



# LATROBE CITY COUNCIL

## MINUTES FOR THE ORDINARY COUNCIL MEETING

HELD IN NAMBUR WARIGA MEETING ROOM  
CORPORATE HEADQUARTERS, MORWELL  
AT 5.30PM ON  
08 APRIL 2013

CM404

**PRESENT:**

|                     |                                |  |
|---------------------|--------------------------------|--|
| <b>Councillors:</b> | 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   |
| <b>Officers:</b>    | Paul Buckley                   | Chief Executive Officer  |
|                     | Carol Jeffs                    | General Manager Governance                                     |
|                     | Allison Jones                  | General Manager Economic Sustainability                        |
|                     | Zemeel Saba                    | General Manager Organisational Excellence                      |
|                     | Grantley Switzer               | General Manager Recreation, Culture & Community Infrastructure |
|                     | Jacinta Saxton                 | Manager Community Relations                                    |

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**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****5. ADOPTION OF MINUTES****RECOMMENDATION**

**That the minutes of the Ordinary Council Meeting held on 18 March 2013 and Special Council Meeting held on 25 March 2013 be confirmed.**

**Moved:** Cr Gibson

**Seconded:** Cr White

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**6. PUBLIC QUESTION TIME**



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**Suspension of Standing Orders**

**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 5.31 pm**

Mr Daniel Jordan addressed Council in relation to item 8.2 2012/05 – Notice of Motion – Monash/Ballarat Proposal.

Mr Harry Ballis addressed Council in relation to item 8.2 2012/05 – Notice of Motion – Monash/Ballarat Proposal.

**Moved:** Cr Gibbons  
**Seconded:** Cr Gibson

**That Standing Orders be resumed.**

**CARRIED UNANIMOUSLY**

**Standing Orders were resumed at 6.16 pm**

# NOTICES OF MOTION

**7. NOTICES OF MOTION**

**8.1 2013/04 - NOTICE OF MOTION - RECORDING OF ALL  
COUNCILLOR INTERESTS IN MINUTES**

**Cr Dale Harriman**

**MOTION**

That Council record in the Minutes all interests declared by Councillors at any meeting.

**AMENDED MOTION**

**That Council record in the Minutes the interests declared by Councillors at any meeting.**

**Moved:** Cr Harriman  
**Seconded:** Cr Gibson

**That the Motion be adopted.**

**CARRIED UNANIMOUSLY**

**8.2 2013/05 - NOTICE OF MOTION - MONASH/BALLARAT  
PROPOSAL**

**Cr Kellie O'Callaghan**

**That Council request the Monash and Ballarat University Councils defer any decision in relation to the proposition to create a regionally-focused university at the Monash Gippsland Campus until such time as Council and the community have had an opportunity to:**

- 1. Fully consider the proposition;**
- 2. Fully consider other potential options and models of tertiary education provision at the Gippsland campus (including Monash retaining the campus);**
- 3. Engage with the Vice-Chancellors of Monash, Ballarat and other universities to understand the implications of the proposed and other models; and**
- 4. Engage with relevant Members of Parliament to discuss the implications of the proposition.**

**Moved:** Cr O'Callaghan

**Seconded:** Cr Harriman

**That the Motion be adopted.**

**For the Motion**

Councillor/s Harriman, White, O'Callaghan, Sindt, Middlemiss, Gibbons

**Against the Motion**

Councillor/s Gibson, Rossiter

**Abstained**

Councillor/s Kam

**The Mayor confirmed that the Recommendation had been CARRIED**

**FORESHADOWED MOTION**

- 1. That Council request the Victorian Auditor-General to provide an update and further detail on the financial status of Monash University as presented in the Victorian Auditor-General's Report May 2012 "Tertiary Education and Other Entities: Results of the 2011 Audits".**

**Moved:** Cr Sindt  
**Seconded:** Cr Harriman

**That the Recommendation be adopted.**

**For the Motion**

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

**Against the Motion**

Councillor/s Rossiter

**The Mayor confirmed that the Recommendation had been CARRIED**

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

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

**9.1 PROPOSED FEATURE NAMING - ALEXANDRA PARK  
MORWELL**

**General Manager**

**Governance**

**For Decision**

**PURPOSE**

The purpose of this report is to further consider a proposal to name Alexandra Park, Morwell.

**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 – Built Environment*

*Protect and respect the historical character of Latrobe City.*

*Strategic Direction – Governance*

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

*Service Provision – Community Engagement:*

*Provide community engagement support services to Latrobe City Council.*

### *Legislation*

The *Geographic Place Names Act 1998* and the *Guidelines for Geographic Place Names Victoria 2010* seek to promote the use of consistent and accurate geographic names throughout the state.

The guidelines also provide a structure for ensuring that the assignment of names to features, localities and roads is undertaken in a way that is beneficial to the long term interests of the community.

Under the guidelines municipal councils are shown as the naming authority for features which are defined as *“a unique geographical place or attribute that is easily distinguished within the landscape”*.

### *Policy*

There is no specific Council policy relating to the naming of features. The procedure is specified by the *Geographic Place Names Act 1998* and the *Guidelines for Geographic Place Names Victoria 2010*.

### **BACKGROUND**

Council has considered this naming proposal on two occasions:

At the Ordinary Council Meeting held 16 July 2012 Council resolved the following:

*“That Council consult the Morwell Historical Society and Morwell RSL to establish the name, history and location of any ‘named’ parks previously located on, or close to, the site of the proposed Morwell Skate Park.*

*Upon completion of the Morwell Skate Park, any previously ‘named’ parks be re-dedicated in the area of park land to the immediate east of the Skate Park.*

*The re-dedication of the parks to include appropriate signage/plaques including identification of any significant tree/s on the site/s.”*

Again at the Ordinary Council Meeting held 3 December 2012, Council resolved the following:

1. *That Council gives public notice of its intention to consider the proposal to register the following features located in Commercial Road Morwell:*
  - *Alexandra Park*
  - *Bus and Taxi Interchange / Public Toilets,*
  - *Morwell Skate Park**and invite comment on the proposal.*



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2. *That Council considers any submissions regarding the proposal to register the above features located in Commercial Road Morwell as official feature names at the Ordinary Council Meeting to be held the 4 March 2013.*
3. *That the Morwell Historical Society be advised of the above action.*

In response to Council's request for historical information the Morwell Historical Society (attachment 1) recommended that the name Alexandra Park should be retained. The Historical Society further advised that whilst they were unable to accurately define the exact area of Alexandra Park, the society suggests that Council allocate the name to the section of land between the McDonald Street Bridge (eastern end) and Legacy Place (western end/pedestrian crossing traffic lights), south of the railroad.

This suggestion is supported by the press article in the Morwell Advertiser, dated 28 March 1946, titled "*Alexandra Park. PASSES TO COUNCIL CONTROL*" (attachment 2). This article references a former Shire of Morwell Council resolution "*That steps be taken to reduce the width of Commercial Road by 63 feet on its northern side between Church Street level crossing and Jeeralang West turnoff.*"

An examination of a 1950 Township of Morwell Aerial Image shows that Church Street extended across the Eastern Railway Line through to Commercial Road. This crossing is in the vicinity of the existing pedestrian railway underpass adjacent to Legacy Place and the Bus/Taxi Interchange. Early aerial images of Morwell Township (circa 1937 & 1950) indicate that the *Jeeralang West turnoff* commenced east of the Julia Street and Commercial Road intersection.

If Council adopted the Historical Society suggestion to name the entire area from Legacy Place to the McDonald Street Bridge this area is larger than that specified in the above Council Resolution 16 July 2012, i.e.: "*Upon completion of the Morwell Skate Park, any previously 'named' parks be re-dedicated in the area of park land to the immediate east of the Skate Park.*". If the Morwell Historical Society's suggestion is adopted, Alexandra Park would also incorporate the existing Commercial Road Bus/Taxi Interchange and Public Toilets, a car park, the proposed Morwell Skate Park and grassed roadside verge and plantation.

With respect to "*identification of any significant tree/s on the site/s*" as requested in the above Council Resolution, the information provided by the Morwell Historical Society from the article that appeared in the Morwell Advertiser edition dated 5 August 1904 details the planting of 2 trees. These trees, a "*Wellingtonia Gigantea*", the giant tree of California, and the second tree, an "*English Oak*", were planted to perpetuate the memory of three soldiers who died during the Boer War.

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Council's Supervisor Arborist is aware of the tree plantings at this location and has advised that the "Wellingtonia Gigantea" has not survived and is of the opinion the English Oak at this location is not of sufficient size or structure to be the original tree planted in 1904.

The Morwell Skate Park - Final Concept Plan was adopted at the Ordinary Council Meeting held 19 March 2012. The selected site for the Morwell Skate Park is on land opposite the Commercial Road Primary School and the roundabout at the intersection of Commercial Road and White Street, Morwell (see attachment 3). This site is part Government Road Reserve and a small area of railroad land owned by VicTrack.

It is anticipated that construction of the Skate Park will commence in April/May 2013.

**ISSUES**

The *Guidelines for Geographic Names* 2010 identify Council as the naming authority for features such as Parks.

When naming a feature Council must give consideration to the 16 principles contained in the *Guidelines for Geographic Place Names* when determining whether a feature name is appropriate.

The following principles apply to this application:

**Principle 1(A) Language**

The guidelines state that geographic names should be easy to pronounce, spell and write, and preferably not exceed three words (including feature or road type) and/or 25 characters.

The proposed name is consistent with this principle.

**Principle 1(B) Recognising the Public Interest**

The guidelines state that consideration needs to be given to the long-term consequences and effects upon the wider community of naming a feature.

The proposal will formally register the name "Alexandra Park" previously named in 1904. It is also suggested that Council also register the existing Commercial Road Bus/Taxi Interchange and Public Toilets and the proposed Morwell Skate Park

**Principle 1(C) Ensuring Public Safety**

Geographic names must not risk public and operational safety for emergency response or cause confusion for transport, communication and mail services.

“Alexandra Park” identifies a specific area and the proposed name does not pose a risk to public safety. Registering the location of the existing Commercial Road Bus and Taxi Interchange / Public Toilets and the proposed Morwell Skate Park would also assist Emergency Services with exact map coordinates for respective features if required to respond to a triple zero emergency.

#### Principle 1(D) Ensuring Names Are Not Duplicated

Place names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity that have identical or similar spelling or pronunciation.

“Alexandra Park, Commercial Road Bus and Taxi Interchange / Public Toilets and the proposed Morwell Skate Park ” are unique names and a search of the VICNAMES database has revealed no other registered feature containing similar wording within a 30 kilometre radius.

#### Principle 1(F) Assigning Extent to Feature, Locality or Road

Council, as the naming authority, must define the area and/or extent to which the name will apply.

The Morwell Historical Society has suggested that the name be applied to the grassed section of Commercial Road Reserve between the McDonald Street Bridge (eastern end) and Legacy Place (western end) and south of the railway. The Commercial Road Bus and Taxi Interchange / Public Toilets and the proposed Morwell Skate Park are definable by built structures.

As stated in the Background Section the Historical Society’s suggestion is supported by a press article in the Morwell Advertiser, Thursday 28 March 1946, titled “*Alexandra Park. PASSES TO COUNCIL CONTROL*” (attachment 2). This article referred to a resolution of the former Shire of Morwell “*That steps be taken to reduce the width of Commercial Road by 63 feet on its northern side between Church Street level crossing and Jeeralang West turnoff.*”

The Church Street level crossing was located where the existing pedestrian railway underpass is constructed, adjacent to Legacy Place and the Bus/Taxi Interchange. The *Jeeralang West turnoff* is believed to have commenced at the intersection of Julia Street and Commercial Road. Therefore, based upon the 1946 Council Resolution, Alexandra Park extended from what is now the pedestrian underpass at the Legacy Place and Commercial Road Bus/Taxi Interchange in an easterly direction passed the McDonald/Commercial Road intersection through to opposite Julia Street.

#### Principle 1(G) Linking the Name to the Place

Place names should be relevant to the local area with preference given to unofficial names that are used by the local community.

It is considered that the name is relevant to the local area as it was originally named in 1904 and officers are not aware of the area being given an alternative name.

#### Principle 1(H) Using Commemorative Names

Naming often commemorates an event, person or place. A commemorative name applied to a feature can use the first or surname of a person although it is preferred that only the surname is used.

This proposal commemorates a name and complies with this principle. This principle is not applicable for the registration of the Commercial Road Bus and Taxi Interchange / Public Toilets and the proposed Morwell Skate Park.

#### Principle 1(J) Names Must Not Be Discriminatory

Place names must not cause offence on the basis of race, ethnicity, religion, disability, sexuality or gender.

The proposed names are unlikely to cause offence to any member of the public.

#### Principle 1(M) Consulting With the Public

Naming authorities must consult with the public on any naming proposal. The level and form of consultation can vary depending on the naming proposal.

This occurred following the Council resolution dated 3 December 2012.

#### Principle 1(P) Signage

Naming authorities must not erect or display signage prior to receiving advice from the Registrar that the naming proposal has been approved, gazetted and registered in VICNAMES.

The existence of signage prior to lodging a naming proposal with the Registrar is not a valid argument for the name to be registered.

It is noted that a small historical information display has previously been provided in front of the Westpac Bank at 228 Commercial Road concerning Alexandra Park, refer attachment 4. This display sign along with a number of similar information displays were erected at historically significant locations within the Morwell Township.

If the name is registered, Council may wish to erect additional signage at the actual park. The Morwell Historical Society has offered to provide historical details for preparation of an information board.

One other principle that specifically relates to the naming of features and is also applicable to this request:

#### Principle 2(A) Feature Type

A feature type should be included in the feature name and located after the unique feature name.

This principle is satisfied by the inclusion of the word "Park" in the feature name.

### **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.

There is not considered to be any risk associated with this report. The naming of the park is in accordance with the naming principles will also assist emergency services in locating the area if dispatched to an incident.

Costs associated with this proposal involve giving public notice and, if the proposed name is registered with Office of Geographic Names and Council deems it necessary, the cost of placing signage and or an information board will be incurred. This expenditure will be addressed in the recurrent budget.

### **INTERNAL/EXTERNAL CONSULTATION**

#### *Engagement Method Used:*

In accordance with the Council resolution dated 3 December 2012 the proposed feature naming was advertised as follows:

1. A Public Notice inviting written submissions was published in the Latrobe Valley Express on the 10 January 2013.
2. A copy of the public notice was displayed at the Corporate Headquarters,
3. Details of the proposal were placed on the Latrobe City Council web site.
4. Letter sent to the Morwell Historical Society and the Morwell RSL Sub Branch inviting comment concerning the proposed naming.

*Details of Community Consultation / Results of Engagement:*

In relation to this proposal, the Morwell Historical Society has provided historical information (see attachment 1) namely: in 1904 the “park was named ‘Alexandra Park’ (after Queen Alexandra wife of King Edward VII) by the President of the Shire of Morwell – Cr. O’Grady – and trees were planted in memory of three soldiers who died at the front during the Boer War.”

The Morwell RSL Sub Branch responded as follows “*In regards to the proposed skate park on Commercial Road, I understand that the name of the area was named Alexandra Park in the early 20th century. There are two English Oak trees that is on the site which we believe are over one hundred years old, and I have spoken to Darrel White in regards to our concerns of either of these trees being damaged or removed. One of the trees was planted as a memorial to four Boer War soldiers from Morwell who died in South Africa. We have been investigating the soldiers, and are willing to supply a plaque as a permanent reminder of these men. Please let us know how you will be proceeding and what you require us to do.*”

As detailed in attachment 3, the skate park development is outside the drip line of all existing trees. Officers will follow up with the RSL concerning the offer to supply a memorial plaque.

Council did not receive any public submissions in response to the Public Notice published in the Latrobe Valley Express on the 10 January 2013 or the notices displayed at the Corporate Headquarters and Latrobe City Website inviting community comment.

**OPTIONS**

The following options are available to Council:

1. Resolve to submit an application to the Office of Geographic Names to register the name “Alexandra Park” (the area of land from Legacy Place through to the McDonald Street Bridge), the locations of Commercial Road Bus and Taxi Interchange / Public Toilets and proposed Morwell Skate Park (area marked “A” on attachment 5), or
2. Resolve to submit an application to the Office of Geographic Names to register “Alexandra Park” as stated in the Council resolution dated 3 December 2012, name area immediately east of the proposed Morwell Skate Park (area marked “B” on attachment 5), or
3. Determine not to proceed with either naming proposal.



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### CONCLUSION

Council has completed the statutory process that would enable an application to be submitted to the Office of Geographic Names to officially register the feature "Alexandra Park" Morwell.

It is recommended that Council supports the recommendation of the Morwell Historical Society and determines that "Alexandra Park" encompass the area of land from Legacy Place through to the McDonald Street Bridge. For reasons of identification and recording precise locations, it is also recommended Council officially name and register the locations of the Commercial Road Bus and Taxi Interchange / Public Toilets, and Morwell Skate Park.

#### Attachments

1. Attachment one: Morwell Historical Society submission
2. Attachment two; Morwell advertiser article, Thursday 28 March 1946 - Alexandra Park passes to council control.
3. Attachment three: proposed Morwell skate park final concept design plan
4. Attachment four: existing information display in front of Westpac bank, 228 Commercial Road, Morwell
5. Attachment five: aerial image of the two possible naming options

### **RECOMMENDATION**

1. That Council submits an application to the Registrar of Geographic Names to register the feature naming of "Alexandra Park" being the area of land being the area of land on the northern side of Commercial Road, east of Legacy Place through to the McDonald Street Bridge, and
2. Council submits an application to the Registrar of Geographic Names to register the locations of the Commercial Road Bus and Taxi Interchange / Public Toilets and proposed Morwell Skate Park.
3. That the Morwell Historical Society and Morwell RSL Sub Branch Inc be advised of the above Council decision.

