.555 hectares (Lot B) and 1658 sq. metres (Lot C).

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

The primary access point for the subdivision is proposed to be from Bonds Road via a 22 metre wide road reserve midway along this frontage of the site. The road reserve would have a central median to provide a formal boulevard-style entry to the estate.

Sixteen lots would have frontage to Bonds Road with the remainder of the lots having frontage to internal roads within the subdivision.

The subdivision has been designed to link in with the existing road network. To the north of the site, Hammond Street, Berquez Street and Nardino Drive currently terminate at the subject site. These roads are proposed to be extended south into the subdivision and would connect with an internal road within the subdivision. To the north-west and west of the site, Alfred Drive, Albert Street, William Crescent and George Street terminate on the western or northern boundaries of the site. These roads are not proposed to connect with the internal road network of the proposed subdivision. However a road reserve has been catered for in the open space reserve along the western boundary for William Crescent and for the connection of Alfred Drive and Albert Street if these connections are required in the future. The issue of road connectivity is discussed later in the report.

A linear reserve running north-south along the western boundary of the site is proposed. The reserve would be 1.193 hectares in size and would link with the existing municipal and drainage reserve to the north-west of the site. The proposed reserve would encompass an existing drainage line which would be upgraded and landscaped, and would include a footpath adjacent to the eastern boundary of the reserve. The reserve would also incorporate a series of wetlands towards its northern end. Its primary purpose is for drainage and stormwater detention and it is encumbered land.

Balance Lots A, B and C would be located on the eastern side of the subdivision. The future development of these lots is not known at this stage however it is noted that Lots A and B are zoned for residential development purposes and Lot C for farming.

The subdivision is proposed to be constructed in four stages with the south-east corner of the site to be Stage 1 and the north-west corner to be Stage 4. Stage 1 would include the primary access point to the estate from Bonds Road.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

The southern end of the public open space reserve would be constructed in Stage 2, with the northern part to be constructed in Stage 4.

Also proposed is the removal of a *Eucalyptus ovata* (Swamp Gum) from the centre of the site.

Refer to Attachment 1 for a copy of the proposed plan of subdivision.

Subject Land:

The subject site is located on the southern fringe of the Yinnar township.

No. 55 Bonds Road is currently made up of four titles, however this application is for the subdivision of three of the titles. The remaining title to the east is in the Farming Zone and is to be continued to be used for farming purposes.

The subject site has a frontage to Bonds Road of 375.35 metres, a depth of approx. 460 metres, and an overall area of 20.04 hectares.

The site abuts existing residential properties to the north and west, and farmland to the south and east.

The site slopes gently from the west to the east and then falls significantly towards the north-east corner.

An open drainage line runs north-south adjacent to the western boundary of the site.

A dwelling and associated outbuildings are located in the south-eastern part of the site, with frontage to Bonds Road.

The site has been cleared for grazing, with the only vegetation consisting of a single *Eucalyptus ovata* (Swamp Gum) located in the centre of the site.

Bonds Road is a constructed road from Yinnar Road to William Crescent, and is then a gravel road which provides vehicle access to the existing dwelling and outbuildings on the subject site.

Surrounding Land Use:

- North: 'Clearview Estate' - land being developed for residential purposes. Subdivision approved in 2010.
- South: Land zoned Residential 1 used for farming purposes.
- East: Land zoned Farming Zone used for farming purposes.
- West: Land developed for residential purposes.

Refer to Attachment 2 for a locality plan.

3 HISTORY OF APPLICATION

The history of the assessment of the planning permit application is set out in Attachment 3.

The provisions of the scheme that are relevant to the subject application have been included in Attachment 4.

ISSUES

1. Strategic Consideration for Subdivision of the Land

The State and Local Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) have been considered as part of this application, and it is found that the provisions of the Scheme provide a strategic basis to support residential subdivision of the subject site.

The SPPF encourages new urban residential areas to be developed in a sustainable manner with regard to the protection of agricultural land and water catchments. Subdivisions should achieve attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

The Latrobe City Strategic Land Use Framework Plan found at Clause 21.02 identifies Yinnar as a 'small town' whereby housing diversity and lifestyle choice should be promoted. Clause 21.04-2 Settlement Overview states that development within and around existing towns should be consolidated and unnecessary urban and rural expansion should be avoided.

Clause 21.06-2 Small Town Overview states that a structure plan for Yinnar, which would provide a land use planning and development framework for the town, has not been undertaken to date. Nevertheless objectives and strategies that relate to small town development can be applied to this application. Infill development opportunities with increased diversity in residential allotment sizes should be promoted within the township boundary, and well-designed development that responds to local site conditions with regard to environmental values and existing physical and community infrastructure should be encouraged. The expansion of cycling and pedestrian paths and maintenance and enhancement of public open space reserves should be facilitated.

The proposal seeks to subdivide land located in a Residential 1 Zone for residential purposes, thereby providing infill development in the township. The proposed lot sizes, which would range from 510 sq. metres to 1605 sq. metres, would increase diversity in residential allotment sizes within the township boundary whilst having regard to the physical and environmental constraints of the land. The proposal would also expand the existing pedestrian path network.

The purpose of the Residential 1 Zone, amongst other things, is *'to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households'*. The zoning of the site provides further strategic basis to support residential subdivision of the land.

2. Subdivision Layout and Compliance with Clause 56

Clause 32.01-2 in the Residential 1 Zone requires that a subdivision must meet the requirements of Clause 56 Residential Subdivision. The objectives and standards of Clause 56 relate to community, movement network, pedestrians and cyclists, lot size and orientation, street design, street construction, drainage systems and utilities provision.

The proposal has been assessed against the relevant provisions of the Scheme and it is considered that the subdivision generally meets the standards and purposes of Clause 56, subject to conditions that form part of the recommendations to this report. In particular, Clause 56.06-4 is discussed later in this report.

Refer to Attachment 5 for the Clause 56 assessment.

3. Road Layout, Traffic and Access

The primary access point to the subdivision is proposed to be from Bonds Road, midway along the site frontage. The proposed road network for the subdivision shows new subdivisional roads connecting in with the existing roads to the north of the site and Bonds Road to the south.

A Traffic Impact Assessment (TIA) report (see Attachment 6) submitted by the applicant provides estimates on traffic generation and movements from the subdivision on surrounding roads. It estimates that an additional 1300 vehicle movements per day will occur in the area as a result of the proposal (full development scenario), most of which are to occur on Bonds Road. This will be a substantial increase to the amount of traffic currently using Bonds Road (about 100 vehicles per day). Council's Infrastructure Planning Team has advised that the increase would be within the acceptable limits for a Major Access Street which is Bonds Road's classification.

It is noted that the TIA report was written prior to the circulation of amended plans following the mediation meeting for the application (discussed later in this report). In particular it calculates anticipated vehicle movements on William Crescent.

William Crescent is located to the west of the site. The original plan submitted with the application showed William Crescent connecting with the internal east-west road at the northern end of the subdivision.

The amended plan shows it terminating at the northern end of the subject site's western property boundary. The amended plan was lodged in response to objectors' concerns regarding increased traffic along William Crescent and the connection was deleted.

The amended plan of subdivision now shows a "paper road" connection between Albert Street and Alfred Drive in the north-west corner of the site, and between William Crescent and an east-west road in the northern end of the subdivision. It should be noted that a paper road generally refers to a road laid out in a development or subdivision plan. Paper roads may exist only on paper, and may never be developed but they generally have a legal existence whether on private or public land.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

The deletion of these connections is considered to be an undesirable outcome as their connection would provide interconnectivity between the two neighbourhoods on either side of the waterway.

It is noted that the existing roads that abut the site have been constructed in preparation for connection with the future development of the subject site and as such have not been provided with court bowls. They merely terminate as no through roads. Their connection with roads in the proposed subdivision will provide for safe and efficient vehicle movements both within the existing established residential area and the proposed residential area.

They will also provide for safe movement of garbage trucks in William Crescent which are currently required to turn around without the aid of a court bowl. Council has adopted the design principle that no waste collection vehicle should need to reverse or undertake a three point turn in a residential street. This is in response to recommendations made by the Coroner in relation to fatalities resulting from these types of vehicle movements. The provision of a through road in this location will ensure that safe vehicle movements will be made by garbage trucks and other vehicles in the future.

The connection of George Street to the west of the site is not considered to be essential as only two properties have frontage to this street and garbage trucks are able to collect bins for these properties from William Crescent. Therefore no court bowl is required in this location.

It is considered necessary to request the applicant to provide these connections in the interests of existing and future residents of Yinnar. If they are not provided by the applicant, it is possible that when the subdivision is fully developed, residents may request Council to provide further access points to the subdivision to allow for a better dispersal of traffic and to reduce bottlenecks. Council's Infrastructure Planning team has estimated that the cost of providing both connections would be approximately \$200,000. This is considered to be an important situation for Council to avoid.

The proposed connections are also supported by the Scheme. Clause 56.06-4 Neighbourhood Street Network Objective of the Latrobe Planning Scheme states that subdivisions should "*provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists...and other motor vehicles using the neighbourhood street network*".

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

It is considered that the connection of Albert Street and Alfred Drive, and William Crescent with the internal road within the subdivision will:

- Provide an interconnected and continuous network of streets within and between the existing and proposed neighbourhoods for use by pedestrians, cyclists and vehicles;
- Provide an appropriate level of local traffic dispersal;
- Provide a street environment that appropriately manages movement demand; and
- Provide for the safe movement of service and emergency vehicles throughout the existing and proposed subdivisions.

The connection of the subject site with the existing neighbourhood street network to the north, south and west is considered to be critical to the success of the proposed subdivision in terms of linking it with the existing Yinnar township.

The TIA report estimated that 40 per cent of the traffic from the subdivision will use William Crescent (and then Bonds Road) to gain access to and from Yinnar Road equating to traffic volumes of just over 500 vehicles per day along William Crescent.

All roads within the proposed subdivision will have a carriageway (pavement) width of 7.0 metres.

As the connecting sections of road are located within the subdivision, it will be a requirement that these sections of road be constructed as part of the subdivision development. Condition 1 of any approval issued will require amended plans to be lodged showing the connection of Albert Street and Alfred Drive and the connection of William Crescent with the east-west road in the northern part of the subdivision at the developer's cost.

Conversely, if Council determines that these roads are not required to be connected, the 'paper road' linkages should be deleted from the plan of subdivision.

The internal road arrangement of the subdivision is considered to be satisfactory with the exception of access to proposed Lot A.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

In the interests of future connectivity, a connector road will be required to be provided from proposed Lot A to the north-south main boulevard of the subdivision to ensure that any future development of Lot A is adequately connected to the proposed subdivision. This can be made a condition of any approval issued.

It is noted that two cul-de-sacs are proposed for the middle of the site which would be separated by a 22 metre wide landscaped area and a trafficable concrete path.

Infrastructure Planning is satisfied that the path would allow resident vehicles, waste collection and emergency service vehicles access at low speed between the two cul-de-sacs. This arrangement is therefore considered to be acceptable.

A condition of any approval issued will require roads to be constructed in accordance with Council's Design Guidelines. This will include the provision of traffic calming methods for sections of road which would have straight lengths in excess of 240 metres in order to provide a safe environment for road users and to protect the amenity of local residents. Traffic calming methods will also be required in William Crescent. This can be made a condition of any approval issued and will be provided at the applicant's expense.

Due to the increase in traffic on Bonds Road, a condition will be required to upgrade the Bonds Road/Yinnar Road intersection to provide treatments for right and left turns for the satisfactory operation of the intersection.

Council's Infrastructure Planning team has advised that with the above amendments the proposed road layout is generally satisfactory in terms of allowing easy movement within and between the neighbourhood, as well as accommodating the anticipated traffic as a result of the proposed subdivision.

4. Staging

The plan of subdivision was amended to accommodate objectors' concerns regarding the staging of the project. It was originally proposed that the staging would go progressively from the north of the site to the south, with Stage 1 creating the continuation of Hammond Street, Berquez Street and Nardino Drive.

Residents were concerned that the construction traffic associated with the development of new dwellings in the subdivision abutting the site to the north and the construction traffic associated with the proposed subdivision would cause issues with the existing street network.

As a result of this concern the staging was amended so that Stage 1 would now commence in the south-east corner of the site, Stage 2 the south-west corner including part of the open space reserve, Stage 3 the north-east corner, and Stage 4 the north-west corner including the second part of the reserve.

This staging plan is considered to be satisfactory.

5. Drainage

The applicant has submitted a Stormwater Management Plan by Water Technology (April 2012) (see Attachment 7) which proposes that the overall site be drained in two directions – the western half of the site to be drained to the existing western drain, and the eastern half to be drained to the east.

A vegetated swale is proposed to run north-south along the western side in the existing drainage reserve. The swale is proposed to convey the stormwater flows for half of the subdivision and provide flood retention and would be significantly larger than the current drain to prevent flooding of neighbouring properties. A series of wetlands is also proposed to be located in the north-west corner of the site in conjunction with the swale. The wetland area in conjunction with the swale would be designed as a discharge and water quality treatment point for the western catchment area of the site.

The report states that modelling of current flooding experienced by neighbouring residents to the west will be mitigated by providing a more formal drainage line with additional capacity to cope with existing and proposed runoff.

The swale would be designed with a meander to represent a more natural waterway, with plantings of native grasses and landscaping proposed to further enhance the area. Planting with native grasses rather than lawn would also reduce maintenance costs of the swale. The swale would form part of the passive open space of the subdivision (see discussion below).

A further wetland is proposed in the north-eastern corner of the site in balance Lot A. This wetland area would be 1,500 sq. metres and would be designed as a discharge and water quality treatment point for the eastern catchment area of the site.

Council's Infrastructure Planning team has advised that the submitted drainage plan for the development is acceptable subject to conditions relating to the creation of a reserve to be vested in Council for the wetland on Lot A, satisfactory access arrangements to be made to the wetland, and for the appropriate discharge of stormwater from each lot in the subdivision.

The plan has also been assessed by West Gippsland Catchment Management Authority and is deemed to be satisfactory subject to the submission of a detailed design of the wetlands and a Waterway Management Plan.

6. Public Open Space

It is proposed to utilise the remodelled drainage reserve along the western boundary of the site, as discussed above, for the provision of passive open space for the subdivision. A total of 1.193 ha (5.95% of the overall site) of encumbered passive open space is proposed in this location.

The applicant has advised that the passive open space area would be planted with indigenous trees, shrubs and grasses, with the intent to improve the landscape and habitat values of the area as well as provide a low maintenance landscape environment. Seating opportunities have been provided in the space.

It is considered that the extent and location of the reserve is satisfactory in terms of meeting the passive recreational needs of future residents of the subdivision and contributing to a sense of place.

Subject to the provision of appropriate pedestrian links to the public open space, this area will be easily accessible to residents within the subdivision and surrounding areas.

A condition of any approval issued will require the applicant to lodge a landscape plan detailing the proposed treatment of the space, including the provision of street furniture and lighting as required.

As the public open space proposed for the subdivision would be passive in nature, the applicant has also offered to upgrade an existing playground within Yinnar. The applicant has suggested that this could take the form of a half-court basketball facility or similar.

Council takes a strategic approach to the provision of public open space in the municipality. To this end, Council is currently undertaking a review of the Latrobe Public Open Space Strategy which will guide Council in the future provision of public open space. In relation to this application, whilst the applicant's offer to construct a half-court basketball facility is noted, it is considered more appropriate to require the applicant to pay a 5% public open space contribution. This contribution will allow Council to allocate funds to provide and/or upgrade active open space areas in Yinnar and other parts of the municipality following the completion of the Open Space Strategy review.

Therefore in addition to the provision of a passive open space reserve, a 5% public open space contribution is included as a planning permit condition. This can be made a condition of any approval issued. Amended plans will also be required to be lodged to delete the reference to the existing playground upgrade.

7. Balance Lots

Lot A and Lot B would be located on the western side of the site and would comprise a total of 5.122 ha. Lot A would have an area of 4.567 ha and would contain a wetland area. Lot B would be 20 metres wide and approx. 260 metres long and would have a total area of 0.555 ha.

Both lots would have frontage to a proposed internal road of the subdivision which would run east-west along the southern part of the site. The future development of these lots is not known at this stage.

It is considered that the configuration and size of Lot B is not suitable for any future development. Given that this land is zoned Residential 1 and in the interests of orderly planning, it is considered appropriate to include a condition on any approval issued that these lots be amalgamated to become balance Lot A. As discussed, vehicle and pedestrian access to this lot from the main north-south boulevard will also be required.

Lot C would be 1658 sq. metres and is in the Farming Zone. Access to the lot would be via a carriageway easement along the eastern boundary of Lot B. Clause 64.03 Subdivision of Land in More Than One Zone allows a permit to be granted to subdivide land if the land is in more than one zone, even if one of the lots does not comply with the minimum lot size requirements of one of the zones. The creation of Lot C satisfies the permit requirements of this clause.

The Farming Zone land (Lot C) is considered to be a zoning map anomaly as it does not follow any lot boundary or physical feature of the site. Council's Strategic Planning Department is in the process of seeking approval from the Minister for Planning for a technical planning scheme amendment to rezone Lot C to Residential 1 Zone in order to rectify this situation.

8. Native Vegetation

It is proposed to remove a *Eucalyptus ovata* (Swamp Gum) from the centre of the site. A Tree Assessment and Condition Report submitted by the applicant (see Attachment 8) assessed the tree as being in average health with poor branch formation and root decay. The report recommends the tree be removed if the usage of the land surrounding it changes significantly. In order to offset the removal of the tree, the report recommends the recruitment of 200 indigenous plants from EVC Herb-rich Foothill Forest.

The proposal was referred to Council's Environmental Planner who had no objection to the removal of the tree provided the recommended offsets are undertaken and are appropriately managed and protected. The offsets proposed satisfy the three step approach outlined in *Victoria's Native Vegetation Management – A Framework for Action* (Department of Natural Resources and Environment 2002) and Clause 52.17 of the Latrobe Planning Scheme and their provision can be made a condition of any approval issued.

9. Objections

The application received fifteen objections, the grounds of which can be summarised as follows:

1. Agricultural land is being used for residential purposes.

Officer comment

Although the site is currently used for agriculture, the land is predominantly zoned Residential 1. The main purpose of the Residential 1 Zone is

“To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.

To encourage residential development that respects the neighbourhood character.”

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

The proposal is therefore in accordance with the purpose of the Residential 1 Zone.

2. Loss of rural views across the subject site.

Officer Comment

As discussed, the subject site is zoned Residential 1 and as such, there is a reasonable expectation that it would be subdivided and developed with dwellings in the future.

With regard to loss of views, the Victorian and Civil Administrative Tribunal (VCAT) found in the decision *Lardner & Ors v Mornington Peninsula SC [2003] VCAT 238 (26 February 2003)* that '*the Tribunal has consistently held that no legal right to a view exists, and has supported proposals involving the loss of a view where these views were available across vacant blocks*'.

3. Proposed lots do not vary in size and are generally too small, with only a few over 1000 sq. metres.

Officer comment

The average lot size of the subdivision is 715 sq. metres.

The proposed density of the subdivision is considered to be appropriate in the Residential 1 Zone and satisfies the objectives of the standards of ResCode (Clause 56 – Residential Subdivision).

Whilst Clause 11.02-2 of the Latrobe Planning Scheme encourages a density of 15 dwellings per net developable hectare for growth areas, Council resolved to adopt a preferred lot density of 11 lots per hectare at its ordinary meeting on 11 November 2012.

In comparison, the proposed subdivision offers a density of approx. 11 dwellings per net developable hectare. This density is considered to be appropriate in the context of Yinnar and is reflective of existing residential subdivision within the township.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

The subdivision also provides a mix of allotment sizes varying in size from 510 sq. metres to 1605 sq. metres allowing for the development of a variety of dwelling types and household sizes in accordance with State and Local Planning Policy.

4. Population increases will directly affect services the town can provide.

Officer comment

The subject site has been zoned for residential purposes for many years and is only one part of large sections of land in Yinnar that are zoned residential but have not been developed to date. (See Attachment 9) It is envisaged that as the population of Yinnar increases over time, services may be expanded to meet the demands of the community. It is noted that objectors were concerned that the Yinnar kindergarten was at capacity, however Council officers have advised that the kinder is able to accommodate an increase in numbers through additional sessions however this has not been required to date.

It is not considered to be appropriate to locate community facilities within the subject subdivision and Council does not have the mechanism for a developer to make contributions towards such facilities. If further community facilities are required in the future to service the residents of Yinnar, it is standard practice for these costs to be considered as part of financial planning for Council, if and when required.

5. Concerns about the connection of the proposed subdivision to existing roads and the resultant flow of traffic from the subdivision through the existing road network.

Officer Comment

Council's Infrastructure Planning team has advised that the current and proposed road network would adequately cater for the expected increase in traffic as a result of the subdivision.

Council officers have assessed the amended plan of subdivision which shows 'paper' roads for the connection between Albert Street and Alfred Drive and William Crescent with the subdivision.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

As discussed in this report, a condition of any approval issued will require these roads to be constructed to allow for connectivity between the existing and proposed neighbourhoods and to provide for the dispersal of traffic from the subdivision onto surrounding roads.

6. Existing roads to the north of the site are too narrow to cater for current traffic flows.

Officer comment

Existing roads to the north of the site are within the 'Clearview Estate' and were constructed in accordance with the requirements of the Latrobe Planning Scheme and Latrobe City Infrastructure Design Guidelines adopted by Council. It is not possible for the requirement of this planning application to address matters beyond the subject site. As discussed, proposed road widths for this subdivision are considered to be appropriate.

7. Predicted increase in traffic unrealistic.

Officer comment

The Traffic Impact Assessment estimates that the proposed subdivision could generate up to 1,400 vehicle movements per day including 139 vehicle movements per hour during peak periods. These figures are based on a single house on a standard lot in an outer metropolitan or rural area which will typically generate up to an average of 1 vehicle movement in a peak hour and 10 vehicle movements per day.

Infrastructure Planning has advised that the expected increase in traffic for the proposed subdivision is within the acceptable limits of the existing and proposed street network and the road hierarchy proposed is suitable for proposed volumes.

8. Increase in traffic will cause visual and noise pollution.

Officer comment

It is considered that the proposed increase in traffic would take place over time as the subdivision developed and the visual and noise impact of vehicles would be similar to that of any established residential area.

9. Concern about the current capacity of the existing drain along the western boundary of the site, as regular flooding occurs on the subject site and adjoining land and roadways.

Officer comment

Council's Infrastructure Planning Team has advised that the drainage strategy provided by the applicant is acceptable. The provision of wetlands, a vegetated swale and the appropriate drainage of each lot in the subdivision will ensure that current flooding experienced by residents should be mitigated with these works.

10. Lack of useable open space areas in the subdivision and the use of the existing drainage reserve for public open space.

Officer comment

The applicant proposes to use the existing drainage reserve and surrounds for passive public open space. The open space will also incorporate a series of wetlands to assist with the drainage of the subdivision.

Previous VCAT cases support the use of drainage reserves as public open space as they can provide attractive areas that often connect with other open space areas. This open space reserve would link in with the existing public open space/drainage reserve to the north of the site and will also link in with the pathway along Albert Street.

The passive public open space reserve would be established by the applicant and then vested in Council and maintained by Council into the future.

The application was referred to Council's Recreation and Open Space Planner who had no objection to the proposal.

The applicant will also be required to pay a 5% public open space contribution to Council who can then strategically direct the allocation to other active open space areas.

11. Safety and security concerns for properties that would back onto the reserve.

Officer comment

Council's Recreation and Open Space Planner has advised that measures can be undertaken via the landscaping treatment of the open space area to improve safety and security of residential properties that would abut the reserve. This can be made a condition of any approval issued.

12. Safety of children in reserve when drain is in flood. Drain should be fenced.

Officer comment

The provision of a series of retarding basins and a vegetated swale in the open space reserve will provide additional capacity for the site to cope with existing and proposed runoff from the site. Further, the applicant will be asked to provide a landscaping plan for the reserve. An assessment can then be made with regard to the fencing of any areas (if required) of the reserve.

13. Subdivision will overload Yinnar's water and sewerage infrastructure.

Officer comment

The proposal was referred to Gippsland Water under Section 55 of the Planning and Environment Act 1987 in relation to the provision of sewerage and water. Gippsland Water gave consent to the granting of a planning permit subject to appropriate conditions with regard to the provision of water supply and sewerage services to the proposed lots. These conditions may be viewed in section 10 of this report.

14. Noise from construction traffic and subdivision construction.

Officer comment:

The development of the subdivision and future dwellings constructed on the lots created will be required to comply with the *Building Act* 1993, the *Building Regulations* 2006, the *Building Code of Australia* 2007, Australian Standards, relevant municipal local laws and the EPA's Environment Protection (Residential Noise) Regulations 2008 which should mitigate amenity impacts on neighbouring properties.

15. Loss of wildlife along waterway.

Officer comment

Whilst changes are proposed for the existing waterway, it is expected that the planting of indigenous trees, shrubs and grasses should provide for improved habitat values in comparison to the existing conditions.

16. Decrease in property values.

Officer comment

Property values are not considered to be a valid planning consideration.

17. Further consultation with the community about the connection of Albert Street and Alfred Drive

Officer comment

The Yinnar & District Community Association has requested that Council conduct a consultation process with the residents of Albert Street and Alfred Drive before any decision is made about a connector road. A mediation meeting was held during the course of the application process which was attended by representatives of the Association and other objectors to the application. Residents will have a further opportunity to speak about the issue at the Council meeting.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

As this planning permit application requires determination at the Victorian Civil and Administrative Tribunal (VCAT), there will be additional resources or financial cost implications.

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

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised under Section 52(1)(a) and Section 52(1)(d) of the Act by sending notices to all adjoining and adjacent landowners and occupiers; displaying an A3 sign on each site boundary adjoining a road the subject site for a minimum of 14 days; and by publishing two notices in the Latrobe Valley Express.

External:

The application was referred under Section 55 of the Act to the following authorities:

- Gippsland Water;
- Telstra;
- SP AusNet;
- APA Group
- West Gippsland Catchment Management Authority (WGCMA)
- SPI PowerNet
- CFA
- DPI
- GasNet
- Public Transport Victoria

All the above authorities gave consent to the granting of a Planning Permit for the proposal, subject to the inclusion of appropriate conditions and notes (where applicable).

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team in relation to drainage and traffic.

The application was sent to Council's Environment and Rates Departments for information only.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

All the relevant Council internal departments gave consent to the granting of a Planning Permit in relation to their area of expertise.

It is noted that their comments only relate to part of the assessment process and do not necessarily direct the final recommendation to Council.

Details of Community Consultation following Notification:

Following the referral and advertising of the application, fifteen submissions in the form of objections were received.

A mediation meeting was held on 22 March 2012 which was attended by the applicant and their representatives, 24 objectors and Council officers. The meeting was chaired by the Ward Councillor. The grounds of objection were discussed and the applicant agreed to lodge an amended plan in response to the issues raised.

An amended plan was lodged with Council on 21 June 2012. The plan was sent to objectors who were given an opportunity to provide further comment. Three further submissions were received with no new grounds of objection noted.

Following an assessment of the application by Council officers, an information session was held on 22 January 2013. The session was convened to inform the applicant and the community of the outcomes for the site and surrounding area in light of Council officers' recommendations for the application. The session was attended by the applicant, Council officers, the Ward Councillor and submitters.

OPTIONS

As the applicant has lodged an application for review with VCAT, Council cannot formally determine this application. Council can only form a position that it will rely upon at VCAT. Therefore Council has the following options in regard to this application:

1. Form the position that the application be refused; or
2. Form the position that the application be approved.

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

It is noted that the VCAT hearing for the application for review has been listed for 6 February 2013. Should Council not formally resolve a position on this matter, officers will be required to present submissions at VCAT in line with the recommendations of this report.

CONCLUSION

Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application meets the requirements of the Scheme, subject to appropriate planning permit conditions. It is therefore recommended that Council advise VCAT that had a "Failure to Determine within the Prescribed Time" appeal not been lodged, Council would have issued a Notice of Decision to Grant a Permit for the reasons set out in this report.

Attachments

1. Proposed Subdivision Plan
2. Site Plan
3. Application History
4. Planning Scheme Framework
5. Description & Design Response
6. Transport Impact Assessment
7. Stormwater Management Plan
8. Tree Assessment
9. Zoning Site Plan

RECOMMENDATION

- A. That Council advise VCAT that had a "Failure to Determine within the Prescribed Time" appeal not been lodged, Council would have issued a Notice of Decision to Grant a Planning Permit for the multi-lot staged subdivision of land and removal of native vegetation at 55 Bonds Road (known as Lot 1 TP199318, Lot 1 TP95031 and Lot 1 TP95030) in Yinnar, with the following conditions:

Amended Plans

1. Before the plan of subdivision can be certified, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit and must not be altered without consent of the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted on 4 September 2012 but modified to show:
 - a) The construction of a road to connect Albert Street and Alfred Drive.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

- b) The construction of a road to extend William Crescent into the subdivision.
 - c) Provision of vehicle and pedestrian link(s) to Lot A.
 - d) The wetlands in the northeast corner of the development as being contained within a reserve to be vested in Latrobe City Council.
 - e) How appropriate vehicle access will be provided for maintenance purposes to all proposed stormwater detention and wetland areas.
 - f) Footpaths for public access to all proposed wetland areas.
 - g) Balance Lots A and B amalgamated to become one balance lot.
 - h) Deletion of the reference to the upgrade of an existing playground in Yinnar.
 - i) Any consequential amendments required to the plans as a result of condition 18.
2. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
 3. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority.

Environment Conditions:

4. Prior to certification, a plan showing revegetation around the proposed wetland area to compensate for the removal of one (1) very large old tree must be provided to the satisfaction of the responsible authority according to the following:
 - 200 plants must be recruited;
 - recruitment must be achieved through plantings to a prescribed standard according to *Revegetation planting standards – Guidelines for establishing native vegetation for net gain accounting* (Department of Sustainability and Environment, 2006);
 - must be initiated no later than 12 months of the tree being removed (seasonal requirements to be considered).

when the large old tree is felled, any hollows must be retained and located within the revegetated area for on-ground habitat enhancement.

This condition may be carried out in conjunction with condition 13.

5. The offset area (wetland) must be permanently protected by fencing, excluding stock and maintained to the satisfaction of the responsible authority. Fencing standards are described in the *Revegetation planting standards* document referred to in Condition 4.
6. Vermin and pests must be controlled in the offset area to the satisfaction of the responsible authority and upon the advice of the Department of Sustainability and Environment.
7. The offset area must be managed so as to ensure that declared noxious weeds and other high threat environmental weeds are controlled to the satisfaction of the responsible authority and upon the advice of the Department of Sustainability and Environment.
8. No firewood, dead vegetation, fallen branches or organic leaf matter may be removed from the offset area identified in the endorsed plan.
9. All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.

Engineering Conditions:

10. Prior to certification, an updated Stormwater Management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the updated plan will then form part of the permit. The plan must be generally in accordance with the Stormwater Management Plan prepared by Water Technology dated 17 April 2012 but amended to address:
 - a) how stormwater is to be conveyed to the legal point of discharge for all storm events up to and including the 1 in 100 year ARI storm event including providing over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from areas upstream of the subject land;
 - b) mitigation of potential detriment to downstream landholders resulting from increased stormwater volumes or concentrated stormwater discharges;

- c) details (including on-site detention) to ensure all stormwater discharge from each of the lots on the land is limited to pre-development flows for all storm events up to and including the 1 in 100 year ARI storm event and to ensure there are no adverse affects on flooding either upstream or downstream of any development on the land;
 - d) details regarding treatment of stormwater discharge from the development to achieve the following objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 and designed in accordance with:
 - (i) 80% retention of the typical annual load of suspended solids;
 - (ii) 45% retention of the typical annual load of total phosphorous;
 - (iii) 45% retention of the typical annual load of nitrogen; and
 - (iv) 70% retention of the typical annual load of gross pollutants.
 - e) a detailed maintenance plan and typical costings for all proposed wetland areas and vegetated swales.
11. Prior to certification of the plan of subdivision under the Subdivision Act 1988 for each stage of the development, the operator of this permit shall provide documentary evidence to the satisfaction of the Responsible Authority in support of all proposed new road names shown on the plan. All proposed new road names must comply with the naming principles described in the Department of Sustainability and Environment's *"Guidelines for Geographic Names 2010"*.
12. Plans submitted for certification under the Subdivision Act 1988 must show to the satisfaction of the Responsible Authority:
- a) Easements for drainage purposes,
 - b) Any land subject to inundation.
 - c) Reserves created for the purposes of stormwater management, vested in the Responsible Authority,
 - d) Road reserve widths complying with Latrobe City Council's Design Guidelines,

- e) Splays at cross-road intersections appropriate to allow for the construction of a roundabout at such intersections,
 - f) Splays, a minimum of 3 metres by 3 metres, at all other intersections of the local road network, and
 - g) Street names complying with the requirements of the Department of Sustainability and Environment's "*Guidelines for Geographic Names 2010*".
13. Prior to the commencement of any works associated with each stage of the subdivision, a landscape plan for all public open space areas including streets, parklands, entry features, drainage reserves, and community use areas must be prepared by a person suitably qualified or experienced in landscape design and submitted to the Responsible Authority for its approval. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies and an electronic copy (PDF) must be provided. The landscape plan must be consistent with any landscape master plan already endorsed in respect of the land and must show:
- a) New plantings including their layout to be provided in any road reserves and municipal reserves. Planting is to include the offsets outlined in Condition 4 of this permit. All species selected must be to the satisfaction of the responsible authority and consistent with the Ecological Vegetation Classes known as Herb-rich Foothill Forest (EVC 23) and Swampy Riparian Woodland (EVC 83).
 - b) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - c) The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within drainage reserves).

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

- d) All proposed open space streetscape embellishments (including materials and finishes) such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies.
 - e) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls.
 - f) Additional supporting information, such as certified structural designs or building forms.
 - g) Vehicle access points for maintenance purposes.
 - h) Mechanisms/structures for the exclusion of vehicles from landscaped areas.
 - i) The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
 - j) Design and construction layouts for equipment in playground areas, where applicable.
 - k) All proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.
 - l) Location of public lighting.
 - m) Details of all common boundary fencing within Council reserves.
 - n) Details of measures to be undertaken to provide security to the properties located on William Crescent that will back onto the open space reserve.
14. Prior to the commencement of any road, drainage or landscaping construction works associated with each stage of the subdivision, a Site Management Plan shall be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit. The Site Management Plan must include:

- a) Traffic management measures - the plan must detail measures proposed to protect and maintain vehicle use of the existing road system and pedestrians using existing footpaths adjacent to the development, how site access will be obtained, how construction vehicles will access and egress the site and the management of public access to the site. The plan must include details of all signage on adjacent roads.
 - b) Construction management measures - the plan must outline how issues such as deliveries, noise, mud on roads, and dust generation will be managed onsite during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
 - c) An environmental management plan for the works detailing techniques for erosion prevention, temporary drainage and sediment control measures during the construction of the works and post construction. Reference should be made to the Environment Protection Authority's publication 960 '*Doing it right on subdivisions*'.
 - d) Cultural protection issues – the plan must demonstrate how the recommendations of any Cultural Heritage Management Plan applying to the land are to be carried out.
15. Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.
 16. Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.

17. Unless otherwise required in this permit, all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, shall be maintained by the operator of this permit for a period of three months from the date of practical completion of the works. Maintenance of the works shall include all inspections required in accordance with Latrobe City Council's Road Management Plan. At the end of this maintenance period, a Defects Liability Period of nine months shall then apply to the works at the end of which time Final Completion of the works will be issued.
18. Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must construct road works, drainage and other civil works to the satisfaction of the Responsible Authority, in accordance with engineering plans and specifications approved by the Responsible Authority and must include:
 - a) Design and construction of all new roads in accordance with Latrobe City Council's Design Guidelines including connections to existing roads. The new north-south road adjacent to the waterway and the new east-west road north of Bonds Road shall be designed and constructed as Major Access Streets with a 7.0 metre carriageway, kerb and channel along both sides. The proposed extensions of Hammond Street, Berquez Street and Nardino Drive and the proposed cul-de-sacs, shall be designed and constructed as Major Access Streets with a 7.0 metre carriageway, kerb and channel along both sides.
 - b) Design and construction of Bonds Road in accordance with Latrobe City Council's Design Guidelines including connections to existing roads. Bonds Road shall be constructed from William Crescent to the eastern boundary of the development, as a Major Access Street with a 7.0 metre carriageway, kerb and channel and naturestrip along the north side and a 0.5 metre wide shoulder along the south side.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

- c) Design and construction of the proposed north-south road adjacent to the lots numbered 16 and 27 in accordance with Latrobe City Council's Design Guidelines as a Minor Access Street. This road shall be constructed with a 7.0 metre carriageway, kerb and channel along both sides and a 4.0 metre wide verge along the west side.
- d) Design and construction of the connecting road between the ends of Albert Street and Alfred Drive in accordance with Latrobe City Council's Design Guidelines including a 7.5 metre carriageway, kerb and channel along both sides and a 4.25 metre wide verge along the east side.
- e) Construction of a local widening of Yinnar Road is required on the west side to provide for a "BAR type" right turning lane and widening on the east side to provide for a "BAL type" left turning lane at the intersection with Bonds Road. The turning lanes must be provided in accordance with the Austroads "Guide to Road Design".
- f) Temporary vehicle turnarounds at the ends of streets to be continued in future stages or future developments, including a low maintenance sealed surface. Turning areas must be a minimum of 20 metres in diameter.
- g) Concrete footpaths along both sides of all proposed streets, unless otherwise required and shared pedestrian/bicycle paths through all reserves to be provided in accordance with Latrobe City Council's Design Guidelines and the endorsed plans.
- h) Construction of a 1.5 metre wide footpath along the north side of Bonds Road between William Crescent and the eastern boundary of the proposed development, along the east side of the road connection between Albert Street and Alfred Drive and along the western side of the proposed northsouth road adjacent to the lots numbered 16 and 27.
- i) The removal of the existing concrete turn around areas in the nature strips at the end of Albert Street, Hammond Street and the east side of Nardino Drive and reinstatement with topsoil and grass.

- j) Underground piped drainage to each lot and provision of over-land surcharge routes and cut-off drains. The stormwater drainage system must be designed to take the 1 in 5 year ARI storm event, to meet the current best practice performance objectives for stormwater quality as contained in the "Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999" as amended and to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. The stormwater drainage system may include water sensitive urban design features. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. Drainage plans must include hydraulic computations for all new drainage works.
- k) Provisions shall be made for stormwater from all storm events greater than the 1 in 5 year event and up to and including the 1 in 100 year ARI storm event including:
- I. Provision of over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from both within the development and from areas upstream of the development.
 - II. All new and existing lots should be free from inundation.
 - III. All streets, footpaths and cycle paths that are subject to flooding must meet the safety criteria $d_a v_{ave} < 0.35 \text{ m}^2/\text{s}$ (where d_a = average depth in metres and v_{ave} = average velocity in metres per second).
- l) Construction of wetland/stormwater detention areas and grassed swales generally as proposed in the approved stormwater management plan. The wetlands and grassed swales shall be designed to achieve the following objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999:
- 80% retention of the typical annual load of suspended solids;
 - 45% retention of the typical annual load of total phosphorus;

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

- 45% retention of the typical annual load of total nitrogen; and
- 70% retention of the typical annual load of gross pollutants.

The proposed wetlands/stormwater detention area must be constructed to ensure that the bed of the internal edges of any water body are graded to achieve a maximum water depth of 0.2m for a minimum distance of 3 metres in from the water's normal edge before becoming steeper or achieve the alternatives specified in "WSUD Engineering Procedures: Stormwater (Melbourne Water 2005), Clause 10.3.2.3 Cross sections" or equivalent standards applicable at the time to the satisfaction of the Responsible Authority.

Proposed wetlands/stormwater detention areas, reserves and surrounds shall be cleared of all noxious weeds, graded, filled and compacted with approved material free of rock, stone and other contamination, landscaped, shaped and formed as necessary, scarified, top dressed with a minimum 100 mm depth of approved topsoil and sown with approved turf mixture of perennial rye and bents at a rate of 300 kg per hectare to ensure the land is free draining and able to be mown by a rotary mower to the satisfaction of the Responsible Authority.

- m) Construction of a vehicle access way providing access to all wetlands/stormwater detention areas, to a standard that complies with Latrobe City Council's standard drawing LCC 304 including:
- A sealed surface width of 3.5 metres and a pavement width of 4.5 metres,
 - the pavement material must be placed on an approved subgrade material,
 - side drains must be formed and graded to a suitable outfall, and
 - all culverts along the access driveway shall be provided with headwalls in accordance with Latrobe City Council's standard drawing LCC 212.
- n) Appropriate intersection treatments and traffic calming measures in accordance with Latrobe City Council's Design Guidelines and Austroads' Guide to Traffic Management. Traffic calming measures are also to be provided in William Crescent.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

- o) The provision of roundabouts at all cross intersections. Roundabouts must be designed in accordance with Austroads "Guide to Road Design".
 - p) Street lighting along all new roads and all new shared paths and upgraded street lighting at the locations of proposed intersection works external to the development, in accordance with Australian Standard AS1158.
 - q) If approved, filling on the land must be carried out utilising fill material and compaction in accordance with the relevant Australian Standards and must be certified and supervised by a Level 1 NATA registered geotechnical engineer.
 - r) All traffic signage, street name signage and road pavement line marking.
 - s) Approved fencing along all allotment boundaries abutting reserves.
 - t) High stability permanent survey marks at locations in accordance with Latrobe City Council's Design Guidelines, levelled to the Australian Height Datum and coordinated to the Map Grid of Australia (MGA94).
19. Prior to the issue of Statement of Compliance for each stage or by such later date as is approved by the Responsible Authority in writing, the landscape works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. All areas to be landscaped, including open space, must:
- a) Have bulk earthworks completed (where required) to ensure reserves are fit for intended purpose;
 - b) Be cleared of all rubbish and environmental weeds, top soiled and grassed;
 - c) All landscape planting works completed including drought resistant trees and other planting;
 - d) Have shared paths and footpaths as shown on endorsed plans;
 - e) Public lighting provided along paths, signage, fencing and street furniture installed;
 - f) Maintenance vehicle access points provided.

20. Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must pay to Latrobe City Council:
 - a) For all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an engineering plan checking fee of an amount equivalent to 0.75% of the estimated cost of constructing the works proposed on the engineering plans,
 - b) For all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an amount equivalent to 2.5% of the estimated cost of constructing the works which are subject to supervision, and
 - c) The sum of \$175 per 20 metres of street length or per lot frontage (whichever provides for the greater number of street trees), for the provision of street trees along all streets where trees are not planted by the operator of this permit.
21. Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must provide to the satisfaction of the Responsible Authority:
 - a) A certified plan showing the extent and depth of fill in excess of 300 mm placed on all land within or abutting the subdivision.
 - b) Final as-built plans for all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, in an electronic format complying with A-Spec requirements.
 - c) Written records of all inspections undertaken during the maintenance period for the works, in accordance with the requirements of Latrobe City Council's Road Management Plan, any defects identified during those inspections and the date and time of rectification of the defects.

22. The operator of this permit must maintain to the satisfaction of the responsible authority, all water sensitive urban design (WSUD) devices constructed under this permit for a period of two (2) years. The maintenance period shall commence on the date the construction of the WSUD devices is certified by the Responsible Authority as practically complete. The maintenance of water sensitive urban design (WSUD) devices constructed under this permit must include full routine maintenance works including monthly, quarterly and annual inspections, weed removal, sediment clean out, litter management and remedial works as prescribed in the approved WSUD maintenance plan. The operator of this permit must provide copies to the Responsible Authority within three (3) calendar months of each inspection, of all maintenance inspection forms completed for each inspection, any defects identified and the date and time rectification works were completed. Any defects occurring during the maintenance period shall be rectified by the operator of this permit to the satisfaction of the Responsible Authority.
23. The operator of this permit must maintain to the satisfaction of the responsible authority, all landscaping (except for grass in nature strips along streets) constructed under this permit for a period of two (2) years. The maintenance period shall commence on the date the landscaping is certified by the Responsible Authority as practically complete. Any defects occurring during the maintenance period shall be repaired by the operator of this permit to the satisfaction of the responsible authority. During this period, any dead, diseased or damaged plants are to be replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.
24. Before a Statement of Compliance is issued for this subdivision under the Subdivision Act 1988, the maintenance period for all works to become the responsibility of Latrobe City Council, must be completed to the satisfaction of the Responsible Authority unless an arrangement to secure compliance with this condition has been agreed to in writing by the Responsible Authority under Section 21(1)(b)(ii) of the Subdivision Act 1988.
25. The provision of entrance features to the development such as estate signage shall not be located within any road or public open space reserve unless with the written agreement of the Responsible Authority.

26. The subdivision may be completed in stages. Each stage must be to the satisfaction of the Responsible Authority. The stages may include or require drainage or other works outside the physical bounds of any lots in any stage.

Gippsland Water Conditions:

27. The operator of this permit must meet the requirements of Gippsland Water in that, prior to the issues of Certification/Statement of Compliance, they:
- a) Pay to Gippsland Water contributions for Headwork charges and Outfall/Disposal charges for the change in development of the land. These charges are based on Gippsland Water's current rates and reflect the additional loading placed on the water and sewerage reticulation systems by this development.
 - b) Ensure that the owner of the land enters into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of water supply and sewerage services to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.
 - c) The developer must submit design plans for all water and sewerage infrastructure required for the development to Gippsland Water's satisfaction, prior to Gippsland Water considering certification of any plan of subdivision.
 - d) Install separate water services and sewage disposal connections for all lots to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
 - e) The existing 20mm water service will need to be capped at the main. The existing meter 06AK001573 must be returned to Gippsland Water for a final read.
 - f) Provide water and wastewater services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.

- g) Create easements for Pipeline or Ancillary Purposes in favour of the Central Gippsland Region Water Corporation over all existing sewerage works located within the subdivision.
- h) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.
- i) Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.

SPI Electricity Conditions

28. The operator of this permit must meet the requirements of SPI Electricity Pty Ltd in that, prior to the issues of Certification/Statement of Compliance, they:
- a) The plan of subdivision submitted for certification must be referred to SPI Electricity Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
 - b) Enter into an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - c) Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
 - d) Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.
 - e) Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of 'Power Line' in the favour of "Electricity Corporation" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - f) Obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.
 - g) Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.

- h) Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.
- i) Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- j) Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- k) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd.
- l) Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.

West Gippsland Catchment Management Authority
Conditions

29. The operator of this permit must meet the requirements of West Gippsland Catchment Management Authority (WGCMA) in that, prior to the issues of Certification/Statement of Compliance, they:
- a) Prior to the issue of a Statement of Compliance an updated Stormwater Management plan must be provided, to the satisfaction of the West Gippsland Catchment Management Authority. The updated Stormwater Management Plan must detail the results of the "MUSIC" modelling to Best Practice Environmental Management standards and include a management plan for all proposed water quality infrastructure within the Open Space reserve identified along the western boundary.

- b) Prior to the issue of a Statement of Compliance, a Waterway Management Plan must be developed, to the satisfaction of the West Gippsland Catchment Management Authority. The Stormwater Management Plan must detail the results of the MUSIC modelling and include a management plan for the proposed 1500m² water quality retarding basin proposed in Lot A.
- c) Prior to the issue of a Statement of Compliance an updated Plan of Subdivision must be submitted to the satisfaction of the West Gippsland Catchment Management showing the proposed 1500m² water quality retarding basin is contained within a reserve vested in Latrobe City.
- d) Prior to the issue of a Statement of Compliance, a Waterway Management Plan must be developed, to the satisfaction of the West Gippsland Catchment Management Authority. The Waterway Management Plan must provide for a significant improvement in the ecological health of the waterway, and must include a landscape plan for revegetation of the reserve and a maintenance plan detailing the short, medium and long term actions and agencies/developers responsible for each stage.

Telstra

- 30. That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.

Public Open Space Contribution

- 31. Prior to the issue of Statement of Compliance under the *Subdivision Act* 1988, the applicant or owner must pay to the Responsible Authority:
 - a) a sum equivalent to 5% per cent of the site value of all the land in the subdivision; and
 - b) any costs associated with valuation of the land including valuers fees.

Expiry

32. This permit will expire if:
- a) Stage 1 of the plan of subdivision is not certified within 2 years of the date of this permit and each subsequent stage within 2 years of the previous stage; or
 - b) the registration of each stage of the subdivision is not completed within 5 years of certification for the respective stage.

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

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

NOTES

1. In accordance with section 17 of the Subdivision Act, the works required to be undertaken under this permit as part of the subdivision hereby permitted, shall not commence until the Plan of Subdivision has been certified and the engineering plans for the works required have been approved.
2. Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works (as defined by Latrobe City Council's Local Law No. 3). Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or materials/equipment are delivered to the site.
3. All works within 30 metres of a designated waterway require a Works on Waterways permit from the West Gippsland Catchment Management Authority, issued under the Water Act 1989. This includes (but is not limited to) construction of any recreational paths and crossings, construction of any vehicle access over a designated waterway, and installation of any water or sewer main within 30 metres of the designated waterway contained within the waterway reserve . A Works on Waterways permit application must be accompanied by a satisfactory Waterway Management Plan, and detailed construction drawings of the proposed works.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

4. Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100.
5. For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register your Development and Apply for Reticulation.

ALTERNATE MOTION**RECOMMENDATION**

- A. That Council advise VCAT that had a “Failure to Determine within the Prescribed Time” appeal not been lodged, Council would have issued a Notice of Decision to Grant a Planning Permit for the multi-lot staged subdivision of land and removal of native vegetation at 55 Bonds Road (known as Lot 1 TP199318, Lot 1 TP95031 and Lot 1 TP95030) in Yinnar, with the following conditions:

Amended Plans

1. Before the plan of subdivision can be certified, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit and must not be altered without consent of the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted on 4 September 2012 but modified to show:
 - a) The reconstruction of a pedestrian/cycle pathway between Albert Street and Alfred Drive.
 - b) The construction of a pedestrian/cycle pathway between the end of William Crescent and the proposed new road directly to the east of the proposed drainage reserve.
 - c) The construction of a turning bowl at the end of William Crescent within the proposed drainage reserve.
 - d) Provision of vehicle and pedestrian link(s) to Lot A.

- e) The wetlands in the northeast corner of the development as being contained within a reserve to be vested in Latrobe City Council.
 - f) How appropriate vehicle access will be provided for maintenance purposes to all proposed stormwater detention and wetland areas.
 - g) Footpaths for public access to all proposed wetland areas.
 - h) Balance Lots A and B amalgamated to become one balance lot.
 - i) Deletion of the reference to the upgrade of an existing playground in Yinnar.
 - j) Any consequential amendments required to the plans as a result of condition 18.
2. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
 3. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority.

Environment Conditions:

4. Prior to certification, a plan showing revegetation around the proposed wetland area to compensate for the removal of one (1) very large old tree must be provided to the satisfaction of the responsible authority according to the following:
 - 200 plants must be recruited;
 - recruitment must be achieved through plantings to a prescribed standard according to *Revegetation planting standards – Guidelines for establishing native vegetation for net gain accounting* (Department of Sustainability and Environment, 2006);
 - must be initiated no later than 12 months of the tree being removed (seasonal requirements to be considered);

when the large old tree is felled, any hollows must be retained and located within the revegetated area for on-ground habitat enhancement.

This condition may be carried out in conjunction with condition 13.

5. The offset area (wetland) must be permanently protected by fencing, excluding stock and maintained to the satisfaction of the responsible authority. Fencing standards are described in the *Revegetation planting standards* document referred to in Condition 4.
6. Vermin and pests must be controlled in the offset area to the satisfaction of the responsible authority and upon the advice of the Department of Sustainability and Environment.
7. The offset area must be managed so as to ensure that declared noxious weeds and other high threat environmental weeds are controlled to the satisfaction of the responsible authority and upon the advice of the Department of Sustainability and Environment.
8. No firewood, dead vegetation, fallen branches or organic leaf matter may be removed from the offset area identified in the endorsed plan.
9. All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.

Engineering Conditions:

10. Prior to certification, an updated Stormwater Management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the updated plan will then form part of the permit. The plan must be generally in accordance with the Stormwater Management Plan prepared by Water Technology dated 17 April 2012 but amended to address:
 - a) how stormwater is to be conveyed to the legal point of discharge for all storm events up to and including the 1 in 100 year ARI storm event including providing over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from areas upstream of the subject land;

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

- b) mitigation of potential detriment to downstream landholders resulting from increased stormwater volumes or concentrated stormwater discharges;
 - c) details (including on-site detention) to ensure all stormwater discharge from each of the lots on the land is limited to pre-development flows for all storm events up to and including the 1 in 100 year ARI storm event and to ensure there are no adverse affects on flooding either upstream or downstream of any development on the land;
 - d) details regarding treatment of stormwater discharge from the development to achieve the following objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 and designed in accordance with:
 - 80% retention of the typical annual load of suspended solids;
 - 45% retention of the typical annual load of total phosphorous;
 - 45% retention of the typical annual load of nitrogen; and
 - 70% retention of the typical annual load of gross pollutants.
 - e) a detailed maintenance plan and typical costings for all proposed wetland areas and vegetated swales.
11. Prior to certification of the plan of subdivision under the Subdivision Act 1988 for each stage of the development, the operator of this permit shall provide documentary evidence to the satisfaction of the Responsible Authority in support of all proposed new road names shown on the plan. All proposed new road names must comply with the naming principles described in the Department of Sustainability and Environment's *"Guidelines for Geographic Names 2010"*.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

12. Plans submitted for certification under the Subdivision Act 1988 must show to the satisfaction of the Responsible Authority:
 - a) Easements for drainage purposes,
 - b) Any land subject to inundation.
 - c) Reserves created for the purposes of stormwater management, vested in the Responsible Authority,
 - d) Road reserve widths complying with Latrobe City Council's Design Guidelines,
 - e) Splays at cross-road intersections appropriate to allow for the construction of a roundabout at such intersections,
 - f) Splays, a minimum of 3 metres by 3 metres, at all other intersections of the local road network, and
 - g) Street names complying with the requirements of the Department of Sustainability and Environment's "*Guidelines for Geographic Names 2010*".
13. Prior to the commencement of any works associated with each stage of the subdivision, a landscape plan for all public open space areas including streets, parklands, entry features, drainage reserves, and community use areas must be prepared by a person suitably qualified or experienced in landscape design and submitted to the Responsible Authority for its approval. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies and an electronic copy (PDF) must be provided. The landscape plan must be consistent with any landscape master plan already endorsed in respect of the land and must show:
 - a) New plantings including their layout to be provided in any road reserves and municipal reserves. Planting is to include the offsets outlined in Condition 4 of this permit. All species selected must be to the satisfaction of the responsible authority and consistent with the Ecological Vegetation Classes known as Herb-rich Foothill Forest (EVC 23) and Swampy Riparian Woodland (EVC 83).

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

- b) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- c) The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within drainage reserves).
- d) All proposed open space streetscape embellishments (including materials and finishes) such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies.
- e) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls.
- f) Additional supporting information, such as certified structural designs or building forms.
- g) Vehicle access points for maintenance purposes.
- h) Mechanisms/structures for the exclusion of vehicles from landscaped areas.
- i) The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
- j) Design and construction layouts for equipment in playground areas, where applicable.
- k) All proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.
- l) Location of public lighting.
- m) Details of all common boundary fencing within Council reserves.
- n) Details of measures to be undertaken to provide security to the properties located on William Crescent that will back onto the open space reserve.

14. Prior to the commencement of any road, drainage or landscaping construction works associated with each stage of the subdivision, a Site Management Plan shall be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit. The Site Management Plan must include:
- a) Traffic management measures - the plan must detail measures proposed to protect and maintain vehicle use of the existing road system and pedestrians using existing footpaths adjacent to the development, how site access will be obtained, how construction vehicles will access and egress the site and the management of public access to the site. The plan must include details of all signage on adjacent roads.
 - b) Construction management measures - the plan must outline how issues such as deliveries, noise, mud on roads, and dust generation will be managed onsite during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
 - c) An environmental management plan for the works detailing techniques for erosion prevention, temporary drainage and sediment control measures during the construction of the works and post construction. Reference should be made to the Environment Protection Authority's publication 960 '*Doing it right on subdivisions*'.
 - d) Cultural protection issues – the plan must demonstrate how the recommendations of any Cultural Heritage Management Plan applying to the land are to be carried out.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

15. **Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.**
16. **Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.**
17. **Unless otherwise required in this permit, all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, shall be maintained by the operator of this permit for a period of three months from the date of practical completion of the works. Maintenance of the works shall include all inspections required in accordance with Latrobe City Council's Road Management Plan. At the end of this maintenance period, a Defects Liability Period of nine months shall then apply to the works at the end of which time Final Completion of the works will be issued.**
18. **Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must construct road works, drainage and other civil works to the satisfaction of the Responsible Authority, in accordance with engineering plans and specifications approved by the Responsible Authority and must include:**
 - a) **Design and construction of all new roads in accordance with Latrobe City Council's Design Guidelines including connections to existing roads. The new north-south road adjacent to the waterway and the new east-west road north of Bonds Road shall be designed and constructed as Major Access Streets with a 7.0 metre carriageway, kerb and channel along both sides.**

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

The proposed extensions of Hammond Street, Berquez Street and Nardino Drive and the proposed cul-de-sacs, shall be designed and constructed as Major Access Streets with a 7.0 metre carriageway, kerb and channel along both sides.

- b) Design and construction of Bonds Road in accordance with Latrobe City Council's Design Guidelines including connections to existing roads. Bonds Road shall be constructed from William Crescent to the eastern boundary of the development, as a Major Access Street with a 7.0 metre carriageway, kerb and channel and naturestrip along the north side and a 0.5 metre wide shoulder along the south side.
- c) Design and construction of the proposed north-south road adjacent to the lots numbered 16 and 27 in accordance with Latrobe City Council's Design Guidelines as a Minor Access Street. This road shall be constructed with a 7.0 metre carriageway, kerb and channel along both sides and a 4.0 metre wide verge along the west side.
- d) The construction of a turning bowl at the end of William Crescent within the proposed drainage reserve to Council's specifications.
- e) Construction of a local widening of Yinnar Road is required on the west side to provide for a "BAR type" right turning lane and widening on the east side to provide for a "BAL type" left turning lane at the intersection with Bonds Road. The turning lanes must be provided in accordance with the Austroads "Guide to Road Design.
- f) Temporary vehicle turnarounds at the ends of streets to be continued in future stages or future developments, including a low maintenance sealed surface. Turning areas must be a minimum of 20 metres in diameter.
- g) Concrete footpaths along both sides of all proposed streets, unless otherwise required and shared pedestrian/bicycle paths through all reserves to be provided in accordance with Latrobe City Council's Design Guidelines and the endorsed plans.
- h) Construction of a 1.5 metre wide footpath along the north side of Bonds Road between William

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Crescent and the eastern boundary of the proposed development, between Albert Street and Alfred Drive and along the western side of the proposed north/south road adjacent to the lots numbered 16 and 27.

- i) The removal of the existing concrete turn around areas in the nature strips at the end of Hammond Street and the east side of Nardino Drive and reinstatement with topsoil and grass.
- j) Underground piped drainage to each lot and provision of over-land surcharge routes and cut-off drains. The stormwater drainage system must be designed to take the 1 in 5 year ARI storm event, to meet the current best practice performance objectives for stormwater quality as contained in the "Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999" as amended and to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. The stormwater drainage system may include water sensitive urban design features. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. Drainage plans must include hydraulic computations for all new drainage works.
- k) Provisions shall be made for stormwater from all storm events greater than the 1 in 5 year event and up to and including the 1 in 100 year ARI storm event including:
 - I. Provision of over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from both within the development and from areas upstream of the development.
 - II. All new and existing lots should be free from inundation.
 - III. All streets, footpaths and cycle paths that are subject to flooding must meet the safety criteria $d_a v_{ave} < 0.35 \text{ m}^2/\text{s}$ (where d_a = average depth in metres and v_{ave} = average velocity in metres per second).

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

l) Construction of wetland/stormwater detention areas and grassed swales generally as proposed in the approved stormwater management plan. The wetlands and grassed swales shall be designed to achieve the following objectives for environmental quality as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999:

- 80% retention of the typical annual load of suspended solids;**
- 45% retention of the typical annual load of total phosphorus;**
- 45% retention of the typical annual load of total nitrogen; and**
- 70% retention of the typical annual load of gross pollutants.**

The proposed wetlands/stormwater detention area must be constructed to ensure that the bed of the internal edges of any water body are graded to achieve a maximum water depth of 0.2m for a minimum distance of 3 metres in from the water's normal edge before becoming steeper or achieve the alternatives specified in "WSUD Engineering Procedures: Stormwater (Melbourne Water 2005), Clause 10.3.2.3 Cross sections" or equivalent standards applicable at the time to the satisfaction of the Responsible Authority.

Proposed wetlands/stormwater detention areas, reserves and surrounds shall be cleared of all noxious weeds, graded, filled and compacted with approved material free of rock, stone and other contamination, landscaped, shaped and formed as necessary, scarified, top dressed with a minimum 100 mm depth of approved topsoil and sown with approved turf mixture of perennial rye and bents at a rate of 300 kg per hectare to ensure the land is free draining and able to be mown by a rotary mower to the satisfaction of the Responsible Authority.

m) Construction of a vehicle access way providing access to all wetlands/stormwater detention areas, to a standard that complies with Latrobe City Council's standard drawing LCC 304 including:

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

- A sealed surface width of 3.5 metres and a pavement width of 4.5 metres,
 - the pavement material must be placed on an approved subgrade material,
 - side drains must be formed and graded to a suitable outfall, and
 - all culverts along the access driveway shall be provided with headwalls in accordance with Latrobe City Council's standard drawing LCC 212.
- n) Appropriate intersection treatments and traffic calming measures in accordance with Latrobe City Council's Design Guidelines and Austroads' Guide to Traffic Management.
- o) The provision of roundabouts at all cross intersections. Roundabouts must be designed in accordance with Austroads "Guide to Road Design".
- p) Street lighting along all new roads and all new shared paths and upgraded street lighting at the locations of proposed intersection works external to the development, in accordance with Australian Standard AS1158.
- q) If approved, filling on the land must be carried out utilising fill material and compaction in accordance with the relevant Australian Standards and must be certified and supervised by a Level 1 NATA registered geotechnical engineer.
- r) All traffic signage, street name signage and road pavement line marking.
- s) Approved fencing along all allotment boundaries abutting reserves.
- t) High stability permanent survey marks at locations in accordance with Latrobe City Council's Design Guidelines, levelled to the Australian Height Datum and coordinated to the Map Grid of Australia (MGA94).

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

19. Prior to the issue of Statement of Compliance for each stage or by such later date as is approved by the Responsible Authority in writing, the landscape works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. All areas to be landscaped, including open space, must:
 - a) Have bulk earthworks completed (where required) to ensure reserves are fit for intended purpose;
 - b) Be cleared of all rubbish and environmental weeds, top soiled and grassed;
 - c) All landscape planting works completed including drought resistant trees and other planting;
 - d) Have shared paths and footpaths as shown on endorsed plans;
 - e) Public lighting provided along paths, signage, fencing and street furniture installed;
 - f) Maintenance vehicle access points provided.
20. Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must pay to Latrobe City Council:
 - a) For all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an engineering plan checking fee of an amount equivalent to 0.75% of the estimated cost of constructing the works proposed on the engineering plans,
 - b) For all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, an amount equivalent to 2.5% of the estimated cost of constructing the works which are subject to supervision, and
 - c) The sum of \$175 per 20 metres of street length or per lot frontage (whichever provides for the greater number of street trees), for the provision of street trees along all streets where trees are not planted by the operator of this permit.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

21. **Before a Statement of Compliance is issued for any stage of this subdivision under the Subdivision Act 1988, the operator of this permit must provide to the satisfaction of the Responsible Authority:**
 - a) **A certified plan showing the extent and depth of fill in excess of 300 mm placed on all land within or abutting the subdivision.**
 - b) **Final as-built plans for all works to become the responsibility of Latrobe City Council at the expiry of the maintenance period, in an electronic format complying with A-Spec requirements.**
 - c) **Written records of all inspections undertaken during the maintenance period for the works, in accordance with the requirements of Latrobe City Council's Road Management Plan, any defects identified during those inspections and the date and time of rectification of the defects.**

22. **The operator of this permit must maintain to the satisfaction of the responsible authority, all water sensitive urban design (WSUD) devices constructed under this permit for a period of two (2) years. The maintenance period shall commence on the date the construction of the WSUD devices is certified by the Responsible Authority as practically complete. The maintenance of water sensitive urban design (WSUD) devices constructed under this permit must include full routine maintenance works including monthly, quarterly and annual inspections, weed removal, sediment clean out, litter management and remedial works as prescribed in the approved WSUD maintenance plan. The operator of this permit must provide copies to the Responsible Authority within three (3) calendar months of each inspection, of all maintenance inspection forms completed for each inspection, any defects identified and the date and time rectification works were completed. Any defects occurring during the maintenance period shall be rectified by the operator of this permit to the satisfaction of the Responsible Authority.**

23. The operator of this permit must maintain to the satisfaction of the responsible authority, all landscaping (except for grass in nature strips along streets) constructed under this permit for a period of two (2) years. The maintenance period shall commence on the date the landscaping is certified by the Responsible Authority as practically complete. Any defects occurring during the maintenance period shall be repaired by the operator of this permit to the satisfaction of the responsible authority. During this period, any dead, diseased or damaged plants are to be replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.
24. Before a Statement of Compliance is issued for this subdivision under the Subdivision Act 1988, the maintenance period for all works to become the responsibility of Latrobe City Council, must be completed to the satisfaction of the Responsible Authority unless an arrangement to secure compliance with this condition has been agreed to in writing by the Responsible Authority under Section 21(1)(b)(ii) of the Subdivision Act 1988.
25. The provision of entrance features to the development such as estate signage shall not be located within any road or public open space reserve unless with the written agreement of the Responsible Authority.
26. The subdivision may be completed in stages. Each stage must be to the satisfaction of the Responsible Authority. The stages may include or require drainage or other works outside the physical bounds of any lots in any stage.