### **ALTERNATE MOTION**

1. **That Council submits an application to the Registrar of Geographic Names to register the feature naming of "Alexandra Park" being the area of land on the northern side of Commercial Road, east of the proposed Morwell Skate Park through to the McDonald Street Bridge, and**
2. **Council submits an application to the Registrar of Geographic Names to register the locations of the Commercial Road Bus and Taxi Interchange / Public Toilets and proposed Morwell Skate Park.**

**ORDINARY COUNCIL MEETING MINUTES  
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- 3. That the Morwell Historical Society and Morwell RSL Sub Branch Inc be advised of the above Council decision.**

**Moved:** Cr Middlemiss

**Seconded:** Cr Gibson

**That the Motion be adopted.**

**CARRIED UNANIMOUSLY**



## 9.1

### Proposed Feature Naming - Alexandra Park Morwell

|   |  |    |
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## Morwell Historical Society Inc.

President: Leonie Pryde  
 Information Centre: 44 Buckley Street Morwell VIC 3840  
 URL: [www.morwellhistoricalsociety.org.au](http://www.morwellhistoricalsociety.org.au)

14 September 2012

Mr Henry Morrison  
 Coordinator Property and Statutory Services  
 PO Box 264  
 MORWELL, VIC. 3840

Dear Mr Morrison

Re PROPOSED MORWELL SKATE PARK - COMMERCIAL ROAD, MORWELL

The Society is in receipt of your letter dated 17 August 2012 requesting assistance with the history of the proposed skate park area.

The history of the area has been investigated and the following details found -


1. In 1904 the area of the park was named 'Alexandra Park' (after Queen Alexandra wife of King Edward VII) by the then President of the Shire of Morwell - Cr. O'Grady - and trees were planted in memory of three soldiers who died at the front during the Boer War.
2. Much research has been done to define the area of the park, but up to the present time no specific details have been found.
3. Since the original naming of the area a number of community organizations have used the area for recreation purposes.

The Society believes that the name 'Alexandra Park' should remain, and requests Council to take the necessary steps to define the area and confirm the name as an official 'Place Name'. A sketch map has been included to indicate the area the Society believes should be defined as the park.

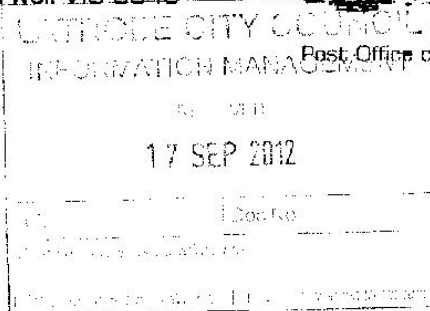
The Society would be pleased to provide historical details for the preparation of an information display board as part of the re-dedication of the area.

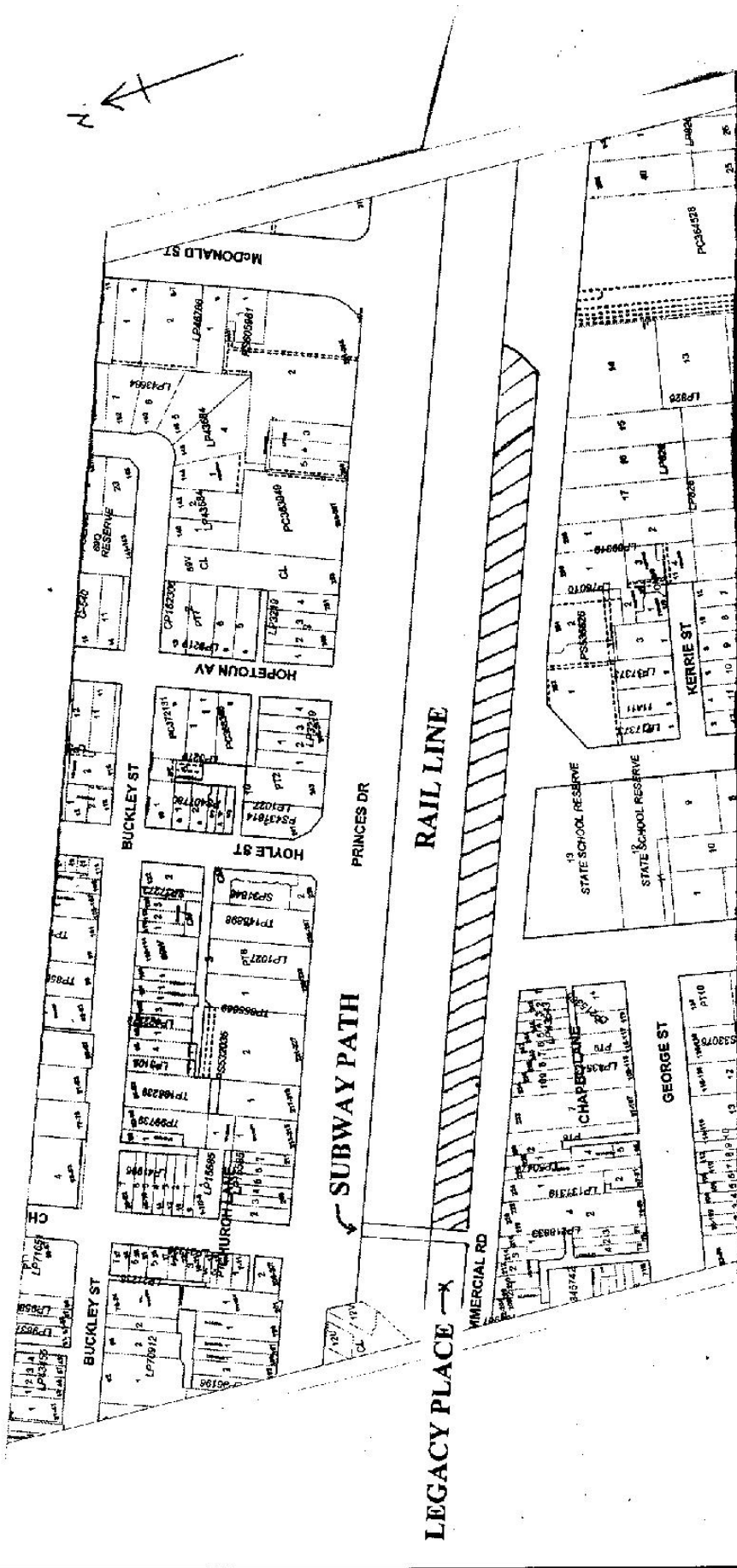
Attached are copies of information that may be of interest to Council.

Yours faithfully

  
 Stephen Hellings  
 Secretary, Morwell Historical Society

Postal Address: Secretary: Stephen Hellings, PO Box 264, Morwell, VIC 3840  
 inc. No. 400101554





 PROPOSED AREA TO BE DECLARED  
'ALEXANDRA PARK'

The following article appeared in the Morwell Advertiser edition dated:

**August 5<sup>th</sup> 1904**

(Reproduced exactly as written)

#### OPENING OF ALEXANDRA PARK.

About 1 o'clock a large gathering of children, including those attending the Morwell, Morwell Bridge, Hazelwood, and North Hazelwood state schools, and local R. C. school, parents, teachers and representative men of the district, took place on the newly formed park. Proceedings were commenced with the town band playing "The Brave Englishman," the well-known strains of "England expect that ever man this day will do his duty" which formed part of the selection, being very appropriate.

The president of the shire (Cr. O'Grady) afterwards came forward and during an appropriate address congratulated the residents upon the manner in which the reserved had been improved and prepared for the planting of trees, etc. The Shire Council had for some time past contemplated such an undertaking but the matter, no doubt, would have remained in abeyance for a long time, had not the Patriotic Committee assisted them so materially.

The park would be a credit to the town and they should be proud of it. It had been decided to call the park after one whose name was dear to every British subject, and it afforded him very great pleasure to name the reserve the "Alexandra Park," and declare it duly opened. The honor of planting the first tree had been allotted to him, and as many were to be planted, he would proceed at once.

The President then proceeded to plant, amidst applause, a noble "Wellingtonia Gigantea" – the giant tree of California, which grows to the height of 800 feet. The second tree – and English oak – was planted by Captain Hall to perpetuate the memory of the three soldiers – Sgt. McDonald, and Privates Thos. Rose, and Geo. Bolding – who went from this district, and died at the front in South Africa, during the Boer war.

During his remarks, which had touching reference to the deceased soldiers, Captain Hall said the tree which he had the honor of planting would always remind them of a great event in the history of the empire, and well as very sad matters connected with that event. Brave young men had left their happy and comfortable homes to fight for the grand old flag, in a distant land, where they had died at the front. Their memory would be ever fresh with those who knew them, and the tree he was about to plant would perpetuate it for future generations.

The general planting of trees and shrubs was afterwards proceeded with, most of the residents and many of the children each planting an ornamental tree, whilst the Band contributed several selections, concluding with the National Anthem.

About 4 o'clock, the tree planting having been finished, an adjournment was made to the state school where the children were first regaled with sumptuous refreshments, after which the adults were similarly treated, a large staff of ladies being kept hard at work "dealing things out," etc. for a considerable time.

Evening was fast approaching before all had departed, and it is quite certain that all who took part in the celebrations, will always retain pleasant recollections of the first Arbor Day in Morwell, and the opening of Alexandra Park.

Stephen Hellings 27<sup>th</sup> February 2002

## Alexandra Park - 1904

Alexandra Park was located on the narrow strip of land between the railway line and Commercial Road (approximately opposite Commercial Road Primary School).

It was named after a member of the Royal Family.

It was officially opened in August 1904 by the Morwell Shire President Cr. O'Grady.

The occasion was marked by the planting of a tree ("Wellingtonia Gigantea" - the giant tree of California).

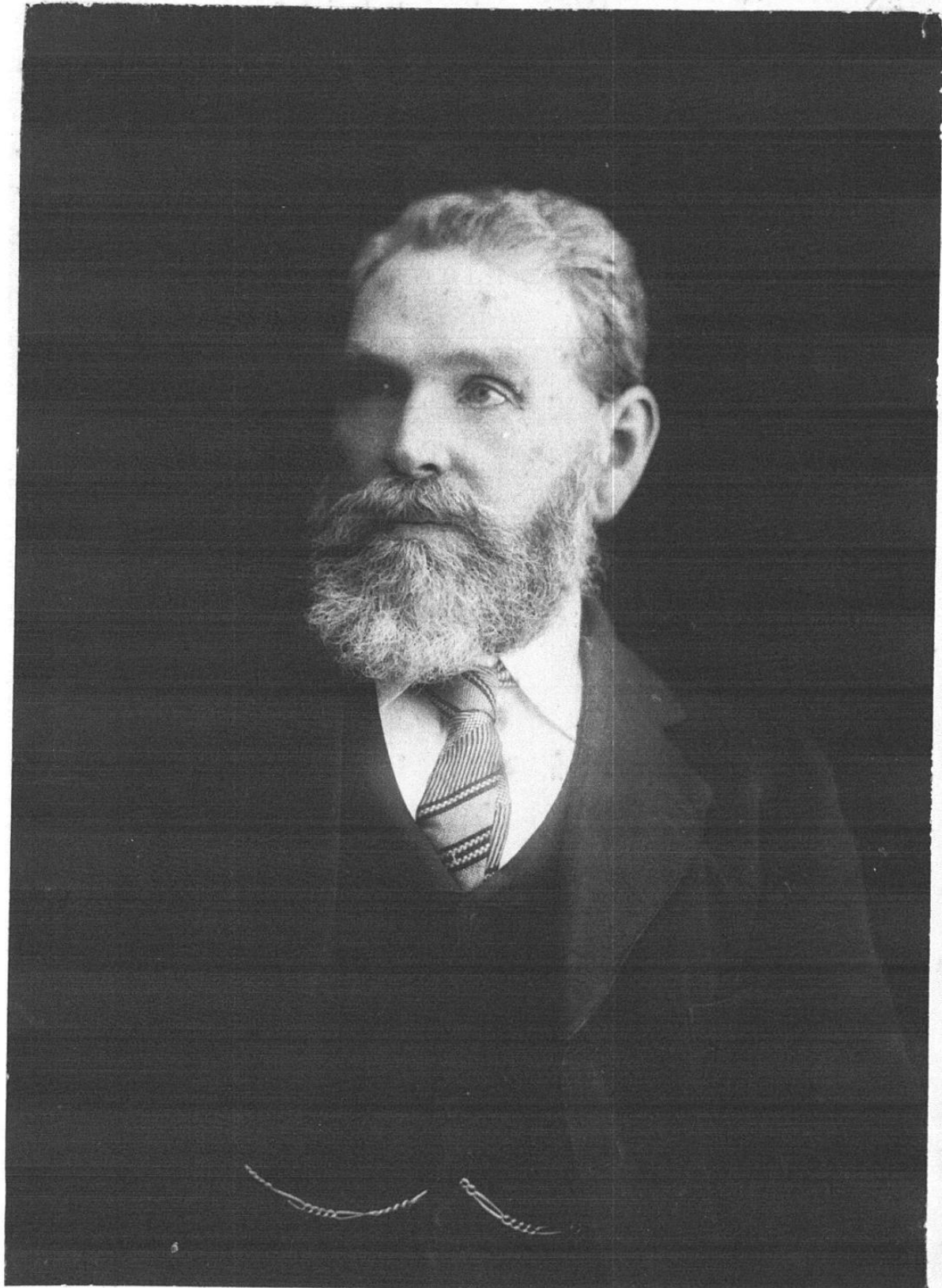
The second tree - an English oak - was planted by Captain Hall to perpetuate the memory of the three soldiers - Sgt. McDonald, and Privates Thos. Rose, and Geo. Bolding - who went from this district, and died in South Africa, during the Boer war.

The Morwell Bowling Club was established at Alexandra Park in 1913.

Morwell swimming pool opened in Alexandra Park in 1925/6.