Gippsland Water Conditions:

27. The operator of this permit must meet the requirements of Gippsland Water in that, prior to the issues of Certification/Statement of Compliance, they:
 - a) Pay to Gippsland Water contributions for Headwork charges and Outfall/Disposal charges for the change in development of the land. These charges are based on Gippsland Water's current rates and reflect the additional loading placed on the water and sewerage reticulation systems by this development.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

- b) Ensure that the owner of the land enters into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of water supply and sewerage services to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.**
- c) The developer must submit design plans for all water and sewerage infrastructure required for the development to Gippsland Water's satisfaction, prior to Gippsland Water considering certification of any plan of subdivision.**
- d) Install separate water services and sewage disposal connections for all lots to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.**
- e) The existing 20mm water service will need to be capped at the main. The existing meter 06AK001573 must be returned to Gippsland Water for a final read.**
- f) Provide water and wastewater services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.**
- g) Create easements for Pipeline or Ancillary Purposes in favour of the Central Gippsland Region Water Corporation over all existing sewerage works located within the subdivision.**
- h) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.**
- i) Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.**

SPI Electricity Conditions

28. The operator of this permit must meet the requirements of SPI Electricity Pty Ltd in that, prior to the issues of Certification/Statement of Compliance, they:
- a) The plan of subdivision submitted for certification must be referred to SPI Electricity Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
 - b) Enter into an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - c) Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
 - d) Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.
 - e) Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of 'Power Line' in the favour of "Electricity Corporation" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - f) Obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.
 - g) Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
 - h) Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

- i) Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- j) Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- k) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd.
- l) Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.

**West Gippsland Catchment Management Authority
Conditions**

29. The operator of this permit must meet the requirements of West Gippsland Catchment Management Authority (WGCMA) in that, prior to the issues of Certification/Statement of Compliance, they:
- a) Prior to the issue of a Statement of Compliance an updated Stormwater Management plan must be provided, to the satisfaction of the West Gippsland Catchment Management Authority. The updated Stormwater Management Plan must detail the results of the "MUSIC" modelling to Best Practice Environmental Management standards and include a management plan for all proposed water quality infrastructure within the Open Space reserve identified along the western boundary.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

- b) Prior to the issue of a Statement of Compliance, a Waterway Management Plan must be developed, to the satisfaction of the West Gippsland Catchment Management Authority. The Stormwater Management Plan must detail the results of the MUSIC modelling and include a management plan for the proposed 1500m² water quality retarding basin proposed in Lot A.
- c) Prior to the issue of a Statement of Compliance an updated Plan of Subdivision must be submitted to the satisfaction of the West Gippsland Catchment Management showing the proposed 1500m² water quality retarding basin is contained within a reserve vested in Latrobe City.
- d) Prior to the issue of a Statement of Compliance, a Waterway Management Plan must be developed, to the satisfaction of the West Gippsland Catchment Management Authority. The Waterway Management Plan must provide for a significant improvement in the ecological health of the waterway, and must include a landscape plan for revegetation of the reserve and a maintenance plan detailing the short, medium and long term actions and agencies/developers responsible for each stage.

Telstra

30. That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.

Public Open Space Contribution

31. Prior to the issue of Statement of Compliance under the *Subdivision Act* 1988, the applicant or owner must pay to the Responsible Authority:
- a) a sum equivalent to 5% per cent of the site value of all the land in the subdivision; and
 - b) any costs associated with valuation of the land including valuers fees.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)****Expiry**

32. This permit will expire if:
- a) Stage 1 of the plan of subdivision is not certified within 2 years of the date of this permit and each subsequent stage within 2 years of the previous stage; or
 - b) the registration of each stage of the subdivision is not completed within 5 years of certification for the respective stage.

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

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

NOTES

1. In accordance with section 17 of the Subdivision Act, the works required to be undertaken under this permit as part of the subdivision hereby permitted, shall not commence until the Plan of Subdivision has been certified and the engineering plans for the works required have been approved.
2. Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works (as defined by Latrobe City Council's Local Law No. 3). Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or materials/equipment are delivered to the site.
3. All works within 30 metres of a designated waterway require a Works on Waterways permit from the West Gippsland Catchment Management Authority, issued under the Water Act 1989. This includes (but is not limited to) construction of any recreational paths and crossings, construction of any vehicle access over a designated waterway, and installation of any water or sewer main within 30 metres of the designated waterway contained within the waterway reserve . A Works on Waterways permit application must be accompanied by a satisfactory Waterway Management Plan, and detailed construction

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

drawings of the proposed works.

4. Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100.
5. For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register your Development and Apply for Reticulation.

Moved: Cr White
Seconded: Cr Middlemiss

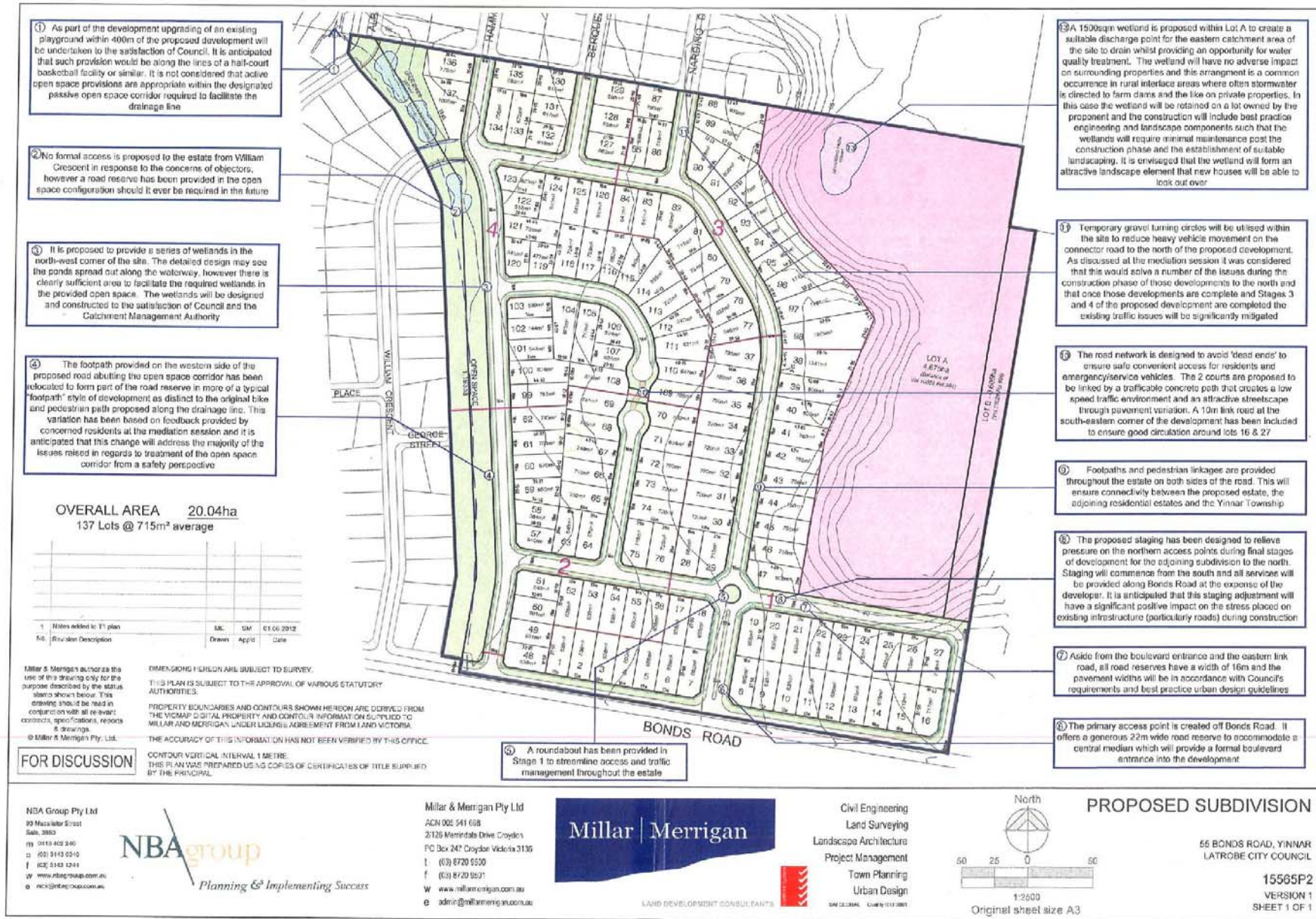
That the Motion be adopted.

CARRIED UNANIMOUSLY

16.2

Planning Permit Application 2011/287 - Multi-Lot Staged Subdivision And Native Vegetation Removal - 55 Bonds Road, Yinnar

- 1 **Proposed Subdivision Plan**Error! Bookmark not defined.
- 2 **Site Plan**Error! Bookmark not defined.
- 3 **Application History**.....Error! Bookmark not defined.
- 4 **Planning Scheme Framework**.....Error! Bookmark not defined.
- 5 **Description & Design Response**Error! Bookmark not defined.
- 6 **Transport Impact Assessment**Error! Bookmark not defined.
- 7 **Stormwater Management Plan**.....Error! Bookmark not defined.
- 8 **Tree Assessment**.....Error! Bookmark not defined.
- 9 **Zoning Site Plan**.....Error! Bookmark not defined.



① As part of the development upgrading of an existing playground within 400m of the proposed development will be undertaken to the satisfaction of Council. It is anticipated that such provision would be along the lines of a half-court basketball facility or similar. It is not considered that active open space provisions are appropriate within the designated passive open space corridor required to facilitate the drainage line.

② No formal access is proposed to the estate from William Crescent in response to the concerns of objectors, however a road reserve has been provided in the open space configuration should it ever be required in the future.

③ It is proposed to provide a series of wetlands in the north-west corner of the site. The detailed design may see the ponds spread out along the waterway, however there is clearly sufficient area to facilitate the required wetlands in the provided open space. The wetlands will be designed and constructed to the satisfaction of Council and the Catchment Management Authority.

④ The footpath provided on the western side of the proposed road abutting the open space corridor has been relocated to form part of the road reserve in more of a typical 'footpath' style of development as distinct to the original bike and pedestrian path proposed along the drainage line. This variation has been based on feedback provided by concerned residents at the mediation session and it is anticipated that this change will address the majority of the issues raised in regards to treatment of the open space corridor from a safety perspective.

OVERALL AREA 20.04ha
137 Lots @ 715m² average

| No. | Revision Description | ML | SM | 01.06.2012 | Date |
|-----|-------------------------------------|----|----|------------|------|
| 1 | Notes added to 1 st plan | | | | |

Miller & Merrigan authorize the use of this drawing only for the purpose described by the status shown below. This drawing should be read in conjunction with all relevant contracts, specifications, reports & drawings.
© Miller & Merrigan Pty. Ltd.

DIMENSIONS FURTHER AND SUBJECT TO SURVEY.
THIS PLAN IS SUBJECT TO THE APPROVAL OF VARIOUS STATUTORY AUTHORITIES.
PROPERTY BOUNDARIES AND CONTOURS SHOWN HEREON ARE DERIVED FROM THE VICMAP DIGITAL PROPERTY AND CONTOUR INFORMATION SUPPLIED TO MILLAR AND MERRIGAN UNDER LICENSE AGREEMENT FROM LAND VICTORIA.
THE ACCURACY OF THIS INFORMATION HAS NOT BEEN VERIFIED BY THIS OFFICE.
CONTOUR VERTICAL INTERVAL 1 METRE.
THIS PLAN WAS PREPARED USING COPIES OF CERTIFICATES OF TITLE SUPPLIED BY THE PRINCIPAL.

FOR DISCUSSION

⑤ A roundabout has been provided in Stage 1 to streamline access and traffic management throughout the estate.

⑬ A 1500sqm wetland is proposed within Lot A to create a suitable discharge point for the eastern catchment area of the site to drain whilst providing an opportunity for water quality treatment. The wetland will have no adverse impact on surrounding properties and this arrangement is a common occurrence in rural interface areas where often stormwater is directed to farm dams and the like on private properties. In this case the wetland will be retained on a lot owned by the proponent and the construction will include best practice engineering and landscape components such that the wetlands will require minimal maintenance post the construction phase and the establishment of suitable landscaping. It is envisaged that the wetland will form an attractive landscape element that new houses will be able to look out over.

⑭ Temporary gravel turning circles will be utilised within the site to reduce heavy vehicle movement on the connector road to the north of the proposed development. As discussed at the mediation session it was considered that this would solve a number of the issues during the construction phase of those developments to the north and that once those developments are complete and Stages 3 and 4 of the proposed development are completed the existing traffic issues will be significantly mitigated.

⑮ The road network is designed to avoid 'dead ends' to ensure safe convenient access for residents and emergency/service vehicles. The 2 courts are proposed to be linked by a trafficable concrete path that creates a low speed traffic environment and an attractive streetscape through pavement variation. A 10m link road at the south-eastern corner of the development has been included to ensure good circulation around lots 16 & 27.

⑯ Footpaths and pedestrian linkages are provided throughout the estate on both sides of the road. This will ensure connectivity between the proposed estate, the adjoining residential estates and the Yinnar Township.

⑰ The proposed staging has been designed to relieve pressure on the northern access points during final stages of development for the adjoining subdivision to the north. Staging will commence from the south and all services will be provided along Bonds Road at the expense of the developer. It is anticipated that this staging adjustment will have a significant positive impact on the stress placed on existing infrastructure (particularly roads) during construction.

⑱ Aside from the boulevard entrance and the eastern link road, all road reserves have a width of 16m and the pavement widths will be in accordance with Council's requirements and best practice urban design guidelines.

⑲ The primary access point is created off Bonds Road. It offers a generous 22m wide road reserve to accommodate a central median which will provide a formal boulevard entrance into the development.

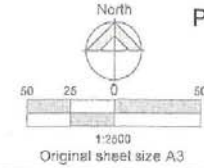
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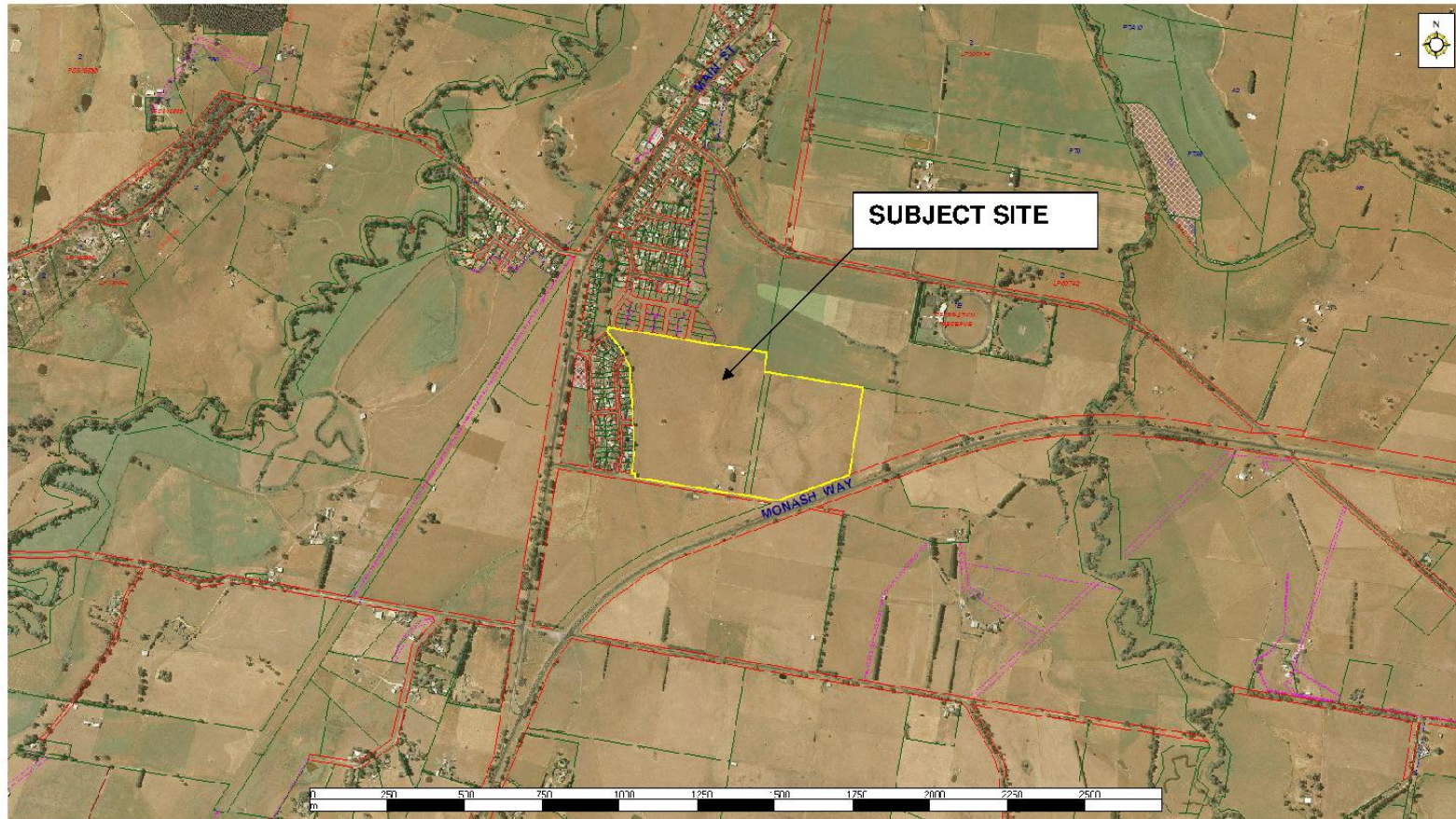


Civil Engineering
Land Surveying
Landscape Architecture
Project Management
Town Planning
Urban Design



PROPOSED SUBDIVISION

55 BONDS ROAD, YINNAR
LATROBE CITY COUNCIL
15565P2
VERSION 1
SHEET 1 OF 1



History of Application

| | |
|------------------|---|
| 19 August 2011 | Planning Permit application received by Council. |
| 7 September 2011 | A letter was sent to the applicant advising of concerns regarding the layout of the proposed subdivision. |
| 28 November 2011 | Amended plans (Version 4) were submitted by the applicant showing an amended subdivision layout. |
| 8 December 2011 | A letter was sent to the applicant advising insufficient information had been submitted and further information regarding the proposed public open space reserve was still required. |
| 21 December 2011 | A plan showing the proposed landscaping treatment of public open space was submitted by the applicant. |
| 5 September 2011 | Application advertised and referred to Gippsland Water, Telstra, SP Ausnet, GasNet, APA, CFA, Department of Primary Industries, Public Transport Victoria, SPI PowerNet and West Gippsland CMA. Application referred internally to Infrastructure Planning and Environmental Planning, and for information only to Rates and Health. |
| 1 February 2012 | Completed statutory declaration returned by the applicant. |
| 23 February 2012 | Letter send to applicant and the 15 objectors to the application advising of a planning mediation meeting. |
| 22 March 2012 | Planning Mediation Meeting held at Yinnar Recreation Hall. |
| 2 April 2012 | Revised plan of subdivision (Version 7) lodged by applicant in response to issues raised in mediation meeting |
| 20 April 2012 | Amended plan re-referred to external authorities and internal departments. |
| 24 April 2012 | Stormwater Management Plan emailed to Council by applicant |
| 17 May 2012 | Request from Infrastructure Planning for amended plans |
| 23 May 2012 | Applicant advised to submit amended plan in response to Infrastructure Planning's concerns |
| 21 June 2012 | Amended plan submitted by the applicant |
| 25 June 2012 | Amended plan sent to all objectors to the application for further comment |
| July 2012 | Three submissions from objectors received commenting on amended plans |
| September 2012 | Revised plan of subdivision showing Lot C submitted by the applicant. |
| 22 January 2013 | Information session held to inform the applicant and residents of Council officers' recommendations |

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02 Urban Growth
Clause 11.02-2 Planning for Growth Areas
Clause 11.03-1 Open Space Planning
Clause 11.05 Regional Development
Clause 11.05-4 Regional Planning Strategies and Principles
Clause 12.01 Biodiversity
Clause 12.01-2 Native Vegetation Management
Clause 15.01-3 Neighbourhood and Subdivision Design
Clause 18 Transport
Clause 19.03-2 Water Supply, Sewerage and Drainage
Clause 19.03-3 Stormwater
Clause 19.03-4 Telecommunications

Local Planning Policy Framework

Clause 21.01 Municipal Profile
Clause 21.02 Municipal Vision
Clause 21.03 Natural Environment Sustainability
Clause 21.04 Built Environment Sustainability
Clause 21.06 Small Towns
Clause 21.08 Liveability

Zoning – Residential 1 Zone

The subject land is located within a Residential 1 Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision
Clause 56 Residential Subdivision

General Provisions

Clause 65 Decision Guidelines

Incorporated Documents

There are no incorporated documents that relate to the consideration of this application.

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| CLAUSE/STANDARDS | | OBJECTIVES | STANDARDS | LATROBE CITY COUNCIL OFFICER COMMENTS |
|---------------------|--|--|--|---|
| Clause 56.01 | | SITE CONTEXT DESCRIPTION & DESIGN RESPONSE | | |
| | Site and context description & design response | | Provision of details as listed in clause | Objective Met The proposal adequately addresses the requirements in regards to detailing the features of the site and surrounds. |
| Clause 56.02 | | POLICY IMPLEMENTATION | | |
| C1 | Strategic implementation objective | 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. | 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. | Objective Met The application has been considered against the relevant policies within the State and Local Planning Policy Framework sections of the Latrobe Planning Scheme. |
| Clause 56.03 | | LIVABLE AND SUSTAINABLE COMMUNITIES | | |
| C2 | Compact and Walkable neighbourhoods objective | <ul style="list-style-type: none"> To create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport. To allow easy | <p>A subdivision should implement any relevant growth area or any approved land-use and development strategy, plan or policy for the area set out in this scheme.</p> <p>An application for subdivision must include a plan of the layout of the subdivision that:</p> <ul style="list-style-type: none"> Meets the objectives (if relevant to the class of subdivision specified in | Objective Met The applicant has provided a plan showing the subject site in regard to the Yinnar township. Given the entire township boundary is contained within an 850 metre radius, and the majority of community and commercial facilities are in the centre of the township area, the proposed lots to be created will be within a 1 kilometre radius of the |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | <p>movement through and between neighbourhoods for all people.</p> | <p>the zone) of:</p> <ol style="list-style-type: none"> 1. Clause 56.03-2 Activity centres 2. Clause 56.03-3 Planning for community facilities 3. Clause 56.04-1 Lot diversity and distribution 4. Clause 56.06-2 Walking and cycling network 5. Clause 56.06-3 Public transport network 6. Clause 56.06-4 Neighbourhood street network <ul style="list-style-type: none"> • Shows the 400 metre street walking distance around each existing or proposed bus stop, 600 metres street walking distance around each existing or proposed tram stop and 800 metres street walking distance around each existing or proposed railway station and shows the estimated number of dwellings within those distances. • Shows the layout of the subdivision in relation to the surrounding area. • Is designed to be accessible for people with disabilities. | <p>primary commercial area of Yinnar. There are adequate pedestrian and vehicle connections to ensure that these areas are reasonably easily accessible from the farthest point of the lots to be created.</p> <p>The public infrastructure (being footpaths, etc) will be required to be constructed in accordance with the relevant Australian Standards and designed to accommodate persons with restricted mobility.</p> |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| <p>C3</p> | <p>Activity Centre objective</p> | <p>To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location.</p> | <p>A subdivision should implement any relevant activity centre strategy, plan or policy for the area set out in this scheme. Subdivision should be supported by activity centres that are:</p> <ul style="list-style-type: none"> • Accessible by neighbourhood and regional walking and cycling networks. • Served by public transport that is connected to the regional public transport network. • Located at public transport interchange points for the convenience of passengers and easy connections between public transport services. • Located on arterial roads or connector streets. • Of appropriate size to accommodate a mix of uses that meet local community needs. • Oriented to support active street frontages, support street-based community interaction and pedestrian safety. | <p>Objective Met A connected road network will ensure that access to the small town centre is easily available.</p> |
| <p>C4</p> | <p>Planning for Community facilities objective</p> | <p>To provide appropriately located sites for community facilities including schools,</p> | <p>A subdivision should:</p> <ul style="list-style-type: none"> • Implement any relevant regional and local community facility strategy, plan or policy for the area | <p>Objective Met There are no adopted or draft structure plans or specific aims relating to the township of Yinnar.</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| | | | | |
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| | | <p>libraries, preschools and childcare, health services, police and fire stations, recreation and sports facilities.</p> | <p>set out in this scheme.</p> <ul style="list-style-type: none"> • Locate community facilities on sites that are in or near activity centres and public transport. <p>School sites should:</p> <ul style="list-style-type: none"> • Be integrated with the neighbourhood and located near activity centres. • Be located on walking and cycling networks. • Have a bus stop located along the school site boundary. • Have student drop-off zones, bus parking and on-street parking in addition to other street functions in abutting streets. • Adjoin the public open space network and community sporting and other recreation facilities. • Be integrated with community facilities. • Be located on land that is not affected by physical, environmental or other constraints. <p>Schools should be accessible by the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne. Primary schools should be located on connector streets and not on arterial</p> | <p>The town currently has kindergarten facilities and a primary school and a small number of other community facilities, including a fire shed, some small passive parkland and a recreation reserve (located approximately 700 metres east of the town boundary).</p> <p>There is no policy basis to require that additional land is set aside for community purposes, other than for required open space based on the likely increase in population if this subdivision is to proceed.</p> |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | roads. New State Government school sites must meet the requirements of the Department of Education and Training and abut at least two streets with sufficient widths to provide student drop-off zones, bus parking and on-street parking in addition to other street functions. | |
| C5 | Built Environment objective | To create urban places with identity and character. | <p>The built environment should:</p> <ul style="list-style-type: none"> • Implement any relevant urban design strategy, plan or policy for the area set out in this scheme. • Provide living and working environments that are functional, safe and attractive. • Provide an integrated layout, built form and urban landscape. • Contribute to a sense of place and cultural identity. <p>An application should describe the identity and character to be achieved and the elements that contribute to that identity and character.</p> | <p>Objective Met</p> <p>It is considered that if this subdivision is to proceed, there are a number of aspects which will contribute positively to the character of the area. The design of the subdivision will ensure the creation of a safe, functional and attractive residential estate which will provide a well integrated built environment, natural landscape and public realm. The proposal includes a primary access point with a formal boulevard-style entry, varied allotment sizes and public open space. The proposal has incorporated Council's <i>Healthy Urban Design Good Practice Guideline – Meeting Healthy by Design Objectives</i> found at Clause 21.08 of the Scheme.</p> |
| C6 | Neighbourhood character | To design subdivisions that respond to | <p>Subdivision should:</p> <ul style="list-style-type: none"> • Respect the existing | <p>Not applicable</p> <p>Clause 32.01-2 states that for a</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| | | | | |
|---------------------|---|--|---|---|
| | objective | neighbourhood character. | <p>neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <ul style="list-style-type: none"> • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. | <p>subdivision of greater than 60 lots, Clause 56.03-5 (Standard C6) is not required to be met.</p> <p>Despite this, there are aspects of the character of Yinnar which require clarification as to how the proposal is consistent. This is particularly in regard to the likely provision of court bowls within the site and the road connectivity between this site and the adjoining estates. In terms of lot density, the proposal is consistent with the majority of residential lots within the town.</p> <p>The existing tree on the site is proposed to be removed due to poor health, with replacement planting proposed particularly in the public open space area.</p> |
| Clause 56.04 | | LOT DESIGN | | |
| C7 | Lot Diversity and distribution objectives | To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services. To provide higher housing densities within walking distance of | A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme. 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. A range and mix of lot sizes should be | <p>Objective Met</p> <p>There are no relevant housing strategies or design guidelines adopted by Council and incorporated in the Scheme (outside of Clause 56 and the Healthy By Design principles of Clause 21.08).</p> <p>There are a range of lot sizes and</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| | | | | |
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| | | <p>activity centres. To achieve increased housing densities in designated growth areas.</p> <p>To provide a range of lot sizes to suit a variety of dwelling and household types.</p> | <p>provided including lots suitable for the development of:</p> <ul style="list-style-type: none"> • Single dwellings. • Two dwellings or more. • Higher density housing. • Residential buildings and Retirement villages. <p>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.</p> <p>Lots of 300 square metres or less in area, lots suitable for the 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.</p> | <p>orientations proposed to provide variety in terms of future housing stock. The lot sizes within this subdivision range from 510 square metres to 1605 square metres (not including Lot 'A' or 'B').</p> <p>This will ensure that any future housing stock is of a varied density. There are no lots proposed to be created which are below 300 square metres.</p> |
| C8 | Lot area and building envelopes objective | To provide lots with areas and dimensions that enable the appropriate siting and | An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows: | <p>Objective Met</p> <p>There are no lots to be created which are less than 300 square metres in total size.</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| | | | | |
|--|--|---|--|--|
| | | <p>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.</p> | <ul style="list-style-type: none"> • That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or • That a dwelling may be constructed on each lot in accordance with the requirements of this scheme. <p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> • Contain a building envelope that is consistent with a development of the lot approved under this scheme, or • If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope. <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p> <p>Lots greater than 500 square metres should be able to contain a rectangle</p> | <p>The remainder of lots are of sufficient size to be able to accommodate residential dwellings with sufficient internal amenity and appropriate orientation. The lots are all capable of accommodating the stated building envelope requirements to a standard satisfactory to Council.</p> |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| | | | | |
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| | | | <p>measuring 10 metres by 15 metres, and may contain a building envelope. A building envelope may specify or incorporate any relevant siting and design requirement.</p> <p>Any requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none"> • The objectives of the relevant standards are met, and • 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. <p>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:</p> <ul style="list-style-type: none"> • The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and • 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. | |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| | | | | |
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| | | | <p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> • Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. • Existing or proposed easements on lots. • Significant vegetation and site features. | |
| <p>C9</p> | <p>Solar orientation if lots objective</p> | <p>To provide good solar orientation of lots and solar access for future dwellings.</p> | <p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> • The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. • Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. • Dimensions of lots are adequate to protect solar access to the lot, | <p>Objective Met Each of the lots to be created has been designed to ensure both flexibility in dwelling design and that each will have adequate solar orientation. It is considered that the objective of this clause is met.</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| | | | | |
|------------|------------------------------|--|---|---|
| | | | taking into account likely dwelling size and the relationship of each lot to the street. | |
| C10 | Street orientation objective | To provide a lot layout that contributes to community social interaction, personal safety and property security. | <p>Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> • Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads. • Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space. • Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries. • Providing roads and streets along public open space boundaries. | <p>Objective Met</p> <p>The majority of lots will have appropriate street orientation.</p> <p>The site is constrained by the waterway which is within the subject site and along the western site boundary. This will result in the rear property fences of the existing lots addressing William Crescent adjoining the proposed open space areas. It is recognised that this portion of the site is constrained from development by the requirements of the West Gippsland Catchment Management Authority.</p> <p>It is therefore proposed that the existing lots on William Crescent will have an outlook to landscaped linear parkland. The proposed pathway has been located away from the fenceline of these properties and would run parallel to the road reserve on the eastern side of the public open space reserve.</p> <p>Lots 138 and 139 would back onto the reserve. The applicant has suggested</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | | that low or transparent fencing along the rear of these lots could be appropriate and would provide for surveillance of the reserve from these lots. |
| C11 | Common area objectives | To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network. | An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: <ul style="list-style-type: none"> • The common area to be owned by the body corporate, including any streets and open space. • The reasons why the area should be commonly held. • Lots participating in the body corporate. • The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. | Objective Met There are no proposed common areas within the subdivision. |
| Clause 56.05 | | URBAN LANDSCAPE | | |
| C12 | Integrated urban landscape objectives | To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods | An application for subdivision that creates streets or public open space should be accompanied by a landscape design. The landscape design should: <ul style="list-style-type: none"> ➤ Implement any relevant streetscape, landscape, urban design or native | Objective can be Met Given the detailed design measures likely to be required around the waterway and within the subdivision, it is considered acceptable for a condition requiring a landscaping design to be included as part of any approval issued. |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| | | | | |
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| | | <p>and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</p> <p>To provide for integrated water management systems and contribute to drinking water conservation.</p> | <p>vegetation precinct plan, strategy or policy for the area set out in this scheme.</p> <ul style="list-style-type: none"> ➤ Create attractive landscapes that visually emphasise streets and public open spaces. ➤ Respond to the site and context description for the site and surrounding area. ➤ Maintain significant vegetation where possible within an urban context. ➤ Take account of the physical features of the land including landform, soil and climate. ➤ Protect and enhance any significant natural and cultural features. ➤ Protect and link areas of significant local habitat where appropriate. ➤ 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. ➤ Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment. ➤ Ensure landscaping supports | |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | <p>surveillance and provides shade in streets, parks and public open space.</p> <ul style="list-style-type: none"> ➤ Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas. ➤ Provide for walking and cycling networks that link with community facilities. ➤ Provide appropriate pathways, signage, fencing, public lighting and street furniture. ➤ Create low maintenance, durable landscapes that are capable of a long life. <p>The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.</p> | |
| <p>C13</p> | <p>Public open space provision objectives</p> | <p>To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to</p> | <p>The provision of public open space should:</p> <ul style="list-style-type: none"> ➤ Implement any relevant objective, policy, strategy or plan (including any growth area precinct structure plan) for open space set out in this scheme. ➤ Provide a network of well-distributed neighbourhood public open space that | <p>Objective Met There is no Council adopted or draft open space strategy.</p> <p>Public open space would be provided along the western boundary and would incorporate the existing waterway as a vegetated swale and ponding. A further contribution of 5% of the value of the</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| | | | | |
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| | | <p>regional open space.</p> <p>To provide a network of public open space that caters for a broad range of users.</p> <p>To encourage healthy and active communities.</p> <p>To provide adequate unencumbered land for public open space and integrate any encumbered land with the open space network.</p> <p>To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.</p> | <p>includes:</p> <ul style="list-style-type: none"> ○ Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings. Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaptation in response to changing community preferences. ○ Additional small local parks or public squares in activity centres and higher density residential areas. ○ Active open space of a least 8 hectares in area within 1 kilometre of 95 percent of all dwellings that is: <ul style="list-style-type: none"> ▪ Suitably dimensioned and designed to provide for the intended use, buffer areas around sporting fields and passive open space ▪ Sufficient to incorporate two football/cricket ovals ▪ Appropriate for the intended use in terms of quality and | <p>land is also required as the open space is encumbered and not able to be used for active recreation.</p> <p>Each of the lots to be created within this subdivision would be within 400 metres of the proposed public open space area proposed.</p> |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | <p>orientation</p> <ul style="list-style-type: none"> ▪ Located on flat land (which can be cost effectively graded) ▪ Located with access to, or making provision for, a recycled or sustainable water supply ▪ Adjoin schools and other community facilities where practical ▪ Designed to achieve sharing of space between sports. <ul style="list-style-type: none"> ○ Linear parks and trails along waterways, vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings. <p>Public open space should:</p> <ul style="list-style-type: none"> ➤ Be provided along foreshores, streams and permanent water bodies. ➤ Be linked to existing or proposed future public open spaces where appropriate. ➤ Be integrated with floodways and encumbered land that is accessible for public recreation. ➤ Be suitable for the intended use. ➤ Be of an area and dimensions to allow | |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| | | | | |
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| | | | <p>easy adaptation to different uses in response to changing community active and passive recreational preferences.</p> <ul style="list-style-type: none"> ➤ Maximise passive surveillance. ➤ Be integrated with urban water management systems, waterways and other water bodies. ➤ Incorporate natural and cultural features where appropriate. | |
| Clause 56.06 | | ACCESS AND MOBILITY MANAGMENT | | |
| C14 | <p>Integrated mobility objectives</p> | <p>To achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.</p> <p>To provide for walking (including persons with impaired mobility), cycling, public transport and other motor vehicles</p> | <p>An application for a subdivision must include a plan of the layout of the neighbourhood that meets the objectives of:</p> <ul style="list-style-type: none"> • Clause 56.06-2 Walking and cycling network. • Clause 56.06-3 Public transport network. • Clause 56.06-4 Neighbourhood street network. | <p>Objective Met</p> <p>The proposal provides connections for walking, cycling and vehicles within the subdivision and connections to the existing street network in Yinnar via a network of streets and pathways.</p> <p>The lots would be located so as to provide walkable distances to proposed public open space and established facilities within the Yinnar township in accordance with this clause.</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| | | | | |
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| | | <p>in an integrated manner. To contribute to reduced car dependence, improved energy efficiency, reduced greenhouse gas emissions and reduced air pollution.</p> | | |
| <p>C15</p> | <p>Walking and cycling network objectives</p> | <p>To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors. To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution.</p> | <p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme. • Link to any existing pedestrian and cycling networks. • Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. • Provide an interconnected and continuous network of safe, 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. • Provide direct cycling routes for | <p>Objective Met</p> <p>The plan of subdivision shows the pedestrian and cycling network proposed throughout the site. The network sufficiently demonstrates how future residents will be able to get around within the site and broader locality, and is considered to satisfy this objective.</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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|------------|-------------------------------------|--|--|--|
| | | | <p>regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.</p> <ul style="list-style-type: none"> • Ensure safe street and road crossings including the provision of traffic controls where required. • Provide an appropriate level of priority for pedestrians and cyclists. • Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. • Be accessible to people with disabilities. | |
| C16 | Public transport network objectives | To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system. To encourage maximum use of public transport. | <p>The public transport network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant public transport strategy, plan or policy for the area set out in this scheme. • Connect new public transport routes to existing and proposed routes to the satisfaction of the relevant public transport authority. • Provide for public transport links between activity centres and other locations that attract people using | <p>Objective Met There is considered adequate space within the locality to provide bus connections if required.</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