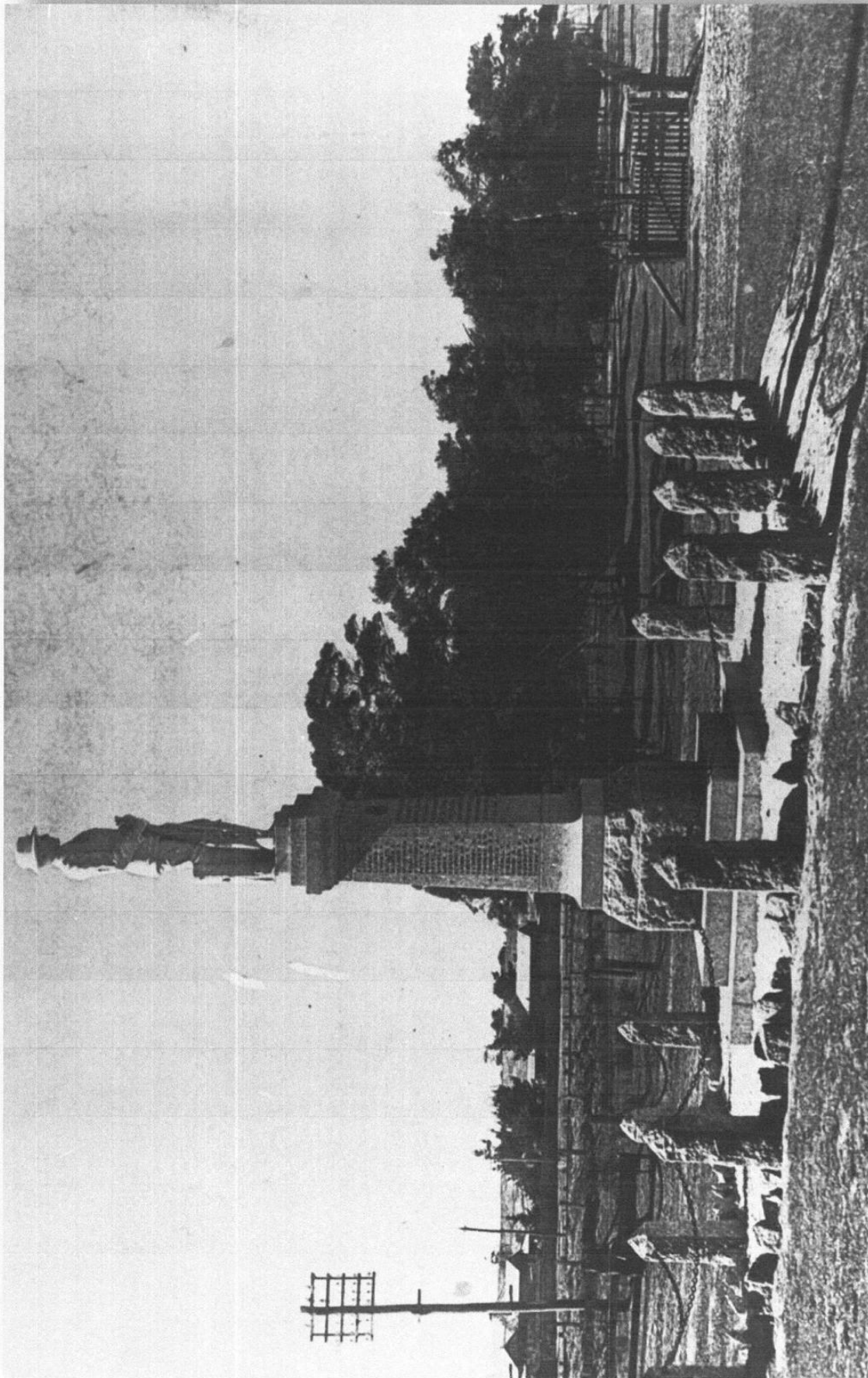


Morwell Bowling Club - Alexandra Park

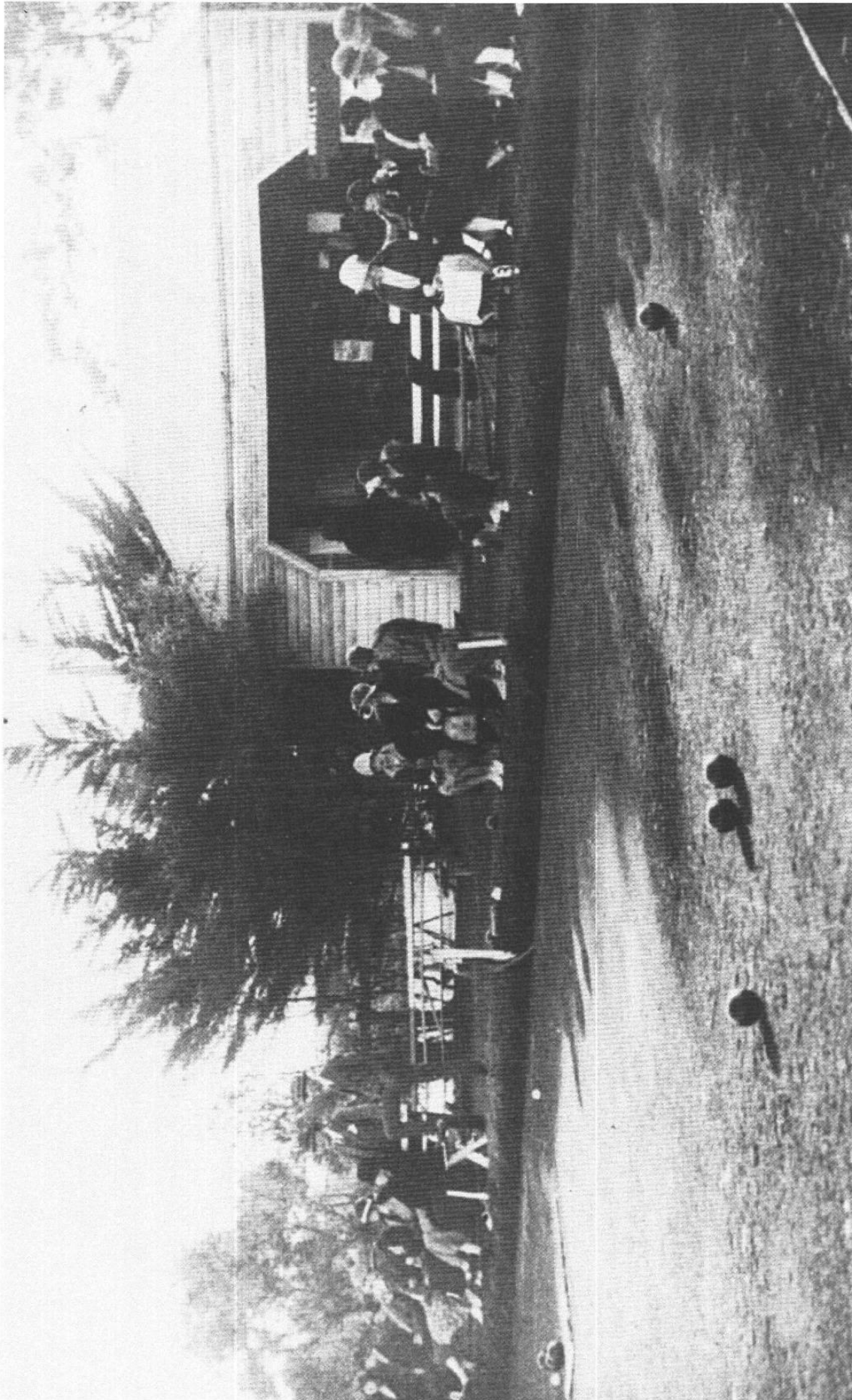


Cr. W. O'Grady Shire President 1903-1904



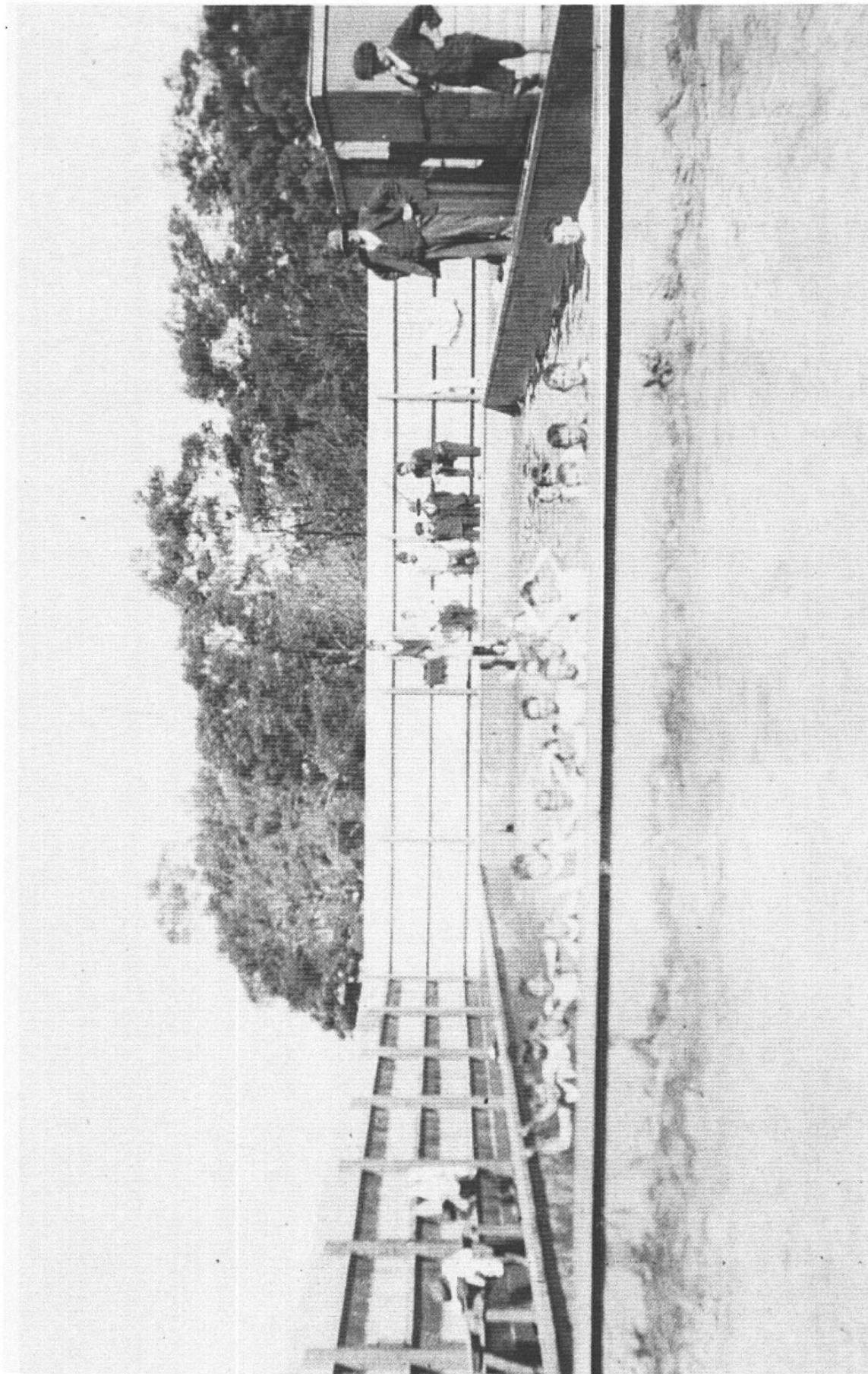


Alexandra Park c. 1930's



Morwell Bowling Club Alexandra Park (date unknown)





Alexandra Park 1926

Morwell Advertiser (Morwell, Vic. : 1888 - 1954) , Thursday 28 March 1946, page 7

## Alexandra Park.

### PASSES TO COUNCIL CONTROL.

FOR some time there has been doubt as to the authority concerned with the control of that area of Commercial Road from the level crossing to the Jeeralang turn-off, known as Alexandra Park. The matter was recently taken up by the shire secretary with the Department of Lands and Survey and information has been received that the area should be dealt with by the council. The department recommended that the council make a reduction in the width of the road and use the balance for public purposes. To conform to the suggestion the following motion, sponsored by Crs. Williams and Hare, was carried —

"That steps be taken to reduce the width of Commercial Road by 63 feet on its northern side between Church Street level crossing and Jeeralang West turn-off."

National Library of Australia

<http://nla.gov.au/nla.news-article66108657>

(The above article reproduced as written)

## Alexandra Park.

### PASSES TO COUNCIL CONTROL

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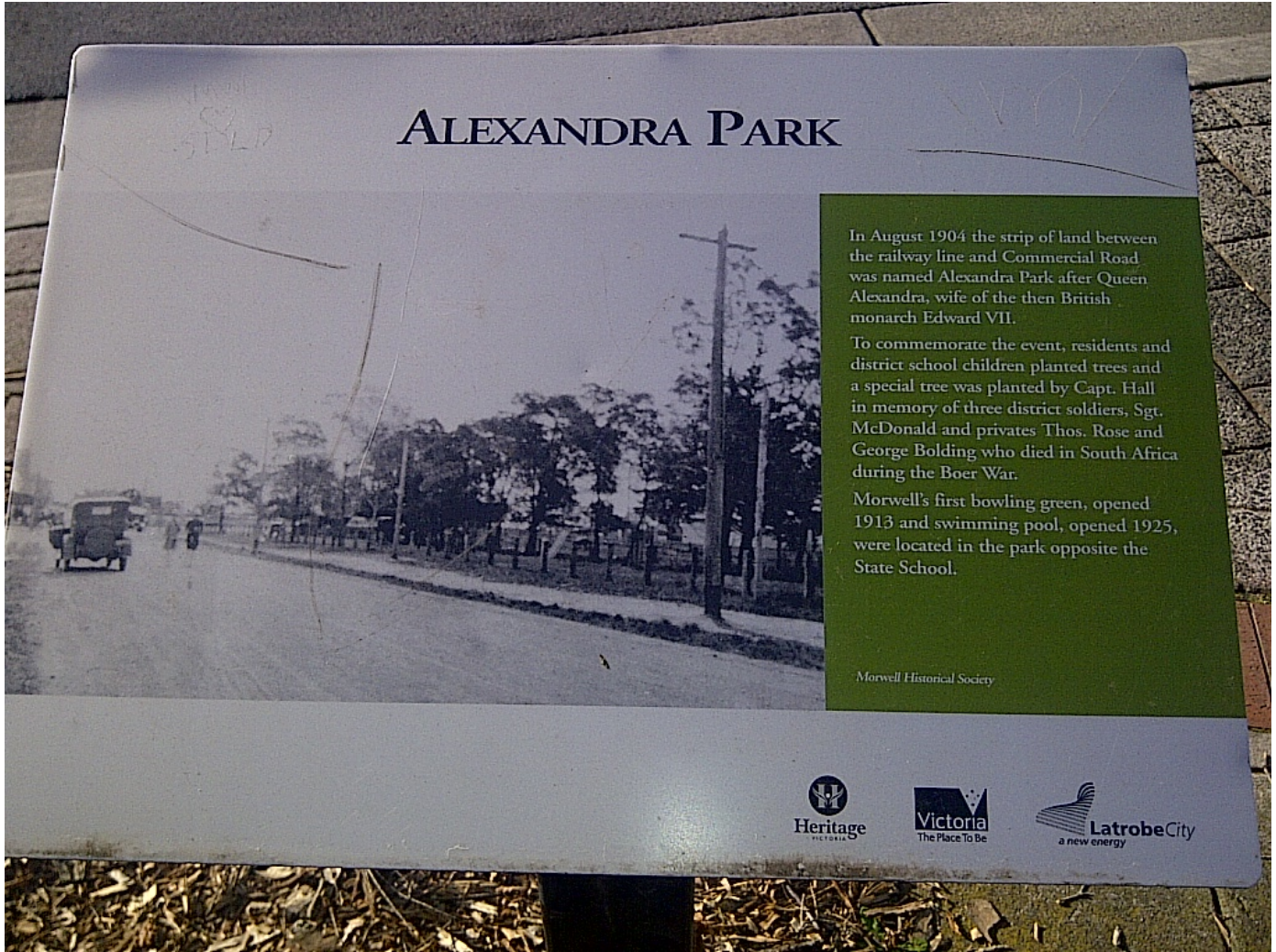
<http://trove.nla.gov.au/ndp/del/printArticleJpg/66108657/3?print=y>

2/21/2012













# CORRESPONDENCE

9. CORRESPONDENCE

**10.1 RESPONSE FROM MINISTER FOR PUBLIC TRANSPORT  
REGARDING VLINE SERVICES**

General Manager

Governance

For Decision

**PURPOSE**

The purpose of this report is to present correspondence to Council from the Minister for Public Transport regarding the VLine services from Pakenham to Traralgon/Bairnsdale.

**DECLARATION OF INTEREST**

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

**OFFICER COMMENTS**

At the Ordinary Council Meeting on Monday, 3 December 2012 Council resolved the following in regards to further investigation into the Bairnsdale/Traralgon train lines:

*That the Mayor writes to the Minister of Public Transport in response to his correspondence:*

- 1. Thanking the Minister for his letter of reply;*
- 2. Asking if the Government or V/Line are in negotiation with Metro in regards to the Bairnsdale/Traralgon lines.*
- 3. If they are, what guarantee can Council be given that our existing service will not cease at Pakenham, forcing community members onto Metro trains.*

A letter from the Mayor (attachment 1) was sent to the Minister for Public Transport, Mr Terry Mulder MP, on 11 December 2012.

A response was received from the Minister on 11 February 2013 noting the Mayor's comments and advising that the Coalition Government and Public Transport Victoria have no intention of terminating Traralgon train services at Pakenham (attachment 2).

**Attachments**

1. Letter from Mayor to Minister for Public Transport re Vline Services
2. Response from Minister for Public Transport Feb 2013

**RECOMMENDATION**

**That Council note the correspondence.**

**Moved:** Cr Middlemiss

**Seconded:** Cr Gibson

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**



## **10.1**

### **Response from Minister for Public Transport regarding VLine Services**

- 1 Letter from Mayor to Minister for Public Transport re  
Vline Services ..... 47**
- 2 Response from Minister for Public Transport Feb 2013 ..... 49**

Our Ref: 765038  
SK:JS

11 December 2012

Hon Terry Mulder MP  
Minister for Public Transport  
P.O. Box 2797,  
MELBOURNE VIC 3001



**Latrobe City** ABN 92 472 314 133  
**Telephone** 1300 367 700  
**Facsimile** (03) 5128 5672  
**TTY** (NRS) 133 677  
**Post to** PO Box 264 Morwell 3840  
**Email Address** [latrobe@latrobe.vic.gov.au](mailto:latrobe@latrobe.vic.gov.au)  
**Internet** [www.latrobe.vic.gov.au](http://www.latrobe.vic.gov.au)  
**AUSDOC** DX 217733 Morwell

Dear Minister

### **V/LINE TRAIN SERVICE IN GIPPSLAND**

Thank you for your letter received 18 September 2012 in reference to the termination of Gippsland V/Line trains services at Pakenham.

At a more recent Ordinary Council Meeting held Monday, 3 December 2012 the following Motion was adopted by Latrobe City Council regarding further investigation in relation to the Bairnsdale/Traralgon train lines:

***"That the Mayor writes to the Minister of Public Transport in response to his correspondence:***

- 1. Thanking the Minister for his letter of reply;***
- 2. Asking if the Government of V/Line are in negotiation with Metro in regards to the Bairnsdale/Traralgon lines.***
- 3. If they are, what guarantee can Council be given that our existing service will not cease at Pakenham, forcing community members onto Metro trains."***

We would once again appreciate your assistance in providing a response to the above motion given that there are growing concerns from commuters regarding the Bairnsdale and Traralgon train lines.

If you require further information please contact Jacinta Saxton on (03) 5128 5421 or via email [jacinta.saxton@latrobe.vic.gov.au](mailto:jacinta.saxton@latrobe.vic.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sandy Kam', with a stylized flourish at the end.

CR SANDY KAM  
**Mayor**



**Minister for Public Transport  
Minister for Roads**

PO Box 2797  
Melbourne Victoria 3001  
Telephone: (03) 9095 4330  
Facsimile: (03) 9095 4483  
www.vic.gov.au  
DX 210410

Ref: COR/12/115741

Cr Sandy Kam  
Mayor, Latrobe City Council  
PO Box 264  
MORWELL VIC 3840

Dear Cr Kam

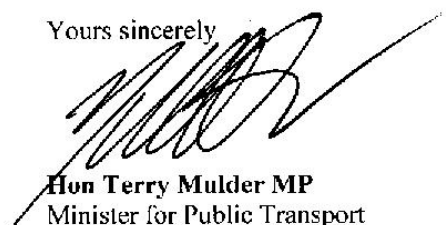
**V/LINE TRAIN SERVICES - GIPPSLAND**

Thank you for your letter of 11 December 2012 regarding V/Line train services in Gippsland. I apologise for the delay in responding.

I appreciate and have noted your comments.

The Coalition Government and Public Transport Victoria have no intention of terminating Traralgon train services at Pakenham.

Yours sincerely

  
**Hon Terry Mulder MP**  
Minister for Public Transport

4 Feb 2013

|   |  |
|---|--|
| LATROBE CITY COUNCIL<br>INFORMATION MANAGEMENT        |  |
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| <input type="checkbox"/> Copy registered in DataWorks | <input type="checkbox"/> Invoice forwarded to accounts |



# PRESENTATION OF PETITIONS

**10. PRESENTATION OF PETITIONS**

Nil reports

# CHIEF EXECUTIVE OFFICER

**11. CHIEF EXECUTIVE OFFICER**

Nil reports

# ECONOMIC SUSTAINABILITY



**12. ECONOMIC SUSTAINABILITY**

Nil reports

# 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 AUTHORISATION OF PROPOSED REZONING OF LAND AT TYERS-WALHALLA ROAD, TYERS FROM FARMING ZONE AND TOWNSHIP ZONE TO LOW DENSITY RESIDENTIAL ZONE AND RURAL LIVING ZONE SCHEDULE 2 AND INTRODUCE THE DEVELOPMENT PLAN OVERLAY SCHEDULE 8**

General Manager

Governance

For Decision

**PURPOSE**

The purpose of this report is for Council to consider a request to be made to the Minister for Planning to authorise the preparation and exhibition of a proposed amendment to the Latrobe Planning Scheme. In accordance with Section 8A (3) of the *Planning and Environment Act 1987* (the Act).

**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 (City Planning)*

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

Latrobe City is a vibrant and diverse community. Council is ensuring that the changing needs and aspirations of our diverse community are met by providing facilities, services and opportunities that promote an inclusive and connected community.

Latrobe City Council Plan 2012 - 2016

*Shaping Our Future*

An active connected and caring community supporting all.

*Strategic Direction – Built Environment*

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

*Service Provision – Built Environment (City Planning)*

Provide statutory and strategic planning advice and services in accordance with the Latrobe Planning Scheme and Planning and Environment Act.

*Legislation*

The provisions of the Latrobe Planning Scheme and the following legislation apply to this amendment:

- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Transport Integration Act 2010*

**BACKGROUND**

Latrobe City Council received an application to amend the Latrobe Planning Scheme on 19 December 2011 from NBA Group P/L on behalf of the current landowners. An initial review of the documents submitted with the application identified the need for further information and alterations to the proposal. Subsequently Latrobe City Council received a revised application on 2 October 2012.

The proposal seeks to rezone approximately 66 hectares of land at Lot 1 PS 449977 and Lot 1 PS 424861 Tyers-Walhalla Road, Tyers generally bounded by Tyers-Walhalla Road to the north and west and Main Road to the south from Farming Zone (FZ) and Township Zone (TZ) to Low Density Residential Zone (LDRZ) and Rural Living Zone Schedule 2 (RLZ2) (See Attachment 1 – Subject Land and Proposed Zoning Map).

The proposal also seeks to introduce and apply the Development Plan Overlay Schedule 8 (DPO8) to the subject land (See Attachment 2 – Proposed DPO8) and introduce new maps to the Latrobe Planning Scheme (See Attachment 3 – Proposed Overlay Map).



## ORDINARY COUNCIL MEETING MINUTES 08 APRIL 2013 (CM404)

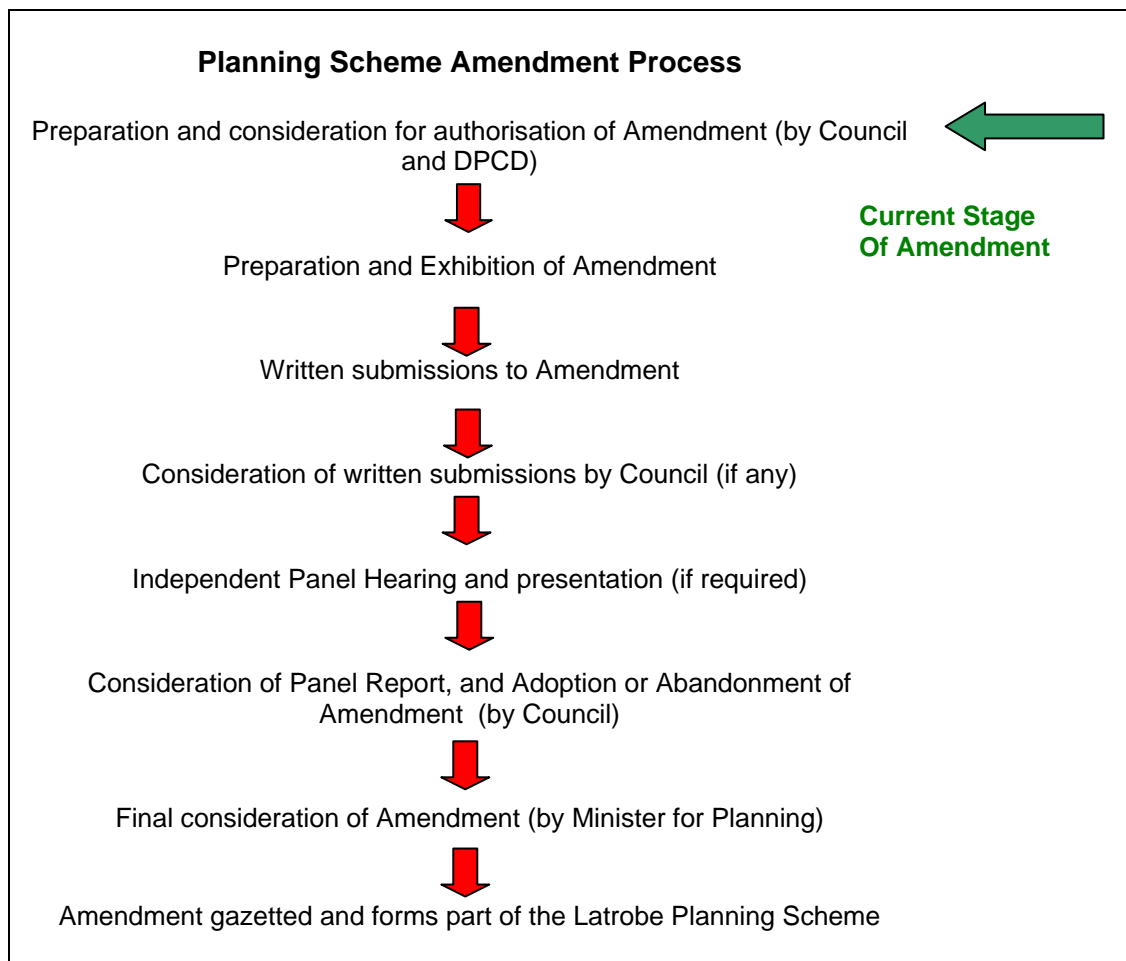
The proposal also seeks to amend Clause 21.06 – Small Towns to alter the Tyers Structure Plan and provide a strategic framework for the future development of Tyers (See Attachment 4 – Current and Proposed Tyers Structure Plans).

The application for rezoning presents an opportunity to provide for low density and rural residential living opportunities in order to satisfy a recognised need within the Tyers Township. The utilisation of the site (a former blue gum plantation) has the potential to provide an appropriate use of land and will result in logical in-fill between the township area and the established rural living development to the north-east of the town.

Tyers also has the potential to meet some of the spill-over demand for residential land coming from the wider Latrobe City housing market.

### Statutory Requirements

The planning scheme amendment process is shown in the figure below and provides an indication of the current stage.



In accordance with Section 9 of the Act, the Minister for Planning may authorise a municipal council to prepare an amendment to State and local standard provisions of a planning scheme in force in its municipal district.

**ORDINARY COUNCIL MEETING MINUTES  
08 APRIL 2013 (CM404)**

Municipal councils, as the planning authority, have a number of duties and powers. These duties and powers are listed at Section 12 of the Act. Under Section 12 a planning authority must have regard to (*inter alia*):

- The objectives of planning in Victoria;
- The Minister's directions;
- The Victoria Planning Provisions;
- The Latrobe Planning Scheme;
- Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by the amendment.

This Amendment proposal has had regard to Section 12 of the Act and is consistent with the requirements of Section 12.

In addition each amendment must address the Department of Planning and Community Development (DPCD) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response to these guidelines is outlined in the attached Explanatory Report (See Attachment 5).

The proposal is consistent with the State Planning Policy Framework, at Clauses 11 – Settlement, Clause 15 – Built Environment and Heritage and Clause 16 – Housing. The proposal is also consistent with the current Municipal Strategic Statement (MSS), at Clause 21.03 – Natural Environment Sustainability, Clause 21.04 - Built Environment Sustainability and Clause 21.08 – Liveability by providing opportunities for new residential developments, providing important diversity of housing and lifestyle to reinforce the role of smaller settlements as rural service centre and by avoiding development in areas with high biodiversity values. This is further explained in the attached explanatory report.

The proposal is consistent with the objectives of Clause 21.06 Small Towns, in promoting and supporting the infrastructure and development of small town communities within the municipality.

A large portion of the total land to be rezoned is located immediately outside of the Tyers Structure Plan township boundary (Area 10) on land identified for future long-term low density residential expansion. In this instance the planning scheme amendment seeks to bring forward the release of land in Area 10 to fulfil the recognised housing demand in Tyers.

## ISSUES

### Tyers Residential Land Supply

In 2010 Council adopted Amendment C24 into the Latrobe Planning Scheme. Amendment C24 implemented some of the recommendations of the *Latrobe City Council Residential and Rural Residential Land Assessment 2009* and *Small Town Structure Plans: Boolarra, Glengarry & Tyers, Background Report 2009* and included two new small town structure plans for Boolarra and Tyers with accompanying township strategies and objectives by replacing existing Clauses 21.04 and 21.06 of the Latrobe Planning Scheme.

*The Small Towns Structure Plan, Boolarra, Glengarry and Tyers – Background Report 2009* states that;

- *Recent land subdivision and development trends show that Tyers is growing slowly. However, the current and recent demand for residential land has been constrained by limited supply.*
- *The township, which attracts many residents due to its rural feel, is located approximately a ten to fifteen minute drive to Morwell and Traralgon. Many residents commute to Traralgon and Morwell for work, shopping and recreation.*

In response to the growing population demands for accommodation in the municipality the *Latrobe City Council Residential and Rural Residential Land Supply Assessment 2009* states that the:

*Tyers precinct will accommodate approximately 1% of residential dwelling demand forecast for Traralgon Statistical Local Area (SLA).*

Due to the limited supply of residential land in Tyers, *The Small Towns Structure Plan, Boolarra, Glengarry and Tyers – Background Report 2009* recommended that;

- *Appropriate locations for Low Density Residential areas should be identified to provide for the immediate shortage of LDRZ allotments and improve housing variety and choice. Additional land suitable for Low Density Residential should also be protected for longer term planning purposes.*
- *Under a high growth scenario, there is currently 9 years supply of TZ land available with a forecast dwelling demand of 10 to the year 2023 ..... Considering no additional TZ has been identified, it is recommended that dwelling demand for TZ (10 allotments) be directed to LDRZ. Approximately 18 hectares of land is therefore recommended for future low density residential development.*

**ORDINARY COUNCIL MEETING MINUTES  
08 APRIL 2013 (CM404)**

- *New LDRZ would achieve a density of 2 lots per hectare and account for 40% of dwelling demand in Tyers. Under a high growth scenario this equates to 20 LDRZ dwellings to the year 2023. Under a high growth scenario, there is currently 1.5 years supply of LDRZ land available.*
- *RLZ would account for 40% of dwelling demand in Tyers. Under a high growth scenario this equates to 20 RLZ dwellings to the year 2023. Under a high growth scenario, there is currently 14.3 years supply of total vacant lot potential of RLZ available. This includes a combination of RLZ3 and RLZ4.*

In summary *The Small Towns Structure Plan, Boolarra, Glengarry and Tyers – Background Report 2009* recommends that an additional 30 dwellings will be required to the year 2023.

The Tyers Small Town Structure Plan was developed based on the above recommendations outlined in *The Small Towns Structure Plan, Boolarra, Glengarry and Tyers – Background Report 2009* and as a result approximately 24 hectares of land was identified for Future Low Density Residential (Area 3) and an additional approximate 45 hectares of land was identified for Future Long-term Low Density Residential (Area 10).

This amendment proposes to rezone the 24 hectares of the land identified for Future Low Density Residential in Area 3 and bring forward the release of the majority of land (42 of the 45 hectares) identified for Future Long-term Low Density Residential in Area 10. Although Area 10 has been identified for Future Long-term Low Density Residential the northern section of Area 10 is proposed to be rezoned to Rural Living Zone Schedule 2 (RLZ2). This is due to the steep topography of this section of the subject site. Lots created on this steeper section will need to be larger in size to ensure all wastewater is safely managed, treated and retained on site. Applying the RLZ2 in this area of the subject site ensures the creation of lots no less than 1 hectare in size (see Attachment 6 – Rural Living Zone Schedule 2).

Due to the lack of reticulated sewerage it may be unrealistic to presume that a density of 2 lots per hectare, as recommended by *The Small Towns Structure Plan, Boolarra, Glengarry and Tyers – Background Report 2009*, can be achieved over the entire subject site. This may provide further justification for the release of the majority of land identified for Future Long-term Low Density Residential in Area 10.

Since completion of *The Small Towns Structure Plan, Boolarra, Glengarry and Tyers – Background Report 2009* the Tyers Township has grown at an average rate of 2.5 dwellings per year. This is inline with the low growth scenario as forecasted in *The Small Towns Structure Plan, Boolarra, Glengarry and Tyers – Background Report 2009*.

This low growth rate is not unexpected given the lack of vacant developable land within the Tyers Township. Potentially by not releasing additional land for LDRZ and RLZ development opportunities, the residential growth within the Tyers Township will continue to fall.

#### Tyers Structure Plan Township Boundary

The current Tyers Structure Plan identifies Area 3 for Future Low Density Residential and Areas 9 and 10 for Future Long-term Urban Expansion and Future Long-term Low Density Residential.

The amendment proposal seeks to amend Clause 21.06 – Small Towns to alter the Tyers Township boundary and provide a strategic framework for the future development of Tyers (see Attachment 4 – Current and Proposed Glengarry Structure Plans).

A large portion of the total land to be rezoned is located immediately outside of the current Tyers Structure Plan township boundary (Area 10) on land identified for Future Long-term Low Density Residential expansion. In this instance the planning scheme amendment seeks to bring forward the release of land in Area 10 to fulfil the housing demand in Tyers. This is consistent with Clause 21.04-2 Settlement Overview to provide continuing opportunities for new residential development in small towns subject to land capabilities, infrastructure and environmental considerations.

#### Opportunity For Housing Diversity

Latrobe City's small rural living townships provide for an attractive housing choice within close commuting distance to main activity centres and Tyers is an attractive location for those wishing to enjoy the rural atmosphere.

The proposed amendment seeks to rezone land to LDRZ and RLZ2 and presents the opportunity to increase competition in the housing market and increased diversity of housing choice in a rural setting. The proposal is therefore consistent with objectives and strategies of Clause 21.04 – Built Environment Sustainability in reinforcing the role of smaller settlements by providing important diversity of housing and lifestyle as well as to be rural service centres.

#### Stormwater, Wastewater and Land Capability Assessments

The subject site is partly serviced with reticulated water but no reticulated sewerage system exists within the township. All future developments within Tyers will need to consider both stormwater treatment and domestic wastewater treatment and reuse. All new lots will need to be able to safely manage, treat and retain wastewater on site.

Gippsland Water has advised Latrobe City Council that they do not have any plans to provide reticulated sewerage to the township of Tyers in the near future (see Attachment 7). Latrobe City Council in conjunction with other stakeholders will continue to consider sustainable options including conventional sewer and other low cost alternative options for the management of domestic wastewater within Tyers.

As part of the rezoning proposal the amendment proposes to introduce a Development Plan Overlay Schedule 8 (DPO8) specifically designed for low density and rural living residential growth areas. The purpose of a Development Plan Overlay is to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

The proposed Development Plan Overlay Schedule 8 states within the Infrastructure Services section that:

- *An integrated stormwater management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.*

A major concern for the future development of the subject site is the treatment of domestic wastewater on individual properties. It has been acknowledged by Latrobe City Council officers and the proponent that wastewater issues will need to be further addressed prior to any future development occurring on the subject site.

To assist with investigating the development potential of the subject site the proponents have included in their background documents (submitted with the amendment application) a Land Capability Assessment (LCA) for the subject site. In addition two LCA's have been previously undertaken for the subject site on behalf of the landowners.

In summary, all three LCA's concluded that:

- The land has the capability to provide onsite effluent disposal areas for low density residential land use. Low density allotments can be provided with necessary effluent treatment and field areas, incorporating appropriate design measures, to ensure all domestic wastewater is contained on site.
- The amount of wastewater generated from dwellings would determine the area of land required for effluent disposal or effluent re-use.



## ORDINARY COUNCIL MEETING MINUTES 08 APRIL 2013 (CM404)

- It is important that water saving strategies be incorporated in residential development. Effluent outputs from dwellings should be minimised by homeowners *'employing water saving fixtures and devices.'*
- Drainage systems for residential development in this area should be professionally designed as an integrated system. *'In addition, it is strongly recommended that the effluent fields be designed and located at the same time that other developments are planned, to have these fully integrated, so as to avoid that effluent fields are considered as a last step.'*

The proposed Development Plan Overlay Schedule 8 states within the Domestic Wastewater section that:

*If sewerage infrastructure can not be provided to the development area, a Land Capability Assessment report must be submitted demonstrating:*

- *the capability of the site to sustainably manage wastewater within allotment boundaries.*
- *compliance with State and local policies on effluent disposal.*
- *consideration of all environmental constraints on the site, including but not limited to:*
  - *existing dams*
  - *erosion*
  - *drainage lines and depressions*
  - *water logging*
  - *slopes*
  - *contours*
- *A Wastewater Management Plan must also be prepared that identifies preferred wastewater systems and a maintenance program to minimise the health and environmental impacts of on-site wastewater.*

The design and construction of any effluent dispersion and reuse on the subject land will be subject to the approval of Council's Health Services Team.