| | | | | |
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| | | | <p>the Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne.</p> <ul style="list-style-type: none"> • Locate regional bus routes principally on arterial roads and locate local bus services principally on connector streets to provide: <ul style="list-style-type: none"> ○ Safe and direct movement between activity centres without complicated turning manoeuvres. ○ Direct travel between neighbourhoods and neighbourhood activity centres. ○ A short and safe walk to a public transport stop from most dwellings. | |
| C17 | Neighbourhood street network objective | 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. | <p>The neighbourhood street network must:</p> <ul style="list-style-type: none"> ➤ Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public transport routes. ➤ Provide clear physical distinctions between arterial roads and neighbourhood street types. ➤ Comply with the Roads Corporation’s | <p>A pedestrian and cycle network has been shown on the proposed plans.</p> <p>A traffic impact assessment has been provided by the applicant which concluded that there is sufficient capacity within the existing road network to accommodate the expected</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | <p>arterial road access management policies.</p> <ul style="list-style-type: none"> ➤ Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport. ➤ Provide safe and efficient access to activity centres for commercial and freight vehicles. ➤ Provide safe and efficient access to all lots for service and emergency vehicles. ➤ Provide safe movement for all vehicles. ➤ Incorporate any necessary traffic control measures and traffic management infrastructure. <p>The neighbourhood street network should be designed to:</p> <ul style="list-style-type: none"> ➤ Implement any relevant transport strategy, plan or policy for the area set out in this scheme. ➤ Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand. ➤ Include connector streets approximately halfway between arterial roads and provide adequate | <p>traffic generated by the proposal.</p> |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | <p>reservation widths to accommodate long term movement demand.</p> <ul style="list-style-type: none"> ➤ Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles. ➤ Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles. ➤ Provide an appropriate level of local traffic dispersal. ➤ Indicate the appropriate street type. ➤ Provide a speed environment that is appropriate to the street type. ➤ Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles). ➤ Encourage appropriate and safe pedestrian, cyclist and driver behaviour. ➤ Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles. ➤ Minimise the provision of culs-de-sac. ➤ Provide for service and emergency vehicles to safely turn at the end of a | |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | <p>dead-end street.</p> <ul style="list-style-type: none"> ➤ Facilitate solar orientation of lots. ➤ Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees. ➤ Contribute to the area’s character and identity. ➤ Take account of any identified significant features. | |
| <p>C18</p> | <p>Walking and cycling network detail objective</p> | <p>To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities. To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p> | <p>Footpaths, shared paths, cycle paths and cycle lanes should be designed to:</p> <ul style="list-style-type: none"> ➤ Be part of a comprehensive design of the road or street reservation. ➤ Be continuous and connect. ➤ Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots. ➤ Accommodate projected user volumes and mix. ➤ Meet the requirements of Table C1. ➤ 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. ➤ Provide appropriate signage. ➤ Be constructed to allow access to lots | <p>A pedestrian and cycle network has been shown on the proposed plans.</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | <p>without damage to the footpath or shared path surfaces.</p> <ul style="list-style-type: none"> ➤ Be constructed with a durable, non-skid surface. ➤ Be of a quality and durability to ensure: <ul style="list-style-type: none"> ○ Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles. ○ Discharge of urban run-off. ○ Preservation of all-weather access. ○ Maintenance of a reasonable, comfortable riding quality. ○ A minimum 20 year life span. ➤ 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. | |
| <p>C19</p> | <p>Public Transport network detail objectives</p> | <p>To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users. To provide public transport stops that are accessible to people with disabilities.</p> | <p>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. Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the</p> | <p>Objective can be Met The proposed subdivision will not compromise the potential for buses to service the estate if public transport is introduced.</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | <p>safety and comfort of passengers. 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"> • Surveillance from streets and adjacent lots. • Safe street crossing conditions for pedestrians and cyclists. • Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority. • Continuous hard pavement from the footpath to the kerb. • Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage. • Appropriate signage. <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> | |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| <p>C20</p> | <p>Neighbourhood street network detail objective</p> | <p>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</p> | <p>The design of streets and roads should:</p> <ul style="list-style-type: none"> • 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. • Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. • Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. • Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. • Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay. • Provide a safe environment for all street users applying speed control | <p>The applicant has provided a Traffic Management Impact Assessment Report which has been assessed by Council's Infrastructure department.</p> |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | <p>measures where appropriate.</p> <ul style="list-style-type: none"> • Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles. • Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners. • Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> ○ Enable the carriage of vehicles. ○ Avoid damage by construction vehicles and equipment. • Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> ○ Safe passage of pedestrians, cyclists and vehicles. ○ Discharge of urban run-off. ○ Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality. | |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | <ul style="list-style-type: none"> • Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority. • Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span. • Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> ○ Perform the required integrated water management functions. ○ Delineate the edge of the carriageway for all street users. ○ Provide efficient and comfortable access to abutting lots at appropriate locations. ○ Contribute to streetscape design. • Provide for the safe and efficient collection of waste and recycling materials from lots. • Be accessible to people with disabilities. • A street detail plan should be prepared that shows, as appropriate: | |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | <ul style="list-style-type: none"> • The street hierarchy and typical cross-sections for all street types. • Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices. • Water sensitive urban design features. • Location and species of proposed street trees and other vegetation. • Location of existing vegetation to be retained and proposed treatment to ensure its health. • Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes. | |
| <p>C21</p> | <p>Lot access objective</p> | <p>To provide for safe vehicle access between roads and lots.</p> | <p>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</p> <p>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes,</p> | <p>Objective Met</p> <p>The application is able to ensure that each lot within the subdivision is able to obtain adequate road access.</p> <p>There are no lots to be created which are below 300 square metres in size.</p> <p>Vehicle crossings are likely to be required by way of permit condition and not required to be nominated or</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | places or streets. The design and construction of a crossover should meet the requirements of the relevant road authority. See Table C1 | designed at this stage in the consideration of the application. |
| Clause 56.07 | | INTEGRATED WATER MANAGEMENT | | |
| C22 | Drinking Water supply objectives | To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water. | The supply of drinking water must be: <ul style="list-style-type: none"> • Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. • Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. | Objective will be Met The site is considered adequate to obtain drinking water to each lot within the subdivision. The application was referred to Gippsland Water in accordance with Section 55 of the Act who imposed planning permit conditions relating to the achievement of this objective. |
| C23 | Reused and recycled water objective | To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water. | Reused and recycled water supply systems must be: <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. • Provided to the boundary of all lots in the subdivision where required by the relevant water authority. | Objective will be Met The application was referred to Gippsland Water in accordance with Section 55 of the Act who imposed planning permit conditions relating to the achievement of this objective. |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| <p>C24</p> | <p>Waste water management objective</p> | <p>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.</p> | <p>Waste water systems must be:</p> <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. • Consistent with any relevant approved domestic waste water management plan. <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p> | <p>Objective will be Met The application was referred to Gippsland Water in accordance with Section 55 of the Act who imposed planning permit conditions relating to the achievement of this objective.</p> |
| <p>C25</p> | <p>Urban run-off management objectives</p> | <p>To minimise damage to properties and inconvenience to residents from urban run-off. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from</p> | <p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> • Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. • Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. • Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian | <p>Objective will be Met It is considered here is sufficient capacity for stormwater runoff to be managed within the development site. The waterway within the site is proposed to address a portion of the runoff issues. The WGCMA has been consulted in regard to the impacts of runoff to the waterway within the site.</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | <p>degradation by urban run-off.</p> | <p>Stormwater Committee 1999) as amended.</p> <ul style="list-style-type: none"> • Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <p>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p> <ul style="list-style-type: none"> • Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. • Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. <p>For storm events greater than 20% AEP and up to and including 1% AEP standard:</p> <ul style="list-style-type: none"> • Provision must be made for the safe and effective passage of stormwater flows. | |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | <ul style="list-style-type: none"> • All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority. • Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second). <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> • Ensure run-off is retarded to a standard required by the responsible drainage authority. • Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and | |
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Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | <p>predetermined manner.</p> <ul style="list-style-type: none"> • 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. <p>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</p> | |
| Clause 56.08 | | SITE MANAGEMENT | | |
| C26 | <p>Site management objectives</p> | <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where</p> | <p>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:</p> <ul style="list-style-type: none"> • Erosion and sediment. • Dust. • Run-off. • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p> | <p>Objective will be Met</p> <p>It is considered that this objective can be achieved through the submission of a management plan. This will be required to be imposed by way of permit condition as requested by the permit applicant.</p> |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | practicable. | | |
| Clause 56.09 | | UTILITIES | | |
| C27 | Shared trenching objective | To maximise the opportunities for shared trenching. To minimise constraints on landscaping within street reserves. | Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services. | Objective will be Met The applicant has indicated that this will occur as appropriate. It is considered that this can be managed by way of permit condition if appropriate. |
| C28 | Electricity, telecommunications and gas objectives | To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources. | 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. Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. 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 | Objective will be Met This will be required to be imposed by way of permit conditions in accordance with the requirements of the relevant authorities. |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | satisfaction of the relevant telecommunications servicing authority. 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. | |
| C29 | Fire hydrants objective | To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently. | Fire hydrants should be provided: <ul style="list-style-type: none"> • A maximum distance of 120 metres from the rear of the each lot. • No more than 200 metres apart. Hydrants and fire plugs must be compatible with the relevant fire service equipment. | Objective will be Met The application was referred to CFA who did not require conditions to be included. |
| C30 | Public lighting objective | To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles. To provide pedestrians with a sense of personal safety at night. To contribute to reducing greenhouse gas emissions and to saving energy. | 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. Public lighting should be designed in accordance with the relevant Australian Standards. Public lighting should be consistent with any strategy, policy or plan for the use of | Objective will be Met It is considered that this level of design detail can be imposed by way of permit condition and is not required to be submitted at this time. The permit applicant has requested this and Council support this being imposed at a subsequent time should a permit be issued. |

Clause 56 Objectives SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Application Number: «Application_Number»

Officer: «Responsible_Officer»

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| | | | renewable energy and energy efficient fittings. | |
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Residential Subdivision
55 Bonds Road, Yinnar
Transport Impact Assessment

transportation planning, design and delivery



100415862/001 14/11/11

Residential Subdivision
55 Bonds Road, Yinnar
Transport Impact Assessment

Issue: A 14/11/11

Client: Bonds Road Yinnar Pty Ltd

Reference: 12M1380000

GTA Consultants Office: VIC

Quality Record

| Issue | Date | Description | Prepared By | Checked By | Approved By |
|-------|----------|-------------|-------------|--------------|---------------------|
| A-Dr | 21/10/11 | Draft | Andrew Pang | David Graham | David Graham |
| A | 14/11/11 | Submission | Andrew Pang | David Graham | <i>David Graham</i> |

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Table of Contents

| | |
|---|-----------|
| 1. Introduction | 1 |
| 1.1 Background | 1 |
| 1.2 Purpose of this Report | 1 |
| 1.3 Referenced Documents | 1 |
| 2. Existing Conditions | 2 |
| 2.1 Subject Site | 2 |
| 2.2 Road Network | 3 |
| 3. Development Proposal | 6 |
| 3.1 Land Uses | 6 |
| 3.2 Internal Road Network | 6 |
| 4. Traffic Impact Assessment | 7 |
| 4.1 Traffic Generation | 7 |
| 4.2 External Traffic Impact | 8 |
| 5. Internal Road Layout | 9 |
| 6. Conclusion | 10 |
| | |
| Figures | |
| Figure 2.1: Subject Site and its Environs | 2 |
| Figure 2.2: Land Zoning Map | 3 |
| Figure 2.3: Bonds Road (east of Williams Crescent) looking east | 4 |
| Figure 2.4: Bonds Road (east of Williams Crescent) looking west | 4 |
| Figure 2.5: Bonds Road (west of Williams Crescent) looking east | 4 |
| Figure 2.6: Bonds Road (west of Williams Crescent) looking west | 4 |
| Figure 2.7: Williams Crescent looking north | 4 |
| Figure 2.8: Williams Crescent looking south | 4 |
| Figure 3.1: Proposed Subdivision Plan | 6 |
| Figure 4.1: AM Peak Hour Site Generated Traffic Volumes | 8 |
| Figure 4.2: PM Peak Hour Site Generated Traffic Volumes | 8 |
| | |
| Tables | |
| Table 4.1: Estimated Development Traffic Generation | 7 |

1. Introduction

1.1 Background

A town planning permit is currently being sought for the proposed subdivision of land located at 55 Bonds Road, Yinnar, into a total of 139 lots. A planning permit application was submitted to Latrobe City Council and, following a preliminary assessment of the application Council requested that a Traffic Impact Assessment Report be prepared regarding the application.

GTA Consultants was commissioned by Bonds Road Yinnar Pty Ltd in October 2011 to undertake the transport impact assessment of the proposed subdivision.

1.2 Purpose of this Report

This report sets out an assessment of the anticipated traffic and transport implications of the proposed subdivision, including consideration of the:

- i existing traffic conditions surrounding the site
- ii traffic generation characteristics of the proposed subdivision
- iii proposed access arrangements for the site
- iv transport impact of the development proposal on the surrounding road network.

1.3 Referenced Documents

In preparing this report, reference has been made to a number of background documents, including:

- Latrobe Planning Scheme
- plans for the proposed development prepared by Millar & Merrigan Pty Ltd
- traffic surveys undertaken by GTA Consultants as referenced in the context of this report
- an inspection of the site and its surrounds.



Existing Conditions

2. Existing Conditions

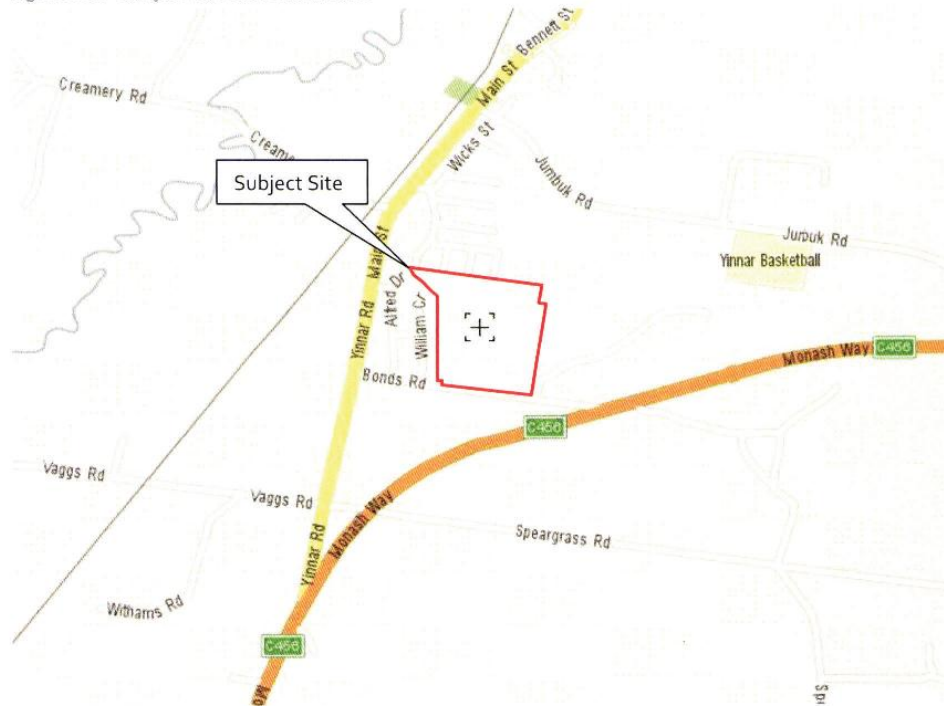
2.1 Subject Site

The subject site is located at 55 Bonds Road in Yinnar. The site of approximately 2oha has a frontage of 400m to Bonds Road.

The site is mostly located within a Residential 1 Zone with a very small section in the north east corner located within a Farming Zone. The site is currently undeveloped rural land. The surrounding properties include a mix of residential and rural land uses.

The location of the subject site and the surrounding environs is shown in Figure 2.1, and the land zoning is shown in Figure 2.2.

Figure 2.1: Subject Site and its Environs



Existing Conditions

Figure 2.2: Land Zoning Map



(Reproduced from Land Channel web site)

2.2 Road Network

2.2.1 Adjoining Roads

Bonds Road

Bonds Road functions as a local road. It is a two-way sealed road aligned in an east-west direction and configured with a two-lane, 8.8 metre wide carriageway set within a 20 metre wide road reserve (approx.) west of Williams Crescent. It is a two-way unsealed road aligned in an east-west direction and configured with a 5.15 metre wide carriageway set within a 10 metre wide road reserve (approx.) east of Williams Crescent. Bonds Road carries less than 100 vehicles per day¹ and is shown in Figure 2.3 to Figure 2.6.

¹ Based on the traffic counts undertaken by GTA on Wednesday 5 October 2011.



Existing Conditions

Figure 2.3: Bonds Road (east of Williams Crescent) looking east



Figure 2.4: Bonds Road (east of Williams Crescent) looking west



Figure 2.5: Bonds Road (west of Williams Crescent) looking east



Figure 2.6: Bonds Road (west of Williams Crescent) looking west



Williams Crescent

Williams Crescent functions as a local road. It is a two-way road configured with a two-lane, 7.4 metre wide carriageway set within a 14.5 metre wide road reserve (approx.). Williams Crescent is shown in Figure 2.7 and Figure 2.8.

Figure 2.7: Williams Crescent looking north



Figure 2.8: Williams Crescent looking south





Existing Conditions

Other Roads

Other roads within the vicinity of the site include Albert Street, Hammond Street, Berquez Street and Nardino Drive.

2.2.2 Surrounding Intersections

The following intersections exist in the vicinity of the site:

- William Crescent / Stanley Street (unsignalised T-intersection)
- William Crescent / George Street (unsignalised T-intersection)
- William Crescent / Bonds Road (unsignalised T-intersection)
- Yinnar Road (Main Street) / Bonds Road (unsignalised T-intersection).

2.2.3 Traffic Volumes

GTA Consultants undertook a spot traffic movement count at the intersection of Yinnar Road and Bonds Road between 12:15pm and 1:15pm on Wednesday 5 October 2011 which found a volume of 55 vehicles per hour (two-way) on Yinnar Road during the lunchtime period. This would equate to a daily volume of approximately 850 vehicles per day (two-way) on Yinnar Road on a typical weekday.

2.2.4 Accident Statistics

A review of the reported accident casualty history for the roads and intersections adjoining the subject site has been sourced from VicRoads accident database. The 'CrashStats' database includes all reported casualty accidents since 1987. A review showed there were no reported accidents in the vicinity of the site in the last available five year period (January 2006 to December 2010).

3. Development Proposal

3.1 Land Uses

The proposal includes the subdivision of the 20ha site into 139 residential lots as shown in Figure 3.1.

Figure 3.1: Proposed Subdivision Plan



3.2 Internal Road Network

The proposed internal road network consists of an extension of William Crescent to the east, with Hammond Street, Berquez Street and Nardino Drive extending south to intersect with William Crescent to provide access points to the site from the north. There will also be a new north-south road connecting Bonds Road and William Crescent, a new east-west road parallel with Bonds Road, and two internal courts which will provide a bicycle and pedestrian linkage through the site. Each of the proposed roads will have a road reserve of 16m.

It is understood that the proposed plan of subdivision is to be amended to show a 'paper' road reserve to provide a link between Albert and Alfred road reserves, however the subdivision of the subject site will not create a need for this road link to be constructed.

4. Traffic Impact Assessment

4.1 Traffic Generation

4.1.1 Design Rates

A single house on a standard lot in an outer metropolitan or rural area will typically generate up to an average of 1 vehicle movement in a peak hour and 10 vehicle movements per day. Based on this, Table 4.1 sets out traffic generation estimates for both peak hour and daily periods for the proposed subdivision.

Table 4.1: Estimated Development Traffic Generation

| Use | No. of lots | Design Generation Rates | | Traffic Generation Estimates | |
|-------------------------|-------------|---------------------------|----------------------------|------------------------------|-------------------------------|
| | | Peak Hour | Daily | Peak Hour | Daily |
| Residential Subdivision | 139 | 1 vehicle movements / lot | 10 vehicle movements / lot | 139 vehicle movements / hour | 1,390 vehicle movements / day |

Table 4.1 indicates the proposed subdivision could be expected to generate up to 1,400 vehicle movements per day including 139 vehicle movements during each respective peak hour on a typical weekday.

4.1.2 Distribution and Assignment

The directional distribution and assignment of traffic generated by the proposed subdivision will be influenced by a number of factors, including the:

- i configuration of the arterial road network in the immediate vicinity of the site
- ii existing operation of intersections providing access between the local and arterial road network
- iii surrounding employment centres, retail centres and schools in relation to the site
- iv configuration of access points to the site.

Given the road network in the vicinity of the site it is expected that almost all traffic generated by the site will use Yinnar Road (Main Street). Having consideration of the above, for the purposes of estimating vehicle movements the following distributions of traffic access to Yinnar Road have been assumed:

- Bonds Road 60%
- Williams Crescent 40%.

At Yinnar Road (Main Street), the following directional distributions have been assumed:

- To/from North 80%
- To/from South 20%.

In addition, during the AM peak hour it is assumed that 20% of traffic would enter the site and 80% would leave the site whilst during the PM peak hour 60% of traffic would enter the site and 40% would leave the site.

Based on the above, Figure 4.1 and Figure 4.2 have been prepared to show the estimated marginal increase in turning movements in the vicinity of the subject site following full site development.

Figure 4.1: AM Peak Hour Site Generated Traffic Volumes

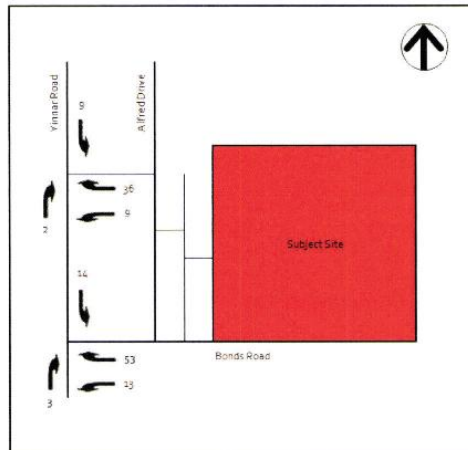
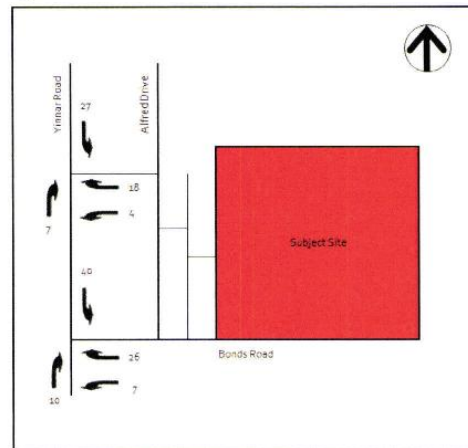


Figure 4.2: PM Peak Hour Site Generated Traffic Volumes



4.2 External Traffic Impact

Given the moderate existing traffic volumes on Yinnar Road (850 veh/day) and Bonds Road (>100 veh/day), the post-development traffic volumes on these roads will still be well within the capacity of the roads. Therefore the additional traffic generated by the proposed development could not be expected to compromise the safety or function of the surrounding road network.

Warrants for turn treatments are provided in Section 4.8 of the Austroads Guide to Road Design Part 4A with particular reference to Figure 4.9(b) and Figure 4.10 of the guide. Based on the existing traffic volumes, and the expected future site-generated volumes in Figure 4.1 and Figure 4.2 above, the intersections of Yinnar Road with Bonds Road and Alfred Drive will continue to only require 'BAL' and 'BAR' type treatments in accordance with the current layout of these intersections.

5. Internal Road Layout

The internal road network is proposed to have 16m wide road reserves, which will be capable of accommodating road widths of up to 7m in accordance with the standards for an Access Street in Clause 56.06-8 of the Latrobe Planning Scheme.

This Clause indicates that such roads are capable of accommodating up to 2,000 vehicles per day, which is well in excess of the volume expected on these roads, based on the analysis in Section 4 of this report.

It is noted that all road reservations include additional widths at intersections in order to incorporate the visibility splay requirements set out within Standard C20 of Clause 56.06-7 of the Latrobe Planning Scheme.

The speed targets for the internal street network would be met due to the inclusion of the following:

- network design incorporating bends and relatively short distances of straight road
- provision of a road closure in the central road.

Kerbside parking will be available along each of the proposed roads. Pedestrian footpaths will be provided along both sides of each of the proposed roads. Given the expected low traffic volumes and speeds, cyclists will be able to share the roadway with motor vehicles. Cyclists and pedestrians would also be able to travel through the road closure in the central road.

Vehicle turning areas will be provided at both road terminations in the central road, and at the eastern end of the new east-west road near Bonds Road.

It is understood that the proposed plan of subdivision is also to be amended to show a 'paper' road reserve to provide a link between Albert and Alfred road reserves, however the subdivision of the subject site will not create a need for this road link to be constructed.

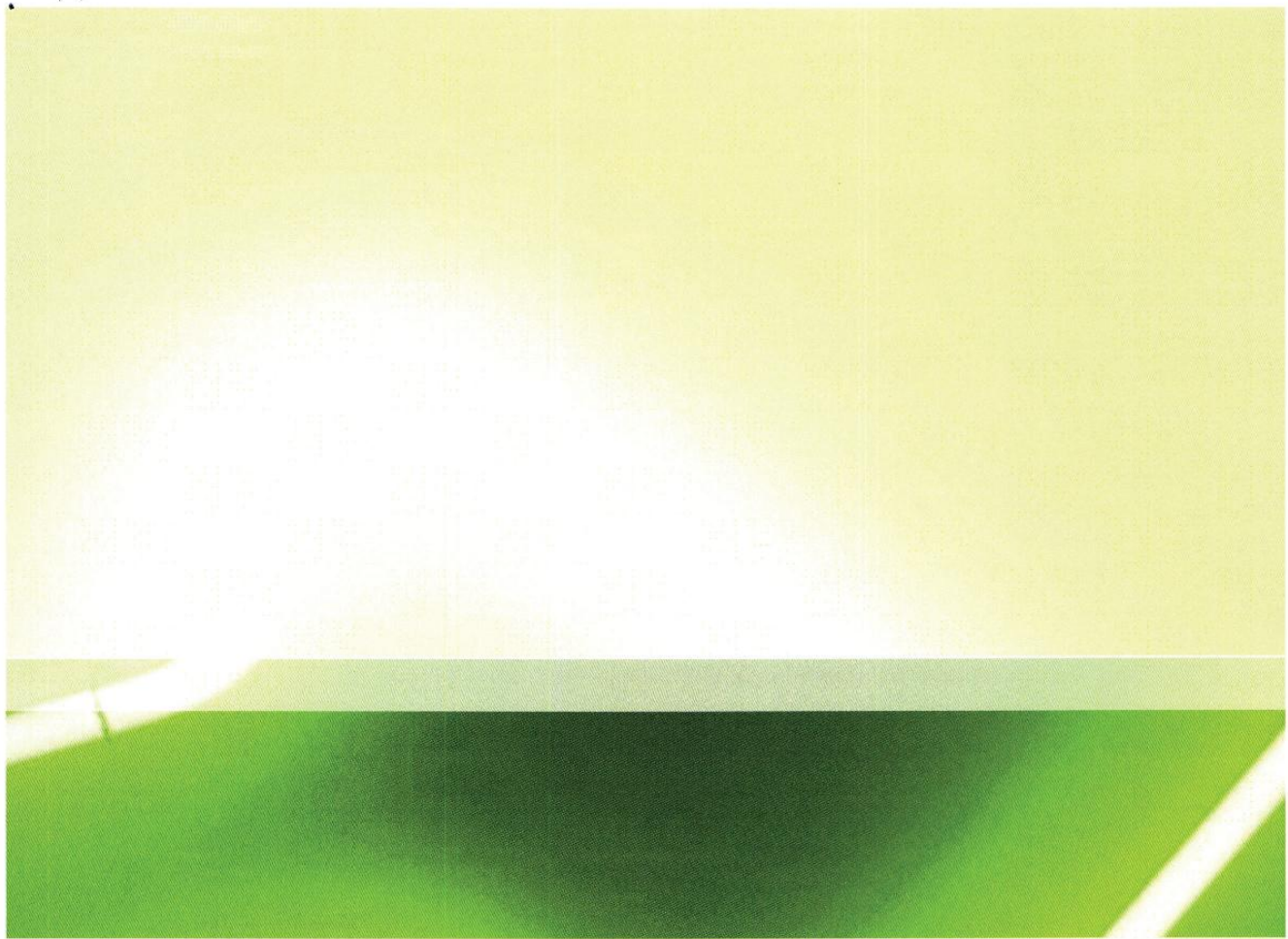


Conclusion

6. Conclusion

Based on the analysis and discussions presented within this report, the following conclusions are made:

- i The proposed subdivision could generate up to 1,400 vehicle movements per day including 139 vehicle movements per hour in the peak periods.
- ii There is sufficient capacity within the existing road network to accommodate the additional traffic volumes.
- iii No works will be required in the nearby external road network to accommodate the additional traffic movements.
- iv The proposed internal road network has been designed in accordance with the requirements of Clause 56.06-8 of the Latrobe Planning Scheme.