The development plan when lodged will ensure that the wastewater and stormwater constraints of the site are properly managed.

### Native Vegetation

The subject land has historically been utilised for Blue Gum plantations. These plantations have been cleared although we note that there are still a few pockets of plantation vegetation on these lots which are yet to be logged. A Flora and Fauna and Net Gain Assessment was prepared for the subject site in preparing for the amendment application.

The Flora and Fauna Assessment identified scattered native trees however the understory vegetation consisted of a large amount of weed species owing to the fact that the site has been highly disturbed from previous land use practices.

Initial comments received from Latrobe City Council's Environmental Planner have suggested that the creation of a wildlife corridor would be of great benefit to biodiversity, by providing connectivity with native vegetation on adjoining properties. In particular an adjoining property to the south west which is heavily vegetated. The adjoining property is considered to have a high to very high conservation significance and in particular contains the Strzelecki Gum. Due to this high conservation significance the native vegetation on the property has been protected by way of a Section 173 agreement which prohibits any unauthorised removal of native vegetation from the property. The interface between the two properties will need to be further considered at the development planning stage.

As part of the future development planning of the subject land further assessments will need to be undertaken in regards to flora and fauna, these are outlined in the proposed Development Plan Overlay Schedule 8:

#### *Infrastructure Services*

- *Opportunities for native vegetation to be protected through siting of open space areas.*

#### *Flora and Fauna*

- *In consultation with relevant agencies and authorities, a flora and fauna assessment including how flora and fauna values will be managed if required.*
- *An assessment of any native vegetation to be removed having regard to Victoria's Native Vegetation Management: A Framework for Action, including how it is proposed to protect and manage any appropriate native vegetation.*
- *Regard must be had to the West Gippsland Native Vegetation Plan 2003.*
- *Any management plan should take into account that the Strzelecki Bioregion is one of Victoria's most fragmented Bioregions and address this as a consideration.*



### Bushfire

Whilst the majority of the blue gum plantation has been removed from the subject site, advice from the CFA is that the Bushfire Management Overlay (BMO) will remain in place due to wider bushfire risk presented to the area. In addition, CFA is satisfied that the detail required by the Bushfire Management Overlay for each proposed lot will be dealt with during the development of the application for subdivision and appropriately referred to CFA for consideration (see Attachment 8).

### **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 risk to Council relevant to this report is the shortage of land available to support population growth. This planning scheme amendment will assist to mitigate the above risk by providing Latrobe City Council with an opportunity to accommodate future demand for housing in Latrobe City.

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2012*. The costs associated with this proposed amendment will be met by the proponent.

### **TRARALGON GROWTH AREAS REVIEW PROJECT (TGAR)**

One of the main purposes of the Traralgon Growth Areas (TGAR) project is to prepare a Growth Area Framework for Traralgon and surrounding areas including Glengarry and Tyers.

Several directions in relation to residential land were recommended for Tyers including;

- *Support ongoing growth and development of Tyers as a lower density / rural lifestyle village which provides lower density lifestyle opportunities to those available within Traralgon and Glengarry.*
- *Consider the development of additional areas of Rural Living ('low density') opportunities to the south of Tyers (area 20) where 'long term urban' expansion is proposed in the small town structure plan. The suitability of this type of development will need to be associated with additional consultation with the paper mill given the development would occur within the buffer area for this use and may not be suitable.*

As stated above, in light of the buffer now known to be associated with the Australian Paper Mill, rezoning of land to the south of the existing township for urban expansion (Area 9 of the Tyers Small Town Structure Plan) may need to be reconsidered. If Area 9 is deemed unsuitable for urban expansion in the future, the rezoning proposed by this application may present the only opportunity to provide for low density and rural residential living opportunities within the Tyers Township.

### **INTERNAL/EXTERNAL CONSULTATION**

The planning scheme amendment has not been subject to community consultation at this stage. If approved for authorisation to prepare the amendment by the Minister for Planning, the amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act.

This will include advertising in the government gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment following authorisation of the amendment.

As part of the initial assessment of the proposed amendment application, informal referrals have been sent out to statutory and servicing authorities to obtain preliminary comments. In response, the authorities have provided recommendations and have indicated that they have no objection to the proposed amendment. These same authorities will be formally notified as part of the planning scheme amendment process.

### **OPTIONS**

The options available to Council are as follows:

- 1 That Council pursues the proposed amendment and supports the request to be made to the Minister for Planning to authorise the preparation and exhibition of the amendment to the Latrobe Planning Scheme.
- 2 That Council does not support the request to be made to the Minister for Planning, to authorise the preparation and exhibition of the amendment to the Latrobe Planning Scheme and therefore abandons the amendment.
- 3 That Council requests further information from the proponent regarding the proposed planning scheme amendment.

### **CONCLUSION**

The application for rezoning presents an opportunity to provide for low density and rural residential living opportunities in order to satisfy a recognised need within the Tyers Township. The utilisation of the site (a former blue gum plantation) has the potential to provide an appropriate use of land and will result in logical in-fill between the township area and the established rural living development to the north east of the town.

#### **Attachments**

1. Attachment 1 - Subject Land and Proposed Zoning Map
2. Attachment 2 - Development Plan Overlay Schedule 8 (DPO8)
3. Attachment 3 - Proposed Overlay Map
4. Attachment 4 - Current and Proposed Tyers Structure Plans
5. Attachment 5 - Explanatory Report
6. Attachment 6 - Rural Living Zone Schedule 2
7. Attachment 7 - Gippsland Water Response
8. Attachment 8 - CFA Response

### **RECOMMENDATION**

**That Council, in accordance with Section 8(3) of the Planning and Environment Act 1987 requests authorisation from the Minister for Planning to prepare and exhibit the proposed amendment to the Latrobe Planning Scheme, which seeks to:**

- **Rezone approximately 66 hectares of land at Lot 1 PS 449977 and Lot 1 PS 424861 Tyers-Walhalla Road, Tyers from Farming Zone and Township Zone to Low Density Residential Zone and Rural Living Zone Schedule 2.**
- **Introduce and apply the Development Plan Overlay Schedule 8 (DPO8) Low Density and Rural Living Residential Growth Areas to the land to be rezoned to Low Density Residential Zone and Rural Living Zone Schedule 2.**
- **Amend Clause 21.06 – Small Town to alter the Tyers Structure Plan township boundary and provide a strategic framework for the future development of Tyers.**
- **Update the schedule to Clause 61.03 to insert new maps to the Latrobe Planning Scheme.**

**ORDINARY COUNCIL MEETING MINUTES  
08 APRIL 2013 (CM404)**

**Moved:** Cr Harriman  
**Seconded:** Cr White

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

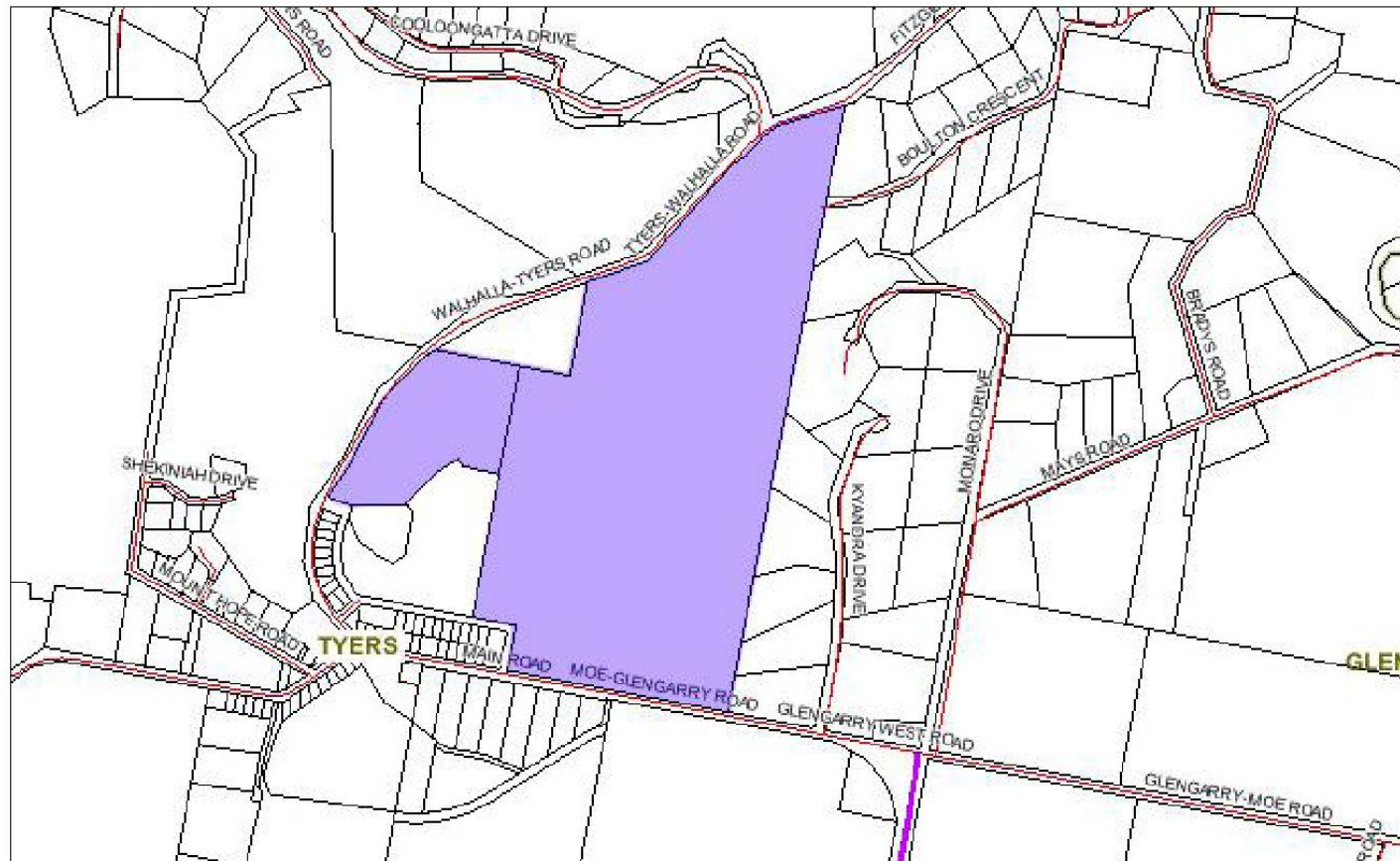
## 16.1

### **AUTHORISATION OF PROPOSED REZONING OF LAND AT TYERS-WALHALLA ROAD, TYERS FROM FARMING ZONE AND TOWNSHIP ZONE TO LOW DENSITY RESIDENTIAL ZONE AND RURAL LIVING ZONE SCHEDULE 2 AND INTRODUCE THE DEVELOPMENT PLAN OVERLAY SCHEDULE 8**

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| 2 | Attachment 2 - Development Plan Overlay Schedule 8 (DPO8) ..... | 91  |
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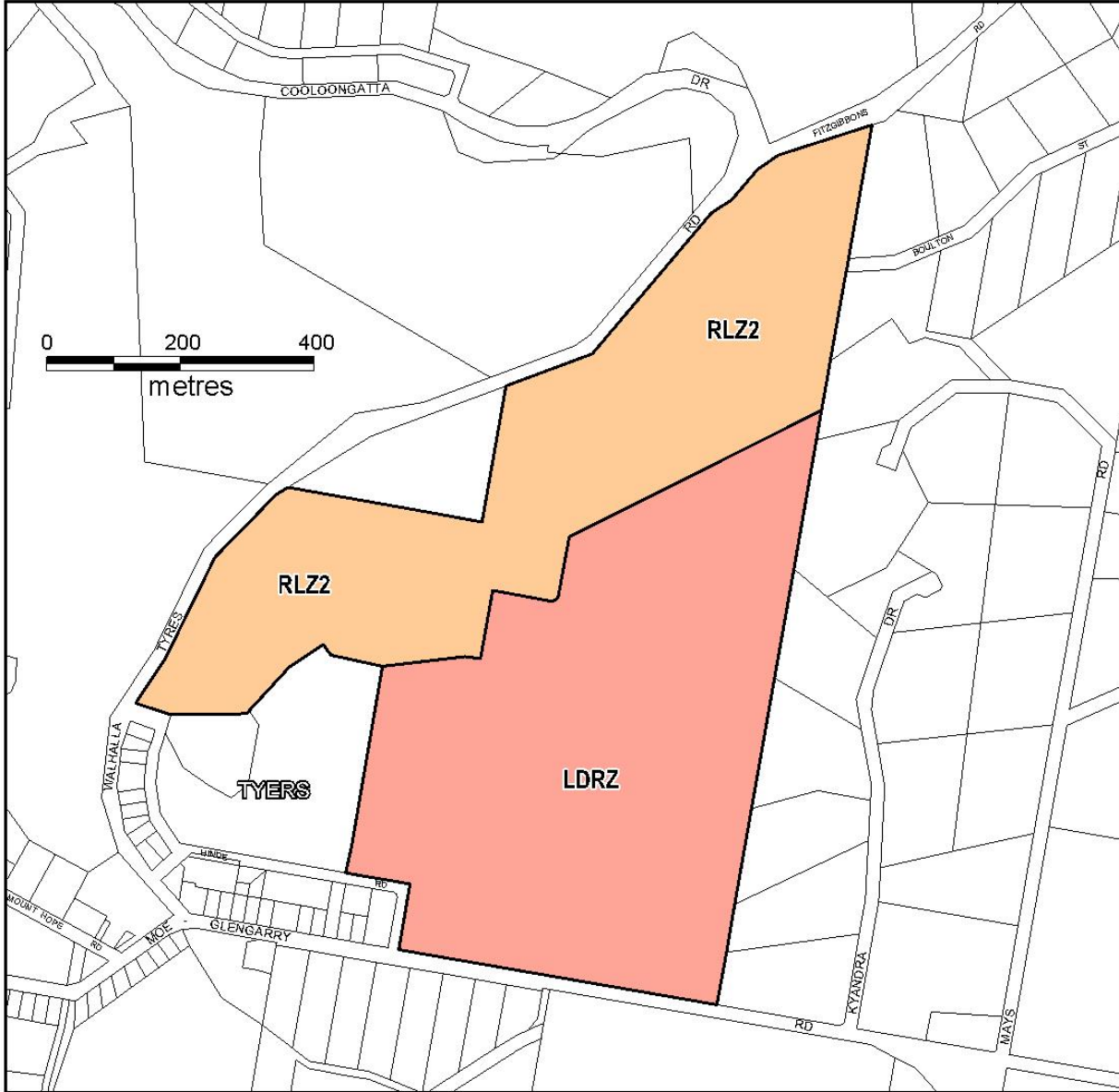
Attachment 1

Tyers Rezoning Proposal – Site Plan



Proposed Zoning Map

### LATROBE PLANNING SCHEME LOCAL PROVISION



Part of Planning Scheme Map 14, 44, 45, 46

**LEGEND**

- RLZ2** RURAL LIVING ZONE - SCHEDULE 2
- LDRZ** LOW DENSITY RESIDENTIAL ZONE

## AMENDMENT C

| Amendments Co-ordination Team |  
 | Planning & Building Systems |  
 | Planning, Building & Heritage |





**Attachment 2****43.04**21/09/2009  
VC60**DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as DPO with a number.

**Purpose**

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if it is generally in accordance with a development plan.

**43.04-1**19/01/2006  
VC37**Requirement before a permit is granted**

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay.

**43.04-2**21/09/2009  
VC60**Exemption from notice and review**

An application under any provision of this scheme which is generally in accordance with the development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**43.04-3**09/10/2006  
VC42**Preparation of the development plan**

The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages.

A development plan that provides for residential subdivision in the Residential 1 Zone, Residential 2 Zone, Residential 3 Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.

The development plan must describe:

- The land to which the plan applies.
- The proposed use and development of each part of the land.
- Any other requirements specified for the plan in a schedule to this overlay.

The development plan may be amended to the satisfaction of the responsible authority.

*Notes:* Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

*Check the requirements of the zone which applies to the land.*

*Other requirements may also apply. These can be found at Particular Provisions.*

## LATROBE PLANNING SCHEME

xx/xx/20xx  
Cxx

**SCHEDULE 8 TO THE DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO8**

**LOW DENSITY AND RURAL LIVING GROWTH AREAS****1.0**

xx/xx/20xx  
Cxx

**Requirement before a permit is granted**

A permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority for the following:

- a minor extension, minor addition or minor modification to an existing building and works that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay.

**2.0**

xx/xx/20xx  
Cxx

**Conditions and requirements for permits**

Before deciding on an application to subdivide land, construct buildings, or carry out works, the responsible authority must consider, as appropriate:

- Whether the development of the land is occurring in an orderly manner having regard to essential services, community facilities, open space and roads.
- The potential for future re-subdivision.
- The interface between proposed and existing nearby developments, to reduce the chance of conflicting developments.
- The need to minimise access points to designated Category 1 Roads.
- The design of any proposed buildings to enhance and reinforce the character of the area.
- The timing and staging of the development of the land.
- The consistency of the proposed development with the approved development plan.
- The consistency of the proposed development with adopted Structure Plans, where relevant.