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55 Bonds Road Yinnar Stormwater Management Plan



April 2012



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TABLE OF CONTENTS

| | | |
|-----------|--|-----------|
| 1. | Introduction | 4 |
| 1.1 | Study Site | 4 |
| 2. | Discussions with authorities | 6 |
| 2.1 | West Gippsland CMA | 6 |
| 2.2 | Latrobe City Council | 7 |
| 3. | Hydrology..... | 7 |
| 3.1 | External to Site | 7 |
| 3.2 | Site Hydrology | 7 |
| 4. | Flooding | 9 |
| 4.1 | Prior to Development | 9 |
| 4.2 | Post Development | 10 |
| 4.2.1 | Culvert Crossings | 12 |
| 4.3 | 100 Year Conveyance | 12 |
| 5. | Planning Application Comments | 14 |
| 5.1 | 30m Buffer requirement | 14 |
| 5.3 | Residents Objections | 16 |
| 6. | WSUD Opportunities | 16 |
| 6.1 | Wetland | 16 |
| 6.2 | Vegetated Swale | 17 |
| 7. | Conclusion..... | 18 |

LIST OF FIGURES

| | | |
|------------|---|----|
| Figure 1-1 | Study Site with Hydrology..... | 4 |
| Figure 1-2 | Proposed Layout | 5 |
| Figure 1-3 | Proposed Works..... | 6 |
| Figure 3-1 | SWMM Model Layout for Existing Condition | 8 |
| Figure 3-2 | SWMM Model Layout for Developed Condition | 8 |
| Figure 4-1 | Current Western Drain Dimensions..... | 9 |
| Figure 4-2 | Predeveloped 100 Year Flood Extent | 10 |
| Figure 4-3 | Developed 100 Year Flood Extent..... | 11 |
| Figure 4-4 | Modified Western Drain Dimensions | 12 |
| Figure 4-5 | Road Layout | 13 |
| Figure 4-6 | Road Cross Section (NTS) | 13 |
| Figure 5-1 | Buffer Requirement | 15 |
| Figure 6-1 | Wetland Example..... | 17 |
| Figure 6-2 | Swale Example | 18 |

LIST OF TABLES

| | | |
|-----------|--|---|
| Table 3-1 | Existing 100yr Rational Method Flows..... | 7 |
| Table 3-2 | EPASWMM Sub-catchment Parameters | 7 |
| Table 3-3 | Modelled Results: Predeveloped and Developed Flows and Storage Volumes Required..... | 9 |

2269-01 / R02 v02 - 17/04/2012

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2269-01R01v02



1. INTRODUCTION

Water Technology has been engaged by NBA Group to investigate the drainage of the proposed development at 55 Bonds Road Yinnar. The development will continue the existing residential development in the area and help to eliminate existing flooding experienced in the area.

As part of this study we have reviewed the available documentation and met with WGCMA.

1.1 Study Site

The site at 55 Bonds Road Yinnar is located adjacent to existing residential areas to the south-east of Yinnar. There are two defined waterways intersecting the site, one along the western boundary and the other to the east of the site, down an escarpment (refer Figure 1-1).

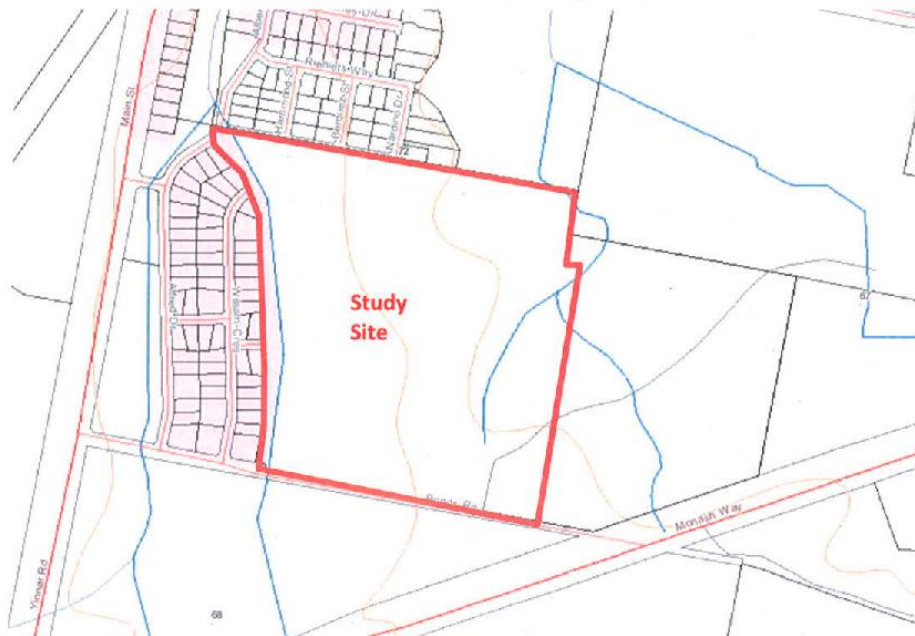


Figure 1-1 Study Site with Hydrology

The proposed lot layout for the site is shown in Figure 1-2, where a 15m buffer either side of the western creek is proposed. This open space is intended to provide multiple functions including flood conveyance and storage, in addition to public amenity.

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Figure 1-2 Proposed Layout

The site is intended to be drained in two directions, half of the pipework to the western drain and half to the east(Figure 1-3). A vegetated swale will convey the flows for the site and provide flood retention. This swale will also be significantly larger than the current drain to prevent flooding of neighbouring properties. As a swale alone will not meet the water quality requirements a small wetland will be located within the reserve. A wetland is also proposed to the east of the site to treat part of the study site, in addition to the greater catchment.

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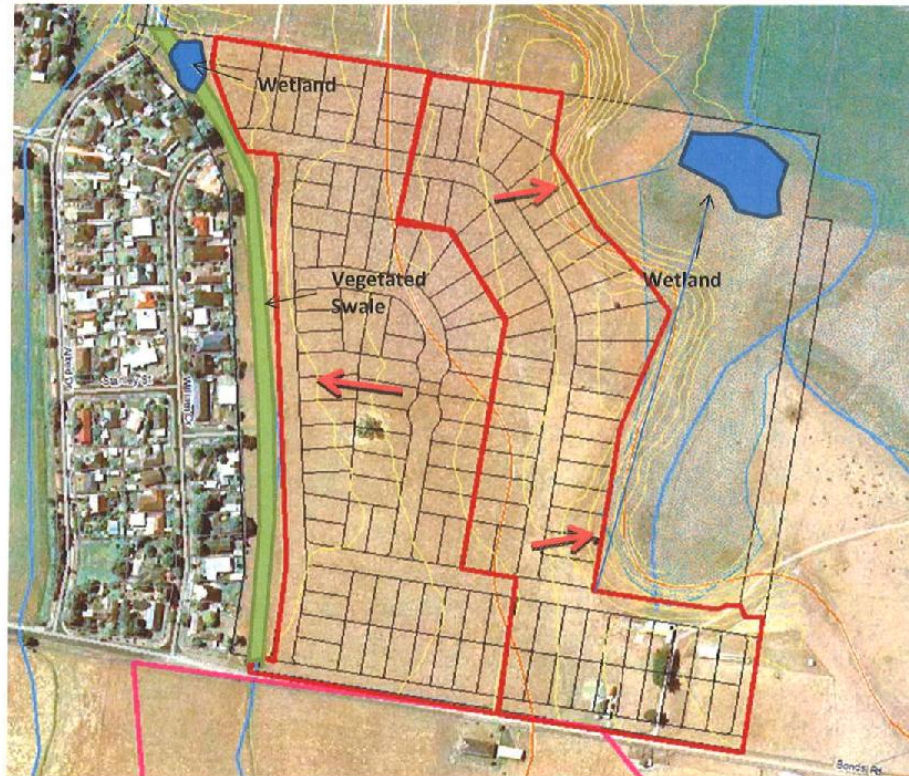


Figure 1-3 Proposed Works

2. DISCUSSIONS WITH AUTHORITIES

2.1 West Gippsland CMA

Water Technology met with Adam Dunn from WGCMA at the onset of the project to determine his requirements for the site and willingness to reduce the 30m buffer based on outcomes from this project. This meeting helped to define the scope of the project and make sure the assessment will provide the required information to help progress the development. Adam's comments were as follows:

- The Rational Method is sufficient to determine the flow at the site rather than a ROBB model. A flow of $4.2\text{m}^3/\text{s}$ should be a conservative estimate but appropriate to use.
- WGCMA are willing to consider a reduction in the buffer zone for the creek based on the following:
 - If part of the site can drain toward the escarpment the treatment features and flood retention would not all need to be located at the creek
 - Offsets will be provided down the escarpment to provide a better outcomes for the environment than what could be achieved in the 30m buffer

2269-01 / R02 v02 - 17/04/2012

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2269-01R01v02



- It is still expected that the creek reserve will be planted and sized to convey the flows
- Council needs to agree to take on the area downstream of the escarpment to maintain
- Other points to note are:
 - A footpath should be provided along the roadway in the creek reserve
 - Low maintenance planting will be required – i.e. native grass mixes rather than lawn

2.2 Latrobe City Council

Council will need to be contacted in regards to the maintenance responsibilities of the wetlands.

3. HYDROLOGY

3.1 External to Site

West Gippsland CMA provided a 100 Year ARI flow of 4.2m³/s for the western drain which was confirmed by an independent Rational Method calculation. The 10 Year flow was calculated as 2m³/s and the 1 year at 0.7m³/s.

3.2 Site Hydrology

Rational Method calculation of the site was also undertaken in accordance with the methodology outlined in Volume 2 of Australian Rainfall and Runoff (ARR), 1987. Table 3-1 shows the peak 100 year flow from the site draining to the west and east.

Table 3-1 Existing 100yr Rational Method Flows

| Catchment | 100yr Peak Flow (m ³ /s) |
|------------------------|-------------------------------------|
| West Outfall Catchment | 1.25 |
| East Outfall Catchment | 0.4 |

An existing conditions EPASWMM model was constructed, where the layout of the model is shown in Figure 3-1. The model was calibrated by reconciling the peak 100 year ARI flow from the SWMM model to the Rational Method peak flow, through adjustment of the sub-catchment properties. The adjusted parameters included flow width, infiltration rates and loss model parameters. The model was then modified for the developed condition. The existing and developed models were set up with the following fraction impervious values (Table 3-2). Figure 3-1 and Figure 3-2 show the layouts of the existing and developed SWMM models.

Table 3-2 EPASWMM Sub-catchment Parameters

| Sub catchment | Area(ha) | Existing FI(%) | Developed FI(%) |
|---------------|----------|----------------|-----------------|
| CAT1 | 3.75 | 10 | 60 |
| CAT2 | 4.14 | 10 | 55 |
| CAT3 | 2.59 | 10 | 50 |
| CAT4 | 2.02 | 10 | 50 |
| CAT5 | 2.26 | 10 | 60 |
| CAT6 | 5.28 | 10 | 10 |

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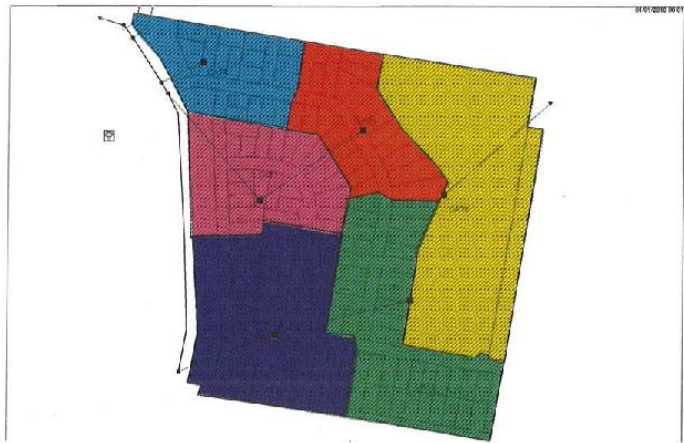


Figure 3-1 SWMM Model Layout for Existing Condition

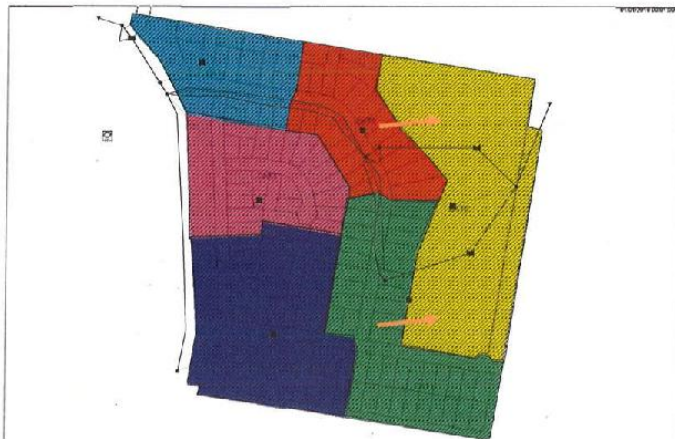


Figure 3-2 SWMM Model Layout for Developed Condition

Additional to proposed storage along the Western drain, it is also proposed that pipe system will be designed to capture at least the 5 year flow for CAT1 and CAT5 and stored within the proposed wetlands on the eastern side of the site. The storage volume was modelled in EPASWMM by running the existing and 'developed with storage' models for all durations (ranging from 10min to 3hrs) for the 100 year ARI flood event and comparing peak flow differences.

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Table 3-3 Modelled Results: Predeveloped and Developed Flows and Storage Volumes Required

| | Predeveloped flow (m ³ /s) | Developed flow(with storage) (m ³ /s) | Critical Duration | Storage Volumes(m ³) |
|------------------------|---------------------------------------|--|-------------------|----------------------------------|
| West Outfall Catchment | 1.25 | 1.23 | 1hr | 1700 |
| East Outfall Catchment | 0.4 | 0.41 | 1.5hr | 2000 |

The resultant storages required to mitigate the 100 Year event are 1700m³ storage within the western reserve and 2000m³ down the escarpment.

4. FLOODING

4.1 Prior to Development

The drain currently onsite has the approximate dimensions of 0.2m deep, 0.4m wide base, and 1:3 side slopes for the low flow component (Figure 4-1). Considering the swale grades at a slope of 1:165 downstream, the estimated capacity of the swale using the Mannings Formula is 0.13m³/s. Including the immediate floodplain area (5m in total) the capacity is up to 1.59m³/s which approximately equates to the 5 Year ARI flow. This is well below the required 100 Year capacity of 4.2m³/s, and hence the flow escapes the channel and floods nearby properties.

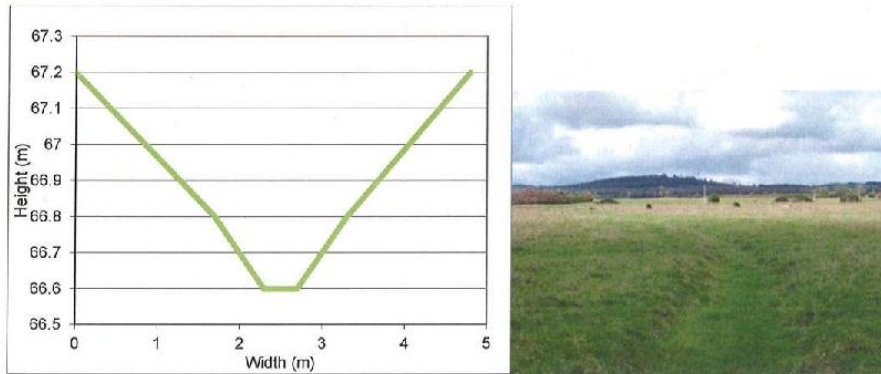


Figure 4-1 Current Western Drain Dimensions

A MIKE 21 two dimensional model of the site and reserve was set up to determine the current extent of inundation in the 100 Year event. Site survey was used to determine the terrain of the site including the current channel. The results for the pre-developed conditions are shown in Figure 4-2.

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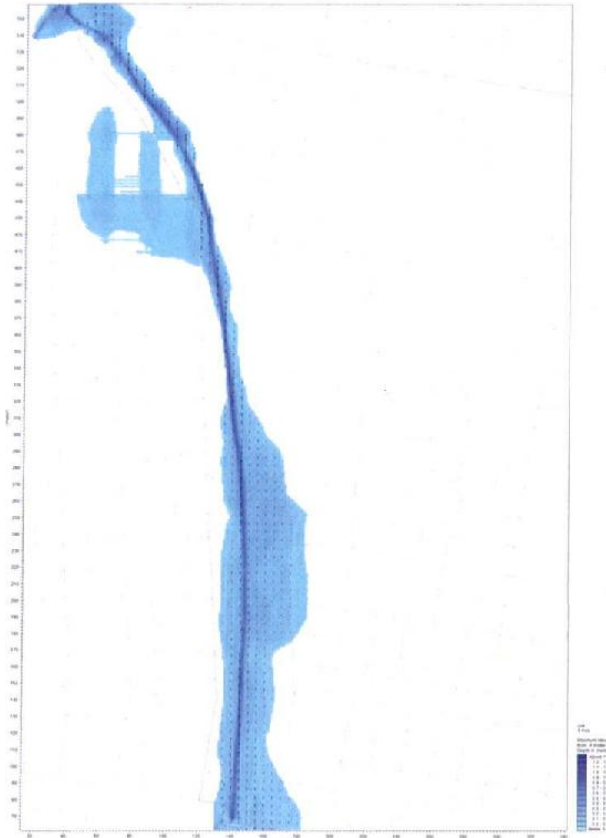


Figure 4-2 Predeveloped 100 Year Flood Extent

Figure 4-2 shows the existing 100 year ARI flow breaks out from the drain encroaching on, and in some cases flooding the neighbouring properties. Note that no survey is available within the existing properties and therefore the terrain in this area has been extrapolated from the available survey (up to the fenceline). Given this, the extent of flooding may be different to that that is shown above. The fences have been represented in the model as a higher roughness given their timber structure.

4.2 Post Development

The MIKE 21 model was rerun with a sized channel to represent the works associated with the development. This includes a larger channel, sedimentation basin and wetland in the western reserve (Figure 4-3).

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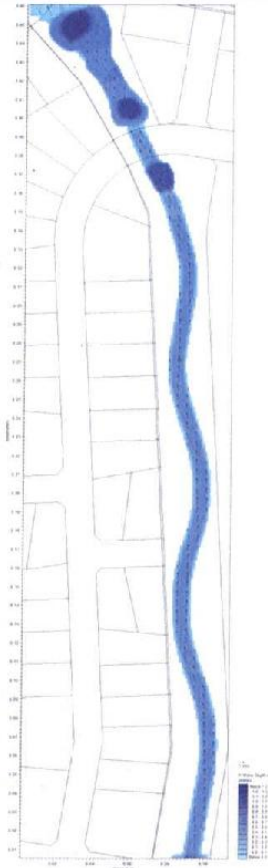


Figure 4-3 Developed 100 Year Flood Extent

After development the drain needs to convey both the existing flows and the additional flows from the development. The swale shown in Figure 4-4 was sized to meet these demands, by having a capacity larger than the developed 100 Year event. In order to cater for the 1 Year flow in the low flow channel and 100 Year flow in the whole swale, the top width would need to be 10.7m.

A flow meander has been added to represent a more natural waterway, with plantings and landscaping of this area proposed to compliment this fact.

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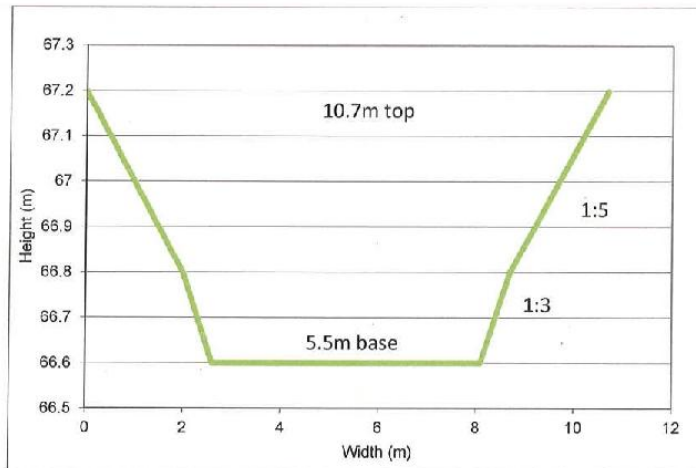


Figure 4-4 Modified Western Drain Dimensions

4.2.1 Culvert Crossings

In the current design there are no crossings over the reserve however previous designs have shown these crossings towards the northern end of the site. In order to prevent impediment of the 100 Year flow the following crossing details would be required:

- Flow able to be passed: 5.45 m³/s
- Culvert details: 4 * 900*1200 box culverts
- Calculated velocity : 1.2m/s

4.3 100 Year Conveyance

In addition to the conveyance in the waterway the 100 year flow paths through the site need to be identified and catered for in the road design. With the current road and lot layout, as shown in Figure 4-5, and no upstream catchment, there is opportunity to convey flows within the road reserve.

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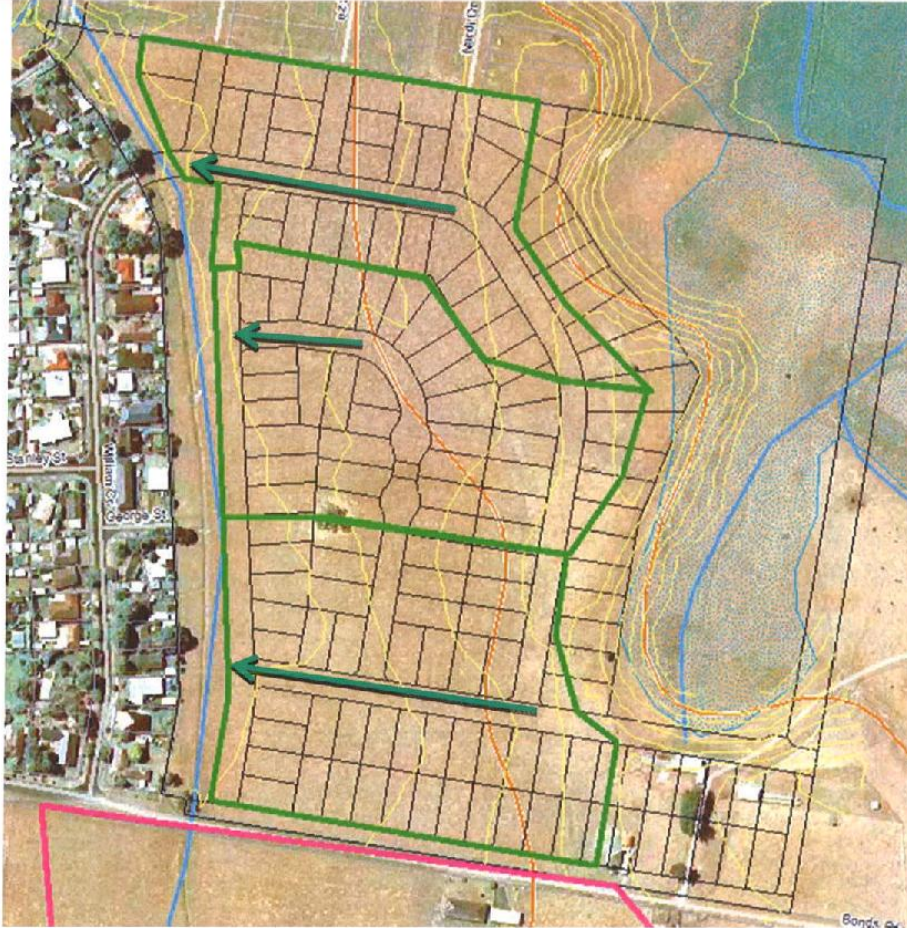


Figure 4-5 Road Layout

The reserves are 16m wide, with a 6m roadway and kerb. The flows generated off the catchments are up to 1.0m³/s which will not fit within the kerb, however some inundation of the nature strip is possible. A required flooding depth of up to 8cm is required to convey 1m³/s. This can easily be achieved with a standard kerb and a slightly graded nature strip toward the roadways.

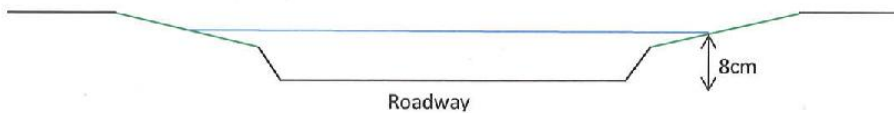


Figure 4-6 Road Cross Section (NTS)

2269-01 / R02 v02 - 17/04/2012

5. PLANNING APPLICATION COMMENTS

5.1 30m Buffer requirement

Clause 14.02-1 in the state planning policy framework relates to the required buffer distance from the creek for new developments. The objective of this clause is to protect and, where possible, restore catchments, waterways, water bodies, groundwater, and the marine environment. It states that a vegetated 30m buffer is required from the creek bank to the site to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.

Discussions with West Gippsland CMA indicated that the 30m buffer to the west of the drain could not be expected to be achieved since housing is already closer, however it could be achievable to include a 30m buffer to the east of the drain centreline. The developer is seeking to reduce this buffer to a total of 30m based on the improvements able to be achieved for the waterway and other offsets provided. Area calculations (Figure 5-1) show the difference between the 30m buffer requirement and the proposed reserve area is $2.1\text{ha} - 1.5\text{ha} = 0.6\text{ha}$. The reserve therefore is 40% smaller than required.

As the waterway to the west of the site is in a severely degraded condition there is significant potential to improve the reserve with an attractive landscaped waterway. It is intended that the design improve not only the flooding issues, but water quality, habitat values and aesthetics. In addition to the required works in the reserve the developer is intending to construct wetlands down the escarpment. These will be oversized for the development and provide treatment function for the greater catchment. These combined benefits provide a greater outcome for the environment than the additional buffer area.

Flood modelling of the site has also shown that the flood extent for the creek can be reduced to a width of 10.7m, which leaves ample space for vegetation works and walking tracks in the reserve.

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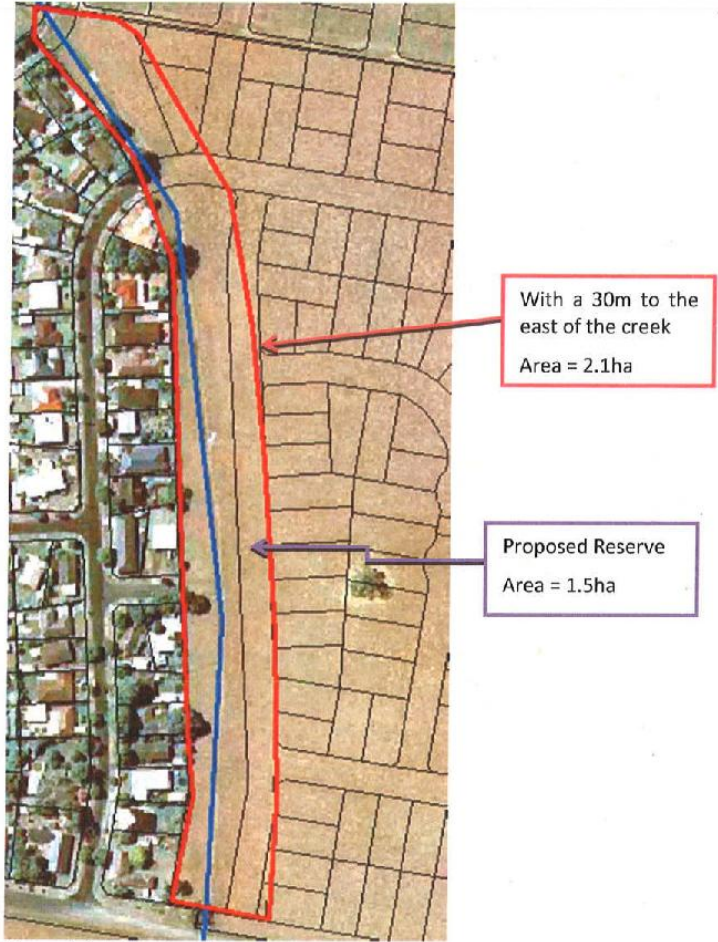


Figure 5-1 Buffer Requirement

5.3 Residents Objections

Latrobe City Council received four objections from local residents in regards to this development. In terms of flooding the main concerns were as follows:

- The western drain has flooded 5 times in the past 8 years according to residents on William Crescent, and at least three times in the past 20 years it has reached the back fences. (this anecdotally fits with the calculated capacity above)
- Who would be responsible for clean-up of the mud after a storm event?
- Concerns that stormwater from the development will worsen flooding impacts on neighbouring properties.
- Will the development impact on the insurance of the neighbouring properties?
- The previous proposal indicated an upgrade of the drain but did not specify to what degree.
- Tilling of the soil will increase the runoff.
- The runoff from the site would exceed 5ML/year.
- The western drain poses a major safety hazard as in times of flood it becomes a raging torrent.

A majority of the concerns relate to the under capacity drain that currently exists. At the moment the drain capacity is lower than the 1 Year ARI event, and hence why regular flooding is observed. The current proposal intends to increase the drain to be properly sized for the catchment, reducing flooding impacts on the neighbouring properties. The flood modelling in this proposal has shown the flooding extent has reduced as a result of the works. As the neighbouring properties will flood less than currently, this will not have an impact on the insurance premiums.

Even though there is additional flow in the drain, there is a requirement that the site will retard these flows back to existing conditions. The flows will therefore be no greater than prior to development; however now will be more formalized in a channel. Hazard mapping (to be completed) of the developed conditions show that a low risk is achieved in the reserve, based on the flood depth and velocity. There is also additional redundancy built into the drain to ensure the capacity is above the required capacity for the 100 Year event, thereby allowing for any additional flows as the result of soil tilling.

The developer would maintain responsibility for the reserve for the first two years after construction and at this point it would be passed to Council. Council would be responsible for the long term maintenance of paths and the swale.

6. WSUD OPPORTUNITIES

6.1 Wetland

The low lying areas down the escarpment are often flood prone as a result of nearby waterways. As this land is not suitable for development without significantly altering the floodplain, a wetland was proposed to provide water quality treatment and an aesthetic feature of the development. The wetland would be visible from a number of properties along the escarpment.

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In addition to treatment of the site, the wetland is intended to be connected to adjacent drainage lines, providing water quality treatment for the greater catchment. Rural catchments generally have a very high nutrient load and as such the receiving water body would benefit greatly from the wetland.

Preliminary WSUD modelling in MUSIC shows a sedimentation basin of 150m² and a wetland of 1500m² would be suitable to treat the site. This wetland size would increase to 2200m² if also accounting for the fact the nearest downstream development does not have any treatment.



Figure 6-1 Wetland Example

6.2 Vegetated Swale

Vegetated swales are often used where flood conveyance and water quality treatment are required. The western drain is a perfect opportunity to provide greater flood protection and an enhancement of the ecology in this region. This will involve widening of the current drain and vegetation works which will also provide an aesthetic improvement for the area and encourage interaction with the waterway.