**3.0**

xx/xx/20xx  
Cxx

**Requirements for development plan**

A development plan must be prepared to the satisfaction of the Responsible Authority.

The plan must show:

**Land use and subdivision**

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries. The boundaries of the development area must align with zone boundaries. The re-subdivision of land in the development area must be undertaken in such a way as to not create allotments in two zones. This is to ensure the future orderly development of the general area affected by the Development Plan Overlay.
- The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.

## LATROBE PLANNING SCHEME

- The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.
- Street networks that support building frontages with two way surveillance.
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the DPO), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.
- The provision of any commercial facilities and the extent to which these can be co-located with community and public transport facilities to provide centres with a mix of land uses and develop vibrant, active, clustered and more walkable neighbourhood destinations.

**Waterways**

- Unless otherwise agreed by the relevant Catchment Management Authority, a buffer zone of 30 metres each side of waterways designated under the Water Act 1989 or a buffer based on a flood study which identifies the 100 year flood extent must be set aside for ecological purposes.

**Infrastructure Services**

- An integrated stormwater management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.
- The pattern and location of the major arterial road network of the area including the location and details of any required:
  - road widening
  - intersections
  - access points
  - pedestrian crossings or safe refuges
  - cycle lanes
  - bus lanes and stops
- The pattern and location of any internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with Latrobe City Bicycle Plan 2007-2010, (as amended).
- In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas where possible.

**Domestic Wastewater**

If sewerage infrastructure can not be provided to the development area, a Land Capability Assessment report must be submitted demonstrating:

- the capability of the site to sustainably manage wastewater within allotment boundaries.
- compliance with State and local policies on effluent disposal.

## LATROBE PLANNING SCHEME

- consideration of all environmental constraints on the site, including but not limited to:
  - existing dams
  - erosion
  - drainage lines and depressions
  - water logging
  - slopes
  - contours
- A Wastewater Management Plan must also be prepared that identifies preferred wastewater systems and a maintenance program to minimise the health and environmental impacts of on-site wastewater.

**Open Space**

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.
- Public open spaces designed to provide:
  - Public spaces of a minimum of 0.5 hectares within a 500 metre walking distance of all residents in accordance with Latrobe City Public Open Space Plan 2007, (as amended).
  - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.
  - Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.
  - A landscape concept plan for all open space areas, indicating the location of plantings, pathways, shade, shelter and seating at activity areas as well as at intervals along pathways.

**Flora and Fauna**

- In consultation with relevant agencies and authorities, a flora and fauna assessment including how flora and fauna values will be managed if required.
- An assessment of any native vegetation to be removed having regard to Victoria's Native Vegetation Management: A Framework for Action, including how it is proposed to protect and manage any appropriate native vegetation.
- Regard must be had to the West Gippsland Native Vegetation Plan 2003.
- Any management plan should take into account that the Strzelecki Bioregion is one of Victoria's most fragmented Bioregions and address this as a consideration.
- Consideration must also be given to adjoining or adjacent properties to the development area that have been identified as having a conservation, heritage or archaeological significance.

## LATROBE PLANNING SCHEME

**Cultural Heritage**

- In consultation with relevant agencies and authorities, a cultural heritage assessment including how cultural heritage values will be managed if required.

**Process and Outcomes**

The development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority

An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the entire development plan area.

The approved Development Plan may be amended to the satisfaction of the responsible authority

xx/xx/20xx  
Cxx

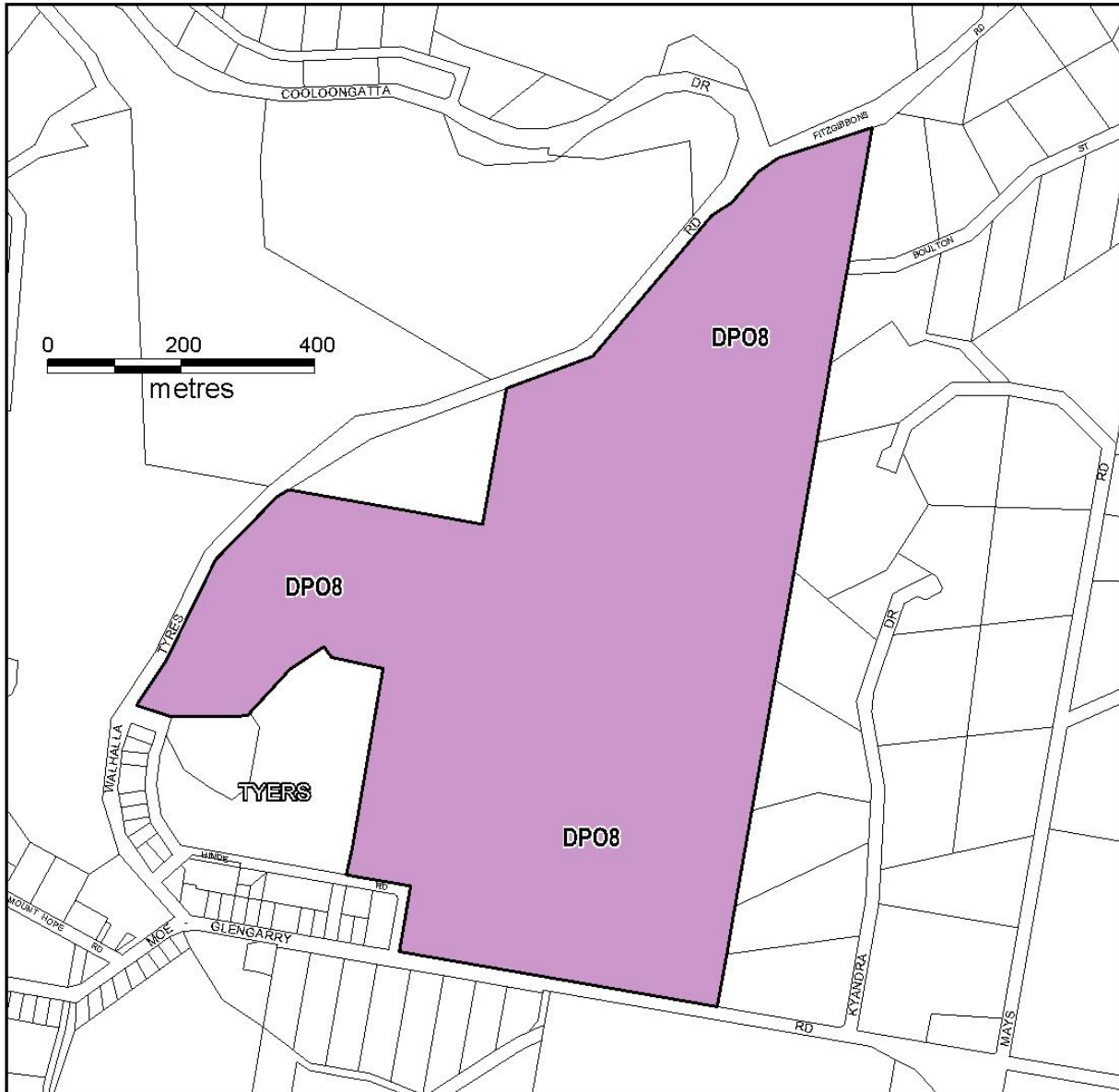
**Decision guidelines for development plan**

Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the following information:

- Latrobe City Healthy Urban Design Good Practice Guideline: Meeting Healthy by Design® Objectives, April 2008 (as amended);
- Victoria's Native Vegetation Management: A Framework for Action 2002
- Latrobe Healthy by Design® – Background and Issues Report (Beca Pty Ltd, December 2007);
- National Heart Foundation of Australia (Victorian Division) 2004, Healthy by Design: a planners' guide to environments for active living®, National Heart Foundation of Australia (Victorian Division);
- Rescode (Clause 56) – Rescode only applies to residential zones, the Mixed Use Zone and the Township Zone;
- Latrobe City Public Open Space Plan 2007 (as amended).
- Latrobe City Bicycle Plan 2007-2010 (as amended).
- Latrobe City Public Toilet Strategy 2006 (as amended).
- Latrobe Structure Plans Volumes 1-5 (Beca Pty Ltd, 2007)
- Environment Protection Authority – Code of Practice – Onsite Wastewater Management, February 2013.

Attachment 3

### LATROBE PLANNING SCHEME LOCAL PROVISION



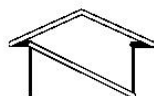
Part of Planning Scheme Map 14, 44, 45, 46

**LEGEND**

|      |  |
|------|--|
| DPO8 | <b>DEVELOPMENT PLAN OVERLAY<br/>- SCHEDULE 8</b> |
|------|--|

## AMENDMENT C

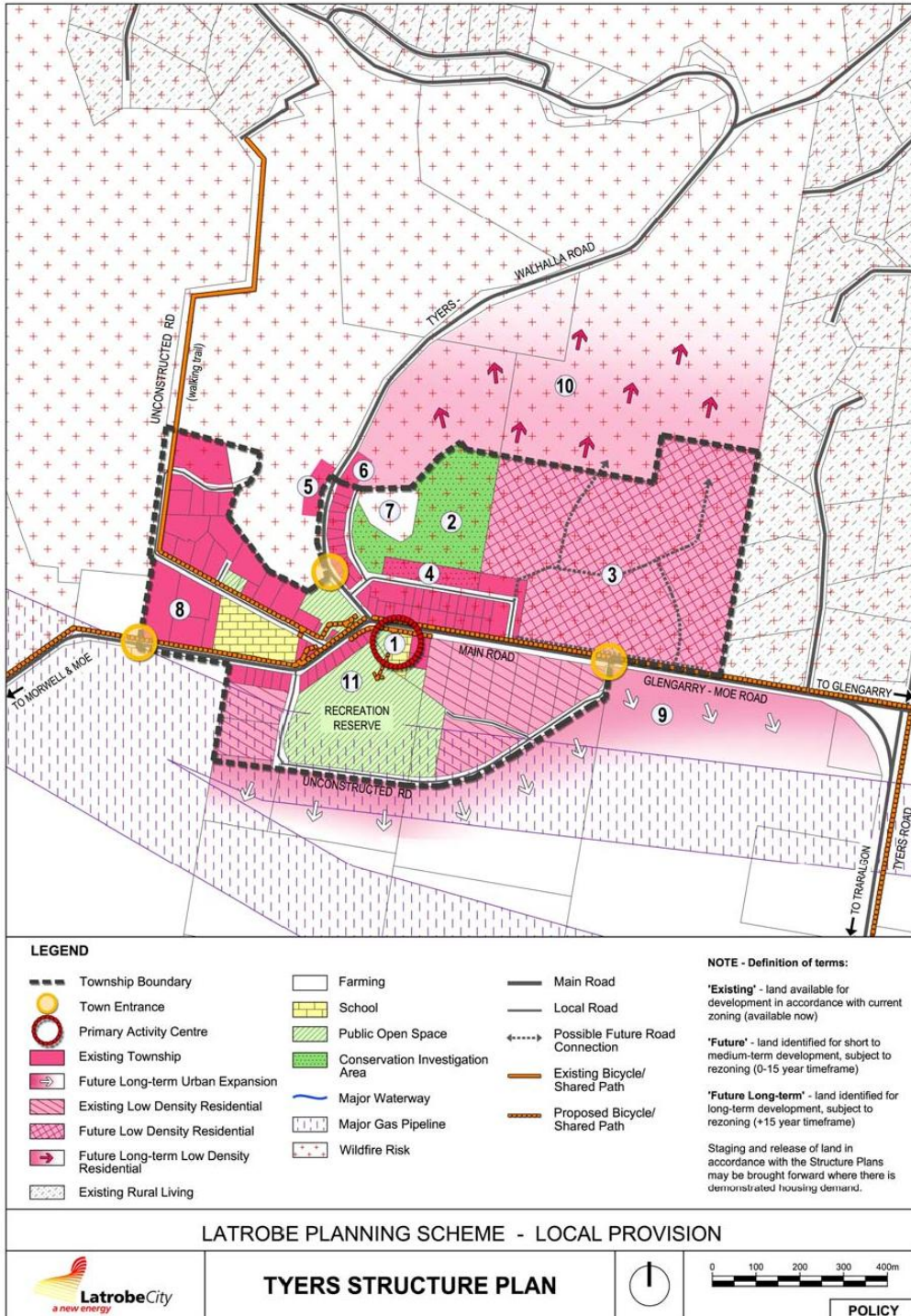
| Amendments Co-ordination Team |  
| Planning & Building Systems |  
| Planning, Building & Heritage |





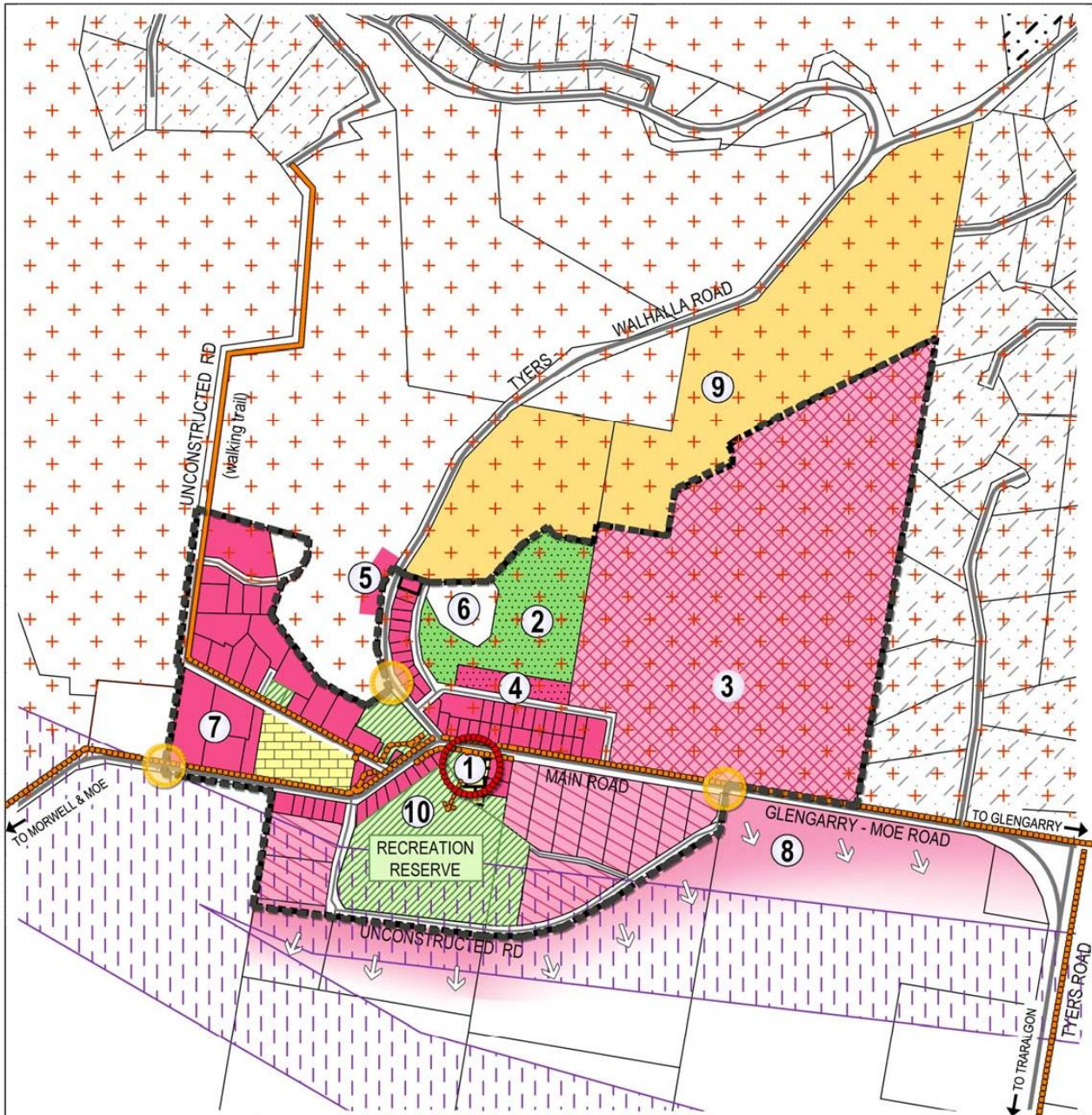
Attachment 4

Current Tyers Structure Plan





Proposed Tyers Structure Plan



LEGEND

- |                                  |                                 |                               |
|----------------------------------|---------------------------------|-------------------------------|
| Township Boundary                | Farming                         | Main Road                     |
| Town Entrance                    | School                          | Local Road                    |
| Primary Activity Centre          | Public Open Space               | Existing Bicycle/ Shared Path |
| Existing Township                | Conservation Investigation Area | Proposed Bicycle/ Shared Path |
| Future Long-term Urban Expansion | Major Waterway                  |                               |
| Existing Low Density Residential | Major Gas Pipeline              |                               |
| Future Low Density Residential   | Wildfire Risk                   |                               |
| Future Rural Living              |                                 |                               |
| Existing Rural Living            |                                 |                               |

NOTE - Definition of terms:

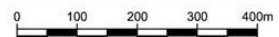
'Existing' - land available for development in accordance with current zoning (available now)

'Future' - land identified for short to medium-term development, subject to rezoning (0-15 year timeframe)

LATROBE PLANNING SCHEME - LOCAL PROVISION



TYERS STRUCTURE PLAN



POLICY

Planning and Environment Act 1987

## LATROBE PLANNING SCHEME

### AMENDMENT C\*

#### EXPLANATORY REPORT

##### Who is the planning authority?

This amendment has been prepared by the City of Latrobe which is the planning authority for this amendment.