Low maintenance planting will be critical to the design to ensure costs are kept low over the long term. Planting with native grass mixes rather than lawn will reduce the maintenance costs.

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The swale in itself does not quite meet the WSUD targets for the western part of the site and therefore MUSIC modelling shows a small (150m²) sedimentation basin and wetland (1200m²) will need to be located at the downstream end of the swale.



Figure 6-2 Swale Example

7. CONCLUSION

The development at 55 Bonds Road Yinnar has the opportunity to improve the current state of the local drainage in respect to flooding, water quality and aesthetics. Modelling has shown that the current flooding issues experienced by neighbouring residents will be mitigated by providing a more formal drainage line with additional capacity.

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| Client Project Manager | Nick Anderson |
| Water Technology Project Manager | Sarah Law |
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**TREMENDOUS
LANDSCAPES**

RMS 454 - Traralgon South, VIC 3844
Office - 043 31 957 070
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Mobile - 0437791094

TREE ASSESSMENT & CONDITION REPORT

Client: Charles D'Amico, Valleywide Tree Services

Date & Time of Inspection: 30th of October 2011.

Address/Location: In vacant paddock on North side of Bonds Road, Yinnar.

Botanical Name: Eucalyptus ovata

Common Name: Swamp Gum

Tree Details: 14 meters **tall**, 18 meters **wide**,

80+ years **age (estimate)**, **D.B.H** 107 cm

Tree Condition:

Health:

Excellent ***Good*** ***Average*** ***Poor***

Comments: Both the foliage density and annual growth extension is average for this species of tree. There is a minor amount of both deadwood and epicormic growth throughout the canopy which is expected considering the prolonged dry period experienced throughout Gippsland in recent times. Extensive decay was observed both in the trunk and surface roots (see picture 2 and 3).

Branch formation:

Excellent ***Good*** ***Average*** ***Poor***

Comments: The tree has been affected by either high winds or lightning some time ago by losing the apical growth point. The weight distribution along the branches is uneven. There are cavities in the main trunks that negatively affect the stability of some large branches. This species of tree is known for its limb shedding habits.



**TREEMENDOUS
LANDSCAPES**

2310 1151 Tonnage South VIC 3844

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Site Suitability:

Excellent **Good** **Average** **Poor**

Comments: The tree is located in the middle of a large paddock.

Insect-Fungal-Bacterial attack: **Yes/No**

Comments: Dry rot fungus was observed in the wounds during the inspection period.

Useful Life Expectancy: **20 years.**

Maintenance Requirements:

Comments: None.

Hazard rating: 5/12 Low Hazard Rating.
(refer to attachment)

Reason for this Report:

Comments: The residential developer is requiring an arborist to assess the health and safety of the tree and recommend the appropriate action to be taken.

RECOMMENDATIONS:

- 1) That the Swamp Gum tree be retained.
 - If the situation of usage changes in the proximity of this tree by increasing the target rating, then it would be recommended that this tree be removed because of the poor state of the branch structure and decay once the appropriate planning permission has be granted (Native Vegetation).



**TREEMENDOUS
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Swamp Gum tree



**TREMENDOUS
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Decayed Surface Roots



**TREEMENDOUS
LANDSCAPES**

©MB 2011 - Geelong South VIC 3844

A Home - 03 52 957 099

Work - 03 52 957 077

Mobile - 017 5010994



Extensive Decay in Main Trunk



**TREMENDOUS
LANDSCAPES**

RMF 054, Lonsdale South VIC 3814

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APPENDIX

HAZARD RATING SYSTEM/FORMULA EXPLATATION

This hazard rating system is endorsed by the International Society of Arboriculture from *Evaluation of Hazard Trees in Urban Areas, 2nd edition*, Matheny & Clark, 1994. The scoring system is listed below by category that best fits the tree being assessed.

Failure Potential:

1. **Low** – Defects are minor (e.g. Dieback of twigs, small wounds with good woundwood development).
2. **Medium** – Defects are present and obvious (e.g. Cavity encompassing 10-25% of the circumference of the trunk, codominant stems without included bark).
3. **High** – Defect a numerous and/or significant (e.g. Cavity encompassing 30-50% of the circumference of the trunk, multiple pruning wounds with decay along a branch).
4. **Severe** - Defects are very severe (e.g. heartrot decay sporophores or conks in main stem; cavity encompassing more than 50% of the truck, codominant stems with included bark).

Size of Defective Part

1. most likely failure less than 15cm in diameter
2. most likely failure less than 15-45cm in diameter
3. most likely failure less than 45-75cm in diameter
4. most likely failure greater than 75cm in diameter

Target Rating

1. occasional use (e.g. Open parkland, etc)
2. intermittent use (e.g. Picnic area, day parking)
3. frequent use (e.g. Jogging Track, storage facilities)
4. constant use (e.g. Year-round use for a number of hours for each day, residences, etc)

The hazard evaluation system provides a simple process for Arborists to assess/process the danger and risks associated with trees. This includes death/injury to people and damage to infrastructure from falling branches. The rating system does not define danger. It provides a system for managing trees that could present high risk of failure.

Millar | Merrigan

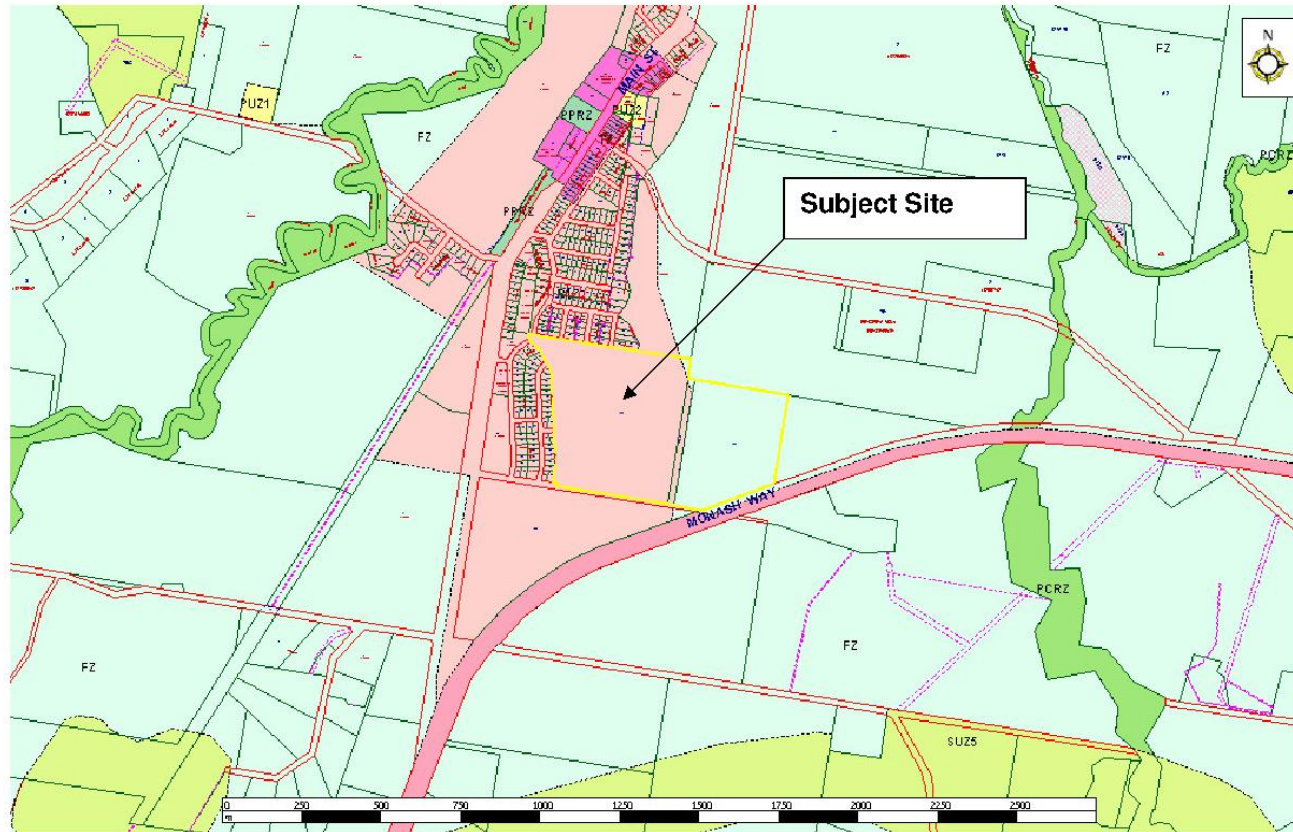
Native Vegetation Offset Calculation Sheet Bonds Road, Yinnar

Environmental Characteristics of the site:

| | |
|---------------------------------------|--|
| Bioregion: | Strzelecki Ranges |
| Catchment Management Authority (CMA): | West Gippsland CMA |
| Applicable Vegetation Plan: | West Gippsland Native Vegetation Plan (WG NVP) |
| Ecological Vegetation Class (EVC): | EVC 23: Herb-rich Foothill Forest |
| Conservation Status: | Endangered |
| Conservation Significance: | High |
| Large Old Tree (LOT) DBH | 70cm |

Characteristics of the tree proposed for removal:

| | |
|--|--|
| Tree Size (DBH): | 107cm |
| Tree Classification: | Very Large Old Tree (> 1.5 times the benchmark LOT DBH) |
| Offsets Required – Option 1 Recruitment: | 200 Plants (page 61 of WG NVP) |
| Option 2 Protect and Recruit: | Protection of 2 LOTs and recruitment of 10 plants (page 61 of WG NVP). |



Zoning in Yinnar
Land coloured pink = Residential 1 Zone

NOTICES OF MOTION

7. NOTICES OF MOTION

8.1 2013/01 - NOTICE OF MOTION - GIPPSLAND AQUATIC CENTRE

This item was considered earlier in the meeting

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

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

**9.1 POTENTIAL ROAD DISCONTINUANCE AND SALE OF LAND -
PART CATTERICK LANE, TRARALGON**

This report was considered earlier in the meeting

**9.2 REVIEW OF MOE ACTIVITY CENTRE PLAN AND MOE RAIL
PRECINCT REVITALISATION PROJECT**

This report was considered earlier in the meeting.

CORRESPONDENCE

9. CORRESPONDENCE

Nil reports

PRESENTATION OF PETITIONS

10. PRESENTATION OF PETITIONS

Nil reports

CHIEF EXECUTIVE OFFICER

11. CHIEF EXECUTIVE OFFICER

Nil reports

ECONOMIC SUSTAINABILITY

12. ECONOMIC SUSTAINABILITY

13.1 2013 SUPER TRADE MISSIONS TO INDIA

General Manager

Economic Sustainability

For Decision

PURPOSE

The purpose of this report is to seek Council approval to participate in the Victorian Super Trade Mission to India, participate in business meetings in China and to officially open the Australia Garden in Taizhou, China.

DECLARATION OF INTEREST

The Chief Executive Officer, General Manager Economic Sustainability, Manager Cultural Liveability and International Relations Officer declared a direct and/or an indirect interest under section 77B of the Local Government Act 1989.

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives -

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

In 2026, Latrobe Valley celebrates the diversity of heritage and cultures that shape our community, with activities and facilities that support the cultural vitality of the region.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

Positioned for a Low Carbon Future
Advancing industry and innovation

Strategic Direction – Economic Sustainability

Facilitate investment attraction of new firms to contribute to economic diversification, employment creation and to meeting the challenges of a carbon constrained economy.

Strategic Direction - Culture:

Foster greater awareness, understanding and respect for other cultures through the promotion of international relationships.

Service Provision –

In conjunction with the Victorian and Australian Governments, facilitate the attractions of large investments to Latrobe City for the creation of sustainable jobs.

Deliver International Relations services in accordance with the Latrobe City Council International Relations Plan.

Major Initiatives -

Deliver “Positioning Latrobe City for a Low Carbon Emissions Future” to maximise the opportunities for alternative technologies and non traditional uses for coal, through support of the Low Carbon Emissions Future Transition Committee.

Deliver Year 2 actions from the Latrobe City International Relations Plan 2011-2014 to enhance cultural and economic benefits.

Strategy – Latrobe City Economic Sustainability Strategy 2011-2015

Latrobe’s Economic Sustainability Strategy 2011-2015 identifies the following service provision elements:

Economic Development: In conjunction with the Victorian and Federal Governments, facilitate the attraction of large investments to Latrobe City for the creation of sustainable jobs.

Regional Partnerships: Provide regional leadership and facilitate a successful transition for Latrobe City to a low carbon future.

Latrobe City’s Economic Sustainability Strategy 2011-2015 also describes strategies that Latrobe City Council plans to undertake to contribute to robust and sustainable economic development and to assist our municipality in transitioning to a low carbon future. Of particular relevance are the strategies of *Strategic Business Development* and *Latrobe City Investment Brand*.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

Strategic Business Development aims to support existing businesses to grow and increase their competitiveness and to attract new businesses and industries to Latrobe City. The Economic Sustainability Strategy states:

Opportunities for new investment that bring new capital into the local economy, align with the strengths of Latrobe City, complement existing industries and serve to diversify the economy will be proactively identified and aggressively pursued during the 2011-2015 period.

Of particular interest are the following opportunities that the Economic Sustainability Strategy highlights including:

- International investment: building on the international relations program and sustained international market interest in Latrobe City to attract international investment;
- Low emissions and renewable energy technologies: securing Victoria's next major power development in Latrobe City. Latrobe City will harness its competitive strengths in power generation and heavy engineering in order to build on, and further enhance our reputation as Victoria's energy heartland;
- Alternative coal use: promoting the development of coal derivative technologies including fertiliser production, coal to oil and coal to gas technologies; and
- Soil carbon programs: building regional capacity for production of carbon offsets through forestry, bio-char and/or soil carbon management for sale into local and international markets along with development of aligned services (e.g. brokerage agencies) located in Latrobe City's commercial hub;
- Shared Services: harnessing the strengths of Latrobe City to attract call centres and business services seeking affordable, accessible and well serviced central office locations. Latrobe City will mobilise its skilled workforce and infrastructure capacity to be a key shared services hub in Australia;
- Aviation industries: attracting aviation related businesses including aerospace industries, adventure tourism firms, aviation trading facilities and related service providers to establish or expand their operations on the expanding Latrobe Regional Airport site.

Policy

Latrobe City Council Sister Cities Visit Policy 12-POL-1. This is provided as Attachment One.

BACKGROUND

In December 2012, advice was received that the Victorian Government planned a Super Trade Mission to India between 11 and 15 March 2013. The Mission will be focussed on a range of targeted industry sectors including:

| | |
|-------------------|--------------------------|
| Automotive | Aviation and aerospace |
| CleanTech | Education |
| Film | Financial services |
| Food and beverage | ICT |
| Life sciences | Sustainable urban design |
| Tourism | |

The program aims to strengthen industry and government relationships, introduce Victorian companies to India, develop collaboration and partnership projects between Victoria and India, increase Victorian exports to India and increase the flows of investment from India to Victoria. The Super Trade Mission to India follows the recent successful Super Trade Mission to China, at which Council participated in the Energy and Aviation streams. Ten local firms also participated in the 2012 Mission. The outcomes report from the 2012 China Super Trade Mission is provided as Attachment Two.

Following this advice, officers have distributed information to approximately 50 local businesses within the targeted sectors to encourage local participation in the Super Trade Mission. A media release encouraging firms to participate in the Mission has also been issued.

Latrobe City's gift to Taizhou, China to commemorate the Ten year anniversary of our Sister City relationship was the Australian Garden. This project was completed in October 2012. In November 2012 an invitation from Taizhou to open the Australian Garden within the Taizhou Expo Gardens was received. The invitation is provided as Attachment Three.

The timing of the Super Trade Mission to India is such that it would be opportunistic to open the garden immediately following the Mission, saving on a further trip abroad. It is expected that combining the two visits would result in a degree of cost and time efficiency.

ISSUES

Victorian Government Super Trade Mission to India

The Super Trade Mission is recognised as a cost effective way to progress the range of opportunities relating to India by utilising the influence of the Victorian Government as a mission delegate.

The following outline of the Super Trade Mission is provided on the Department of Business and Innovation website.

The trade mission will be Australia's largest ever mission to India and will cover strategic sectors including: education, ICT, aviation and aerospace, automotive, sustainable urban design, clean tech, food and beverage, and tourism.

The Premier said the mission will strengthen the Australian investment relationship with India significantly and generate substantial new opportunities for Victorian businesses, as well as additional exports and jobs for Victoria.

Of the sectors participating in the mission, CleanTech, Aviation, Education and Food and Beverage were seen as the most consistent with Council's target sectors as defined in the Economic Sustainability Strategy and complementary to Latrobe's currently business profile. Applications, subject to Council approval were submitted for each of these sectors. Advice received from Victorian Government Officers indicated that participation in the Education and Food and Beverage streams would not be advisable as these Missions will be specifically tailored for firms with a product to sell into the Indian Market. It is proposed that one Council representative participate in the CleanTech sector and two Council representatives participate in the Aviation sector.

CleanTech

Excerpt from industry profile from the Department of Business and Innovation website:

Victoria, along with much of the world faces some significant environmental and resource challenges. The Victorian Government is investing heavily in the development of low emissions technology including solar, carbon capture and storage and geothermal, as well as longer term sustainable energy projects.... The Victorian Government supports collaborations between Victorian and Indian companies in this increasingly important sector.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Latrobe City is Victoria's energy centre and the clean technology sector, provides opportunities for future investment in low emissions and renewable energy technology. Latrobe City has competitive strengths in power generation, heavy engineering and abundant natural resources. The purpose of participation in the CleanTech mission would be to secure Victoria's Indian investment in this sector through promoting the development of coal derivative technologies including fertiliser production, coal to oil and coal to gas technologies.

Local coal project proponent Exergen will have representatives in this stream on the Mission. Indian company Tata Power has been a key investor in the company since 2008. This mission would provide Latrobe City with the opportunity to develop relationships and promote brown coal to one of the world's largest energy markets.

Subject to Council approval the Chief Executive Officer or delegate will participate in this sector of the Super Trade Mission.

Aviation

Excerpt from Department of Business and Innovation webpage:

Victoria offers extensive services in the areas of aerospace design and manufacturing, R&D, MRO, training, logistics and freight. Victorian aerospace companies are also successfully competing in global supply chains.

Many major aviation and aerospace companies have chosen Victoria as the ideal location for their head office and Asia-Pacific operations, with bases for John Holland Aviation Services (JHAS), Qantas Engineering, Virgin Tech, LTQ Engineering, Honeywell Aerospace and Rockwell Collins all located around Melbourne and Geelong.

Major original equipment manufacturers including Boeing Aerostructures Australia and Mahindra-owned GippsAero are also based in Victoria, along with Boeing Research and Technology Australia and leading Victorian aerospace design and manufacturing companies Aerostaff Australia, Hofmann Metaltec, Marand, Rosebank Engineering, Lovitt Technologies and GKN Aerospace Engineering Services.

Aircraft manufacturing in Latrobe City contributed a total of \$160 million to the local output and contributes 150 jobs in the local economy. Approximately 3.6 per cent or \$131 million of exports comes directly from the aviation sector.

GippsAero is Australia's only commercial passenger aircraft manufactured in Australia and is the key to attracting aviation related businesses to one of Latrobe City's identified future employment zones, the Latrobe Regional Airport. New development opportunities that could be promoted as part of this Mission include aerospace industries, aviation training facilities and related service providers.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

The Aviation and Aerospace sectors will be split into two separate streams. It is proposed that Latrobe City would participate in the aerospace stream. Subject to Council approval a Councillor or delegate and the General Manager Economic Sustainability will participate in this sector of the Super Trade Mission.

Education

Excerpt from industry profile from the Department of Business and Innovation website:

Victoria enjoys the largest share of Indian students in Australia – nearly half. In October 2011, there were 31,745 Indian students enrolled to study in Victoria. Indian students play a significant role in shaping and enhancing Victoria’s multicultural community and join nearly a quarter of a million people of Indian origin who now call Australia “home”.

Eight of Victoria’s major universities are represented in this trade mission, including six university vice chancellors. Together with their colleagues in vocational and technical training, they are keen to discuss new opportunities for development and mutual benefit.

The Education and Training sector contributes \$286 million of Latrobe City’s total output and \$182 million in local sales. It is the fourth largest employment sector with approximately 2,500 jobs in early childhood, primary, secondary and tertiary education.

Latrobe City is the education centre for Gippsland and the only regional centre which has a “Group of Eight” university in Victoria, offering tertiary education to local and international students. An opportunity exists to partner with education providers in the education sector to promote Latrobe City as the location of choice for international students in regional Victoria and grow the education sector’s share of the international education market.

It is understood that both Monash University and GippsTAFE will have representatives on the Mission. Participation in the mission would reinforce our support for Monash, GippsTAFE and the sector more broadly.

An application subject to Council approval was submitted for this sector of the Mission. Advice received from the Victorian Government indicated that this stream was designed for firms with a service to offer into the Indian market and therefore not relevant for Latrobe City Council.

Food and Beverage

Excerpt from the Department of Business and Innovation website:

The Victorian companies on this mission look forward to speaking with Indian businesses about the opportunities for food and beverage trade. Such opportunities include providing produce when it is out of season in India. This can be easily done, due to India and Victoria's opposing seasons. In fact, Australia's seasonal advantage has been the basis for Victoria's thriving \$6.4 billion food and beverage export industry.

Dairy is Victoria's largest food sector. Victoria has a 13 per cent share of world dairy trade, with products including milk (fresh and UHT), whole and skim milk powder, buttermilk powder, casein, cheese, as well as yoghurts, custards, dairy desserts, and specialised ingredients such as whey proteins and nutraceuticals.

Dairy product manufacturing is the fourth highest contributor to Latrobe City's manufacturing sector. The current output for dairy product manufacturing is \$297 million and 3.4 per cent of Latrobe City total output. Approximately 600 jobs come directly from the dairy product manufacturing sector and exports 6.2 percent of total regional exports valuing \$228 million. Meat product manufacturing contributes \$8 million to the local economy and employs approximately 20 people, with the majority of product consumed in the Latrobe Valley region. The Latrobe City poultry sector has a total output of \$3.8 million and the cattle sector produces 0.6 percent or \$55.7 million for the local economy with 275 jobs.

Latrobe City is home to Australia's largest yoghurt manufacturing facility, Lion Foods. The Super Trade mission to India will maximise opportunities for further investment in food processing within the municipality with the aim of attracting the next large scale project.

An application subject to Council approval was submitted for this sector of the Mission. Advice received from the Victorian Government indicated that this stream was designed for firms with a service to offer into the Indian market and therefore not relevant for Latrobe City Council.

Benefits of participation in the Super Trade Mission

Specific benefits for Latrobe City through participation in the Super Trade Mission to India are expected to include:

- Demonstration to the Victorian Government and Indian industry of a commitment to progress identified opportunities;
- Enhancing Latrobe's reputation as Victoria's energy heartland to key international stakeholders;

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

- Build on existing relationships and pursue opportunities to work in partnership with Indian firms;
- Further building a solid foundation for progressing international investment opportunities and effectively engaging with decision makers;
- Increasing international capacity and knowledge of existing products and technologies, deal making strategies and best practice when discussing investment opportunities with overseas investors; and
- Continuing to forge an improved working relationship with the Victorian Government.

In addition to the above benefits participation in the Mission also provides Council with the opportunity to gain cultural insight into business practices with India. To support this, the Department of Business and Innovation is offering all Mission participants the opportunity to undertake a Cultural Familiarisation Workshop.

Opportunity to meet with Mahindra in India

Mahindra Aerospace purchased a 75% stake in local firm Gippsland Aeronautics in 2010. This triggered the creation of GippsAero. Since 2010 employment numbers at GippsAero have grown from 80 to 171.

The future plans of GippsAero include the production of two new aircraft; the GA10, a ten seat version of the popular GA8 Airvan, the prototype of which flew in May 2012, and a new 18 seat, twin engined Airvan, the GA18, to cater to this growing market in the worldwide aviation and aerospace industry. GippsAero propose to have the GA18 certified by 2014.

Along with increased aircraft production will come significant increases in employment in the aviation industry, which is the cornerstone of the Latrobe Regional Airport Board's focus for the Latrobe Regional Airport. Managing Director of Mahindra Aerospace, Mr Arvind Mehra has invited Latrobe City to meet at their headquarters in Mumbai. The Mission to India provides a unique opportunity to build stronger relationships with a key local business at minimal additional cost to the proposed trade mission.

Opportunity to formally open the Australian Garden in Taizhou

Council's Sister City Visits Policy (12 POL-1) makes the following statement under *Benefits of Sister Cities*.

Our Sister City Program helps promote Latrobe City as a city of global significance, through exchanges and initiatives that focus on five key areas – education, culture, trade, tourism and sport.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

The program enables us to foster international peace and goodwill, enriching our community with a broader understanding of other nations, their traditions, customs and cultures. Crucially though, it also provides a multi-lateral framework for cultivating economic growth across a host of trade, industry and business sectors.

To commemorate the 10th Anniversary of the Sister City relationship, re-affirmation of the Sister City Agreement was signed in 2010 by Latrobe City then Mayor Councillor Kellie O'Callaghan and Mayor of Taizhou Xu Guoping.

To celebrate this relationship, an Australian Garden has been built within the Taizhou Expo Garden. The garden is an iconic gift to the City of Taizhou and was completed in October 2012. An invitation from the Mayor of Taizhou has been received (refer to Attachment three) inviting Latrobe City Council to formally open the garden in April 2013. A briefing paper regarding the project is provided as Attachment four.

Given the timing of the Super Trade Mission to India, Council may wish to request a garden opening in March 2013 immediately following the Mission. This would provide financial savings in travel costs and would reduce Council's time spent travelling (compared to a stand alone visit).

It should be noted that this project has been made viable by the generosity of the City of Taizhou who provided a parcel of land, labour to complete the project, and have undertaken to provide ongoing maintenance of the garden.

It is proposed that the International Relations Officer join the delegation in China to assist with translational and organisational duties.

Business Meetings in China

Whilst in China, it would be ideal to again meet with the various businesses interested in investing in Latrobe City. The Latrobe Valley lignite resource is becoming increasingly attractive to a range of international governments including corporations, particularly in China. This has been evident from the sustained level of interest and high number of delegations travelling to Latrobe City over recent years. As part of the delegation to China, the Victorian Government Business Office has indicated support for arranging meetings with proponents of local coal projects.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

Proposed itinerary for India - China

| Date | Location | Activity | Delegates |
|------------------------------|------------------------------|--|---|
| March 9 -10 (Sat – Sun) | Australia - India | Travelling | Councillor or delegate, Chief Executive Officer or delegate and General Manager Economic Sustainability or delegate. |
| March 11 – 15 (Mon – Fri) | India | Participation in Super Trade Mission | Councillor or delegate, Chief Executive Officer or delegate and General Manager Economic Sustainability or delegate. |
| March 16 – 17 | Weekend | | |
| March 18 (Monday) | India (Mumbai) | Meeting with Mahindra | Councillor or delegate, Chief Executive Officer or delegate and General Manager Economic Sustainability. |
| March 19 (Tuesday) | India - China | Travelling | |
| March 20 – 22 (Wed – Fri) | China (Various locations) | Opening of Australia Garden. Sister Cities meetings Meetings with Victorian Government Business Office and proponents of local coal projects. | Councillor or delegate, Chief Executive Officer or delegate, General Manager Economic Sustainability or delegate and International Relations Officer |
| March 23 - 24 | China - Australia | | Travelling |

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

Trade mission and meeting with Mahindra Aerospace

The direct cost to Council would include items such as airfares, accommodation and meals which are estimated to be \$6,000 per participant. The Victorian Government will provide a subsidy of \$3,000 for a maximum of two streams (\$6,000). The cost to Council for participation in the Trade Missions is estimated to be \$18,000 in total. It is not proposed that the International Relations Officer participate in this section of the Mission.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)***Opening of Australia Garden and business meetings in China*

The direct cost to Council would include items such as airfares and accommodation which is estimated to be \$3,000 per person. It has been normal practice for the host city to provide meals for delegations. The total cost of participation in business meetings in China and the garden opening is estimated to be \$12,000.

Combining the delegations will save around \$1,000 per person on airfares plus any travel time saved. The total cost of India and China is estimated to be \$30,000. All costs associated with the Mission can be accommodated within divisional budgets.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

Consultation has been held with the Victorian Government regarding Council participation in the Super Trade Mission. Approximately 50 local businesses have been advised of the Mission.

Members of the International Relations Committee will be invited to attend the opening of the Australian Garden at their own cost.

OPTIONS

Council has the following options:

1. Approve the participation of a Councillor, Chief Executive Officer or delegate, General Manager Economic Sustainability or delegate and International Relations Officer in the Victorian Government Super Trade Mission and Australia Garden Opening in China.
2. Not approve the participation of a Councillor, Chief Executive Officer or delegate, General Manager Economic Sustainability or delegate and International Relations Officer in the Victorian Government Super Trade Mission and Australia Garden Opening in China.
3. Request further information relating to the participation of a Councillor or delegate, Chief Executive Officer or delegate, General Manager Economic Sustainability or delegate and International Relations Officer in the Victorian Government Super Trade Mission and Australia Garden Opening in China.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)****CONCLUSION**

The Super Trade Mission to India represents a significant opportunity to progress the implementation of key components of the Council Plan 2012-2016 and the Economic Sustainability Strategy 2011-2015.

Attachments

1. Latrobe City Council Sister Cities Policy
2. Australian Garden Overview
3. 2012 China Super Trade Mission Council Report

RECOMMENDATION

1. That Council approve a delegation consisting of a Councillor [name to be inserted] or delegate, Chief Executive Officer or delegate, General Manager Economic Sustainability or delegate and International Relations Officer to the Super Trade Mission to India and Australian Garden Opening in China.
2. That following the Super Trade Mission to India and Australian Garden Opening in China, a report outlining the key outcomes and opportunities resulting from the Mission be presented to Council for consideration within 60 day of returning from the Mission in accordance with Council's Sister Cities Policy.

ALTERNATE MOTION

1. **That Council approve a delegation consisting of the General Manager and/or Manager of Economic Sustainability to the super trade mission to India**
2. **That no councillor or officer travel to China.**
3. **That following the super trade Mission to India , a report outlining the key outcomes and opportunities resulting from the mission be presented to council for consideration within 30 days of returning from the mission.**

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Moved: Cr Harriman
Seconded: Cr Rossiter

That the Recommendation be adopted.

For the Motion

Councillor/s Harriman, Kam, Gibbons, Rossiter

Against the Motion

Councillor/s White, O'Callaghan, Sindt, Middlemiss

The Motion was put and CARRIED on the casting vote of the Mayor

The Mayor confirmed that the Recommendation had been CARRIED

13.1

2013 Super Trade Missions To India

| | | |
|----------|--|------------|
| 1 | Latrobe City Council Sister Cities Policy | 369 |
| 2 | Australian Garden Overview..... | 373 |
| 3 | 2012 China Super Trade Mission Council Report | 377 |

Document Name: **Sister City Visits Policy**

12 POL-1

Adopted by Council: **4 June 2012**

Policy Goals

Latrobe City has established and managed formal sister city relationships on behalf of our community, to gain a deeper understanding of each other's culture, traditions, society and people. To this end, Latrobe City has two formal sister city relationships; with Takasago City, Japan and the City of Taizhou, China.

Latrobe City recognises that a key to achieving this deeper understanding is through young people and this is why a significant focus of Latrobe City's programs is with the youth of our community. A Sister City Program enables citizens to become directly involved in international relations in a unique and meaningful way, bringing long-term benefits to the local community and its partners abroad.

Sister city relationships allow communities to exchange experiences and ideas, gain an international perspective and increase their understanding of global issues.

In addition to encouraging international peace and goodwill, Latrobe City's sister city relationships go much further leading to economic growth, increased tourism, and reliable business contacts.

Benefits of Sister Cities

Our Sister City Program helps promote Latrobe City as a city of global significance, through exchanges and initiatives that focus on five key areas – education, culture, trade, tourism and sport.

The program enables us to foster international peace and goodwill, enriching our community with a broader understanding of other nations, their traditions, customs and cultures. Crucially though, it also provides a multi-lateral framework for cultivating economic growth across a host of trade, industry and business sectors.

The Economic and Business Benefits

Our active sister city relationships have an important role to play in developing international economic partnerships. Latrobe City enjoys investment in the billions from International



interests in local industry and there is a demonstrated and sustained interest in Latrobe City as a potential investment location from overseas firms.

Helping to establish reliable business contacts and thereby improve business opportunities, the program acts as a gateway to new markets and trade alliances. It acts as a springboard and catalyst for new investment and knowledge-sharing opportunities, while also promoting tourism, inbound education and providing a platform from which we can address global issues with our international partners.