The amendment has been made at the request of NBA Group on behalf of Yorksville Pty Ltd.

##### Land affected by the amendment.

The amendment applies to land generally contained within Areas 3 and 10 of the Tyers Structure Plan. The land affected by the amendment is known as Lot 1 on PS 449977U, Tyers - Walhalla Road, Tyers (Certificate of Title Volume 10722 Folio 660) and Lot 1 on PS 424861F, Tyers -Walhalla Road, Tyers (Certificate of Title Volume 10555 Folio 127).

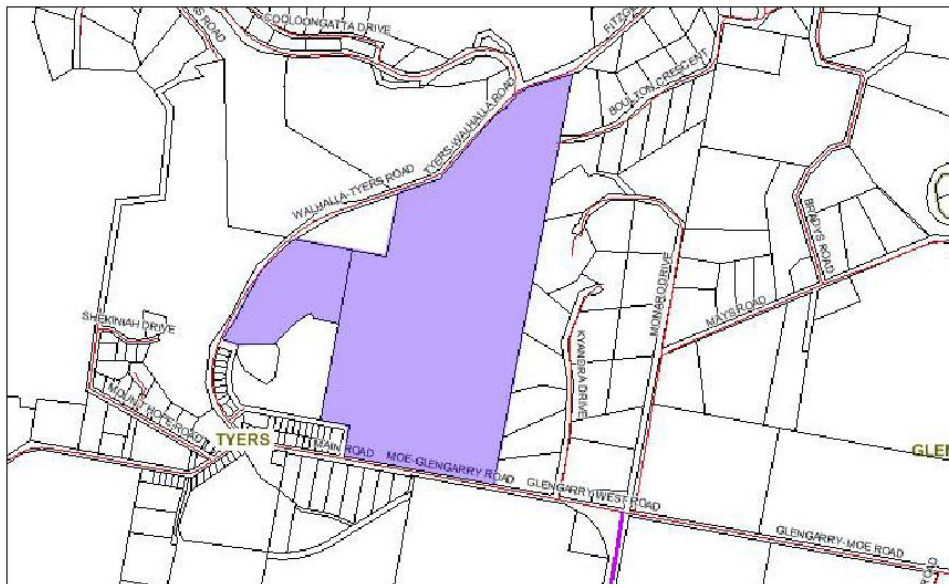


Figure 1 – Subject Site  
Not to scale



**What the amendment does.**

The amendment seeks to:

- Rezone land from Farming Zone and Township Zone to Low Density Residential Zone (LDRZ) and Rural Living Zone Schedule 2 (RLZ2).
- Introduce and apply the Development Plan Overlay Schedule 8 (DPO8) Low Density and Rural Living Residential Growth Areas to the land.
- Amend Clause 21.06 Small Towns by amending the Subclause 21.06-5 - Tyers Structure Plan.
- Update the Schedule to Clause 61.03 to insert new planning scheme maps into the Latrobe Planning Scheme.

**Strategic assessment of the amendment.****Why is the amendment required?**

The application for rezoning presents Council with the opportunity to provide for low density and rural residential living opportunities in order to satisfy a recognised need within the Tyers Township. The utilisation of the former blue gum plantation will provide an appropriate use of land and will result in logical in-fill between the township area and the established rural living development to the north east.

Tyers also has the potential to meet some of the spill-over demand for residential land coming from the Traralgon housing market.

**How does the amendment implement the objectives of planning in Victoria?**

The objectives of planning in Victoria are:

- a) To provide for the fair, orderly, economic and sustainable use and development of land.
- b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- e) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- f) To facilitate development in accordance with the objectives set out in the points above.
- g) To balance the present and future interests of all Victorians.

The amendment will provide for the fair, orderly, economic and sustainable use of a parcel of land which has limited agricultural potential and does not contain any known natural or man-made resources. The amendment allows for the protection and maintenance of the natural environment and the provision for quality low density residential and rural living development to be controlled by the Development Plan Overlay.

The amendment supports planning guidelines and expectation for development to ensure that the new community is a pleasant, efficient and safe place to work and live.

The amendment presents an appropriate balance between the present and future interests of all Victorians by providing a structure for urban growth of the area that will cater to Latrobe City Council's increasing populations.

**How does the amendment address the environmental effects or any relevant social and economic effects?**

The utilisation of the former blue gum plantation will provide an appropriate use of land with minimal agricultural potential and will result in logical in-fill between the township area and the established rural living development to the north east.

The amendment will have a positive social effect by providing more low density residential and rural living opportunities within the municipality in an area that is serviced by existing social infrastructure including schools and sporting clubs. These social infrastructures will also benefit with further population increase once the land is developed for residential use.

The amendment will have a positive economic effect through employment opportunities during the construction period and longer term economic benefits through additional population to the Tyers Township.

Currently no reticulated sewerage system exists within the Township of Tyers. All future developments within Tyers will need to consider both stormwater treatment and domestic wastewater treatment and reuse. All new lots will need to be able to safely manage, treat and retain wastewater on site. A detailed Land Capability Assessment (LCA) completed on the subject site indicated that:

- The land has the capability to provide onsite effluent disposal areas for low density residential land use. Low density allotments can be provided with necessary effluent treatment and field areas, incorporating appropriate design measures, to ensure all domestic wastewater is contained on site.
- The amount of wastewater generated from dwellings would determine the area of land required for effluent disposal or effluent re-use.
- It is important that water saving strategies be incorporated in residential development. Effluent outputs from dwellings should be minimised by homeowners *'employing water saving fixtures and devices.'*
- Drainage systems for residential development in this area should be professionally designed as an integrated system. *'In addition, it is strongly recommended that the effluent fields be designed and located at the same time that other developments are planned, to have these fully integrated, so as to avoid that effluent fields are considered as a last step.'*

The design and construction of any effluent dispersion and reuse on the subject land would be subject to the approval of Council's Environmental Health Department.

The proposed Development Plan Overlay Schedule 8 (DPO8) to be applied to the subject site is specifically designed for low density and rural living residential growth areas. The purpose of a Development Plan Overlay is to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land. The DPO8 will require that the low density residential and rural living use and on-site domestic wastewater management be strictly in accordance with the specified standards.

**Does the amendment address relevant bushfire risk?**

The land affected by the amendment is subject to the Bushfire Management Overlay (BMO). Advice from the Country Fire Authority (CFA) is that the BMO is to remain in place due to wider bushfire risk presented to the area. In addition, CFA is satisfied that the detail required by the Bushfire Management Overlay for each proposed lot will be dealt with during the development of the application for subdivision and appropriately referred to CFA for consideration.

**Does the amendment comply with the requirements of any Minister's Directions applicable to the amendment?**

The amendment is consistent with the Ministerial Direction of the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.

Under Section 12(2)(a) of the *Planning and Environment Act 1987* the Minister's Direction No 11 (Strategic Assessment of Amendment) applies to this amendment. The amendment complies with the requirements of this direction, as evidenced by this explanatory report.

The amendment is affected by Ministerial Direction 15 *The Planning Scheme Amendment Process* under Part 8 – Panels of the *Planning and Environment Act 1987*.

Practice Note 37 – Rural residential development, requires consideration against strategic planning policies and objectives for this area. The background reports associated with this amendment indicated that there is an existing need, the location of the land generally accords with the Tyers Structure Plan, there are no known natural resources requiring protection, future lots can be of a sufficient size to contain waste water and CFA have raised no objection.

**How does the amendment support or implement the State Planning Policy Framework?**

The proposed amendment is considered to compliment the objective of the SPPF by providing zones and overlay controls that will facilitate the efficient expansion of the Tyers Township.

In particular the amendment is:

Consistent with Clause 11 – Settlement by providing land for settlement in an area that is provided with utility, urban and social services. The Tyers Structure Plan has indicated the subject site as future low density residential. The amendment will result in a consolidation of the existing residential areas within the Tyers Township. There is an existing demand for lower density residential and rural living development which will create local employment, better utilise existing infrastructure, and be part of the potential for improved facilities.

It is acknowledged that Tyers does not currently having access to reticulated sewerage and as such all future developments within Tyers will need to consider both stormwater treatment and domestic wastewater treatment and reuse. All new lots will need to be able to safely manage, treat and retain wastewater on site.

Consistent with Clause 11.05-4 Regional planning strategies and principles – by facilitating the development of diverse dwelling types and providing greater choice and affordability. This is particularly important for Tyers as it has the potential to provide a unique lifestyle that cannot be replicated or offered by a larger urban centre such as Traralgon. Tyers also has the potential to meet some of the spill-over demand for residential land coming from the Traralgon housing market.

Consistent with Clause 15.01-3 Neighbourhood and subdivision design as the sites are well located to utilise existing infrastructure and community facilities resulting in a more sustainable and integrated community. Future subdivision can occur with a variety of lot sizes and shapes each

provided with sufficient area to satisfy the domestic waste water requirements as specified in the LCA.

Consistent with Clause 16.02-1 Rural Residential Development as the rezoning will consolidate the existing rural residential areas within the Tyers Township and is in accordance with strategies which recognise both existing need and an appropriate location. Future subdivision can occur with a variety of lot sizes and shapes each provided with sufficient area to satisfy the domestic waste water requirements as specified in the LCA.

#### **How does the amendment support or complement the Local Planning Policy Framework?**

Clause 21.03-2 Objective 1 (Environmental Sustainability) seeks to maintain and improve the ecological integrity of natural and artificial systems such as agriculture, forestry and urban areas. This amendment will achieve this objective by avoiding development in areas with high biodiversity values.

Clause 21.04 – Objective 2 (Rural Living) seeks to minimise conflict between agricultural activities and rural lifestyle. This amendment will achieve this objective by rezoning the land into Low Density Residential Zone and Rural Living Zone.

Clause 21.06 Objective 1 (Small Towns) seeks to facilitate development in accordance with the specified town Structure Plan by rezoning land between the existing Tyers Township and an established rural residential area. The structure plan is proposed to be updated as part of this amendment, increasing 'Area 3' future low density residential further north, and including 'Area 10' as future rural living. The amendment of the structure plan is considered appropriate as it will facilitate the efficient expansion of the Tyers Township.

Clause 21.08 – Objective 1 (Liveability) seeks to enhance the quality of residents' lives by encouraging positive interrelated elements including safety, health, education, quality of life, mobility and accessibility and sense of place by rezoning land for low density and rural living within close proximity to the Tyers Township.

#### **Does the amendment make proper use of the Victorian Planning Provisions?**

The rezoning of the land from the existing Farming and Township Zones to Low Density Residential and Rural Living Zones reflects the application of the existing State Planning Policy Framework and Local Planning Policy Framework and the objectives of the Latrobe Planning Scheme. The Development Plan Overlay will ensure an appropriate future development subdivision design which satisfies the strategic objectives in a manner which minimises impacts on the environment and landscape values of the site.

#### **How does the amendment address the views of any relevant agency?**

The amendment will be referred to all relevant agencies as part of the exhibition process and any comments will be included as necessary. Preliminary feedback has been sought from key agencies and has informed the application of proposed zones and overlay provisions.

#### **Does the amendment address relevant requirements of the *Transport Integration Act 2012*?**

The amendment will have no adverse effects on the *Transport Integration Act*.

#### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**



The amendment if approved will result in a development plan application and permit application to provide for the subdivision and development of the land. It is not considered that these applications will have significant impact on the resource and administrative costs of the responsible authority.

**Where you may inspect this Amendment.**

The amendment is available for public inspection, free of charge, during office hours at the following locations:

Latrobe City Council  
Corporate Headquarters  
141 Commercial Road  
Morwell VIC 3840

Latrobe City Council  
Moe Service Centre  
44 Albert Street  
Moe Vic 3825

Latrobe City Council  
Traralgon Service Centre  
34-38 Kay Street  
Traralgon VIC 3844

Latrobe City Council  
Churchill Service Centre  
9-11 Phillip Parade  
Churchill Vic 3842

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection).

## Attachment 6

**35.03**23/09/2011  
VC77**RURAL LIVING ZONE**

Shown on the planning scheme map as **RLZ** with a number.

**Purpose**

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for residential use in a rural environment.

To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.

To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

**35.03-1**23/09/2011  
VC77**Table of uses****Section 1 - Permit not required**

| <b>Use</b>   | <b>Condition</b>  |
|--|---|
| <b>Animal keeping (other than Animal boarding)</b> | Must be no more than 2 animals.   |
| <b>Bed and breakfast</b>                           | No more than 6 persons may be accommodated away from their normal place of residence.<br><br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.        |
| <b>Dependent person's unit</b>                     | Must be the only dependent person's unit on the lot.<br><br>Must meet the requirements of Clause 35.03-2.   |
| <b>Dwelling (other than Bed and breakfast)</b>     | The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares.<br><br>Must be the only dwelling on the lot.<br><br>Must meet the requirements of Clause 35.03-2. |
| <b>Home occupation</b>                             |   |
| <b>Informal outdoor recreation</b>                 |   |
| <b>Minor utility installation</b>                  |   |
| <b>Railway</b>                                     |   |
| <b>Tramway</b>                                     |   |
| <b>Any use listed in Clause 62.01</b>              | Must meet the requirements of Clause 62.01.   |

**Section 2 - Permit required**

| <b>Use</b>   | <b>Condition</b>   |
|--|--|
| <b>Accommodation (other than Dependent person's unit and Dwelling)</b>                                       |  |
| <b>Agriculture (other than Animal keeping, Apiculture, Intensive animal husbandry and Timber production)</b> |  |
| <b>Animal boarding</b>   |  |
| <b>Car park</b>  | Must be used in conjunction with another use in Section 1 or 2.  |
| <b>Community market</b>  |  |
| <b>Convenience shop</b>  | The leasable floor area must not exceed 80 square metres.<br><br>The site must not have direct access to a rural freeway.  |
| <b>Dependent person's unit - if the Section 1 condition is not met</b>                                       | Must meet the requirements of Clause 35.03-2.  |
| <b>Dwelling (other than Bed and breakfast) - if the Section 1 condition is not met</b>                       |  |
| <b>Freeway service centre</b>  | Must meet the requirements of Clause 52.30.  |
| <b>Hotel</b>   | The site must not have direct access to a rural freeway.   |
| <b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b>                |  |
| <b>Medical centre</b>  |  |
| <b>Place of assembly (other than Amusement parlour, Carnival, Circus, and Nightclub)</b>                     |  |
| <b>Plant nursery</b>   |  |
| <b>Postal agency</b>   |  |
| <b>Primary produce sales</b>   |  |
| <b>Restaurant</b>  | The site must not have direct access to a rural freeway.   |
| <b>Rural industry (other than Abattoir and Sawmill)</b>  |  |
| <b>Service station</b>   | The site must either: <ul style="list-style-type: none"> <li>▪ Adjoin a business zone or industrial zone.</li> <li>▪ Adjoin, or have access to, a road in a Road Zone.</li> </ul> The site must not exceed either: <ul style="list-style-type: none"> <li>▪ 3000 square metres.</li> <li>▪ 3600 square metres if it adjoins on two boundaries a road in a Road Zone.</li> </ul> The site must not have direct access to a rural freeway. |
| <b>Store</b>   | Must be in a building, not a dwelling, and used  |

| Use  | Condition  |
|--|--|
|  | to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot. |
| Tavern   | The site must not have direct access to a rural freeway.   |
| Timber production  | Must meet the requirements of Clause 52.18.  |
| Utility installation (other than Minor utility installation and Telecommunications facility) |  |
| Any other use not in Section 1 or 3  |  |

### Section 3 - Prohibited

| Use  |
|--|
| Abattoir   |
| Amusement parlour  |
| Brothel  |
| Cinema based entertainment facility  |
| Industry (other than Rural Industry)   |
| Intensive animal husbandry   |
| Motor racing track   |
| Nightclub  |
| Office (other than Medical centre)   |
| Retail premises (other than Community market, Convenience shop, Hotel, Plant nursery, Postal agency, Primary produce sales, Restaurant and Tavern) |
| Saleyard   |
| Sawmill  |
| Transport terminal   |
| Warehouse (other than Store)   |

35.03-2  
19.01/2006  
VC37

### Use of land for a dwelling

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person's unit.

**35.03-3 Subdivision**19/01/2006  
VC37

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 8 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots and the number of lots is not increased. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots. The agreement must be registered on title.
- The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots. The agreement must be registered on title.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

**35.03-4 Buildings and works**15/09/2008  
VC49

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.03-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 50 square metres. Any area specified must be more than 50 square metres.
  - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 50 square metres. Any area specified must be more than 50 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in the schedule to this zone or, if no area is specified, 50 square metres. Any area specified must be more than 50 square metres. The building must not be used to keep, board, breed or train animals.
  - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in the schedule to this zone or, if no setback is specified, 30 metres.
  - The setback from any other road or boundary specified in the schedule to this zone.
  - The distance from a dwelling not in the same ownership specified in the schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.

**35.03-5 Decision guidelines**19/01/2006  
VC37

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General issues**

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

**Agricultural issues**

- The capacity of the site to sustain the agricultural use.
- Any integrated land management plan prepared for the site.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.

**Environmental issues**

- The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

**Design and siting issues**

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.

**35.03-6 Advertising signs**19/01/2006  
VC37

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

*Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

*Check whether an overlay also applies to the land.*

*Other requirements may also apply. These can be found at Particular Provisions.*



## LATROBE PLANNING SCHEME

15/09/2008  
VC49**SCHEDULE 2 TO THE RURAL LIVING ZONE**

Shown on the planning scheme map as RLZ2

|  | <b>Land</b>    | <b>Area/Dimensions/Distance</b> |
|--|----------------|---------------------------------|
| Minimum subdivision area (hectares).   | All land       | 1 hectare                       |
| Minimum area for which no permit is required to use land for a dwelling (hectares).  | All land       | 1 hectare                       |
| Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).                          | None specified |                                 |
| Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres) | None specified |                                 |
| Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)      | None specified |                                 |
| Minimum setback from a road (metres).  | None specified |                                 |
| Minimum setback from a boundary (metres).  | None specified |                                 |
| Minimum setback from a dwelling not in the same ownership (metres).  | None specified |                                 |
| <b>Permit requirement for earthworks</b>   |                |                                 |
| Earthworks which change the rate of flow or the discharge point of water across a property boundary.                                 | None specified |                                 |
| Earthworks which increase the discharge of saline groundwater.   | None specified |                                 |

## Attachment 7

MILLAR &amp; MERRIGAN P/L

RECEIVED

DATE 14/7/11 REF 15533

TO C.C.

13 July 2011

Our reference:  
Your reference:

COR/11/33775



Christopher Constantine  
Millar and Merrigan  
P.O. Box 247  
Croydon VIC 3136

Hazelwood Road  
PO Box 348  
Traralgon Victoria 3844  
Telephone: (03) 5177 4600  
Facsimile: (03) 5174 0103  
info@gippswater.com.au  
www.gippswater.com.au

Dear Christopher,

**RE: Tyers-Walhalla Road, Tyers**

In response to your letter dated 7 June 2011, Gippsland Water provides the following comments.

- Gippsland Water has no plans to provide reticulated sewerage to the township of Tyers,
- Gippsland Water responded to the Latrobe City Council's Tyers Structure Plan, which stated that the land above the 100 metre contour will not be able to be serviced by the existing infrastructure,
- Reviewing the system again, the land above the 110 metre contour is the limit for the existing infrastructure. Therefore Gippsland Water has no objection to the proposed layout regarding water pressure.

If there are any matters about this response that you would like to discuss, please contact myself at our Traralgon office via either email [paul.young@gippswater.com.au](mailto:paul.young@gippswater.com.au) or telephone 51 774 728.

Yours sincerely,

Paul Young  
**Senior Planning Engineer**

## Attachment 8

Patron: Professor David de Kretser AC, Governor of Victoria



Our Ref: 10000-486266-442057  
Telephone: 5149 1000  
Fax: 5149 1082

August 24<sup>th</sup>, 2012.

Swee Lim  
Latrobe City Council  
PO Box 264  
**MORWELL VIC 3840**

Dear Swee,

**SUPPORT OF DEVELOPMENT PLAN**

**Site Name:** Yorksville Pty Ltd - Ldrz 106 Lot Proposal  
**Address:** Tyers-Walhalla Road  
TYERS 3844

CFA has been engaged in discussion with NBA Group regarding the proposed rezoning of the property bounded by Tyers-Walhalla Road and Moe-Glengarry Road.

Based on the plan titled *'Proposed Rezoning Wildfire Considerations, Ref: 15533 W1 Version 1 (Prepared by Millar Merrigan 7/8/2012)*, CFA supports the proposed rezoning of the land to Rural Living Zone and Low Density Residential Zone.

CFA acknowledges the siting constraints and considers the plan to be a reasonable response for the use of the land, and meets Clause 13.05 of the State Planning Policy Framework.

CFA is satisfied that the detail required by the Bushfire Management Overlay for each proposed lot will be dealt with during the development of the application for subdivision, and appropriately referred to CFA.

If you wish to discuss this matter in more detail, please do not hesitate to contact Mark Potter, Fire Safety Officer, on 5149 1000.

Yours sincerely

A handwritten signature in black ink, appearing to be 'MP', written over a light blue horizontal line.

**Mark Potter**  
**Delegated Officer – Manager Community Safety**  
**CFA Gippsland Region**

CC: NBA Group

**District 9 HQ**  
24 Normanby Street  
(PO Box 419) WARRAGUL, 3820  
Tel. (03) 5623 1180  
Fax (03) 5623 6061

**Gippsland Region//District 10 HQ**  
Level 3, Port of Sale Business Centre  
64-66 Foster Street  
(PO Box 1212) SALE, 3850  
Tel. (03) 5149 1000  
Fax (03) 5149 1082

**District 11 HQ**  
130 Macleod Street  
BAIRNSDALE 3875  
Tel. (03) 5152 3048  
Fax (03) 5152 5007

creating safer communities

**16.2 PLANNING PERMIT APPLICATION 2011/294 - USE AND DEVELOPMENT OF A SINGLE DWELLING AND ASSOCIATED OUTBUILDING, DEYS ROAD TYERS**

**General Manager**

**Governance**

**For Information**

**PURPOSE**

The purpose of this report is to inform Council of the withdrawal of a planning permit application for the use and development of a single dwelling with associated outbuilding at Lot 1 Deys Road in Tyers.

**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 Objective – Built Environment*

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

**Shaping Our Future**

An active connected and caring community  
*Supporting all*

**Latrobe City Council Plan 2012 – 2016**

*Strategic Objectives – 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**

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

### SUMMARY

|            |   |
|------------|---|
| Land:      | Deys Road Tyers, known as Lot 1 on Plan of Subdivision 140989 |
| Proponent: | EGBP Building Surveyors                                       |
| Zoning:    | Rural Living Zone Schedule 4 (RLZ4)                           |
| Overlay    | Wildfire Management Overlay (or Bushfire Management Overlay)  |

It should be noted that on 18 November 2011, the Wildfire Management Overlay (WMO) was replaced with the Bushfire Management Overlay (BMO). However, transition arrangements under Clause 44.06 of the Scheme state that the WMO requirements continue to apply to any planning permit application that was lodged before 11 November 2011. As the subject application was lodged on 8 August 2011, the WMO requirements apply to the proposal.

A Planning Permit is required:

- To use the subject land for the purpose of a single dwelling in accordance with Clause 35.03-1 (RLZ4) of the Scheme, as the subject land is less than 4 hectares in area;
- To construct or carry out buildings or works associated with a section 2 use (i.e. dwelling on a lot less than 4 hectares) in accordance with Clause 35.03-4 (RLZ4) of the Scheme;
- To construct or carry out buildings or works associated with an accommodation in accordance with Clause 44.06-1 (WMO) of the Scheme.

The application was previously considered at the Ordinary Council Meetings held on 20 August 2012 and 3 September 2012.

At its Ordinary Council Meeting held on 20 August 2012, the following resolution was passed:

*'That Council defer consideration of this matter until the Ordinary Council meeting to be held on 3 September 2012.'*

The deferral of Council's decision was to allow a meeting to be held between the land owner, the Country Fire Authority (CFA) and Council to further discuss to the CFA objection to the application. This meeting was held on 22 August 2012, and the outcome of the meeting was reported back to Council on 3 September 2012.

## ORDINARY COUNCIL MEETING MINUTES 08 APRIL 2013 (CM404)

At the Ordinary Council Meeting held on 3 September 2012, Council resolved:

*'That Council defer consideration of this matter until the next Ordinary Council meeting.'*

The further deferral of Council's decision on the subject application is to allow time for the land owner to prepare amended plans for CFA's further consideration.

A status report in relation to the application was also presented to Council at the Ordinary Council meeting held 17 September 2012. Council adopted the Officer's recommendation as follows:

*'That once an assessment of the amended plans has been undertaken by the CFA, a further report be presented to Council for consideration'.*

### **ISSUES**

Further to the resolutions of Council dated 3 September 2012 and 17 September 2012, the land owner was to prepare amended development plans for CFA's further consideration of the application.

It should be noted that CFA as the referral authority objected to the granting of a permit for the proposal under Section 56 of the *Planning and Environment Act 1987*.

After investigation by the land owner for several months without success in achieving an outcome acceptable to CFA, Council received a written request from the applicant on 18 January 2013 to withdraw Planning Permit Application 2011/294.

### **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

There are no financial or resource implications associated with this report.

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**

It is noted that consultation regarding the assessment of the planning permit application was undertaken in line with statutory requirements and was detailed in previous reports to Council on 20 August, 3 September and 17 September 2012.

### **OPTIONS**

No options are available to council in the consideration of this report. This report is for Council to note only.

**ORDINARY COUNCIL MEETING MINUTES  
08 APRIL 2013 (CM404)****CONCLUSION**

Further to the resolutions of Council dated 3 September 2012 and 17 September 2012, the land owner was supposed to prepare amended development plans for CFA's further consideration of the application.

After investigation by the land owner for several months without success in achieving an outcome acceptable to CFA, Council received a written request from the applicant on 18 January 2013 to withdraw Planning Permit Application 2011/294.

**Attachments**  
Nil

**RECOMMENDATION**

- 1. That Council is no longer required to consider Planning Permit Application 2011/294, as the application has been withdrawn.**
- 2. That the outstanding resolution of Council dated 3 September 2012 is now resolved.**

**Moved:** Cr Gibson  
**Seconded:** Cr Middlemiss

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**



## ORDINARY COUNCIL MEETING MINUTES 08 APRIL 2013 (CM404)

### 16.3 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 18 March 2013.

#### 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 12 March 2013 and 26 March 2013 inclusive:

| <b>Date:</b> | <b>Assembly Details / Matters Discussed:</b>  | <b>In Attendance:</b>   | <b>Conflicts of Interest Declared:</b>  |
|--------------|---|---|---|
| 12-Mar-13    | Issues and Discussion Session<br>Matters discussed: <ul style="list-style-type: none"> <li>○ Tonight's Presentations</li> <li>○ Previous Presentations</li> <li>○ Future Presentations</li> <li>○ Future Presentations Outside I&amp;D Sessions</li> <li>○ New Issues</li> <li>○ Outstanding Issues</li> <li>○ CEO Update – January 2013 and February 2013</li> <li>○ Local MP Briefing Agenda – March 2013</li> <li>○ Study/Submission on a SE Melbourne Airport</li> <li>○ Development of the Latrobe City Municipal Public Health and Wellbeing Plan (2013-2017)</li> <li>○ Process for Draft Agenda Review</li> </ul> | Cr Sandy Kam<br>Cr Sharon Gibson<br>Cr Peter Gibbons<br>Cr Graeme Middlemiss<br>Cr Kellie O'Callaghan<br>Cr Michael Rossiter<br>Cr Christine Sindt<br>Cr Darrell White<br><br>Paul Buckley<br>Michael Edgar<br>Carol Jeffs<br>Allison Jones<br>Jacinta Saxton | Cr O'Callaghan declared an indirect interest under Section 78B of The Local Government Act 1989 in Item 4.1 |
| 15-Mar-13    | Traralgon East Community Centre Advisory Committee<br>Matters discussed: <ul style="list-style-type: none"> <li>○ Terms of Reference,</li> <li>○ Maximising usage of the centre, Promotion,</li> <li>○ Operational issues</li> </ul>  | Cr Michael Rossiter<br><br>Heather Farley, David Lane, Kate Northover   | NIL   |

## ORDINARY COUNCIL MEETING MINUTES 08 APRIL 2013 (CM404)

| Date:     | Assembly Details / Matters Discussed:  | In Attendance:  | Conflicts of Interest Declared: |
|-----------|--|---|---------------------------------|
| 21-Mar-13 | Traralgon CBD Safety Meeting<br>Matters discussed: <ul style="list-style-type: none"> <li>o Traralgon Chamber of Commerce Business Safety Presentations, Late Night bus service,</li> <li>o CCTV cameras,</li> <li>o 2013 - 2014 Committee Action Plan</li> </ul>  | Cr Michael Rossiter<br><br>Steven Tong, David Lane  | NIL                             |
| 26-Mar-13 | Issues and Discussion Session<br>Matters discussed: <ul style="list-style-type: none"> <li>o Previous Presentations</li> <li>o Future Presentations</li> <li>o New Issues</li> <li>o Outstanding Issues</li> <li>o National General Assembly of Local Government</li> <li>o Officer Delegations Review</li> <li>o Review of Council Policy</li> <li>o Review of Local Law 1</li> </ul> | Cr Sandy Kam<br>Cr Sharon Gibson<br>Cr Peter Gibbons<br>Cr Dale Harriman<br>Cr Graeme Middlemiss<br>Cr Kellie O'Callaghan<br>Cr Michael Rossiter<br>Cr Christine Sindt<br><br>Paul Buckley<br>Michael Edgar<br>Carol Jeffs<br>Allison Jones<br>Jacinta Saxton | NIL                             |

### Attachments

1. Issues & Discussion Session - 12 March 2013
2. Traralgon East Community Centre Advisory Committee
3. Traralgon CBD Safety Committee
4. Issues & Discussion Session - 26 March 2013

### RECOMMENDATION

**That Council note this report.**

**Moved:** Cr Gibson  
**Seconded:** Cr Rossiter

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

## **16.3**

### **Assembly of Councillors**

|          |   |            |
|----------|---|------------|
| <b>1</b> | <b>Issues &amp; Discussion Session - 12 March 2013 .....</b>    | <b>127</b> |
| <b>2</b> | <b>Traralgon East Community Centre Advisory Committee .....</b> | <b>131</b> |
| <b>3</b> | <b>Traralgon CBD Safety Committee .....</b>                     | <b>133</b> |
| <b>4</b> | <b>Issues &amp; Discussion Session - 26 March 2013 .....</b>    | <b>135</b> |

## Assembly of Councillors Record

**Assembly details:** Issues and Discussions Session

**Date:** Tuesday, 12 March 2013

**Time:** 6:00 PM

**Assembly Location:** Nambur Wariga Meeting Room, Latrobe City Council Offices, Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr Kam, Cr Gibson, Cr Gibbons, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White

**Officer/s:** Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Jacinta Saxton

**Matter/s Discussed:**

- 4.1 Tonight's Presentations
- 4.2 Previous Presentations
- 4.3 Future Presentations
- 4.4 Future Presentations Outside I&D Sessions
- 7.1 New Issues
- 7.2 Outstanding Issues
- 9.1 CEO Update – January 2013 and February 2013
- 9.2 Local MP Briefing Agenda – March 2013
- 10 Study/Submission on a SE Melbourne Airport
- 11 Development of the Latrobe City Municipal Public Health and Wellbeing Plan (2013-2017)
- 13 Process for Draft Agenda Review

**Are the matters considered confidential under the Local Government Act:** NO

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:**

Cr O'Callaghan declared an indirect interest under Section 78B in Item 4.1 – Tonight's Presentation: Planning Update.

**Officer/s:** NIL

**Times that Officers / Councillors left/returned to the room:**

Cr O'Callaghan declared a conflict of interest during a discussions regarding coal resource and land use planning - left the Chamber at 6.49pm and returned at 6.51pm.

Cr O'Callaghan declared a conflict of interest during the TGAR discussion regarding the coal buffer and the location of further residential growth areas and left the Chamber at 8.00pm and returned at 8.10pm

**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:

- (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:** Traralgon East Community Centre Advisory Committee

**Date:** Friday 15 March 2013

**Time:** 9.00 am - 10.00 am

**Assembly Location:** Traralgon East Community Centre, Cameron St, Traralgon.

**In Attendance:**

**Councillors:** Michael Rossiter

**Officer/s:** Heather Farley, David Lane, Kate Northover

**Matter/s Discussed:**

Terms of Reference, Maximising usage of the centre, Promotion, Operational issues

**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:** NIL

**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:

“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
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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, 21 March 2013

**Time:** 9.00 am - 10.00 am

**Assembly Location:** Traralgon Police Station, Kay Street Traralgon.

**In Attendance:**

**Councillors:** Michael Rossiter

**Officer/s:** Steven Tong, David Lane

**Matter/s Discussed:**

Traralgon Chamber of Commerce Business Safety Presentations, Late Night 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:** NIL

**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 above required information is:

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**2. Section 76AA definition:**

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**Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:

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**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)**

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## Assembly of Councillors Record

**Assembly details:** Issues and Discussions Session

**Date:** Tuesday, 26 March 2013

**Time:** 6:00 PM

**Assembly Location:** Nambur Wariga Meeting Room, Latrobe City Council Offices, Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr Kam, Cr Gibson, Cr Gibbons, Cr Harriman, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt

**Officer/s:** Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Jacinta Saxton

**Matter/s Discussed:**

- 4.2 Previous Presentations
- 4.3 Future Presentations
- 7.1 New Issues
- 7.2 Outstanding Issues
- 8.1 National General Assembly of Local Government
- 13.1 Officer Delegations Review
- 13.2 Review of Council Policy
- 13.3 Review of Local Law 1

**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:** 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):**

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**Section 80A(3)**

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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 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)

#### 18.2 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)

#### 18.3 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)

#### 18.4 BAD DEBTS REPORT - JANUARY 2013

Agenda item *BAD DEBTS REPORT - JANUARY 2013* is designated as confidential as it relates to personal hardship of any resident or ratepayer (s89 2b)

#### 18.5 TRARALGON TENNIS CLUB DEBT

Agenda item *Traralgon Tennis Club Debt* is designated as confidential as it relates to contractual matters (s89 2d)

**ORDINARY COUNCIL MEETING MINUTES  
08 APRIL 2013 (CM404)**

**18.6 AUDIT COMMITTEE MINUTES REPORT**

Agenda item *Audit Committee Minutes Report* is designated as confidential as it relates to personal hardship of any resident or ratepayer (s89 2b)

**Moved:** Cr White  
**Seconded:** Cr Rossiter

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**The Meeting closed to the public at 7.09 pm.**

**The meeting re-opened to the public at 7.48 pm.**

**There being no further business the meeting was declared closed at 7.48 pm.**

**I certify that these minutes have been confirmed.**

**Mayor:** \_\_\_\_\_

**Date:** \_\_\_\_\_