The Social and Cultural Benefits

Through cultural, educational and sporting exchanges, the program helps to break down intercultural barriers. It promotes diversity and encourages openness, tolerance and mutual understanding, all of which enrich our communities and those of our international partners.

This policy outlines the guidelines for sending Latrobe City Council led delegations from Latrobe City to our Sister Cities abroad.

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:-

Culture:

Latrobe 2026:

In 2026, Latrobe Valley celebrates the diversity of heritage and cultures that shape our community, with activities and facilities that support the cultural vitality of the region.

Council Plan:

Increase the accessibility of Latrobe City Council's cultural facilities, programs and events.

Facilitate the growth and success of cultural programs, sporting and community events through active engagement, promotion and marketing.

Foster greater awareness, understanding and respect for other cultures through the promotion of international relations.

Service Provision – Culture

Deliver International Relations services in accordance with the Latrobe City International Relations Plan.

Major Initiatives - Culture

Deliver the Latrobe City International Relations Plan 2011-2014 to enhance cultural and economic benefits.

Policy Implementation

Timelines:

- A draft itinerary and suggested attendees shall be presented to Council for endorsement within a minimum of 30 days of the proposed departure date.
- A report outlining the key outcomes from sister city visits shall be provided to Council within 60 days of a delegations return to Australia.

Councillors:

- The Mayor and/or their delegate will generally be required to attend sister city visits to represent the City. The Deputy Mayor and/or Councillors who sit on the Latrobe City International Relations Committee would generally be selected as the Mayors delegate.
- Council must approve the Councillor representative prior to any expense being incurred.
- Additional Councillors may also be invited to attend, but this would normally be at the Councillors own expense.

Council Officers

- The Chief Executive Officer will advise Council the officers who will attend sister city visits in order to achieve the objectives of the planned visit.

Community Representatives

- Community representatives shall be selected / recommended by a selection panel made up of the Mayor and/or Councillors who sit on the Latrobe City International Relations Committee and appropriate council officers.
- If there is to be any expense incurred by Latrobe City Council by the inclusion of community representatives attending sister city trips, all names and the purpose of their attendance shall be provided to Council for approval.

Budgets:

- The budget for any proposed outbound sister city visits must be approved by Council prior to any expense being incurred.
- A report outlining the expenses incurred in undertaking a sister city visit shall be provided to Council within 60 days of a delegations return to Australia.

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 : 06 /06 / 2012.

Australian Garden Project



January 2013

Australian Garden Project

The Australian Garden project was embarked upon as an aspirational and iconic gift to the City of Taizhou to commemorate the 10 year anniversary of our Sister City relationship. The garden idea was discussed with a visiting delegation from Taizhou in early 2009 and as a consequence, Latrobe City was invited to build a garden representative of Latrobe City within the newly developed Taizhou Expo Garden.

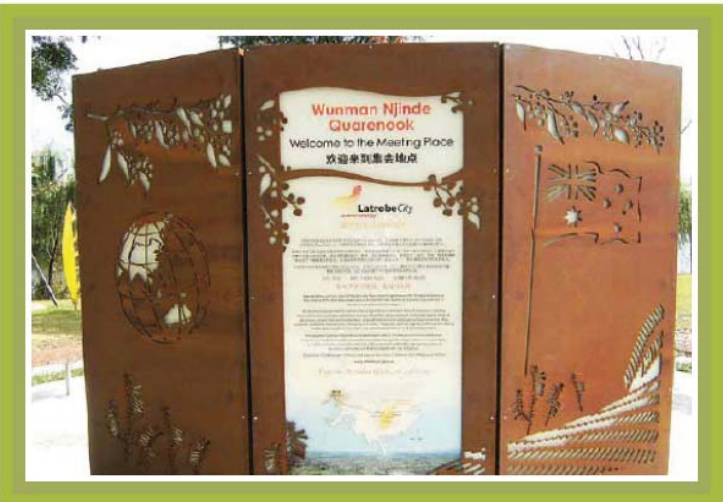
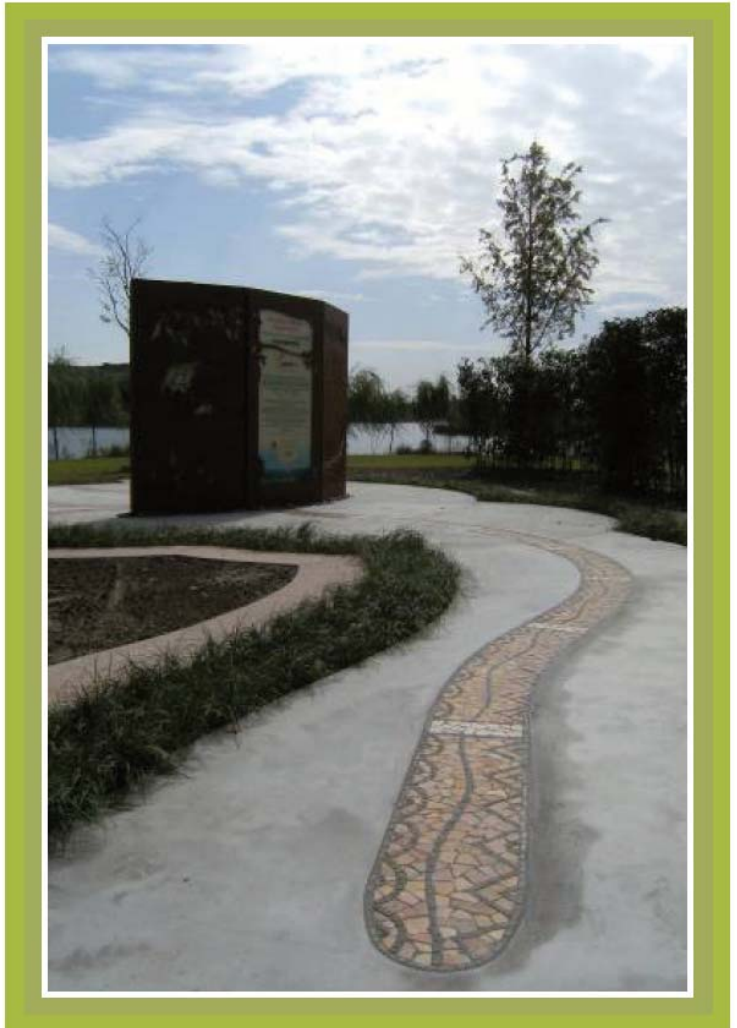
A Council delegation attended the opening of the Taizhou Expo Gardens in September 2009. The gardens are 105 hectares in size and \$135 million AUD has been invested and as the name suggest, were built as part of the World Expo celebrations taking place in Shanghai during 2010. At the opening, a small parcel of land was offered to Latrobe City Council to develop a uniquely Australian design.

The Australian Garden has been established as a constant reminder of the Sister City relationship that exists between the cities of Taizhou, China and Latrobe City, Australia. The Australian Garden is a lasting symbol of the on-going friendship and co-operation, as well as the huge variety of exchanges and interactions that have developed as a result of the Sister City relationship established in 2000 and reaffirmed on the 10th anniversary in 2010.

The Australian Garden was designed by Latrobe City Council officers and includes indigenous mosaic tile patterns, designed by local indigenous artist, Ronald Edwards. Other design features include laser cut panels representative of native animals and at the centre of the design a large laser cut Eucalyptus tree which will double as interpretive signage. The tree represents the growth of the relationship and the indigenous mosaic tiles represent the roots of the tree.

Construction of the Australian Garden during September and October 2012 represented a truly collaborative effort between Latrobe and Taizhou cities. It is this type of collaboration, co-operation and shared effort that has typified the Sister City relationship.

A request from the City of Taizhou for a mayoral led delegation to attend a ceremony to officially open the Australia Garden in Taizhou has been received.



7.1 VICTORIAN GOVERNMENT SUPER TRADE MISSION TO CHINA

AUTHOR: Chief Executive Officer
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present to Council the key outcomes from participation in the recent Victorian Government 2012 Super Trade Mission to China.

2. DECLARATION OF INTERESTS

The Chief Executive Officer and Manager Economic Development declared a direct and/or an indirect interest under Section 77B of the *Local Government Act 1989* in relation to this item.

3. STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Economy

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

Positioned for a Low Carbon Future
Advancing industry and innovation

Strategic Direction – Economy: Sustainability

Facilitate investment attraction of new firms to contribute to economic diversification, employment creation and to meeting the challenges of a carbon constrained economy.

Service Provision –

In conjunction with the Victorian and Federal Governments, facilitate the attraction of large investments to Latrobe City for the creation of sustainable jobs.

Major Initiatives –

Deliver 'Positioning Latrobe City for a Low Carbon Emission Future' to maximise the opportunities for alternative technologies and non traditional uses for coal, through support of the Low Carbon Emissions Future Transition Committee.

Strategy – Latrobe City Economic Sustainability Strategy 2011-2015

The Latrobe City Economic Sustainability Strategy 2011-2015 identifies the following Service Provision elements:

Economic Development: In conjunction with the Victorian and federal Governments, facilitate the attraction of large investments to Latrobe City for the creation of sustainable jobs.

Regional Partnerships: Provide regional leadership and facilitate a successful transition for Latrobe City to a low carbon future.

Latrobe City's Economic Sustainability Strategy 2011-2015 also describes strategies that Latrobe City Council plans to employ to contribute to robust and sustainable economic development and to assist our municipality in transitioning to a low carbon future. Of particular relevance are the strategies of *Strategic Business Development and Latrobe City Investment Brand*.

Strategic Business Development aims to support existing businesses to grow and increase their competitiveness and to attract new businesses and industries to Latrobe City. The Economic Sustainability Strategy states:

Opportunities for new investment that bring new capital into the local economy, align with the strengths of Latrobe City, complement existing industries and serve to diversify the

economy will be proactively identified and aggressively pursued during the 2011-2015 period.

Of particular relevance are the following opportunities that the Economic Sustainability Strategy states will be targeted including:

- International investment: *building on the international relations program and sustained international market interest in Latrobe City to attract international investment;*
- Low emissions and renewable energy technologies: *securing Victoria's next major power development in Latrobe City. Latrobe City will harness its competitive strengths in power generation and heavy engineering in order to build on, and further enhance our reputation as Victoria's energy heartland;*
- Alternative coal use: *promoting the development of coal derivative technologies including fertiliser production, coal to oil and coal to gas technologies; and*
- Soil carbon programs: *building regional capacity for production of carbon offsets through forestry, bio-char and/or soil carbon management for sale into local and international markets along with development of aligned services (e.g. brokerage agencies) located in Latrobe City's commercial hub.*

4. BACKGROUND

At the Ordinary Meeting of Council held on the 20 August 2012, Council resolved as follows:

1. *Council approve a delegation consisting of the Chief Executive Officer, Mr Paul Buckley and the Manager Economic Development, Mr Geoff Hill to attend the China Super Trade Mission and China Airport Infrastructure and Services Mission between 17 and 27 September 2012 plus travelling.*
2. *The Chief Executive Officer provide a report to Council following the visit which outlines the key outcomes and opportunities from the China Trade Missions.*

At the Ordinary Meeting of Council held on the 3 September 2012, Council resolved as follows:

1. *That Council note the progress made in planning for Council's participation in the Victorian Government*

Super Trade Mission to China;

2. *That Council approve an alteration to arrangements for the Victorian Government Super Trade Mission to China to facilitate a visit to Council's Sister City, Taizhou at the completion of the Mission.*

The reports identified expected benefits of participation in the Super Trade Mission as:

- demonstration to the Victorian Government and Chinese industry of a commitment to progress identified opportunities;
- enhancing the reputation as Victoria's energy heartland to key international stakeholders;
- further building a solid foundation for progressing international investment opportunities and effectively engaging with decision makers;
- increasing internal capability in knowledge of existing products and technologies, deal making strategies and best practice when discussing investment opportunities with overseas investors; and
- continuing to forge improved working relationship with the Victorian Government.

Council was accepted into two streams of the Super Trade Mission being the Resources Sector and the Aviation Sector and a subsidy was secured from the Victorian Government of up to \$6,000 (\$3,000 per industry stream) for participation in the Mission. The itineraries for each stream are provided as attachment one and two.

5. **ISSUES**

The Victorian Government Super Trade Mission to China took place between Sunday, 16 September and Saturday, 22 September 2012 inclusive, and was attended by over 650 delegates, including 12 local representatives, across 15 industry streams.

Each industry stream undertook a comprehensive series of targeted meetings and site visits at various Chinese locations and with Chinese industry relevant to the specific industry stream. Each stream was led by a senior Victorian Government officer and supported by an officer from a Victorian Government Business Office located in China.

In addition to the targeted business meetings, the Super Trade Mission itinerary included three whole of Mission networking events hosted by the Premier of Victoria

providing an opportunity to reinforce relationships with the Victorian Government, key Victorian industry leaders and industry leaders from within China e.g. the Oriental Mining Club.

Council was represented in two of the industry streams being Resources (Coal) and Aviation. There was also representation by local business in the Education, Clean Technology, Food and Tourism streams.

Strategic Outcome- Victorian Government Relationship

Council's participation in the Super Trade Mission enabled a clear message to be delivered to the Premier of Victoria, Victorian Government Ministers and senior Victorian Government bureaucrats of Council's policy position to proactively pursue international investment opportunities.

By participating Council has been able to reinforce the status of Latrobe City as one of Victoria's four regional centres and the role Latrobe City is continuing to play in underpinning Victoria's ongoing prosperity.

Strategic Outcome - Relationships with Chinese Industry

Over the past few years there has been significant and growing interest in Latrobe City by Chinese industry and government. Through face to face meetings with well over 100 Chinese industry leaders, the Super Trade Mission provided an opportunity to reinforce relationships and demonstrate local government support for a range of international investment opportunities in Latrobe City.

Strategic Outcome - Support for Local Enterprise

A number of local organisations participated in the Super Trade Mission including:

- AGL Loy Yang;
- TRUEnergy;
- GHD;
- ECT;
- Newtech Energy (Aywin);
- Destination Gippsland; and
- Gippsland Education Precinct.

Council participation in the Super Trade Mission provided the means to demonstrate tangible local government support for projects being progressed by these organisations, recognised as being important in progressing Chinese business relationships.

The issue of Local Government support for existing and potential industries and projects was a key question at a number of meetings/presentations. Of particular note, the CEO made a presentation at an Investment Seminar held on Friday 21st September attended by approximately fifty Chinese investors and was questioned about the City of Latrobe's support for the coal and energy industry. The CEO was able to refer to Council's policy position and to distribute information about Council's support for the ongoing sustainable use of the coal resource. This information was well-received.

A specific outcome of the Super Trade Mission was the announcement by Newtech Energy of the signing of a Memorandum of Understanding with Chinese based Zhejiang Shipping Company to progress the Latrobe Briquette Manufacturing Facility project. The project is to be located at TRUEnergy Yallourn.

Strategic Outcome - Relationships with Victorian Industry

Participation in the Victorian Government Super Trade Mission provided an opportunity to forge new and strengthen existing relationships with Victorian industry.

In particular, this was a key objective of Council's focus on the Aviation stream of the Super Trade Mission. Outcomes resulting from this participation include:

- Increased recognition by the Victorian aviation industry of Latrobe City's role and the potential for continued growth of the industry locally as part of the Victoria's overall capability.
- A number of specific opportunities to be followed up including the potential for attracting new business activity to Latrobe Regional Airport and improved access to technical support for existing business.
- An offer by Aviation Aerospace Australia (AAA), an industry peak body, to host an event in Latrobe City to encourage regional cooperation and increase capability in the sector.

Strategic Outcome - Increasing internal capability

Council's participation in the Super Trade Mission provided the means of increasing officer capability in addressing and realising international investment opportunities. In addition to being able to participate in a range of high level business meetings and negotiations across China, a pre Mission Briefing and a post Mission Master Class were offered.

Each of these sessions offered presentations by experts in doing business with China and in progressing international investment.

As a direct outcome, some alterations in arrangements for hosting future international delegations in Latrobe City will be initiated such as designating a specific place in the middle of the longer side of the meeting table for the head of the visiting delegation.

An added opportunity for increasing internal capability was the opportunity to forge improved relationships with other Victorian Local Governments. For example, as a direct result of participation in the Super Trade Mission, a meeting has been organised between the Economic Development teams of the Greater City of Geelong and Latrobe City to investigate increased interaction and cooperation.

6. FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

The direct cost to Council was approximately \$15,000 in total.

A subsidy of \$6,000 has been offered by the Victorian Government to offset this cost.

This resultant expense of \$9,000 has been accommodated within the 2012/13 Executive Office and Economic Sustainability Division budgets.

7. INTERNAL / EXTERNAL CONSULTATION

Consultation was held with the Victorian Government regarding Council participation and approximately 30 local businesses were advised of the Super Trade Mission to China.

8. OPTIONS

Council has the following options:

1. Note the key outcomes of participation of the Chief Executive Officer and Manager Economic

Development in the Victorian Government Super Trade Mission to China.

2. Request further information relating to outcomes of participation of the Chief Executive Officer and Manager Economic Development in the Victorian Government Super Trade Mission to China.

9. **CONCLUSION**

Council's participation in the Super Trade Mission to China and provided a significant opportunity to progress implementation of key components of the Council Plan 2012-2016 and the Economic Sustainability Strategy 2011-2015.

Key outcomes from participation in the Super Trade Mission to China included:

- demonstration to the Victorian government and Chinese industry of a commitment to progress identified major investment opportunities;
- enhancing the reputation as Victoria's energy heartland to key international stakeholders;
- further building a solid foundation for progressing international investment opportunities and effectively engaging with decision makers;
- increasing internal capability in knowledge of existing products and technologies, deal making strategies and best practice when discussing investment opportunities with overseas investors; and
- continuing to forge improved working relationship with the Victorian Government.

10. **RECOMMENDATION**

That Council note the key outcomes of participation by the Chief Executive Officer and Manager Economic Development in the 2012 Victorian Government Super Trade Mission to China.

“The recommended decision is not a “Major Policy Decision”, as defined in section 93A of the Local Government Act 1989, or a “Significant Decision” within the meaning of the Electoral Caretaker Provisions Policy”.

Moved: Cr Lougheed
Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

**13.2 LATROBE REGIONAL AIRPORT SEPTEMBER QUARTERLY
REPORT**

GENERAL MANAGER

Economic Sustainability

For Decision

PURPOSE

The purpose of this report is to provide Council with information on the operations of the Latrobe Regional Airport for the quarter ended 30 September 2012.

DECLARATION OF INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016, in that it provides information on the activities of the Latrobe Regional Airport which achieve the following objectives.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Economy

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

Positioned for a Low Carbon Future
Advancing industry and innovation

Attract, retain, support
Enhancing opportunity, learning and lifestyles

Strategic Direction 1– Facilitate investment attraction of new firms to contribute to economic diversification, employment creation and to meeting the challenges of a carbon constrained economy.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Strategic Direction 2 – Promote and support the development of existing and new infrastructure to enhance the social and economic wellbeing of the municipality.

Strategic Direction 3 – Ensure well planned infrastructure that enhances the marketability of the municipality to industries, residents and investors.

Service Provision – Latrobe Regional Airport

Maintain, develop and operate Latrobe Regional Airport in accordance with Civil Aviation Safety Authority regulations and the Latrobe Regional Airport Masterplan.

Major Initiative – Implement the Latrobe Regional Airport Master Plan to effectively develop the airport and to facilitate investment and jobs growth.

Strategy – Latrobe Regional Airport Master Plan

Policy – Deed of Delegation

The Latrobe Regional Airport is wholly owned by the Latrobe City Council and operates under the management of the Latrobe Regional Airport Board. Under Section 4(b) of the Deed of Delegation from Latrobe City Council to the Latrobe Regional Airport Board, a progress report is to be provided to Council quarterly and annually.

BACKGROUND

The report provides information in relation to the performance of the Latrobe Regional Airport against plans and targets identified in the budget, the business plan and the Latrobe Regional Airport Master Plan 2009. Under Section 4(b) of the Deed of Delegation from Latrobe City Council to the Latrobe Regional Airport Board, a progress report is to be provided to Council quarterly and annually.

ISSUES

The significant activities undertaken during the quarter are outlined below.

Australian Airports Association Regional Airports Meeting

The Australian Airports Association (AAA) convened a meeting in Brisbane on 17 February 2012, with the agenda centred on Regional and Rural Airports. The purpose of the meeting was to provide the basis of a discussion paper to be put to all regional and rural airport operators at a seminar in Canberra at the end of June 2012. The final paper forms the AAA's advocacy policy for the sector for the immediate future.

Parliamentarians from all parties, along with Local Government Mayors and CEOs, were invited to a launch and presentation held at Parliament House on 20 June 2012.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

The paper titled “*Connecting Australia – The Economic and Social Contribution of Australia’s Airports*” was produced for the AAA by Deloitte Access Economics and is a comprehensive policy document which will provide the AAA with a foundation with which to approach Governments on a variety of Airport matters in the future.

The paper has a bias toward airports with passenger services, however Latrobe Regional Airport is the first case study mentioned in the paper. There appears to be a lack of recognition of the role Regional Airports play in the emergency services, in spite of representations by the General Manager Latrobe Regional Airport at the Brisbane meeting. During this quarter Officers continued to lobby the AAA regarding the importance of regional and remote airports play in their communities, regardless of the existence of passenger services.

National Airports Safeguarding Advisory Group (NASAG)

The National Airports Safeguarding Advisory Group (NASAG) was working to develop the National Airports Safeguarding Framework (the Framework). A submission has been submitted by the Latrobe Regional Airport.

The Standing Council on Transport and Infrastructure, comprising Commonwealth, State and Territory Ministers, agreed to a range of Principles for the Framework on 18 May 2012.

These principles, although agreed to by the above Ministers, have not been incorporated into any State legislation, regulation, or Planning statutes.

The Principles are:-

- Guideline A: Measures for managing impacts of aircraft noise;
- Guideline B: Managing the risks of building generated windshear and turbulence at airports;
- Guideline C: Managing the risks of wildlife strikes in the vicinity of airports;
- Guideline D: Managing the risk of wind turbine farms as physical obstacles to air navigation;
- Guideline E: Managing the risk of distractions to pilots from lighting in the vicinity of airports;
- Guideline F: Managing the risk of intrusions into the protected airspace of airports.

The Latrobe Regional Airport General Manager met with Mr Dilip Mathew, Director – Aerodrome Precincts, Aviation and Airports at the Department of Infrastructure and Transport in Canberra to discuss the implications of Guideline B on developments at Latrobe Regional Airport. Although this proposed Guideline gives airport operators some control over what might be built outside the airport boundary, it may constrain some on-airport development, such the GA18 prototype facility in the future.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Progress of this matter is being monitored and further discussions were held during August 2012 with the Australian Airports Association to seek their assistance in ensuring that unrealistic constraints are not imposed on Airports.

Australasian Light Aircraft Championships

The Latrobe Valley Aero Club gained the Board's approval to conduct the 2013 Australian and New Zealand International Light Aircraft Championships and the Australian Light Aircraft Championships at Latrobe Regional Airport from 18 March 2013 to 23 March 2013.

These Championships will bring increased numbers of participants and visitors to the Latrobe Valley for this event and it is an opportunity for the Board to further showcase Latrobe Regional Airport and Latrobe City.

Construction Works Update

Government grants have been approved for infrastructure upgrades at Latrobe Regional Airport totalling \$6.24 million. Works are continuing on Stage 1 of this upgrade (\$2 million) and as at 30 September 2012 the following works have been undertaken:

- The 50 place car park at GippsAero
- The GA18 rapid prototyping facility construction commenced
- The multipurpose helipad
- The resheeting of the 09/27 gravel runway commenced
- Design for the upgrade to Code B of the Helimed taxiway has been completed.

Negotiations on the funding agreements for the successful Federal Regional Development Australia Fund (RDAF) grant and the Victorian Regional Airport Fund (RAF) grant (\$4.24 million) were commenced in September quarter.

GippsAERO

Latrobe City Council and the Latrobe Regional Airport Board continue to work closely with the major tenant, GippsAERO. The company has continued to increase production of the GA8 Airvan and continues to expand its workforce.

GippsAero are continuing to look worldwide for the most appropriate site for the GA18 Airvan production facility and as part of that process have appointed a consultant to gather information and prepare a short list for the company's consideration.

The consultant provided a Request for Information document to Council on 30 July 2012, with a deadline for completion of 13 August 2012. This was

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

a very exhaustive document and significant Council resources were mobilised to provide the responses requested.

A comprehensive submission to the consultant has been finalised by the Economic Sustainability division of Council in partnership with General Manager Latrobe Regional Airport, and was delivered by the deadline.

The new GA10 Airvan is being tested with some modifications to the original prototype and appears to be on schedule for its public release at the Avalon Airshow at the end of February 2013.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

The Airport was operated in line with the 2012/13 budget allocation as detailed in the finance report attached.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

There is no consultation required as this is a Quarterly Report on activities, as required by the Latrobe Regional Airport Deed of Delegation from Council.

OPTIONS

Council may choose to:

1. Note the Latrobe Regional Airport Board quarterly report; or
2. Seek further clarification in respect to the Latrobe Regional Airport Board quarterly report.

CONCLUSION

The 2012/2013 financial year is progressing on track and within budget. The Airport continues to be operated in a secure and safe manner, in accordance with CASA guidelines and regulations.

Attachments

1. Finance Report - September 2012

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

RECOMMENDATION

That Council notes the report on Airport Operations for the quarter ended 30 September 2012.

Moved: Cr Middlemiss

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

13.2

Latrobe Regional Airport September Quarterly Report

| | | |
|----------|---|------------|
| 1 | Finance Report - September 2012..... | 395 |
|----------|---|------------|

Latrobe Regional Airport Finance Report September 2012

Monthly Operating Report

LATROBE REGIONAL AIRPORT Division

Month: September 2012



| | |
|---|--|
| Comment on Year to Date Result | |
| Minor variance. | |
| Comment of Full Year Forecast | |
| At this stage there is no anticipated variance to the adopted budget. | |

| | Year to Date | | | Full Year Forecast | | |
|---|------------------|-----------------|----------------------|--------------------|------------------|----------------------|
| | Actual | Adopted Budget | Variance (Fav)/Unfav | Forecast | Adopted Budget | Variance (Fav)/Unfav |
| Net Results by Cost Centre | | | | | | |
| Latrobe Regional Airport Management | 39,650 | 40,528 | (878) | 151,900 | 151,900 | 0 |
| Latrobe Regional Airport - LANDSIDE | (48,773) | (37,152) | (11,621) | (257,000) | (257,000) | 0 |
| Latrobe Regional Airport - AIRSIDE | 2,590 | 1,502 | 1,088 | 5,500 | 5,500 | 0 |
| Latrobe Regional Airport - General Mainte | 21,390 | 21,858 | (468) | 99,600 | 99,600 | 0 |
| Net Result | 14,857 | 26,736 | (11,879) | 0 | 0 | 0 |
| Net Results by Account Group | | | | | | |
| Income: | | | | | | |
| Other | (12,959) | (1,125) | (11,834) | (72,959) | (60,000) | (12,959) |
| Residence | (3,500) | (3,249) | (251) | (13,000) | (13,000) | 0 |
| Terminal Building | 0 | 0 | 0 | (900) | (900) | 0 |
| Commercial | (81,892) | (80,976) | (916) | (329,300) | (329,300) | 0 |
| Trading / Light Commercial | (5,388) | 0 | (5,388) | (37,800) | (37,800) | 0 |
| Recreational / Non-Trading | (1,372) | 0 | (1,372) | (43,200) | (43,200) | 0 |
| Community Group/Service | 0 | 0 | 0 | (100) | (100) | 0 |
| Farm / Agistment | (4,452) | (5,300) | 848 | (21,200) | (21,200) | 0 |
| Total Income | (109,563) | (90,650) | (18,913) | (518,459) | (505,500) | (12,959) |

| | Actual | Adopted Budget | Variance (Fav)/Unfav | Forecast | Adopted Budget | Variance (Fav)/Unfav |
|-------------------------------|----------------|----------------|----------------------|----------------|----------------|----------------------|
| Expenditure: | | | | | | |
| Salaries Wages & Oncosts | 40,547 | 41,459 | (912) | 182,913 | 183,300 | (387) |
| Other Employee Costs | 4,776 | 1,584 | 3,192 | 16,887 | 16,500 | 387 |
| Materials & Contracts | 33,422 | 28,668 | 4,754 | 135,959 | 123,000 | 12,959 |
| Internal Charge Costs | 45,675 | 45,675 | 0 | 182,700 | 182,700 | 0 |
| Total Expenditure | 124,420 | 117,386 | 7,034 | 518,459 | 505,500 | 12,959 |
| Net Result - Recurrent | 14,857 | 26,736 | (11,880) | 0 | 0 | 0 |

| Capital Works Program | Year to Date | | | Full Year Forecast | | |
|---|------------------|----------------|----------------------|--------------------|------------------|----------------------|
| | Actual | Adopted Budget | Variance (Fav)/Unfav | Forecast | Adopted Budget | Variance (Fav)/Unfav |
| Latrobe Regional Airport Facilities Expansion C0534/C0573 | (471,666) | 34,000 | (505,666) | 1,802,286 | 1,802,286 | 0 |
| Total Capital Expenditure | (471,666) | 34,000 | (505,666) | 1,802,286 | 1,802,286 | 0 |

RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

13. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

Nil reports

COMMUNITY LIVEABILITY

14. COMMUNITY LIVEABILITY

Nil reports

GOVERNANCE

15. GOVERNANCE

**16.1 PLANNING APPLICATION NO. 2011/297 4-6 MCCLURE COURT,
TRARALGON**

This report was considered earlier in the meeting.

**16.2 PLANNING PERMIT APPLICATION 2011/287 - MULTI-LOT
STAGED SUBDIVISION AND NATIVE VEGETATION REMOVAL -
55 BONDS ROAD, YINNAR**

This report was considered earlier in the meeting.

16.3 MAYORAL SPONSORSHIP COMMITTEE

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to provide information to Council regarding the function of the Mayoral Sponsorship Committee and present options for a future process to manage sponsorship funds currently managed by the Committee.

DECLARATION OF INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Our Community

In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe, connected and proud.

Strategic Objectives – Governance

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

*An active connected and caring community
Supporting all*

Attract, retain, support

Enhancing opportunity, learning and lifestyles

Strategic Direction – Our Community

Facilitate and support initiatives that strengthen the capacity of the community.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

Support initiatives that promote diversity and social inclusion

Strategic Direction – Governance

Conduct all Council and committee meetings in strict accordance with the law and in an open and transparent manner.

Related Policy

Establishment of Council Committee Policy 12 POL-1

Section 86 Special Committee of Council –empowered to make decisions and effectively operate as the Council under delegation pursuant to section 86 of the Local Government Act 1989 with statutory obligations to:

(a) control and operate a strategic recreational, cultural and community facility; or

(b) advise on a strategy, policy or topic.

BACKGROUND

The Mayoral Sponsorship Committee (the Committee) is currently an operational committee of Latrobe City Council and not a delegated Committee of Council. The membership of the Committee consists of the Mayor, Chief Executive Officer and Manager Community Relations. Historically, the Committee has met fortnightly and is responsible for the approval of sponsorships for the Mayoral Sponsorship Fund, the Sporting Sponsorship Fund and the Athlete's Trust. Administration for the Committee is undertaken by the Manager Community Relations.

Further details of each of the funds administered by the Mayoral Sponsorship Committee are provided below:

Mayoral Sponsorship Fund

Budget Allocation: \$25,000

Purpose: To support ad hoc sponsorship requests for local community activities and initiatives.

Benefits: This fund enables the Mayor of the day to provide sponsorship on behalf of Council to community activities that either do not fit within the community grants process or fall outside of the cut-off times for that program.

Issues: Currently there are a number of recurrent, historical items which are allocated sponsorship via this Fund. These requests for annual sponsorship reduce the ability to provide support for genuine, one-off community requests.

Examples of these recurrent requests include sponsorship for the Latrobe Regional Hospital Ball, Monash University student scholarships, Annual Award sponsorships for local secondary schools and the Gippsland Community Breakfast.

Sporting Sponsorship Fund

Budget Allocation: \$30,000

Purpose: To provide annual sponsorship funding to support the following local sporting organisations:

- Gippsland Sports Academy
- Latrobe City Energy (basketball)
- Moe Racing Club
- Latrobe Valley Racing Club – Traralgon

Benefits: This fund provides sponsorship to local sporting associations to either assist local athletes in their chosen field; or host events which deliver economic benefits for the region.

Issues: This fund is currently oversubscribed; however funds have been “re-allocated” from the Mayoral Sponsorship Fund to manage this deficit. Many of these agreements are historical and whilst funding agreements have been put in place by the Mayoral Sponsorship Committee, there has been no formal endorsement from Council in the last five years.

Athlete’s Trust

Budget Allocation: Restricted to available Trust funds. The Trust was established in 2000 with seed funding raised at the Olympic Torch Relay celebrations. Following the depletion of the initial funds, the Athlete’s Trust has been sustained by the ongoing financial support from Latrobe City Council. A \$3000 transfer from the Mayoral Sponsorship Fund occurs annually or when the fund is depleted. Public donations and bequests are welcome but none have been received since 2000.

Purpose: To assist young athletes who have been chosen in National or State Teams or to represent Australia or their State in individual competitions, and who have to raise funds to offset the cost of travel, accommodation and uniform purchases.

Benefits: The Athlete’s Trust has a set of strict criteria regarding eligibility; therefore the Committee’s role is to ensure that these criteria are being applied correctly.

Issues: The Athlete’s Trust is currently solely funded from Latrobe City Council; however is managed formally under the Trust. This results in the duplication of administration and may limit Council’s opportunity to clearly promote its support of the youth in their sporting endeavours.

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

In addition to the management of these funds, the Committee also make decisions regarding Latrobe City Council's participation at the Moe Cup and Traralgon Cup on an annual basis.

Apart from the Athlete's Trust, there is no formal advertising or promotion of the above funding types and the applications discussed are usually either annual requests or general sponsorship requests addressed to the Mayor or CEO.

ISSUES

Following the election of the new Council, a review has been undertaken regarding the function of the Mayoral Sponsorship Committee and the possibility of disbanding the operational committee and managing applications via another process.

Officers have investigated options for how sponsorship applications for the three Funds could be considered going forward.

- **Option 1 – Delegated Mayoral Sponsorship Committee**

Formalise the current Mayoral Sponsorship Committee which consists of the Mayor, CEO and Manager Community Relations as a Section 86 Special Committee of Council and report to Council every 6 months regarding the outcomes of the sponsorship requests. The Committee would operate in line with an adopted Instrument of Delegation (Attachment 1 – draft Instrument of Delegation).

Benefits:

- Enables the Committee to have formal delegation in line with Council's adopted *Establishment of Council Committee Policy 12 POL-1*.
- Ensures Council can be responsive to community requests for the Mayoral Sponsorship Fund and minimises the risk that sponsorship can not be provided due to timing issues.
- Ensures Councillors remain informed regarding the sponsorship provided through the relevant funds.

Constraints:

- All Councillors would not be involved in the decision making process for each individual request.
- Would result in a small impact on council resources as it would require additional officer time each month to undertake the reporting requirements for a S.86 Committee.

- **Option 2 – Council Decision**

Disband the Mayoral Sponsorship Committee and present all sponsorship requests to Council for consideration on a monthly basis. Sponsorship requests will be presented to Council in a short report, similar to the Contracts for Signing and Sealing report, clearly outlining the requestor details, reason for request and officer recommendation. The report would have all sponsorship applications and/or agreement attached and would also state the remaining budget for each sponsorship fund.

Benefits:

- Enables all Councillors to review and consider sponsorship requests as a Council.

Constraints:

- May reduce Council's ability to respond to one-off sponsorship requests in a timely manner.
- Would result in a small impact on council resources as it would require additional officer time each month to undertake the reporting requirements.

- **Option 3 - Blended Approach #1**

Recurring annual sponsorship requests for the Mayoral Sponsorship Fund and the Sporting Sponsorship Fund (for example, Gippsland Sports Academy, Racing sponsorships and Gippsland Community Breakfast) are presented to Council on a quarterly basis for decision; however one-off community requests for the Mayoral Sponsorship Fund and all applications for the Athlete's Trust continue to be managed via a Section 86 Special Committee of Council, i.e. a Mayoral Sponsorship Committee.

Benefits:

- Improved delineation between genuine one-off sponsorship requests and annual sponsorship agreements.
- Provides flexibility in responding to one-off sponsorship requests in a timely manner whilst ensuring all Councillors are involved in decisions regarding annual sponsorship requests.
- Enables Councillors to be involved in the consideration of annual sporting fund sponsorship requests.

Constraints:

- The Councillors would not be involved in the decision making process for all individual requests, only requests for larger, annual sponsorships.
- Would result in a small impact to Council resources for the preparation of relevant Council reports.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)****FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

The 2012/2013 Budget has allocations for the Mayoral Sponsorship and Sporting Sponsorship Funds. It is anticipated that the same budget allocations will be requested as part of the 2013/2014 budget process.

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

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

No consultation was undertaken for the preparation of this report.

OPTIONS

1. Establish a Section 86 Special Committee of Council, the Mayoral Sponsorship Committee, who will under authority be responsible for administering the Mayoral Sponsorship Fund, Sporting Sponsorship Fund and Athlete's Trust.
2. Disband the existing operational Mayoral Sponsorship Committee and consider all sponsorship requests at Council meetings on a monthly basis.
3. Establish a Section 86 Special Committee of Council, the Mayoral Sponsorship Committee, who will under authority be responsible for administering one-off requests for the Mayoral Sponsorship Fund and Athlete's Trust; however all Sporting Sponsorship Fund and sponsorship annual requests will be presented to Council for consideration on a quarterly basis.
4. Not make any changes and continue with the existing administration arrangements of the Mayoral Sponsorship Fund, Sporting Sponsorship Fund and Athlete's Trust.

CONCLUSION

A review has been undertaken by officers to consider options for which the Mayoral Sponsorship Fund, Sporting Sponsorship Fund and Athlete's Trust could be administered. Three options have been put forward for the consideration of Council. It is proposed that the establishment of a Section 86 Special Committee of Council will be the best process to manage the three sponsorship funds.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)****Attachments**

1. Deed of Delegation_Mayoral Sponsorship Committee 2013

RECOMMENDATION

- That Council establish a Section 86 Special Committee of Council, the Mayoral Sponsorship Committee, which under delegated authority is responsible for administering the Mayoral Sponsorship Fund, Sporting Sponsorship Fund and Athlete's Trust.
- That Council adopt the draft Instrument of Delegation for the Mayoral Sponsorship Committee.
- That a report be presented to Council every six months outlining the sponsorships granted by the Mayoral Sponsorship Committee.
- That 2012-2016 Council Delegates and Committees Instrument of Delegation [13 DEL-1] be produced to incorporate the Mayoral Sponsorship Committee as a Special Committee of Council and made available to the public on Council's website.

ALTERNATE MOTION

1. **That Council establish a Section 86 Special Committee of Council, the Mayoral Sponsorship Committee, which under delegated authority is responsible for administering the Mayoral Sponsorship Fund, Sporting Sponsorship Fund and Athlete's Trust.**
2. **That Council adopt the draft Instrument of Delegation for the Mayoral Sponsorship Committee with the following amendments:**
 - a) **Section 2 b) The mayor has the right to direct any item with or without unanimous support to a council meeting for deliberation**
 - b) **Section 3 (f) That all recurring sponsorship must be brought before a council meeting for approval each year.**
3. **That a report be presented to Council every six months outlining the sponsorships granted by the Mayoral Sponsorship Committee.**

That 2012-2016 Council Delegates and Committees Instrument of Delegation [13 DEL-1] be produced to incorporate the Mayoral Sponsorship Committee as a Special Committee of Council and made available to the public on Council's website.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Moved: Cr Harriman
Seconded: Cr Rossiter

That the Motion be adopted.

CARRIED UNANIMOUSLY

16.3

Mayoral Sponsorship Committee

| | | |
|----------|---|------------|
| 1 | Deed of Delegation_Mayoral Sponsorship Committee 2013..... | 419 |
|----------|---|------------|

LATROBE CITY COUNCIL

**INSTRUMENT OF DELEGATION PURSUANT TO SECTION 86
OF THE LOCAL GOVERNMENT ACT 1989**

Pursuant to and in the exercise of the power conferred by Section 86(3) of the *Local Government Act 1989* (the Act) the Latrobe City Council (Council) hereby delegates to the **Mayoral Sponsorship Committee** the powers and functions of Council as set forth in the Schedule hereto and HEREBY DECLARES THAT:-

1. Such delegation shall have force and effect from the {insert date} and shall remain in force until such time as Council shall determine by resolution either to vary or revoke the delegation.
2. The powers, duties and functions so specified in the Schedule shall be exercised and performed in accordance with:-
 - (a) any policies of Council that may be adopted from time to time unless specifically exempted in writing by Council;
 - (b) this instrument of delegation and subject to any conditions and limitations specified herein.
3. A register of all decisions shall be maintained to enable a review of those decisions to be made.

THE COMMON SEAL OF THE LATROBE CITY COUNCIL was hereunto affixed pursuant to a resolution of Council dated the {insert date} by Mr Paul Buckley, Chief Executive Officer.

.....

Chief Executive Officer

SCHEDULE

MAYORAL SPONSORSHIP COMMITTEE

ROLE, COMPOSITION & DELEGATED POWERS, DUTIES AND FUNCTION

1. ROLE

The role of the Mayoral Sponsorship Committee is to manage the consideration of applications and distribution of funds for the following Sponsorship Funds:-

- (i) Mayoral Sponsorship Fund;
- (ii) Sporting Sponsorship Fund; and
- (iii) Athlete Assistance Fund

2. COMPOSITION

- (a) The Committee shall consist of three members, comprising:-
 - (i) Latrobe City Council Mayor or Delegate (Deputy Mayor);
 - (ii) The Latrobe City Council Chief Executive Officer or Delegate; and
 - (iii) Manager Community Relations or Delegate.

- (b) The Committee shall meet fortnightly (or otherwise as determined by the Committee) to consider sponsorship fund applications. Decisions on applications must be unanimous to proceed. The Mayor or delegate (Deputy Mayor) must be in attendance for a Committee Meeting to be held.

3. POWERS

The Committee shall have the power to:-

- (a) Consider and make decisions on sponsorship applications and / or sponsorship agreements received for the Mayoral Sponsorship Fund and Sporting Sponsorship Fund.
- (b) Ratify the provision of sponsorships from the Athlete Assistance Fund.
- (c) Determine Council's participation at the Moe Cup and Traralgon Cup each year.
- (d) The Committee, every two years, shall review its terms of reference and make any recommendations for change to Council.

- (e) Council reserves to itself the right to issue directions to, or to restrict, the powers of the Committee or to prohibit the exercise thereof and to disband the Committee at any time

4. DUTIES

The Committee shall deal with all matters of management connected to the Mayoral Sponsorship Fund, Sporting Sponsorship Fund and Athlete's Trust in accordance with the following conditions:-

- (a) Administer sponsorships for the Mayoral Sponsorship Fund in accordance with the following criteria:
- I. The annual expenditure for the Mayoral Sponsorship Fund should be contained within the annual budget that is adopted by the Council (i.e. in 2012 the adopted budget is \$25,000)
 - II. All applications must meet the following criteria:
 - a. Applicant must reside within Latrobe City
 - b. Activity or initiative is to benefit the Latrobe City community or an individual residing within Latrobe City
 - c. Activity or initiative must not fit within guidelines for other funding streams of Council or state/federal government (i.e. Community Grants Program or State Government Education funding programs)
 - III. All applications should be considered against the following criteria:
 - a. Benefit to the Latrobe City community.
 - b. Scope of the benefit (i.e. what sectors of the community and the portion of the community that may benefit)
 - c. The ability of the organisation or individual to raise funds by other means.
 - d. Community participation/cooperative approach.
 - e. Relevance to objectives within Community Vision, Latrobe 2026.
 - IV. Applicants may only be granted one successful application within a 12 month period.
- (b) Administer sponsorships for the Sporting Sponsorship Fund in accordance with the following criteria:
- I. The annual expenditure for the Sporting Sponsorship Fund is contained within the annual budget that is adopted by Council (i.e. in 2012 the adopted budget is \$30,000)
 - II. Annual sponsorship agreements are to be established between Latrobe City Council and the following organisations:
 - a. Gippsland Sports Academy

- b. Latrobe City Energy (basketball)
 - c. Moe Racing Club
 - d. Latrobe Valley Racing Club (Traralgon)
- III. Sponsorship Agreements must consider:
- a. Benefits to Latrobe City
 - b. Benefits to Latrobe City Council
 - c. Benefits to requesting organisation
- (c) Administer sponsorships for the Athlete Assistance Fund in accordance with the Grant Application Guidelines adopted by the Trust, specifically:
- I. Eligibility Criteria
 - a. Athletes need to be permanent residents of Latrobe City.
 - b. Athletes need to be registered members of a recognised State Sporting Association.
 - c. Athletes must not be older than 25 years of age at the time of making application.
 - d. Athletes must be able to provide supporting evidence as to selection and level of representation in their chosen sport.
 - II. Grant Allocation Criteria
 - a. An athlete who has excelled in sport and has been chosen to represent the municipality/region/state/nation within Victoria – maximum \$100.
 - b. An athlete who has excelled in sport and has been chosen to represent the municipality/region/state/nation interstate – maximum \$200.
 - c. An athlete who has excelled in sport and has been chosen to represent the municipality/region/state/nation internationally (except Oceania) – maximum \$500.
 - d. On the basis of the allocation criteria above, an athlete who has progressively attained different levels of selection in any year is eligible to apply for more than one grant – maximum total grant monies \$500 per financial year.
- (d) Determine Council's participation and attendance at the Moe Cup and Traralgon Cup each year, including:
- I. Hospitality package purchased
 - II. Guest List and/or number of tickets purchased
- (e) Provide a report to Council on all delegated responsibilities every six months.

5. CONDUCT OF MEETINGS

The Committee shall hold and conduct meetings in accordance with the following provisions:-

- (a) The Mayor or Delegate (Deputy Mayor) shall preside as Chair for all meetings.
- (b) The Committee shall meet fortnightly (or otherwise as determined by the Committee) to consider any sponsorship applications. Meetings may be cancelled if no applications have been received.
- (c) The Committee may also convene Extraordinary meetings, which may occur whenever the Committee thinks fit, to consider urgent items.
- (d) A Quorum for the meeting will comprise of the Mayor or delegate and Chief Executive Officer or delegate.
- (e) Committee meetings will not be open to the public and decisions of the Committee will be upheld, no correspondence will be entered into.
- (f) Administration will be undertaken by the Manager Community Relations or delegate.
- (g) The Administrator of the Committee must arrange for records of all Committee decisions to be kept and must include all records of decisions in a six-monthly report to Council.
- (h) If a member of the Committee has a direct or indirect interest under the Local Government Act 1989 in any matter to be considered or discussed at a meeting of the Committee, the member of the Committee must:-
 - (i) If he or she intends to be present at the meeting, disclose the nature of the interest immediately before the commencement of the meeting; or
 - (ii) The member of the Committee must inform the Chair and must leave the room during any consideration or discussion of the matter in which they have a direct or indirect interest and must not be able to see or hear the meeting until the matter has been determined.
 - (iii) After the result on the vote the Chair of Committee must cause the member of Committee to be notified that he or she may return to the room.
 - (iv) If a member of the Committee discloses an interest the Administrator of the Committee must record the declaration in the minutes of the meeting at which the consideration took place.
 - (v) A member of the Committee who fails to comply with the conditions relating to direct or indirect interests is guilty of an offence against the provisions of the *Local Government Act 1989*.
- (i) All members of the Committee who are not Latrobe City Councillors or Senior Officers of Latrobe City Council are exempt from being required to submit a primary return or an ordinary return relating to a register of interests.

6. FINANCE

The Committee shall deal with matters of finance in accordance with the following provisions:-

- (a) Council shall adopt an annual budget for the Mayoral Sponsorship Fund and Sporting Sponsorship Fund to be managed by the Committee.
- (b) The Committee shall prepare a budget, prior to a date which shall be advised by Council, each year for the forthcoming year for submission to Council for its approval and if approved for adoption by Council shall monitor the budget throughout the financial year.

7. EXCEPTIONS, CONDITIONS AND LIMITATIONS

The Committee is not authorised by this Instrument to:-

- (a) Enter into contracts, or incur expenditure, for an amount which exceeds the approved budget
- (b) Exercise the powers which, by force section 86 of the Act, cannot be delegated.

**16.4 PLANNING PERMIT APPLICATION 2011/397 - DEMOLITION OF A
BUILDING AT 171 FRANKLIN STREET, TRARALGON**

This report was considered earlier in the meeting.

16.5 SETTING OF MAYORAL & COUNCILLOR ALLOWANCE 2012 TO 2016**General Manager****Governance****For Decision****PURPOSE**

The purpose of this report is to review and set the level of Councillor and Mayoral allowances for the term 2012 to 2016 and to inform Council that no submissions were received during the exhibition period.

DECLARATION OF INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

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

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

Latrobe City Council Plan 2012 - 2016***Shaping Our Future***

An active connected and caring community
Supporting all

Strategic Direction – Governance

Ensure that Latrobe City continues to meet the highest standards of financial probity.

Service Provision – Financial Services

Administer financial management, advice and services of Latrobe City Council.

Legislation

Local Government Act 1989

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

BACKGROUND

On 3 December 2012, Council resolved

- 1. That Council in accordance with Section 74 of the Local Government Act 1989 give public notice of its intention to set the Mayoral and Councillor allowances for the next four financial years at the same level as the 2012 allowances, that being;
Mayoral \$67,634 per annum
Councillor \$21,859 per annum*
- 2. That Council consider submissions received in accordance with Section 223 of the Act at the Ordinary Council Meeting to be held on 4 February 2013*

In accordance with section 74 (1) of the Act, "A Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by the next 30 June, whichever is later."

As the election was held on the 27 October 2012, this review and determination must be completed by the 30 June 2013.

In addition, section 74 (4) requires that "A person has the right to make a submission under section 223 in respect of a review of allowances."

Section 223 (1)(a)(iii) stipulates that the Council must publish a public notice "specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published."

ISSUES

At the conclusion of the submission period on 11 January 2013 no submissions had been received in relation to the setting of Mayoral and Councillor allowances for the period 2012 to 2016.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

Failure to review Mayoral and Councillor allowances by the 30 June 2013 will result in the Council being in breach of the Local Government Act 1989.

There are sufficient budget funds in the 2012/2013 budget to enable the Mayoral and Councillor allowances to be set at the proposed levels.

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)****INTERNAL/EXTERNAL CONSULTATION***Engagement Method Used:*

Public submissions were invited through the Latrobe Valley Express on Thursday 6 December 2012 and Monday 17 December 2012.

Details of Community Consultation / Results of Engagement:

At the conclusion of the submission period no submissions had been received.

OPTIONS

Council has the following options;

1. Adopt the proposed allowances;
2. Amend the proposed allowances prior to adoption.

Any material amendment to the advertised allowances would need to be in accordance with the limits imposed by the Order in Council for a Category 2 Council and would require Council to undertake further community consultation and adoption prior to the 30 June 2013.

CONCLUSION

Council has complied with the legislative requirements and given notice of its intention to review and set the level of Councillor and Mayoral allowances.

There were no submission received from the community in relation to the review and setting of Mayoral and Councillor allowances.

In accordance with Section 74 of the Local Government Act 1989, Council must review and determine the level of the Councillor and Mayoral allowances within the period of 6 months after a general election or by the next 30 June, whichever is later.

Attachments
Nil

RECOMMENDATION

That Council in accordance with Section 74 of the Local Government Act 1989 sets the following allowances for the next four financial years:

| | |
|-------------------|---------------------------|
| Mayoral | \$67,634 per annum |
| Councillor | \$21,859 per annum |

**ORDINARY COUNCIL MEETING MINUTES
04 FEBRUARY 2013 (CM397)**

Moved: Cr Harriman
Seconded: Cr Gibbons

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

16.6 DOCUMENTS PRESENTED FOR SIGNING AND SEALING

General Manager

Governance

For Decision

DECLARATION OF INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

DOCUMENTS

| | |
|-------------|---|
| PP 2011/368 | Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Christopher Charles Abbott and Susan Lianne Abbott as the owners of the land more particularly described in Certificate of Title Volume 8351 Folio 435 being Lot 17 on LP55352 situated at 127 Monash Road, Newborough pursuant to condition 17 of PP 2011/368 for development of three (3) dwellings, part removal of easement and three (3) lot subdivision issued on 17 September 2012 providing that the development as approved by Planning Permit 2011/368 must be completed to the satisfaction of the Responsible Authority. |
| PP 2011/215 | Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Brian James Lythgo and Patricia Rae Lythgo as the owners of the land more particularly described in Certificate of Title Volume 9014 Folio 692 being Lot 9 on LP110075 situated at 75 Alamere Drive, Traralgon for development of a four (4) lot subdivitsion issued 30 November 2011 providing that the developments as approved by Planning Permit 2011/215 must be completed to the satisfaction of the Responsible Authority. |

Attachments
Nil

RECOMMENDATION

- 1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Christopher Charles Abbott and Susan Lianne Abbott as the owners of the Land more particularly described in Certificate of Title Volume 8351 Folio 435 being Lot 17 on LP55352 situated at 127 Monash Road, Newborough pursuant to condition 17 of PP 2011/368 for development of three (3) dwellings, part removal of easement and three (3) lot subdivision issued on 17 September 2012.**
- 2. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Brian James Lythgo and Patricia Rae Lythgo as the owners of the land more particularly described in Certificate of Title Volume 9014 Folio 692 being Lot 9 on LP110075 situated at 75 Alamere Drive, Traralgon for development of a four (4) lot subdivision issued 30 November 2011.**

Moved: Cr White

Seconded: Cr Gibbons

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

16.7 ASSEMBLY OF COUNCILLORS

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 17 December 2012.

DECLARATION OF INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

OFFICER COMMENTS

The following Assembly of Councillors took place between 5 December 2012 and 21 January 2013 inclusive:

| Date: | Assembly Details / Matters Discussed: | In Attendance: | Conflicts of Interest Declared: |
|--------------|---|---|---|
| 5-Dec-12 | Tourism Advisory Board PowerWorks, Old Gipps town's current situation, Annual Report to Council | Cr Darrell White, Cr Christine Sindt Geoff Hill, Linda Brock, Rachell Callus | Cr Sindt declared a direct interest under S.77B of the LGA 1989 in relation to PowerWorks discussion. |
| 10-Dec-12 | Issues and Discussion Session 4.1 Tonight's Presentation: Growth Areas Authority Role and Projects 4.3 Future Presentations 7.1 New Issues 8.3.1 Economic Sustainability Committees 8.5.2 Gippsland Regional Aquatic Centre 8.5.3 Latrobe Performing Arts and Convention Centre - Update 8.5.4 Project Update for Moe Rail Precinct Revitalisation Project 8.7.1 Mayoral Sponsorship Fund Process 8.7.2 Mid Year Review Process 2012 8.7.3 Ministerial Direction No.15 – The Planning Scheme Amendment Process 8.7.4 Recording of Council Meetings 8.7.5 Update on Affordable Housing Project | Cr Gibbons, Cr Gibson, Cr Harriman, Cr Kam, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Zemeel Saba, Jacinta Saxton, Grantley Switzer, Matthew Rogers, Tom McQualter, | ● Cr Kam declared a Conflict of Interest in Item 8.5.4. |

ORDINARY COUNCIL MEETING MINUTES 04 FEBRUARY 2013 (CM397)

| Date: | Assembly Details / Matters Discussed: | In Attendance: | Conflicts of Interest Declared: |
|-----------|---|--|---------------------------------|
| 20-Dec-12 | Traralgon CBD Safety Meeting Traralgon Chamber of Commerce Business Safety Presentations, Night time bus service, CCTV cameras, 2013 - 2014 Committee Action Plan | Cr Kam, Cr Rossiter Heather Farley, David Lane and Andrew Legge | NIL |
| 15-Jan-13 | Meeting with Global Carbon Capture and Storage Institute To share information on carbon capture and storage and to discuss how the Institute and Council can work together into the future | Cr Kam, Cr Gibson, Cr Sindt, Cr Gibbons and Cr White Allison Jones, Deirdre Griepsma and Julia Agostino | NIL |
| 21-Jan-13 | Community information meeting regarding a planning permit application that will be the subject of a future report to Council Planning Permit application for the development of 16 dwellings at 4-6 McClure Court, Traralgon (file reference 2011/297), including discussion on amended plans and grounds of objection as submitted by residents. | Cr O'Callaghan, Cr Kam, Cr Rossiter, Cr Harriman and Cr Sindt Joel Templar and Chris Wightman | NIL |

Attachments

1. Traralgon Advisory Board
2. I&D - 10 December 2012
3. Traralgon CBD Safety Meeting
4. Carbon Capture & Storage Institute
5. Community Information Meeting

RECOMMENDATION

That Council note this report.

Moved: Cr White

Seconded: Cr Sindt

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

16.7

Assembly of Councillors

| | | |
|----------|--|------------|
| 1 | Traralgon Advisory Board | 437 |
| 2 | I&D - 10 December 2012 | 439 |
| 3 | Traralgon CBD Safety Meeting | 441 |
| 4 | Carbon Capture & Storage Institute..... | 443 |
| 5 | Community Information Meeting..... | 445 |

Assembly of Councillors Record

Assembly details: Tourism Advisory Board

Date: Wednesday 5 December 2012

Time: 5.30pm

Assembly Location: Meeting Room 4, Latrobe City Council Headquarters, Morwell

In Attendance:

Councillors: Cr Darrell White, Cr Christine Sindt

Officer/s: Geoff Hill, Linda Brock, Rachell Callus

Matter/s Discussed: PowerWorks, Old Gipps town's current situation, Annual Report to Council

Are the matters considered confidential under the Local Government Act: No

Conflict of Interest Disclosures: (refer 3. over page)

Councillors:

Cr Christine Sindt declared a direct interest under Section 77B of the Local Government Act 1989 in relation to discussion held regarding PowerWorks.

Officer/s: NIL

Times that Officers / Councillors left/returned to the room:

Cr Sindt left the room at 6.15pm and returned at 6.25pm

Completed by: LINDA BROCK

Assembly of Councillors Record Explanation / Guide Notes
Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: Written Record to be made by Council staff member):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

“At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.”

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that **any** meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

Please note: an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: Conflict of Interest):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

“If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly.”

Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

Assembly of Councillors Record

Assembly details: Issues and Discussions Session

Date: Monday, 10 December 2012

Time: 6:00 PM

Assembly Location: Nambur Wariga Meeting Room, Latrobe City Council Offices,
Commercial Road, Morwell

In Attendance:

Councillors: Cr Gibbons, Cr Gibson, Cr Harriman, Cr Kam, Cr Middlemiss,
Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White

Officer/s: Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Zemeel Saba, Jacinta Saxton, Grantley Switzer, Matthew Rogers, Tom McQualter,

Matter/s Discussed:

- 4.1 Tonight's Presentation: Growth Areas Authority Role and Projects
- 4.3 Future Presentations
- 7.1 New Issues
- 8.3.1 Economic Sustainability Committees
- 8.5.2 Gippsland Regional Aquatic Centre
- 8.5.3 Latrobe Performing Arts and Convention Centre - Update
- 8.5.4 Project Update for Moe Rail Precinct Revitalisation Project
- 8.7.1 Mayoral Sponsorship Fund Process
- 8.7.2 Mid Year Review Process 2012
- 8.7.3 Ministerial Direction No.15 – The Planning Scheme Amendment Process
- 8.7.4 Recording of Council Meetings
- 8.7.5 Update on Affordable Housing Project

Are the matters considered confidential under the Local Government Act: NO

Conflict of Interest Disclosures: (refer 3. over page)

Councillors: Cr Kam declared a Conflict of Interest in Item 8.5.4.

Officer/s: NIL

Times that Officers / Councillors left/returned to the room:

Cr Kam left the Chamber due to a conflict of interest at 9.24pm and returned at 9.29pm.

Completed by:JAYNE EMANS

Assembly of Councillors Record Explanation / Guide Notes
Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: Written Record to be made by Council staff member):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

“At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.”

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that **any** meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

Please note: an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: Conflict of Interest):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

“If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

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Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

Assembly of Councillors Record

Assembly details: Traralgon CBD Safety Meeting

Date: Thursday, 20 December 2012

Time: 9.05 am - 10.00 am

Assembly Location: Traralgon Police Station, Kay Street Traralgon.

In Attendance:

Councillors: Sandy Kam, Michael Rossiter

Officer/s: Heather Farley, David Lane, Andrew Legge

Matter/s Discussed: Traralgon Chamber of Commerce Business Safety Presentations, Night time bus service, CCTV cameras, 2013 - 2014 Committee Action Plan

Are the matters considered confidential under the Local Government Act: NO

Conflict of Interest Disclosures: (refer 3. over page)

Councillors: NIL

Officer/s: NIL

Times that Officers / Councillors left/returned to the room: N/A

Completed by: David Lane

Assembly of Councillors Record Explanation / Guide Notes
Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: Written Record to be made by Council staff member):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

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- the matters considered;
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The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

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Brief Explanation:

Some examples of an *Assembly of Councillors* will include:

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- the Council; or
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- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: Conflict of Interest):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

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- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

Assembly of Councillors Record

Assembly details: Meeting with Global Carbon Capture & Storage Institute

Date: Tuesday, 15 January 2013

Time: 8.30 am

Assembly Location: Nambur Wariga Latrobe City Council Corporate Headquarters

In Attendance:

Councillors: Cr Sandy Kam (Mayor, Cr Sharon Gibson (Deputy Mayor), Cr Christine Sindt, Cr Peter Gibbons and Cr Darrell White

Officer/s: Allison Jones, Deirdre Griepsma and Julia Agostino

Matter/s Discussed: To share information on carbon capture and storage and to discuss how the Institute and Council can work together into the future

Are the matters considered confidential under the Local Government Act: NO

Conflict of Interest Disclosures: (refer 3. over page)

Councillors: NIL

Officer/s: NIL

Times that Officers / Councillors left/returned to the room: N/A

Completed by: Allison Jones

Assembly of Councillors Record Explanation / Guide Notes
Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: Written Record to be made by Council staff member):

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- to be reported to an Ordinary meeting of the Council; and
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Brief Explanation:

Some examples of an *Assembly of Councillors* will include:

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Assembly of Councillors Record

Assembly details:

Community Information meeting regarding a planning permit application that will be the subject of a future report to Council.

Date: 21 January 2013

Time: 5:10pm to 6:00pm

Assembly Location:

Latrobe City Council Traralgon Service Centre, Macfarlane Burnet Room.

In Attendance:

Councillors: O'Callaghan, Kam, Rossiter, Harriman and Sindt.

Officer/s: Joel Templar and Chris Wightman.

Matter/s Discussed:

Planning Permit application for the development of 16 dwellings at 4-6 McClure Court, Traralgon (file reference 2011/297), including discussion on amended plans and grounds of objection as submitted by residents.

Are the matters considered confidential under the Local Government Act: NO

Conflict of Interest Disclosures: (refer 3. over page)

Councillors: None.

Officer/s: None

Times that Officers / Councillors left/returned to the room: N/A

Completed by: Joel Templar

Assembly of Councillors Record Explanation / Guide Notes
Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: Written Record to be made by Council staff member):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

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ORGANISATIONAL EXCELLENCE

16. ORGANISATIONAL EXCELLENCE

Nil reports

MEETING CLOSED TO THE PUBLIC

17. MEETING CLOSED TO THE PUBLIC

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

RECOMMENDATION

That the Ordinary Meeting of Council closes this meeting to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

18.1 LCC-14 DESIGN, SUPPLY, INSTALLATION AND COMMISSIONING OF A STATIONARY COMPACTION AND CONVEYOR FEED SYSTEM FOR MOE TRANSFER STATION

Agenda item *LCC-14 Design, Supply, Installation and Commissioning of a Stationary Compaction and Conveyor Feed System for Moe Transfer Station* is designated as confidential as it relates to contractual matters (s89 2d)

18.2 LCC-5 PROVISION OF DRAINAGE MAINTENANCE WORKS

Agenda item *LCC-5 Provision of Drainage Maintenance Works* is designated as confidential as it relates to contractual matters (s89 2d)

18.3 LCC-3 PROVISION OF THEATRE TECHNICIAN AND MECHANIST

Agenda item *LCC-3 Provision of Theatre Technician and Mechanist* is designated as confidential as it relates to contractual matters (s89 2d)

18.4 FOOD SAMPLING ANALYSIS REPORT - OCTOBER 2012 TO DECEMBER 2012

Agenda item *Food Sampling Analysis Report - October 2012 to December 2012* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**18.5 MEMBERSHIP OF THE TRARALGON EAST COMMUNITY
CENTRE ADVISORY COMMITTEE**

Agenda item *Membership of the Traralgon East Community Centre Advisory Committee* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.6 DISABILITY REFERENCE COMMITTEE 2012-14

Agenda item *Disability Reference Committee 2012-14* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.7 ASSEMBLY OF COUNCILLORS

Agenda item *Assembly of Councillors* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.8 ADOPTION OF MINUTES

Agenda item *Adoption of Minutes* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.9 CONFIDENTIAL ITEMS

Agenda item *Confidential Items* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

The Meeting closed to the public at 10.50pm

The meeting re-opened to the public at 10.56pm

The meeting was declared closed at 11.11pm

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____